

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 11 June 2008**

**(Extract from book 8)**

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**Select Committee on Public Land Development** — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

**Standing Committee on Finance and Public Administration** — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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

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

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

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

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

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



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**Wednesday, 11 June 2008**

The **PRESIDENT (Hon. R. F. Smith)** took the chair at 9.35 a.m. and read the prayer.

**APPROPRIATION (PARLIAMENT 2008/2009) BILL**

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr **LENDERS (Treasurer)**.

**PETITION**

Following petition presented to house:

**Water: north–south pipeline**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorian farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne’s water supply such as recycled water and stormwater capture for industry, parks and gardens, and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

And your petitioners, as in duty bound, will ever pray.

By Ms **LOVELL (Northern Victoria)**  
(385 signatures)

Laid on table.

**SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT**

**Second interim report**

Mr **D. DAVIS (Southern Metropolitan)** presented report, including appendices, extracts from proceedings and a minority report.

Laid on table.

Ordered that report be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

**Notification of a new inquiry into Victoria’s public finance practices and legislation**

Mr **DALLA-RIVA (Eastern Metropolitan)** presented report.

Laid on table.

Ordered to be printed.

**PAPERS**

Laid on table by Clerk:

Auditor-General —

Report on Implementation of the Criminal Justice Enhancement Program (CJEP), June 2008.

Report on Performance Reporting in Local Government, June 2008 together with best practice guide Local Government Performance Reporting: Turning Principles into Practice.

Report on Services to Young Offenders, June 2008.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on several proposed excisions from existing parks.

Ombudsman — Report on Investigation into contraband entering a prison and related issues, June 2008.

**SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT**

**Reporting date and second interim report**

Mr **TEE (Eastern Metropolitan)** — By leave, I move:

That this house authorises and requires the President to permit the notice of motion standing in the name of Mr D. M. Davis relating to a change to the reporting date for the Select Committee on Public Land Development and debate on the second interim report of the public land development select committee to be moved and debated concurrently.

Motion agreed to.

## MEMBERS STATEMENTS

### Sir Redmond Barry Room: government functions

**Mr D. DAVIS** (Southern Metropolitan) — I bring to the attention of the house the Labor Party's use of a major resource for Victorians, the Sir Redmond Barry Room, which is an important place for hosting functions for dignitaries and for advancing Victoria's interests. The current use of this 46th floor room with a massive view over not only Collins Street but out across the bay is an abuse of it and of the processes of government. This government is increasingly using massive government resources to host soirees and functions that are not in the community interest and deliver little benefit to the community.

Between 2006 and 2007, \$250 000 or more has been spent. The 46th floor views across to the bay are stunning, but the exclusive and increasingly restrictive use of this prestigious room by this government, its mates and others is an abuse of process. The key thing is that this is about schmoozing by the Labor Party rather than delivering for the community. There was a function held there for the former Premier, Steve Bracks, for example, the full details of which the government would not release apart from the fact that the expense was \$185. There were 100 people there. I do not know whether they had cups of tea — —

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

### Ballarat: baby feeding room

**Ms PULFORD** (Western Victoria) — I would like to take this opportunity to congratulate the City of Ballarat on receiving accreditation as a baby feeding friendly workplace. The City of Ballarat established a baby feeding room around 12 months ago. The room provides mothers with a private place to sit in comfortable chairs and feed their babies. The room is also equipped with a fridge, change table, pump and information relevant to parents. While the room has been set up for some time, the council has just gained breastfeeding-friendly workplace accreditation from the Australian Breastfeeding Association. Council staff members Ann Scott and Joanne Grainger initiated and led this excellent project.

Ballarat City Council is the first municipality in Victoria to receive this accreditation. Research has proven the benefits of establishing such facilities, and the City of Ballarat can look forward to the optimisation of recruitment and retention strategies,

building its reputation as a family-friendly employer, enhanced cost savings associated with a healthier, happier workforce, all the while demonstrating its commitment to equal opportunity and workplace diversity to staff, potential job applicants and the community. It is great to see a local council implement this initiative, and I urge other employers to follow suit, as this provides great benefits to mother and baby alike.

### Maffra Secondary College: funding

**Mr P. DAVIS** (Eastern Victoria) — Yesterday I tabled a petition related to the redevelopment of Maffra Secondary College to bring its facilities up to modern day standards. As it happens, the petition came after the event — that is, after the government realised it had made a monumental blunder in the budget on 6 May where funding was allocated for the Maffra college redevelopment. The government backtracked, claiming a typing error, and said the money was meant for a project to upgrade the Maffra Primary School and the secondary college would have to miss out. Then it met the full force of a country community's spirit. By the end of the month the Premier and the Minister for Education in the other place had been humbled into a visit to Maffra to announce that the secondary college would receive its \$5.3 million and the primary school would keep its \$4.1 million.

The outcome is a tribute to the Maffra community, including teachers and students at the college, which was activated instantly the blunder became known. The petition circulated for only a little over a fortnight and contained 646 signatures. The episode poses a salutary lesson for the government: listen to our country communities, or they will make themselves heard.

### Transport: management

**Mr BARBER** (Northern Metropolitan) — It probably would not matter if cars ran on solar power and cleaned the air as they went along. Mass transit via mass car ownership is a concept that has had its day. There are too many cars when you lay them up against our objective of a more compact city, which is of course central to Melbourne 2030.

Figures, which are now a little bit out of date, show that Melbourne spends about 11.7 per cent of its GRP (gross regional product) on transport and Brisbane spends much more at 17.6 per cent, while cities like Vancouver and Zurich have got that down to 10 per cent or lower. This unlocking of wealth and taking it away from being spent merely on moving ourselves around is a source of wealth and competitiveness that this government has not paid attention to.

I suggest that this measure should become a budget indicator. Clearly the government is not measuring the rising cost of transport and the drain that is putting on our regional economy. If they are not measuring it, they are not managing it, and certainly it is obvious they are not coping.

### **Whitten Oval, Footscray: elite learning centre**

**Mr PAKULA** (Western Metropolitan) — Last Wednesday, along with the members for Footscray and Derrimut and the Minister for Sport, Recreation and Youth Affairs in the other place, I attended the unveiling of the Western Bulldogs Football Club's elite learning centre at Whitten Oval.

**Mr Finn** — Why didn't I get an invitation?

**Mr PAKULA** — Mr Finn should talk to David Smorgon. Whilst the facility will be of substantial benefit to the players, it also serves as a reminder of the enormous amount of work members of the Bulldogs football club do in the community. Whitten Oval is unquestionably on the way to being the principal community hub in the west. Whether it is the work done with recent arrivals or the plans for child care, citizenship ceremonies and community sports facilities at Whitten Oval, the Bulldogs have a lot to be proud of.

### **Western Bulldogs: convention centre**

**Mr PAKULA** — Lately there has been some regrettable disagreement between the club and a section of the community over the Bulldogs' proposed convention centre, which is to include gaming, at Edgewater. I accept the concerns of the Edgewater residents and I am not an advocate for either the scale or the location of the venue. But the Bulldogs have a point when they say that other Australian Football League clubs, with no connection to Melbourne's west, make a pretty penny from having venues in the west, and I think we can all agree that the financial wellbeing of the Bulldogs is essential to the western suburbs. This matter has been poorly handled by the Bulldogs but, for the sake of the west, I certainly hope council, residents and the Bulldogs can work together to find an acceptable compromise.

### **Automotive industry: employment**

**Mr DALLA-RIVA** (Eastern Metropolitan) — In light of the announcement yesterday by Toyota, we now find further information about what is going on with this particular project. As members know, yesterday I asked if there were going to be any additional jobs as a result of this important initiative.

We now find that \$35 million will be provided by federal Labor from its green car fund, and in the comments that followed from Toyota president, Mr Watanabe, he said that Toyota only recently learned that there will be a \$35 million commitment of Australian taxpayer funds and that Toyota have yet to decide how it is going to spend the money. I find that remarkable given that we also had the federal Minister for Innovation, Industry, Science and Research, Senator Carr, on 19 March at the National Press Club advising that the federal government would wait until the result of the Bracks inquiry had been handed down before deciding how to spend the money in the green car fund.

What we find here is that there is a pattern of the Rudd Labor government ignoring or pre-empting reviews. This was the case with the luxury car tax, the innovation review on the Commercial Ready program, the Productivity Commission review of the Green Car Innovation Fund, and now this. What we are finding is that there are no new jobs being allocated as a result of this significant project. What will that \$35 million of taxpayers money be spent on? We do not know. Despite all this, there are massive job losses occurring at Ford and Holden. Perhaps they could have better utilised the money, rather than it going elsewhere.

### **Princes Hill Primary School: upgrade**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak about my recent visit to the Princes Hill Primary School in Carlton. The reason for the visit was the opening of a new library and visual arts facility at the school. The Minister for Education, Minister Pike, hosted the event, and it was truly impressive. Princes Hill primary is a marvellous example of a government providing children with the environment to develop their artistic talents. I congratulate the minister for providing funding for the upgrade. Who knows; maybe these children will become Victorian filmmakers of the future.

### **Darebin: conservation initiatives**

**Mr ELASMAR** — On another matter, I have been advised by City of Darebin mayor, Peter Stephenson, that Darebin council is to spend more than \$3 million on a new environmental project during the 2009 financial year. I understand that part of the \$3 million funding will be used to finish the Darebin resource recovery centre and to plant drought-tolerant turf at sportsgrounds. In addition, the council aims to reduce its greenhouse emissions by 900 tonnes during the year through energy-efficient measures. I support these conservation measures wholeheartedly, and I praise Darebin council for its initiatives.

### **Water: desalination plant**

**Mr O'DONOHUE** (Eastern Victoria) — There are ever-increasing questions relating to the proposed desalination plant at Kilcunda on the Bass Coast. The Auditor-General has identified serious questions about the proposed costing for the desalination plant, noting that the advertised cost is at the lower end of the scale of likely cost outcomes. We were initially told the desalination plant would be powered with renewable energy; that later changed, and we were told that the energy will come from the grid but will be offset with carbon credits. There are serious issues about the take-or-pay model that is being proposed — that is, if the dams fill because of significant rain, desalinated water will still have to be either paid for or taken and put into the water system.

Now another issue arises. Yesterday a constituent of mine from Yannathan entered my electorate office very distressed. He had been contacted that day by an officer of the Department of Sustainability and Environment and told that the department was looking at putting in a high-voltage electricity line across his property with potentially a 500 metre-wide easement. No discussion and no contact had happened with my constituent before this, and my constituent believes that this powerline is for the proposed desalination plant.

It is time for the ministers associated with this project to come clean about their plans to provide energy to the enormous desalination plant.

### **Pembroke Secondary College: achievements**

**Mr LEANE** (Eastern Metropolitan) — I would like to commend today the principal, Aidan Ryan, the school community and teachers of Pembroke Secondary College on the school's modern teaching methods which last year resulted in their top VCE (Victorian certificate of education) student, Elizabeth Hicks, scoring 99.75 and receiving the Premier's high achiever award. She was one of only two government non-select entry school students to do so.

The school has some great initiatives in its programs, such as its award-winning music program. A number of its year 12 students from last year are going over to Beijing to play during the Olympic Games under the directorship of their teacher, Richard O'Toole, who is also the Australian Youth Band director. The school also has a great animal studies program, which I had a chance to look at, and it also administers the Woori Yallock Farm School, which is an innovative early intervention facility for students having difficulty coping with school.

### ***Hansard*: distribution**

**Mr LEANE** — On another matter, I would like to commend the President, even though he has left the chamber, on his position relating to MPs being able to opt out of receiving copies of *Daily Hansard* to save some trees. I know a number of members have taken up this suggestion, and I would urge other members to do so, because once you know how, it is quite easy to check your speeches from the day before electronically.

### **Australian Labor Party: Kororoit candidate**

**Mr FINN** (Western Metropolitan) — We in the west of Melbourne are used to local Labor shenanigans. Over the years we have seen death threats, we have seen bullets in letterboxes and we have seen membership subscriptions in jam tins. But all this pales into insignificance when compared with the current cat fight over the Kororoit preselection. We have the extraordinary spectacle of a blow-in and a bozo doing battle for the right to wear Labor colours.

Two-thirds of people in the Kororoit electorate are members of the Labor Party — it is just that most of them are not aware of it! — but that does not stop the Labor Party from seeking to bring in somebody from outside. As if Labor in the west does not have enough problems; lined up against that person is a bozo, a former mayor of Brimbank with more baggage than Qantas. Yesterday one of my St Albans constituents said to me, 'Who is this woman from Northcote? We know Natalie. We hate her, but we know her'. I think he summed it up rather well. He was of course referring to former Brimbank City Council mayor Natalie Suleyman, who with her father, Hakki — and his is another story al

together — brings a touch of the wild west to the Kororoit electorate.

Those of us with an understanding of languages will be only too aware that Suleyman is Turkish for shyster. I hope the ALP will at last be able to sort out its problems — —

**Hon. T. C. Theophanous** — On a point of order, Acting President, we all enjoy the colourful language the member uses; however, when he moves towards denigration that borders on racism I think that you, Acting President, should pull him into line. He should be very careful about observing the standards the President has insisted on in this house. It does not augur well for those standards to be — —

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I take the minister's point of order.

**Mr FINN** — I have only 5 seconds left. That only gives me time to say that when Mr Theophanous is in trouble he always brings out the Labor racism card, and he is doing it again.

### **Northern Victoria Region: government grants**

**Ms DARVENIZA** (Northern Victoria) — I wanted to let members of the chamber know how pleased I was to make a number of announcements last Thursday. One announcement made in Myrtleford was about a \$50 000 grant from the Victorian government for a leadership program for former tobacco farmers. The tobacco industry in north-eastern Victoria was closed with the withdrawal of market partners in 2006. The Alpine New Industry Leadership Development program has been established to foster and develop leadership potential and provide employment options for former tobacco farmers and affiliated businesses. I congratulate them on being successful in getting this grant.

I was also in Wodonga to announce a \$20 000 drought relief grant to drought proof the Baranduda reserve. The grant will go towards sinking a bore, a 120 000-litre rainwater tank and the connection of the bore to the irrigation system to provide an alternative water source for playing surfaces. The reserve is well utilised both by sporting clubs and for recreational pastimes. I congratulate the Wodonga City Council and the reserve committee.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The member's time has expired.

## **PORT SERVICES AMENDMENT (DISPOSAL OF MATERIAL) BILL**

### *Statement of compatibility*

#### **Ms PENNICUIK (Southern Metropolitan) 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 Port Services Amendment (Disposal of Material) Bill 2008.

In my opinion, the Port Services Amendment (Disposal of Material) Bill 2008, 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 Port Services Act 1995 to prohibit the Port of Melbourne Corporation or the Victorian Regional Channels Authority from placing or disposing of certain

excavated or dredged material in the port of Melbourne waters or in the port waters of the Victorian Regional Channels Authority.

Clauses 3(2) and 4(2) of the bill limit the powers of the Port of Melbourne Corporation and the Victorian Regional Channels Authority to place or dispose of excavated or dredged material by providing that they are prohibited from placing or disposing of material in port of Melbourne waters or the port waters of VCRA that is:

noxious or poisonous; or

harmful or potentially harmful to the health, welfare, safety or property of human beings; or

poisonous or harmful or potentially harmful to animals, birds, wildlife, fish or other aquatic life; or

poisonous or harmful or potentially harmful to plants or other vegetation; or

detrimental to any beneficial use made of the waters in which it is placed or disposed of.

Clauses 3(3) and 4(3) require the Port of Melbourne Corporation and the Victorian Regional Channels Authority to carry out those tests that are reasonably necessary to determine whether placement or disposal of the material in the waters would contravene these prohibitions.

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

Clause 6(1) of the charter provides that only persons have human rights, and notes that corporations do not have rights. This bill limits the powers of the Port of Melbourne Corporation and the Victorian Regional Channels Authority, which are established as corporations pursuant to s10 and s18 of the Port Services Act 1995. The bill does not limit the rights of natural persons and therefore does not raise any human rights issues.

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

As the bill does not limit any human rights, it is not necessary to consider section 7(2) of the charter.

#### **3. Conclusion**

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

Sue Pennicui, MLC,  
Southern Metropolitan Region

### *Second reading*

**Ms PENNICUIK (Southern Metropolitan)** — I move:

That the bill be now read a second time.

The Port Phillip Bay channel deepening project (CDP), which commenced in February, has been the subject of growing public controversy since it was first announced in 2001.

The CDP is a massive project — described by the independent panel which inquired into the first environment effects statement (EES) prepared by the Port of Melbourne Corporation (PMC) as a mega project — the likes of which have rarely been seen anywhere in the world. The amount of material to be dredged in the capital phase of the project is more than the equivalent of digging a 2-metre deep by 15-metre wide trench from Melbourne to Sydney.

The project will involve dredging an estimated 40 million cubic metres of material from the shipping channels in Port Phillip Bay. More than 5.3 million cubic metres of clay and silt (including approximately 2 million cubic metres of contaminated sediment) will be dredged from the Williamstown and Yarra River channels.

Because Port Phillip Bay is an enclosed bay, or a shallow coastal lagoon as described by Dr Graham Harris, who led the CSIRO's seminal Port Phillip Bay Environmental Study 1996, the scale of the CDP will have significant environmental effects.

The 1996 environmental study recommended that dredging in Port Phillip Bay be minimised. This is why scallop dredging was stopped and the health of the bay has improved over the last decade. The CDP completely ignores that recommendation and will involve a scale of dredging far above anything previously seen in Port Phillip Bay.

The tragedy is that, just like Lake Pedder was flooded to provide hydroelectricity that is now not even needed, this project puts the health of Port Phillip Bay at risk for a purpose that has not been established by the PMC, is strongly challenged by many in the shipping industry and others and I am confident will be shown to be totally unnecessary.

The PMC and the state government maintain to this day that the impacts of the CDP will be minor and temporary. Critics of the project, including Dr Harris, say that many of the impacts are unpredictable and could have long-term and potentially irreversible effects on the bay.

Dr Harris has criticised the supplementary environment effects statement (SEES) for failing to integrate environmental risks and treating impacts as distinct events, with no consideration of flow-on effects. These are very serious failings, and to this day they continue to undermine the data and conclusions of the SEES, the independent panel report into it and the environmental management plan that relies on it.

Critics also say that the PMC and state government have:

- overstated the number of ships that are currently, or will be, draught restricted in Port Phillip Bay, drawing into question the need for the CDP at all;

- understated or ignored increased risks to shipping safety;

- exaggerated the benefits to port users and the people of Victoria; and

- either excluded or grossly understated the economic costs of channel deepening to port users, business that is dependent on Port Phillip Bay and the people of Victoria.

Although the threats to the geology and ecology of the bay are many and complex, the most serious impacts, from which others follow include:

- the real threat to the vital denitrification processes that keep the bay relatively clean and free of algal blooms that will arise from increased turbidity over a two-year-plus dredging campaign;

- smothering and scour damage to seagrass meadows, kelp and rare sponge beds, which provide basic habitat and food sources, arising from the removal of 4 to 5 metres of rock — that is, increasing the depth from 14 to 19 metres at the entrance to Port Phillip Bay;

- ongoing rockfalls and erosion at the entrance — scouring to as deep as 22 metres — PMC admits this could last for 30 years or more;

- potential changes to tidal movements, tide levels in the bay and possibly the movement of the Great Sands — also a result of the increased depth at the entrance. With climate change upon us and Melbourne listed as one of the four Australian cities most subject to sea level rises, deepening the entrance to Port Phillip Bay by 5 metres must be seen as the greatest folly a government can allow; and

- dredging up to 2 million cubic metres of contaminated sediments from the Yarra River and placing them in a giant, sand-covered hole — called a bund — effectively creating the largest toxic waste site in Victorian history, in the middle of Port Phillip Bay.

**The latter is the subject of this bill**

Huge amounts of industrial waste were poured into the Maribyrnong and Yarra rivers for decades up until the 1970s, and much of the toxic waste remains settled in the sediments of the lower Yarra River bed and in Hobsons Bay. The PMC plans to, and has commenced to, dredge 2 million cubic metres of these sediments and dispose of them under water in an extension to the existing dredge material ground to the west of Beaumaris and Mordialloc, by capping it with a thin layer (50 centimetres) of clean sand.

The contaminated sediments have high levels of contamination of toxic chemicals, including tributyltin, lead, cadmium, mercury, arsenic, DDT, dieldrin, cancer-causing PCBs and polyaromatic hydrocarbons.

Highly toxic substances — radionuclides and dioxins — were not tested for although they are believed to be present.

Disturbance of the contaminated sediments is widely regarded to be very unwise. At present the toxic sediments are effectively immobilised on the riverbed as long as they remain undisturbed.

Dredging the river sediments will mobilise some of the contaminants into the water column. In addition, silt will be carried by the currents down the river to Hobsons Bay and further along the coast to Port Melbourne, Albert Park and St Kilda.

Ultimately, the effect of spreading these contaminated sediments around the north end of the bay will be to contaminate fish that may be caught and eaten by recreational fishermen and their families and friends.

It is not only contaminants that will affect fish in the river and the bay. The conformance limit for fish in the Yarra and Hobsons Bay has been set at the extraordinary value of 70 nephelometric turbidity units (NTUs) instead of the more normal turbidity limits of about 5–20 NTUs.

At 70 NTUs fish would have their gills full of silt, in this case contaminated silt. The benthic organisms that performed the vital denitrification processes in Port Phillip Bay would be even more seriously compromised as they cannot withstand such high levels of turbidity.

The PMC's toxicity testing was inadequate, and produced results which should be of concern to the Victorian public.

Many of its samples came from areas not part of the CDP proposed works, and none were taken from the Yarra River or Hobsons Bay where the bulk of the contaminated sediment is.

Data relating to contaminant levels in fish was presented in disaggregated form, using maximum residue limit (MRL) values. When the data was aggregated and the more conservative United States Environmental Protection Authority standards applied, unacceptable levels of contamination were found in many species, particularly mussels.

The human health risk assessment (HHRA) did not consider effects on sensitive subgroups, nor did it take into account base levels of contamination as revealed by a 2007 Environment Protection Authority (EPA) study.

Categories of risk to human health used in the HHRA did not match that of standard human health risk assessment literature. As a result, impacts on human health have been seriously underestimated.

The toxic legacy is not limited to the sediments in the Yarra River. Toxic industrial sites in Yarraville remain, and the release of contaminants in groundwater and run-off from these sites will continue until they are cleaned up.

The PMC should be required to comply with state environmental laws and policies relating to dredging and spoil disposal.

State Environmental Protection Policy (Waters of Victoria) Schedule F6 section 13 states that dredging and spoil disposal should be conducted in accordance with best practice. Best practice states that the need for dredging should be minimised.

It also says that 'where feasible, sediments from the lower reaches of the Yarra should be disposed to land' and that 'onshore disposal is preferable where soil is seriously contaminated, and when fine sediments are likely to impact sensitive marine environments such as seagrass habitats'.

It goes on to say that protection agencies or bodies undertaking dredging or spoil disposal must ensure that dredge spoil is disposed to land in preference to water wherever practicable and environmentally beneficial as determined by the EPA.

The independent panel report into the first EES said that the failure by the port to significantly evaluate land disposal options was a breach of policy.

It recommended the full exploration of land-based options for disposal of contaminated material, including historical research to disclose the location of 'hot spots' of contamination in the Yarra, and to explore separate disposal methods for highly contaminated material.

The Port of Melbourne Corporation considered it unnecessary to look at 'hot spots' because it had defined all material as 'unsafe for unconfined marine disposal'.

The PMC failed even to provide the cost of disposing of and treating contaminated dredge material separately from uncontaminated material. It was criticised for this by the independent panel.

These are significant omissions, as they would have increased the feasibility of alternative disposal options. Untreated sediment would not be acceptable to the EPA for disposal on land, and yet the PMC and the state government seem unconcerned about dumping it in the bay.

At the SEES inquiry the EPA, even after specifically pressed to do so by the panel, declined to offer an opinion as to whether the PMC had met best practice in relation to the CDP, and in particular the method of disposal.

It is worth noting that the PMC has relied upon the National Ocean Disposal Guidelines in respect to the contaminated material, even though Port Phillip Bay is clearly not an ocean, rather than referring to Victoria's own Environmental Protection Act 1985, part V, 'Clean water', sections 38 and 39, 'Pollution of waters'.

Section 38 states that 'the discharge or deposit of wastes into waters of the state of Victoria shall at all times be in accordance with declared state environment protection policy, or waste management policy, specifying acceptable conditions for the discharge or deposit of wastes into waters in the environment and shall comply with any standards' et cetera.

Section 39(1) states:

A person shall not pollute any waters so that the condition of the waters is so changed as to make or be reasonably expected to make those waters —

- (a) noxious or poisonous;
- (b) harmful or potentially harmful to the health, welfare, safety or property of human beings;
- (c) poisonous, harmful or potentially harmful to animals, birds, wildlife, fish or other aquatic life;
- (d) poisonous, harmful or potentially harmful to plants or other vegetation; or

- (e) detrimental to any beneficial use made of those waters.

Subsection (2) states:

Without in any way limiting the generality of subsection (1) a person shall be deemed to have polluted waters in contravention of subsection (1) if:

- (a) that person causes or permits to be placed in or on any waters or in a place where it may gain access to any waters any matter whether solid, liquid or gaseous which —
  - (i) is prohibited ...; or
  - (ii) does not comply with any standard prescribed for that matter ...

And subsection (3) states:

A person shall not cause or permit waste to be placed or left in any position whereby it could reasonably be expected to gain access to any waters in circumstances where if access was gained the waste would be likely to result in those waters being polluted.

Subsection (3) is particularly applicable to the actions of the PMC in proposing to place contaminated material directly into the waters of Port Phillip Bay.

Members might rightly ask why the PMC is not required to comply with part V of the Environment Protection Act as any other corporation, organisation or person would. This puzzled me too. I have been advised that this is because the PMC has developed an environmental management plan with its own environmental limits which has been approved by the state Minister for Environment and Climate Change and the federal Minister for Environment, Heritage and the Arts. It therefore has only to comply with its own EMP.

Given the fundamental flaws of the EES and the SEES process, and the potentially significant impacts of CDP on Port Phillip Bay, this is disturbing.

It is ironic that the chairman of the EPA, who has been appointed by the government as the independent monitor, will bizarrely be monitoring the performance of the PMC according to the PMC's own EMP and not according to Victoria's environmental protection laws under the Environmental Protection Act.

Critics say the EMP is weak and not designed to detect potential problems because the collection of monthly samples unrelated to dredging activities is not likely to pick up problems. It does not require monitoring of sediment that might spread to areas outside the dredge material ground (DMG), even though there is already evidence of contamination outside the existing DMG area.

There is only one planned sampling of contaminants in fish — after the dredging of the Yarra is completed, not while it is under way. The sampling will not include many popular recreational fish including snapper or flathead or include standard bioaccumulation surveys using mussels.

These and other factors led to the Australian Conservation Foundation (ACF) to assess the EMP as inadequate or non-existent in its achievement of world's best practice in almost all categories.

The ACF is so concerned about the inadequacy of the monitoring regime in terms of independence, transparency and community engagement that it has organised its own bay monitor — ORCA — comprising scientists from ACF and Monash University, including Dr Simon Roberts, senior research fellow at the Water Studies Centre, Monash University, who has followed the channel deepening project for years and presented his concerns about the CDP to the SEES inquiry.

An independent monitoring regime should have been implemented by the government in the first place.

As mentioned, the PMC proposes to contain the dredge material by capping it with 50 centimetres of clean sand.

The SEES states that the uncontaminated sediment will remain uncapped for at least 140 days and that:

... delays of 6 to 12 months in the capping process are often necessary before the dredged material reaches sufficient strength to place the initial capping layer.

Further delays ... may be necessary until the final layer is placed. Past experience with existing ... dredge material indicates that even after five years this may not have occurred.

In other words, contaminated sediment may remain uncapped within the bay for any time between 140 days and five years, or even indefinitely. During this time the material may disperse into the water column, threatening the environment, marine life and human health.

Even when the cap has consolidated, it will not totally contain the toxins, but will at best slow down the rate of leakage, because it is not quite solid. According to the SEES, capping will at best only reduce the diffusion of contaminated sediments by a factor of 17.

The SEES itself raised the further possibility of capping failure, admitting that 'there are possibilities of failure in a variety of mechanisms'. The capping of lighter contaminated materials with heavier materials, as

members would appreciate, could stir up the contaminants and cause them to be released upwards into the water column.

Another concern is that the walls of the bund may be more toxic than expected. The SEES advises that the bund will be constructed of deeper consolidated sediments taken from the Port Melbourne channel, which as discussed have not been adequately sampled, so may well be contaminated.

The bund is expected to have a design life of 30 years. However, many of the toxins that will be contained in the bund will last much longer than the life of the bund.

These and many other concerns about the safety and reliability of the bund in the DMG have been expressed by independent scientists both outside and at the SEES inquiry.

**This bill aims to prevent the disposal of contaminated material dredged from the Yarra River or from any other source into the waters of Port Phillip Bay.**

The disposal of contaminated material in such a way is contrary to the spirit and the letter of the Environment Protection Act.

It is contrary to the precautionary principle and to principles of intergenerational equity.

It amounts to passing on to future generations the toxic legacy left to us by previous generations.

The disposal of contaminated material in such a way by a public authority with the full support of government is unacceptable in 2008.

The introduction of this bill should not be seen in any way as condoning the disturbance of contaminated material in the Yarra River.

The Greens remain opposed to the CDP and agree with scientists who advocate that the buried contaminated sediments should not be disturbed and the CDP should be abandoned before serious environmental damage is caused and many more millions of dollars are wasted.

Clause 1 sets out the purpose of the bill, which is to amend the Port Services Act 1995 to prohibit the placement or disposal of certain excavated or dredged material in port of Melbourne waters or in the port waters of the Victorian Regional Channels Authority.

Clause 2 is the commencement provision, providing that the act comes into operation on the day after the bill receives royal assent.

Clause 3 inserts a new section 14A(2) into the Port Services Act 1995 limiting the statutory power of the Port of Melbourne Corporation under section 14A(1)(d) by providing that excavated or dredged material must not be placed in port of Melbourne waters if by doing so the condition of waters is made or could reasonably be expected to be made noxious, poisonous, harmful or potentially harmful to human health, wildlife or plants, or detrimental to any beneficial use made of those waters.

The amendment is based on section 39 of the Environmental Protection Act 1970, which creates an offence of pollution of waters in these circumstances.

Clause 3 also inserts a new section 14A(3) into the Port Services Act 1995 requiring the Port of Melbourne Corporation to carry out tests which are reasonably necessary to determine whether the placement or disposal of the material would contravene subsection (2).

The combined effect of these provisions is that the Port of Melbourne Corporation is prohibited from placing or disposing of excavated or dredged material if it cannot demonstrate that the placement or disposal of the material would not contravene subsection (2).

Clause 4 inserts a new section 22(2) into the Port Services Act 1995 limiting the statutory power of the Victorian Regional Channels Authority under section 22(1)(d) by providing that excavated or dredged material must not be placed in the port waters of the VRCA if by doing so the condition of waters is made or could be reasonably expected to be made noxious, poisonous, harmful or potentially harmful to human health, wildlife or plants, or detrimental to any beneficial use made of those waters.

The amendment is also based on section 39 of the Environment Protection Act 1970, which creates an offence of pollution of waters in those circumstances.

Clause 4 also inserts a new section 22(3) into the Port Services Act 1995 to require the Victorian Regional Channels Authority to carry out tests which are reasonably necessary to determine whether the placement or disposal of the material would contravene subsection (2).

The combined effect of these provisions is that the Victorian Regional Channels Authority is prohibited from placing or disposing of excavated or dredged material in the bay if it cannot demonstrate that the placement or disposal of the material would not contravene subsection (2).

In summary the major advantages of the provisions of this bill include:

the prevention of the disposal or placement of dredged or excavated material in Port Phillip Bay, whether or not as a result of the CDP, if that material is noxious, poisonous, harmful or potentially harmful to human health, wildlife or plants, or detrimental to any beneficial use made of those waters;

placing the onus on the Port of Melbourne Corporation and the Victorian Regional Channels Authority to establish whether any dredged material is noxious, poisonous, harmful or potentially harmful to human health, wildlife or plants, or detrimental to any beneficial use made of those waters; and

consequently ensuring that the PMC and the VRCA address the disposal of any such material in accordance with state environment protection policy and waste management policies.

I move this bill because the channel deepening project involves unacceptable risks to Port Phillip Bay. The state government has not properly fulfilled its role as custodian and protector of Port Phillip Bay on behalf of present and future generations.

I move this bill because it is unconscionable in the 21st century for a government to allow a public authority to dump millions of tonnes of contaminated material into Port Phillip Bay.

I would like to thank the Parliamentary counsel staff for their assistance in preparing this bill.

In conclusion, I would like to pay tribute to the Blue Wedges Coalition, other community groups and thousands of individuals from around Victoria who have campaigned for years or have only recently joined the campaign to stop channel deepening.

I commend the bill to the house.

**Debate adjourned on motion of Mr PAKULA (Western Metropolitan).**

**Debate adjourned until Wednesday, 18 June.**

## MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL

*Statement of compatibility*

**Ms HARTLAND (Western Metropolitan) 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 Act 2006, I make this statement of compatibility with respect to the Medical Treatment (Physician Assisted Dying) Bill 2008.

In my opinion, the Medical Treatment (Physician Assisted Dying) Bill 2008 is compatible with the human rights protected by the charter.

The purpose of the bill is to allow a person who is suffering intolerably from a terminal or advanced incurable illness from which there is no reasonable prospect of recovery to seek and obtain medical assistance to die peacefully on their own terms. This is by provision of an oral drug, not by injection. A rigorous qualification process ensures that only genuine cases will have access to the provisions of the bill.

There are a number of sections of the charter that are of relevance to the bill —

- (a) section 9: right to life; and
- (b) section 10: protection from torture and cruel, inhuman or degrading treatment; and
- (c) section 14: freedom of thought, conscience, religion and belief; and
- (d) section 15: freedom of expression.

**(a) Section 9: right to life**

Section 9 of the charter stipulates that ‘every person has the right to life and has the right not to be arbitrarily deprived of life’.

In my opinion, the bill is entirely consistent with the charter on the right to life. The right to seek a peaceful death in no way impedes anyone’s right to life; the rights are mutually compatible and can coexist without conflict. The autonomous nature of a patient’s request and action, with strict safeguards and a rigorous process to prevent lawful abuse, means that life is not ‘arbitrarily deprived’ (i.e. against the sufferer’s beliefs or wishes).

**(b) Section 10: protection from torture and cruel, inhuman or degrading treatment**

Section 10 of the charter stipulates that ‘a person must not be treated in a cruel, inhuman or degrading way’ nor be ‘subject to medical treatment without his or her full, free and informed consent’. While the Medical Treatment Act 1988 permits the refusal of medical treatment, it leaves no lawful alternative for those to whom medical treatment and palliative care are unacceptable or unhelpful. As a result, sufferers in practice often take their own lives in a violent and precipitate way before they feel they will be trapped by their illness.

To force an ill person to suffer intolerably against their wishes with no lawful way to end their suffering (with death as the only realistic and rational option for relief, in the patient’s opinion) amounts to cruel, inhuman and degrading treatment.

In my opinion this bill strengthens Victoria’s compliance with the charter.

**(c) Section 14: freedom of thought, conscience, religion and belief**

Section 14 stipulates that ‘every person has the right to freedom of thought, conscience, religion and belief’. This section would be hollow indeed if it allowed thought but denied action on the basis of that thought (given no harmful effects of the action upon others).

Independent professional polls show that 82 per cent of the Victorian public are in favour of a doctor being permitted to provide a lethal dose to a terminally or incurably ill patient with intolerable suffering. However, providing such medication with the intention to shorten life, in any circumstances, is currently unlawful, interfering with the expression of such freedoms.

In my opinion this bill strengthens Victoria’s compliance with the charter.

**(d) Section 15: freedom of expression**

Section 15 stipulates that ‘every person has the right to hold an opinion without interference; the freedom to seek, receive and impart information and ideas of all kinds’.

It is currently unlawful for anyone, including doctors, to discuss providing the means for a terminally or incurably ill person with intolerable suffering to specifically and deliberately shorten their life, even when such a shortening may be in the sufferer’s view the only rational way to end their suffering.

This bill permits doctors to advise a sufferer and his or her family about treatment options, palliative care and physician-assisted dying — freedoms of expression that permit the patient to make a fully informed decision that best meets their own beliefs and values. The bill also makes lawful the refusal by any person or facility to participate in such an assisted death, allowing those who both agree and disagree with such an act to act in accordance with their own beliefs and values.

In my opinion this bill strengthens Victoria’s compliance with the charter.

Colleen Hartland  
Member for Western Metropolitan Region

*Second reading*

**Ms HARTLAND** (Western Metropolitan) — I move:

That the bill be now read a second time.

I would like to start by acknowledging the people in Victoria who have terminal and incurable illnesses and who are right now experiencing intolerable pain and suffering which is not able to be relieved by even the best available palliative care.

Those people are in my thoughts as I speak.

I would also like to acknowledge the assistance of the community group Dying with Dignity Victoria, and

particularly Neil Francis and his team, in the drafting of this legislation.

### **Introduction and summary**

The Medical Treatment (Physician Assisted Dying) Bill 2008 provides for an adult who is suffering intolerably from a terminal or advanced incurable illness to choose whether to ask a doctor for assistance to die peacefully. It provides for a doctor to choose whether or not to discuss the request with the sufferer. If the sufferer qualifies, after a thorough process of consultation with two experienced doctors and after at least one cooling-off period, the sufferer may then choose when to take the drug or may choose not to take it.

### **Background**

In order to understand the need for law reform, we need to understand the present system.

### ***Refusing medication and treatment***

Since 1988, patients have had the right refuse medical treatment under the Victorian Medical Treatment Act 1988. This means that patients may hasten their deaths by refusing treatment. This even includes patients for whom standard medical practice might bring about successful treatment.

Refusing treatment is not a great option for people wanting to reduce their suffering.

They might live on, enduring terrifying pain and suffering, including shortness of breath, being unable to swallow food or drink, with nothing to look forward to but suffocation or starvation.

Patients may also refuse food and drink in order to hasten their own deaths. This is acceptable to some sufferers, but not others.

### ***Double effect***

The most problematic issue in our legal framework is the principle of double effect.

The law accepts that doctors may administer drugs, knowing they will hasten the death of a patient, so long as the doctor intends only to relieve pain.

The principle of double effect includes the deliberate sedation of patients to deep unconsciousness for the purpose of relieving suffering. This is called terminal sedation. Whilst they are sedated they receive no food or fluid and it is anticipated that they will die.

I am sure I am not alone in this place in saying that I have witnessed such a death.

The principle of double effect relies on the fact that you cannot read a doctor's mind. Kay Koetsier, in her paper *The Intent to Kill*, discusses the fact that the same dose of morphine, causing the same death, can be two different things:

If a doctor gives increasing doses of morphine, over a period of time, to a cancer patient who is incurable and in great pain, and the patient dies as a result of that medication, it is very unlikely that the doctor's treatment will be questioned. But if that doctor gives the same patient one large dose of morphine which ends the patient's life, at the patient's request, then the doctor's actions are very likely to be questioned and he or she may even be prosecuted for murder.

Many of us have difficulty understanding why a doctor's intention when treating a terminally ill patient seems to be legally more important than the outcome of that treatment.

She goes on to say that the uneasy law surrounding the principle of double effect leads to a morbid game between the doctor and the patient:

... whereby if the terminally ill person says: 'My pain is unbearable', not 'I want to die', the dose of pain medication can be gradually increased until death results.

In my view this is not acceptable. Communication between doctor and patient should be clear, honest and well documented.

In the view of many Victorians a dose of morphine is a dose of morphine. The doctor's mind is important. But the patient's wishes are more important.

If the patient wants to live as long as possible, then let them look the doctor in the eye and say as much.

If the patient is ready to die of a terminal or incurable illness, if the patient is suffering profoundly and has given up the fight after considering every alternative, then let them look their doctor in the eye and ask for assistance to die in a way the sufferer believes is dignified and consistent with their values.

Despite the excellent work and latest medical techniques under palliative care, the medical literature suggests that even the best modern palliative care is simply unable to relieve the suffering of all those near the end of life. Around 5 per cent of those suffering late-stage cancer have symptoms that cannot be relieved to the sufferer's satisfaction, without placing the sufferer in a medication-driven coma.

More severe cases where a coma is not induced result in intolerable pain and suffering, and also have bad side effects including profound constipation and such

mental dullness that sufferers report they cannot communicate and interact with their family on any satisfactory basis.

Later I will speak on the moral problems that we are creating for our doctors with the present laws.

### ***Community calling for change***

But first I would like to speak about the will of the people of Victoria, an overwhelming majority of whom are now calling for law reform.

In the past three decades surveys have consistently shown that a majority of Australians believe that terminally ill individuals should have the right to seek and obtain assistance to end their life with dignity. In 1962 it was close to a majority — 47 per cent. By 1978 it was up to 67 per cent, and in 2002 it was 73 per cent.

An independent poll conducted by Newspoll last year found 80 per cent of Australians in favour and just 14 per cent opposed. The same poll determined that three out of four Catholics and four out of five Anglicans are in favour of reform. Nine out of 10 Australians who identify as having no religion are also in favour of reform.

The law lags behind the will of the people.

On 16 April this year I was privileged to attend and speak at a rally on the steps of Parliament House, which called for this very bill to be introduced.

People sat in the bright Australian sunshine during the speeches, cheerfully fanning their faces with colourful signs that read, 'I am one of the 80 per cent'. In a matter-of-fact, Australian way they called out at intervals, 'Let's get on with it!', meaning, 'We've been talking about this for so long, it's time to introduce the legislation'. That is what I am doing today — asking the Parliament to start the debate.

### **Safeguards**

This bill provides safeguards that protect those vulnerable people who are sick and in pain; it also protects all Victorians.

The process is transparent, yet private. There are independent checks at every stage, from the second opinion of a doctor, right through to a coroner's report being presented to Parliament.

I will now describe the process for physician-assisted dying, and its safeguards.

### ***Safeguards for the patient***

The sufferer must be an adult, mentally competent and a resident of Victoria.

The sufferer must be fully informed about the diagnosis and prognosis, possible treatments and risks, and palliative care options, by an experienced doctor. Where necessary, a psychiatric assessment and treatment is sought.

The doctor must be satisfied that the patient is terminally ill or has an advanced incurable illness, with no realistic prospect of recovery and is suffering intolerably.

The doctor must be satisfied that the request for assistance is the patient's voluntary decision and is not the result of coercion.

The second opinion must be sought from another experienced doctor, confirming the diagnosis, prognosis, patient's request and mental competence. At least one of these doctors must be experienced in the patient's illness.

Neither doctor may be related to the sufferer— or to each other— by blood, marriage or close personal relationship.

There is a cooling-off period of at least 48 hours for the terminally ill, and two cooling-off periods of at least 14 days and 48 hours for those with an advanced incurable illness.

At any stage the patient may revoke their decision.

The sufferer must ingest the drug themselves or with the assistance of a person who has been registered as their agent.

An injection is not permitted.

The treating doctor and the doctor providing the second opinion will not be allowed to assist the terminally ill adult to take the drug.

The state coroner is notified of a request for assistance, the appointment of any agent, the fulfilment of a prescription and of a death. The coroner provides an annual report to Parliament.

The treating doctor, anyone who witnesses documents or provides assistance in any way cannot benefit financially or otherwise, whether directly or indirectly, from an assisted death.

There are penalties of up to 14 years in prison or a \$250 000 fine for attempting to unduly influence a sufferer to make a request for physician-assisted dying.

***Safeguards for health professionals***

The process also provides safeguards and choices for health professionals.

Unlike the current law, a doctor, nurse, pharmacist or other individual is immune from criminal, civil or disciplinary proceedings for providing information, advice, prescription or drug to a sufferer, agent or sufferer's relatives in good faith concerning this act or what can be done under it.

There are health professionals who do not want to participate in physician-assisted dying. This bill also provides protection for them.

Individual doctors, organisations or health care providers may refuse to participate. Care providers may not be penalised in any way for their decision to participate or not participate. They cannot be censured or reprimanded, except where a doctor provides assistance in a facility which forbids assistance.

A doctor declining to provide assistance is not compelled to provide any referral, but they must tell the patient that another doctor may be willing to provide assistance.

**Better than the present system**

These safeguards are far superior to those in the present system.

Under the present system, if a patient comes to a doctor to request assistance to die, the doctor should by law turn the patient away, knowing that the patient who is determined enough may end their lives in whatever violent manner is available to them.

Four elderly Australians kill themselves each week by violent and undignified means.

What a terrible decision to ask a doctor to make. We know that the impossible nature of such decisions has led to doctors offering assistance to patients to die, against the law. They risk their jobs, their freedom and, their reputations.

Why should they have to do this work in the dark, without support, but also without regulation? This legislation will bring it out into the light — the bright, clear, shadowless light of formal requests, witnesses, independent advice and a coroner's notification.

I would like doctors such as Dr Rodney Syme, whom I admire for having the courage to act and speak out, to be able to assist in the open, under a regulated system.

Each medical professional will decide whether or not they will be party to an assisted death. This is how it should be.

Under the current system, some health care workers are unable to be assured that they work in a place where assisted dying is not available under the counter or via the double effect. Under this bill such assurances can be given.

It is likely that the mere existence of physician-assisted dying may give people the courage to continue with the final stage of their illness. They would know that relief would be available, should they need it. They do not need to act hastily.

This is not a fanciful thought. It is backed up by the experience in Oregon, USA, where one-third of the people who received a drug to help them die did not in fact use it. I will speak later about the Oregon legislation.

One such person in Australia was the writer Pamela Bone, who died in April this year. Pamela Bone's obituary in the *Age* fearlessly reported:

Bone, 68, was a passionate campaigner on the right to die, and spoke often of the comfort she had found in securing what she called 'the knowledge' — the capacity to end her life if that was what she wished. 'I'm not afraid of being dead', she said. 'I'm just afraid of what you might have to go through to get there'.

She saw 'the knowledge' as crucial to restoring her courage after her diagnosis. But it is understood from friends that she did not, in the end, need to employ it.

I have also had the opportunity to read Pamela Bone's book, *Bad Hair Days*, about her fight against cancer. I recommend this moving book to all members of Parliament.

**The money issue**

The bill provides that nobody who renders assistance to the sufferer in obtaining physician-assisted dying, can benefit financially from the death of the sufferer. In making these provisions we are separating the issue of money and inheritance from any assistance in dying.

This means that people who assist a friend or relative to die, by acting as their agent or witnessing their signature are also making a decision to waive any inheritance, either directly or indirectly. Medical

professionals are also not able to benefit financially, other than a reasonable fee for professional services.

It is natural for a sufferer to ask a close friend or relative to assist them by witnessing their signature or acting as their agent. It is natural for the sufferer to also wish to leave a gift to this person, or to the health care provider, in their will.

But this legislation forbids it.

There is good reason for this. There are bad people out there who prey on the weak and vulnerable. By removing completely the temptation of money or inheritance, we are removing completely any possibility that physician-assisted dying will assist criminals.

We are also removing any hint of stain upon the character of the people who assist those who request assistance to die.

### **The role of the agent**

The bill provides that an agent may be appointed by the sufferer if the sufferer is physically unable to carry out certain physical tasks. Not every sufferer will need an agent.

The agent acts as the arms and legs of the sufferer, on their direct, immediate request. Relevantly, the agent may sign forms and may assist the sufferer to ingest the drug.

It is the clear intention of this legislation to enable the sufferer to ingest the drug themselves. So when an agent assists the sufferer in lifting the drug to their lips or places the drug into the feeding tube, it must be at the direct, current instruction of the patient.

The patient must at all times be capable of giving the instruction, whether by word or by sign, to 'do this now'. There is no provision for the patient to say, 'When I pass a particular point in my decline, do it then'.

The agent has no power to make decisions on behalf of the patient. The agent must act only on the present instruction of the sufferer.

The appointment of the agent, and the agreement of the agent to act, is formalised. The coroner is notified. The agent's actions will be under scrutiny.

### **Terminal illness v. advanced incurable illness**

There is a difference between someone in the final stages of a terminal illness and someone with an

advanced incurable illness which is not terminal — for example, motor neurone disease.

The suffering may be just as intense but much more prolonged. But there is more time available and more treatment options are possible for someone with an incurable illness. The bill reflects this difference.

People with an advanced incurable illness must see a psychiatrist, who advises the treating doctor whether the sufferer is mentally competent or suffering from a treatable mental illness. This is not always required by the treating doctor when the sufferer has a terminal illness. In both cases, the doctor must be satisfied that the sufferer is mentally competent and not suffering from a treatable psychiatric illness.

The sufferer must receive the advice of a doctor practising in palliative care concerning the availability and likely effects of palliative care. People with an advanced incurable illness must also be referred to a palliative care practitioner for an additional consultation to discuss the availability and benefits of palliative care. The additional consultation is not always required when the sufferer has a terminal illness.

People with an advanced incurable illness must undertake a cooling-off period of at least 14 days after the compulsory psychiatric and palliative care consultations before signing their first written request for assistance. They have a second cooling-off period of at least 48 hours before signing their second request. People with a terminal illness have one cooling-off period of at least 48 hours, before signing their second request.

### **Suicide**

We have deliberately selected the phrase 'physician-assisted dying' in the title of this bill. The patient will be assisted by a physician only at the patient's request. The patient will take the drug themselves, knowing that it will end their lives.

However, as the patient is only hastening a death that is imminent and unavoidable, where an agonising medical condition is otherwise untreatable, the bill provides that such a death should not be treated as suicide.

The death certificate will be recorded with the patient's underlying illness being the cause of death. However, the certificate will note that the person ended his or her life with the treating doctor's assistance under the act.

Assisted death will not be interpreted as suicide for the purposes of insurance, contracts or other legal

arrangements, recognising the sufferer's rational decision and rigorous qualification process.

This is consistent with the cause of death recorded in the case of patients who hasten death by refusing treatment or refusing food and water.

### **Oregon, USA**

This bill is modelled in part on the Oregon Death with Dignity Act, which has been in place in the state of Oregon in the USA for more than 10 years. Evidence from Oregon shows modest and considered use.

Despite opponents of the Oregon act predicting a flood of people using the act, fewer than 350 in total over 10 years have used the provisions of the Oregon act to end their lives peacefully with medical assistance. A third of those who passed the rigorous qualification process and obtained medication did not actually take the drug. The mere availability of assistance gives people pause for reflection and means that they do not feel that they have to act precipitately.

A significant factor reported in Oregon is that the existence of the act permits physicians, patients and families to have open and honest conversations about all the available options — conversations that previously had either to be avoided or held in covert code-speak for fear of overstepping boundaries.

Despite the absence of abuse under the Oregon act, we have structured this bill to provide even stronger safeguards than those in the Oregon act, to ensure confidence in the measures.

This bill has a stronger residency requirement than the Oregon act, even though there has been no influx of interstate people using Oregon's act.

This bill requires two written, witnessed requests from the sufferer, whereas the Oregon act requires only one verbal request and one written request.

Under this bill intolerable suffering is a precondition for qualification, whereas under the Oregon act suffering is not required.

This bill forfeits any financial advantage to a sufferer's estate for anyone who provides assistance, which the Oregon act does only in part.

### **Conclusion**

My reason for bringing forth this bill is that I have had the experience of a number of close friends and family members who have suffered intolerably and against their wishes at the end of their lives.

In my mum's case, I was grateful that she was receiving morphine for pain control. But the level of morphine necessary meant that she was in a coma for the last two weeks of her life. During that time she had no control over any of the decisions relating to her health care. There was no way of knowing whether the morphine hastened her death. There was no way of knowing whether this is what she wanted.

During the preparation of this bill I have had the privilege of meeting a number of people with terminal and incurable illnesses. Some are already living with a level of pain and discomfort that is beyond my imagination.

What strikes me most about their request to end their lives when they are ready is their dignity in making that request.

Three weeks ago, following an article in a newspaper, I was contacted by Kate, whose mother, Barbara, has motor neurone disease. At the time Barbara could move only her big toe, which she used to communicate via a computer. Kate said that daily her mum begged for assistance to die. There was no quality of life. With nearly every muscle in her body now dead, Barbara could not talk, move or eat. She was completely reliant on carers for her every need. Barbara was in a medically induced coma for eight days and she in fact passed away on Saturday, but Kate asked me to mention her mother again today and to say that this is what she wanted: she wanted to be able to end her life with dignity.

Since the first reading of this bill a fortnight ago, my office has been inundated with supportive messages.

I was also visited by Aurelia Millo and her family. Aurelia is 87 years old. She is a survivor of the Nazi death camps, so she has confronted death. She came to show her support for the bill, as she wants to have assistance to die. She struggled to breathe as she spoke to me, but was clear and lucid in her opinion. She asked me to talk in Parliament about how she supported this legislation.

I cannot look people in the eye and say, 'You don't deserve the help that you request, because of some moral problem that other people are having on your behalf'.

I know that, if I had a terminal or incurable illness, because I am an incredibly stubborn person, I may decide to fight it until the very last minute.

But even so, I would find the mere existence of physician-assisted dying to be of comfort to myself and others, whether or not we actually used it.

I commend the bill to the house.

**Debate adjourned on motion of Ms BROAD (Northern Victoria).**

**Debate adjourned until Wednesday, 18 June.**

## TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL

### *Statement of compatibility*

**Mr DRUM (Northern Victoria) 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 (the charter), I make this statement of compatibility with respect to the Tobacco (Control of Tobacco Effects on Minors) Bill 2007.

In my opinion the Tobacco (Control of Tobacco Effects on Minors) Bill 2007, as introduced into 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 purpose of the bill is to enhance the health of persons under the age of 18 years by:

prohibiting smoking in a vehicle while a person under the age of 18 years is present

prohibiting the sale, purchase, possession and use of tobacco products by a person under the age of 18

extending restrictions on tobacco controls at underage music and dance events to persons under the age of 18 years

enabling the government to prohibit the sale of certain tobacco products that have been flavoured or otherwise modified in a way that may encourage young people to smoke.

#### **Human rights issues**

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

###### *Structure of the Tobacco (Control of Tobacco Effects on Minors) Bill*

The overall objective of the bill is consistent with section 17 of the charter relevant to the protection of children. However, some clauses in the Tobacco (Control of Tobacco Effects on Minors) Bill raise human rights concerns.

Clause 6 makes it an offence for a person under 18 to sell a tobacco product. Persons working in a family-owned and

operated business retailing or wholesaling tobacco products which employs no more than five people are exempt from this provision.

Clause 8 makes it an offence to smoke in a public place, purchase a tobacco product, obtain tobacco product from a vending machine or possess tobacco in a public place.

Clause 10 authorises an inspector to request a person to state his or her age or date of birth.

Clause 11 specifies that an infringement notice served on a person under the age of 18 may include additional steps required to expiate the offence.

Clause 12 specifies that the additional steps may include notification of the person's parent or guardian.

###### *Section 8 — recognition and equality before the law*

Section 8(3) of the charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination in relation to a person means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

Clauses 6 and 8 of the Tobacco (Control of Tobacco Effects on Minors) Bill prima facie limit this right because they draw distinctions between people based on age, which is an attribute in the Equal Opportunity Act 1995.

###### *Section 13 — privacy and reputation*

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Clause 10 authorising inspectors to request a person to state his or her age or date of birth raises the right to privacy, as do clauses 11 and 12, which provide for notification of a parent or guardian where an infringement notice has been served on a person under the age of 18.

An interference with privacy will not be unlawful provided it is permitted by law, is certain and is appropriately circumscribed. Arbitrariness will not arise provided that the restrictions on privacy are in accordance with the objectives of the charter and are reasonable given the circumstances.

In clause 10 the circumstances where an inspector may request a person to state his or her age are limited to circumstances when an inspector believes on reasonable grounds that the person has committed or is about to commit an offence against the bill.

The provisions in clauses 11 and 12 for notification of a parent or guardian where an infringement notice has been served on a person under the age of 18 years are reasonable and are entirely consistent with section 17 of the charter concerning the protection of families and children. Therefore in neither case is the right to privacy unlawfully or arbitrarily interfered with and there is no limitation of the right provided for in section 13 of the charter.

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

**Section 8 of the charter — recognition and equality before the law — and clauses 6 and 8 of the Tobacco (Control of Tobacco Effects on Minors) Bill 2007**

*(a) The nature of the right being limited*

The prohibition of discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and is subject to reasonable limitations pursuant to section 7 of the charter.

*(b) The importance of the proposed limitation*

The purpose of the limitation is the protection of children consistent with the rights of families and children specified in section 17 of the charter.

Children in vehicles where adults smoke are exposed to high levels of tobacco smoke, higher than the levels normally experienced in homes or other enclosed spaces. Research reported in the *Medical Journal of Australia* in 2007 shows children exposed to second-hand tobacco smoke were almost twice as likely to suffer from asthma. The federal Department of Health and Ageing has published data linking passive smoking to a range of childhood illnesses including bronchitis, pneumonia, middle-ear infections, obesity and sudden infant death syndrome.

Smoking is a major public health issue for the community. Evidence suggests that up to 90 per cent of smokers began smoking when they were teenagers. The bill will operate, with other measures, to discourage smoking by persons of less than 18 years.

*(c) What is the nature and extent of the limitation?*

The bill restricts persons under the age of 18 selling or purchasing a tobacco product. It also restricts persons under the age of 18 from smoking or possessing a tobacco product in a public place. The bill requires that persons who carry on or manage a tobacco retailing business not permit persons under the age of 18 to sell a tobacco product. This section will not apply to tobacco retail and/or wholesale businesses which are family owned and operated and which have no more than five employees. These restrictions will operate so as to discriminate against persons on the ground of age.

*(d) What is the relationship between the limitation and its purpose?*

The discrimination is directly and rationally connected with the purpose of the provisions which is to limit access and discourage persons under the age of 18 from smoking. Similar legislation operates in some USA states and there is evidence to suggest they are effective in supplementing education and public awareness programs to reduce the incidence of under-age smoking.

*(e) Are there any less restrictive means reasonably available to achieve the purpose?*

Any less restrictive means would not achieve the purposes of the provisions. Current public education and awareness programs aimed at discouraging smoking in the community have been generally effective, but despite these programs

youth smoking rates are not falling fast enough and further legislative measures are therefore required.

*(f) Are there any other relevant factors?*

It should be noted that article 16 section 7 of the World Health Organisation's Framework Convention on Tobacco Control obligates signatories to the convention to 'prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen'. Australia has ratified this WHO convention. The bill gives effect to this obligation in Victoria.

*(g) Conclusion*

In conclusion the limitation is compatible with human rights because there is a rational connection between the restriction and the purpose of reducing the harmful effects of smoking on persons under the age of 18.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions may limit human rights those limitations are reasonable and demonstrably justified.

Damian Drum, MLC  
Member, Northern Victoria Region

*Second reading*

**Mr DRUM (Northern Victoria) — I move:**

That the bill be now read a second time.

It is an honour to introduce this bill into the house. It is, I believe, one of the most important issues to be discussed in state Parliament as it impacts upon the health and wellbeing of our children and their capacity to lead full and productive lives.

The bill contains a range of important provisions, all of them intended to protect children from the harmful effects of tobacco and to develop a more consistent and sensible approach to tobacco and health in Victoria.

Firstly, it seeks to prohibit the potentially harmful practice of smoking in vehicles while minors are present. This proposal has widespread support. It is clear that a majority of Victorians are now aware of the links between exposing children to passive smoking and ongoing health problems later in life, some of which are life threatening.

The bill also seeks to strengthen our legislative framework on youth smoking and health by making it unlawful for those under 18 years of age to purchase, use or possess tobacco, making it even harder for young Victorians to make that fateful decision to begin smoking.

It also includes provisions banning the sale in Victoria of certain flavoured cigarettes which are being marketed particularly at young smokers. Some of the cigarettes have flavours such as strawberry, chocolate, vanilla and liquorice added to increase their appeal to young people. They are also packaged in youth-orientated designs to lure the young and first-time smokers and are sold under names such as DJ Mix, Black Devil and Pink Elephant.

The Australian adviser to the World Health Organisation, Nigel Gray, said this youth-marketing exercise made cigarettes even more dangerous by adding chemicals known to be linked to cancers.

Two state governments have already moved to ban smoking in cars carrying children and other states are considering similar measures.

The evidence that smoking in cars is dangerous to children is well known and beyond dispute. Research reported last year in the *Medical Journal of Australia* showed children exposed to second-hand tobacco smoke were almost twice as likely to suffer from asthma. The federal Department of Health and Ageing has published data linking passive smoking to a range of childhood illnesses including bronchitis, pneumonia, middle-ear infections, obesity and sudden infant death syndrome.

The US Surgeon General has declared that there is no risk-free level of second-hand smoke.

Children in vehicles have no choice when exposed to second-hand tobacco smoke. Research has found that levels of tobacco smoke in cars can reach concentrations much higher than levels possible in homes or other enclosed rooms.

Community support for an end to smoking in cars with children is very, very strong. A 2004 independent survey of more than 1300 Australians in 800 households reported that 90 per cent of people wanted it stopped. Seventy-three per cent of smokers wanted it stopped.

A beneficial side effect of a ban on smoking in cars while children are present is that it will improve road safety. Monash University Accident Research Centre found smoking drivers had an increased risk of being involved in a crash. One study says smoking while driving could contribute to as many as 2000 crashes a year in Australia.

I wish to now move to some broader matters on under-age smoking and what it really means for our society.

There can be a lag of 30 or 40 years between the time when teenagers begin smoking and when they become middle-aged victims of one of its many diseases. The lag could be responsible for a lack of urgency legislators have shown about this issue until now.

Tobacco is the leading cause of preventable death in Victoria. It kills almost 4000 Victorians a year, according to the Victorian Cancer Council, and costs the state an estimated \$5 billion to \$6 billion in health care, lost productivity and other costs.

Smoking claims more lives than all other causes of preventable premature death put together. Each year 1.5 billion hospital bed days are taken up with patients suffering from smoking-related diseases. The cost to the hospital system alone is \$700 million a year.

According to state government data, smoking is killing about 90 Victorians every week, or about 13 per day, which is equal to 18 times the number dying of illicit drugs, 11 times the number claimed each week in road trauma and 4 times the number dying each week of alcohol-related causes.

Many health authorities consider these deaths and illnesses as a paediatric issue. Up to 90 per cent of all smokers began smoking when they were teenagers.

Today there are an estimated 35 000 Victorian children who smoke regularly.

Parliamentarians are used to making decisions on matters of public health.

Some might argue that under-age smoking is a matter of health, not one of justice and laws. Yet we make laws regularly to help protect young Victorians from making unwise or dangerous decisions such as chroming, petrol sniffing, alcohol consumption or even driving a motor vehicle. The principle is well established.

Yet when it comes to tobacco, our messages are not so clear, even to us.

The Victorian government prohibits tobacco use, purchase or possession at designated state-sponsored, youth events such as FReeZA concerts. The state understands the use of a justice approach to a health issue when it comes to its own events, but seemingly not in the broader community.

Most schools have developed and enforce anti-tobacco regimes inside the school boundaries but cannot do anything when a teenager steps out onto the streets.

In some age groups, notably the older 16 and 17-year-olds, in recent years the levels have been recorded at above 20 per cent, some around 25 per cent or one in four.

The entire anti-tobacco community reports frustration and despair at the obstinately high levels of older teenage smoking.

Every day in Victoria approximately 50 children start smoking. About half will become committed smokers. This frightening situation is against a backdrop of years of blunt messages, education, health programs, shocking TV ads, cigarette pack warnings, reduced retail displays, high tobacco taxes and a storm of information in the media.

Until now, Victoria's legislative direction in tackling under-age smoking has been confined mainly to restricting retail sales of tobacco to minors. But the evidence, confirmed in Quit's most recent surveys and in overseas work, is that teenagers are still finding it fairly easy to obtain tobacco. In its most recent survey Quit recorded that children as young as 12 can still obtain tobacco.

In the USA similar retail sales controls are in all states but most US states have adopted complementary laws on under-age possession, use and/or purchase of tobacco. This bill has been drafted in the awareness of the success similar measures have had in the US.

In consulting widely for this bill I have spoken to many hundreds of teenagers from one end of the state to the other, and a common reaction from those most likely to be affected by this proposed bill is amazement at the contradictions now faced in Victoria. When the US experience was explained to them, the great majority of the young people I spoke to said they found common sense and consistency in the approach.

This package of reforms includes a prohibition on people under 18 from selling cigarettes. We have a responsibility to meet article 16, section 7, of the World Health Organisation's Framework Convention on Tobacco Control.

The convention was ratified by Australia on 27 October 2004 and was deemed to be in force in Australia from 27 February 2005.

It states that all parties to the convention shall adopt whatever measures possible to prohibit the sales of tobacco products by persons under the age set by domestic law or national law or 18.

We have consulted with tobacco retail outlets, including the peak body representing convenience stores and service stations. And we therefore introduce this legislation with the knowledge that most retailers currently do not allow children under 18 to sell tobacco.

While noting that the vast majority of those retailing tobacco already have in place codes of conduct against children selling tobacco, we acknowledge the needs of those operating small, family-owned and operated businesses. We have exempted those from this provision.

PUP laws, as they are known, are common in the United States where they supplement existing education and public awareness programs. The success of these measures has been documented after a seven-year study by a research team made up of staff from DePaul University, the University of Chicago, Loyola University, the University of Illinois and the University of Florida.

We have spent several months consulting across Victoria on these proposed reforms, including an extensive tour of Victorian secondary colleges.

A great majority of those we spoke with supported the use of potential fines as a deterrent, arguing that a law without penalties would not be seriously regarded.

Students were clear in their opinion as to what would impact future smoking rates and what would not. The message we were left with was that children start smoking younger than we think and that parental involvement and awareness would be a significant deterrent. Young people support reforms involving a range of strategies including intervention programs and financial penalties.

Youth smoking rates are not dropping fast enough.

The smoking rates reported in my latest consultations with teenagers confirm the results of a survey I did four years earlier.

In 2004 my office did a survey of 4233 secondary school students in Bendigo, and it showed those same smoking rates of around one in five. Older students reported a rate of just over one in four.

This bill will help protect our children from the harmful effects of tobacco. It will help them be exposed to less second-hand tobacco inhalation and it will encourage them to make wiser, safer choices.

But the chief impact will be to send a stronger, more consistent message that tobacco will harm them and could kill them and that it has no known benefits.

Ultimately, the intent of this bill is to try to improve the lives of future generations, to help them achieve longer, healthier, happier lives.

I end my remarks today with another interesting piece of research: 90 per cent of all smokers regret the decision they made as teenagers. We cannot help them, but we can help future generations.

**Debate adjourned on motion of Ms DARVENIZA (Northern Victoria).**

**Debate adjourned until Wednesday, 18 June.**

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

### Reporting date and second interim report

**Mr D. DAVIS** (Southern Metropolitan) — I move:

That the resolution of the Council on 2 May 2007 requiring the Select Committee on Public Land Development to present its final report to the Council no later than 30 June 2008 be amended so as to now require the committee to present its final report by 11 September 2008.

I also seek concurrently to move:

That the Council take note of the second interim report of the Select Committee on Public Land Development.

The select committee's report tabled earlier today is an important report. It seeks to extend the time in which the committee is able to report by moving the date for tabling the report from 30 June to 11 September. This is an important committee, and I want to reiterate my comments about the work of the committee and the significance of that work. Then I want to make some reflections on seeking, in effect, an extension by the chamber of the time to report, and I want to put on record some issues that the committee has encountered.

The committee's important work relates in part to the growth of the city. Over the recent period we have seen Melbourne growing significantly, regional cities growing and the state facing the challenges that come from that growth. One of those challenges has been land and, in particular, the need for recreational land, open space and related matters. The committee has heard an enormous amount of evidence that indicates the government is not managing public open space properly, and that it has sought on a number of occasions, which I will outline in a moment, to limit

access to public open space and to sell, develop or alienate public land in a way that is not in the community interest.

I will come back and reference specific examples of that in a moment, but it seems to me that where you have more intense development, high-rise development or development that is pushing density in a particular area, one of the important pieces of infrastructure that you want to see is sufficient open space for people to undertake recreation, for children to play and so forth.

I will move to some examples now. We have seen the government stripping away planning powers or announcing that it will strip away planning powers for a number of key centres around the city, with 5 initially and presumably the other 22 activity districts to follow, but in the first instance 5 activity districts, including Camberwell, which is the one that I know best. What will occur there is more intense development that will not take account of the need to have proper public open space and will not have a proper focus on the sort of infrastructure that is required.

The committee's terms of reference are specific about public land development, and a key aspect of the provision of public open space is often public land. I make the point that this public land development by the government, or the alienation of public land which occurs through long-term leases and so forth, is something that needs to be thoughtfully undertaken by governments in a way that involves the community and brings the community in as stakeholders. There are, of course, opportunities where development of public land can occur in a sensible and practical way for the community benefit, but at the same time an unsophisticated approach that simply sells off or flogs off public land for the purposes of wrenching out of the community or the purchaser the highest possible return to the government without regard for the surrounding community interests is not an approach that is supported by most members of the committee.

A number of the key sites that the committee has looked at include the Camberwell railway station. The committee in this short interim report has not said a great deal about the Camberwell railway station. We have examined and we will continue to examine some of those issues, and we will say more about that later, but it is clear from the evidence that I heard that VicTrack is pushing forward with its development there. It will push forward with a development that is in my view too intense and too large — six to seven storeys, with massive floor space that will compromise the integrity of that particular heritage railway station.

At the Kew Cottages site — and that is the one that I think this inquiry will in the end be most known for looking at closely — there is no doubt that the process has gone astray. The committee said that the perception is that the government has been less than transparent by claiming that consideration of the Kew Residential Services development falls outside the committee's terms of reference, and I want to make a point here. The government has sought to frustrate the committee's activities at every turn by preventing the release of documents. Even basic documents like the list of public land sales under this government over the last few years, since the beginning of Melbourne 2030, would seem to me to be a base level of documentation that the committee should have been provided with.

The government, through the Attorney-General, has sought to frustrate the committee by seeking to impose a narrow definition of public land — a definition that it drew from some obscure administrative order in 1988, which to my knowledge no-one in this chamber was even aware of. At the time of the debate on establishing the committee many people on the Labor side, on the Liberal side and on the side of the other non-government parties referred to pieces of land, in particular the Kew Cottages site and other key pieces of land, that have been sold or alienated by the government over the recent period. It was clear that the establishing motion at that time sought to look at those pieces of land. In our first interim report we attached a list from that establishing debate to make it clear that those issues had been directly canvassed in the establishing debate and that that was what this chamber intended, amongst other things, for the committee to look at directly.

The concerns of people at Kew Residential Services have grown significantly as evidence has been presented to the committee. I want to make the point that at a recent hearing at which the Minister for Planning was present as the witness and where questions were asked of him, I believe his responses to a number of them left more concerns than they answered. It was put to him by me as the chair that on 4 September 2006 the Walker Corporation, the successful tenderer for Kew Cottages, made a donation of \$100 000 to the Victorian branch of the Australian Labor Party. On 27 October 2006 the planning arrangements were signed off by the then planning minister, now the Attorney-General and Deputy Premier in the other place, Rob Hulls. This is the same Rob Hulls who has sought to prevent us from getting access to documents to examine properly the processes by which the Kew Cottages contract for tender has been managed and implemented. This is the same Rob Hulls — the same Deputy Premier — who in my view

has crossed the line in trying to prevent the house's Select Committee on Public Land Development getting to the documents that would establish the veracity of some of these key issues. He should not have blocked access to — —

**Mrs Peulich** — It is called hypocrisy.

**Mr D. DAVIS** — It is worse than hypocrisy, I have to say, Mrs Peulich. In my view it is a deliberate attempt to frustrate the chamber's activities to get to the bottom of what is a matter of legitimate public concern.

In its report the committee looked at the issues around the probity audit, and at that hearing there was discussion of the probity audit. Government members have said that there was an independent probity audit, but when asked to release the so-called independent probity report the government refused. We believe that report should be in the public domain. If there is nothing to hide, it would go a long way to allaying community concerns. If there is something to hide, I can understand why the Attorney-General might not want to release the probity report. It is up to the current Minister for Planning; he could release that probity report — he could actually step forward and do that. At the hearing he actively countenanced a discussion about that and would not rule out releasing the report. I call on the Minister for Planning to release that probity report on the Kew Cottages tender process because I believe that it is a critical base for us to assess the satisfactoriness or otherwise of the processes which have been undertaken at the Kew Residential Services site.

The concerns that people have about the taking of planning powers from the Kew council and the exercise of those powers by the Minister for Planning continue. Even now there is an issue about the planning approvals relating to the stage 2 development. A short time ago, a week or so ago, in this chamber I asked the minister about the planning approvals for the removal of 73 trees as a part of the stage 2 development. All the relevant information I have indicates that the minister has signed off on the stage 2 planning approvals. He did that before Heritage Victoria provided its final report and before it was able to make decisions on which of the valuable heritage trees on that site need to be preserved.

There is a massive area of 27 hectares adjacent to parkland. I would have thought that, in the spirit of this inquiry, public land like that should be protected. It is land that should have been part of the additional stock of public open space rather than a subtraction from that stock. Because I am a long-term resident of nearly three decades in that vicinity, I completely understand that

there has been substantial public access to that area for many decades. That access will be curtailed as the development proceeds. There will be intense and massive development which will include a five-storey construction on the site. It is not in the community's interest. It will leave a scar, in a sense, on that area of the city that will not be able to be remedied. The Minister for Planning has gone no way towards indicating that development of this proposal has occurred in a way that is transparent or satisfactory.

The Minister for Planning in this situation has also admitted to meetings with former Senator Graham Richardson. The Minister for Major Projects, Mr Theophanous, also admitted to meeting with him. Members of the committee sought on two occasions to take evidence from former Senator Graham Richardson. The former senator is a figure and a character in the right faction of the New South Wales Labor Party. He is an individual of less than high standing in the community who has had significant influence in the process of the awarding of the contract. Mr Hughes from the Walker Corporation indicated that Mr Richardson had played a significant part in getting the contract and moving it forward at certain sticking points with the government.

The evidence that Mr Hughes provided is on the transcript; he pointed directly to the importance of Graham Richardson. We cannot get to Graham Richardson; he is in receipt of two letters from the committee which seek that he attend committee hearings. Committee members will have to look closely at what it does about Graham Richardson in this context. It is difficult to subpoena him because he is in New South Wales. Most members of the committee are concerned that we have not been able to take evidence from him. Committee members have said they will consider taking further action in regard to this matter.

There are some other key sites, including Caulfield Racecourse, which is reported on in this interim report. It is in at least its first stage of development. Committee members took evidence about this matter and have the unanimous view — and members may reflect on this — that in regard to Caulfield Racecourse things could be done better. A trust, with a trust deed, has been set up. There is a responsibility to discharge its activities according to the trust deed, not only in the interests of racing. I in no way diminish the importance of racing; I support the industry strongly, but I believe that the trust and the racing club could go much further in ensuring that there is greater community access to that enormous tract of land.

At the same time, the racing club is seeking to undertake an intensive development on one corner of the land near the Caulfield railway station. In principle the development may be in order; I am not speaking against it. But I will say — and this, in a sense, encapsulates many of the issues of the inquiry — the people who would live near that development site would need access to public open space and public land of some kind to undertake recreation. There is an enormous tract of land next to the development which will effectively be closed to the community. I implore the racing club, the trust and the Glen Eira City Council to work with the community to find a solution that protects the interests of racing on one hand and at the same time — I believe it is possible to do this — provides much greater community access to that enormous resource of space which is available on the Caulfield Racecourse site.

In many ways that issue encapsulates the essence of this inquiry. It is about looking at public land. It is about saying that some development may occur in certain places in a managed or controlled way, and at the same time it is about saying there has to be sufficient available public land that enables proper recreation. In my view access to open space needs to be looked at as an infrastructure issue. Unless we look at this as part of a development process, we will have a problem. This is a concern I have about the government ripping powers away from local councils: because of the new development panels there will be very little focus on subregional open space, regional open space and appropriate support for the sorts of developments that occur.

There is no doubt that this government is determined to push forward on a number of fronts. The St Kilda triangle site is reported on here. This is a site over which there has been enormous public controversy and discussion. The Select Committee on Public Land Development took a lot of evidence. We heard from a number of key people, both the council and the developer and community groups, and I think it is worth pointing out that the concerns raised are those that are shared by most on the committee. I know the Labor members might oppose what we said on the St Kilda triangle, but I think there is a concern about the public land that is being alienated for inappropriate commercial development; there is a legitimate concern about the size of that development on that location near the foreshore. It is an important site. It is a site that is important to Melbourne, not just to St Kilda, and it is a site that is important to that community there. We need to ensure there is a proper arrangement in place for that site.

There is a concern about the lack of third-party appeal rights. There is a concern about the future, and any impact on the architectural integrity of the Palais Theatre. There are also legitimate concerns about the scale of the development in terms of licensed venues. I think these are legitimate and reasonable concerns that people have raised.

I do not think the Port Phillip Council has covered itself in glory with this decision. I think the council has not managed the process well. I want to be quite clear with the chamber here: I think much more should have been done to ensure there was a better outcome that was consistent with the urban design framework that was originally put out. The council has become increasingly the butt of community anger, and I think some of that anger is legitimate. I do not believe the council has had the full interests of the community at heart as it has made this decision.

Evidence put to us by the developer, the Citta Property Group in this case, was important. I might add that we still do not know the final form and shape of the development. That is not yet publicly exhibited. But Citta and the representative from Citta made the point that they are developers and they are working within the legal framework that is available there. On the base level I accept that: it is ultimately not the developer's fault; it is not the developer who is doing the wrong thing. It is those who have the guardianship or the custodianship of that public land who carry the responsibility. In this case it is state government land, but state government land where the council has legal control of the land.

The state government should have taken a more active role; it should have been involved more closely in the making of some of these decisions, because this is a site of broad significance. It could have done that in better partnership with the council and in partnership with the local community. The state government has not put financial resources into this site. I believe the required upgrade of the Palais will be a drain on the developer that will have to be dealt with in an indirect way, by maximising the yield on other aspects of the site. The government's decision to vacate the field, to not support the upgrade of an historic theatre like the Palais, has meant that the responsibility will fall to the developer, who has to make up the funds in some indirect way through maximising yield on the site.

In some senses none of this is complex, but it is complex in its detail. The council will have a lot to answer for in the longer term as this development appears set to go forward. Contracts have been signed. It is very difficult at this point to unpick what has been

done. The state government could begin a dialogue with the developer and with the council to work through the prospect of a better outcome for the community. That needs to be done within the framework of the contract, but in my view a better outcome could be achieved for that iconic piece of public land.

The other issue I want to return to is the behaviour of the Deputy Premier, the behaviour of government ministers and the behaviour of some senior public servants. I do not believe they have been open and accountable. I do not believe they have been transparent. I believe this is a cover-up; this is a decision by the Deputy Premier to lead the charge to prevent the committee getting information that would embarrass the government. The government is seeking to impose this narrow definition on the committee.

I want to just reiterate something from the first interim report of the committee: there is no question that under the standing orders of this chamber the committee has the right to interpret its definition as it sees fit. It is able to do that within its establishing resolution, and the definitions of words and so forth are not ultimately a matter for witnesses. In this case and in this context, the government, its ministers and its public servants are witnesses. Witnesses do not have the right to unilaterally make a decision about what they define certain words to mean and thereby refuse to answer questions, thereby refuse to provide information and thereby refuse in some cases to appear.

I am very concerned about the government's behaviour here. I think this is being driven by Deputy Premier Rob Hulls in an attempt to cover up things the government does not want made public and to prevent the release of information that the government finds embarrassing. It is hard to see that this is not linked with political donations to the Labor Party. It is very difficult to establish causality in those cases, but equally the perception in the community is a very bad one: that this is a government that could be seen as acting corruptly, that could be seen as acting way outside the public interest, that could be seen as acting in a way that is not in the broader long-term interests of the community.

As I said at the start, the committee is seeking an extension of time for reporting to September. In doing that we will indicate that our new staff, who are referred to in the report, will be working with the committee members to write up much of the material we have received — the enormous amount of evidence we have received. In the context of talking about that evidence I want to put on the public record my thanks particularly

to the many groups that have provided evidence. I think it is just worth putting into the *Hansard* that the committee received over 300 separate pieces of evidence, including 136 written submissions, 135 verbal submissions and numerous other documents. The large number of submissions, as I say in the foreword to the report, have been gratefully accepted and form an integral part of ensuring the inquiry is well informed on those issues within its terms of reference.

One thing is very clear: community groups are very passionate about protecting their local land. And they should be, because once you lose access to a large public open area, to an important tract of public land, to key vegetation in an area, that is it: it is gone forever — it is curtains. In my view the community has every right to fight very hard and passionately to protect that land and ensure that it is not taken from it by a government that is wilful, focused on its own immediate financial self-interest, and not thinking in the longer term about the broader interests of the community.

**Ms PENNICUIK** (Southern Metropolitan) — I am happy to speak to the motion moved by David Davis requesting that the Legislative Council agree to an extension of time for the reporting of the Select Committee on Public Land Development, and also to take note of the second interim report of the committee.

In regard to the motion it is fairly clear why the committee is tabling a second interim report and requesting that the Council agree to a short extension of time from 30 June until 11 September. As Mr Davis has outlined, there have been a large number of submissions to the committee — 136 written submissions — and that covers approximately 70 sites and developments across Victoria and metropolitan Melbourne. The committee has held 20 days of hearings and heard from 135 witnesses, and it has held those hearings around the state and in Parliament House.

In addition, there has been correspondence and other information supplied to the committee on many of the sites on which it has already received submissions. The other important aspect for the Council to note is that for some time the committee has not had any support staff to carry out the research and analysis which is needed to provide the Council with a comprehensive report on this important issue, and which it deserves to have. The committee has heard a lot of evidence. It has received submissions; it has heard additional evidence at hearings; it has received additional information; but it has not had the resources and staff necessary to be able to pull all that information together until very recently.

I have been a strong advocate on the committee for the extension of time, basically because I feel this is an important issue. A lot of good information has been supplied to the committee, notwithstanding the obfuscation and non-cooperation of some government agencies. That has meant that we have a dearth of information from some government agencies which we could have done well to have, and for the life of me I cannot understand why it was not supplied to the committee to assist it in its work on behalf of the people of Victoria. Nevertheless, very good information has been supplied to the committee by people around the state about public land issues in their area, so the committee is able to provide a comprehensive report to the Council.

We have only just recently acquired the services of a new research officer to help us, and that is a part-time position. As I said, I have advocated strongly for this extension of time because I believe, apart from wanting to get the best report possible, we need to observe good industrial relations practices with regard to the committee staff and not overload them and expect them to work beyond their capacity, which would have been the case if we had attempted to get this report to the Council by 30 June. It would have been impossible without the resources that have only just been supplied. For two months — between March and May — there was no research or support staff beyond the two committee staff that also have the responsibility of looking after other upper house committees, so they already have a large workload.

It is important that we are given the extension to 11 September to enable the report to be pulled together by the staff of the committee, with our help of course. I advise the house that staff in my office have been doing a lot of work going through the submissions and summarising the main themes that we see coming out of them. We will provide the committee staff with the work that we have been doing about the themes that we see coming out of the evidence and submissions put to us.

The second interim report briefly provides information on the progress made since the first report in December. It outlines to the Council what the committee has been doing. It has been holding public hearings around the state and hearing from various community groups and individuals about issues of concern in their local area. Those are listed in particular in paragraph 10 of the report, so members can have a look at that. The report also refers in a little bit more detail to four of the sites.

I note a minority report — which I think is a bit unfortunate and which is signed by Mr Tee and

Mr Thornley — says the committee is acting in a partisan way. I totally reject that. As far as I am concerned this committee is looking at an important issue, and members of the public from around the state have written in good faith to the committee with their concerns.

Particular sites are given some detailed treatment in the report. That is because there has been more information provided to the committee about those sites and there have been requests by community groups involved that we again draw to the attention of the Council the issues involved with those sites and the urgency in doing something about them. In terms of Kew, in particular, there has been ongoing correspondence and extra information supplied to us by the community groups involved in that issue. Those groups have taken it upon themselves to keep the committee informed, and we are in turn are keeping the Council informed as to the very real issues surrounding the development of the former Kew Residential Services site. I draw members' attention to chapter 4.1 of the interim report which goes into some detail about that.

In terms of my particular interest, I have an ongoing concern about the real or perceived — and perceived is just as bad as real — issue that has been raised by the community about the process and the outcomes of the Kew Residential Services site, such as the influence of political donations and the influence of political lobbyists. These are dangerous issues, and they need to be brought out into the open so that people can be reassured — if they can be; if that is possible — that everything is aboveboard with that particular development. Of particular concern to me with that development as well is the ongoing welfare of the former Kew Residential Services residents, those who no longer reside on the site, and the many people waiting for disability services in this state. I am not sure that the government has been active enough in making sure that the welfare of these people is being followed up and that the redevelopment of that site — and the government said it was to be redeveloped in the interests of those people — is looking after their interests.

I turn to the Port Campbell site and the proposal to develop what is called the Southern Ocean Beach House immediately adjacent to public land, which includes the headland of Port Campbell. The committee has heard a lot of evidence that the headland is unstable. It is not just an issue as to whether the beach house is going to impact on the land — and we have heard evidence that is going to be the case because of the extent of the excavation required to build the development, and that also goes to the appropriateness

of the size of such a development, being right next to public land, and its appropriateness in terms of the planning scheme and the overlay on the town of Port Campbell to maintain its village atmosphere — but also as to whether there is wisdom in building such a development adjacent to an unstable headland, whether or not the development will have an effect on the headland. I am disturbed by the evidence of the secretary to the Department of Sustainability and Environment, which is that it takes no interest in whether that development will have any effect on the public land immediately adjacent to it. That is definitely a gaping hole that has been revealed by this committee, and certainly something needs to be done about it by the Parliament.

The other issues include the Caulfield Racecourse development. We have heard evidence that even though the whole of the land is set aside as public land for a racecourse, public park and public recreation and is a very sizeable amount of land in the middle of the city of Glen Eira and the only substantial open space in that area, it is run by the board of trustees in the interests of horseracing and not much else. The public does not have access for all intents and purposes — —

**Mr Lenders** interjected.

**Ms PENNICUIK** — People like Mr Lenders, who may be privy to the information that they are able to access the park, might walk their dogs there, but the general public are kept out because the whole area is fenced. On the Queens Avenue side it is fenced with barbed wire. That is very inviting for the members of the public who may want to enter their own park! The committee has recommended that the government look into the operation of the board of trustees to make sure that that board is not only concerning itself with the interests of the Melbourne Racing Club. These issues are addressed somewhat extensively in the report because of the ongoing interest of the community groups and the fact that they have supplied us with additional information since the first interim report.

In terms of the St Kilda triangle development, the report outlines that the development has been somewhat scaled down since it was first announced in May 2007 and that, subsequent to our first interim report, in February 2008 another interim development plan was approved by the City of Port Phillip. To my knowledge the amended development plan has not been resubmitted to the council as we speak. We held hearings over two days in respect of this issue. There is a huge public outcry and campaign. Mrs Coote and I have presented petitions to the Parliament with close to 3000 signatures on each of them. On 7 February 2008

about 2000 people marched to the council, and there were close to 800 people at the council meeting. If people in this house, particularly those on the government side, think this is not an issue of concern to the people of Port Phillip and beyond they should know that the people understand it is not just an issue about the completely inappropriate size and scale of the development but is also an issue about public land owned by the state of Victoria being handed over to a private developer under a 99-year lease, so you might as well say the developer will own it. The focus of the development is commercial; much of it revolves around licensed venues.

The committee also heard — and I agree — that there is a conflict of interest in terms of the local council being a proponent of the development, also being the responsible planning authority and also being the committee of management of the development. There are obviously conflicting interests. On top of that, third-party appeal rights have been taken away from the community. That is a recipe for the disaster that we have in front of us at the St Kilda triangle site. The committee has recommended, as it should, that the state government reassess its approach to this site and consider a solution involving a much reduced development footprint on this iconic piece of public land. That is important, because several years were spent by the previous Port Phillip council and the citizens of Port Phillip, of whom I was one before I came to this place, preparing a development overlay for that site to make sure that we did not get precisely what we have before us. Appeal rights were taken away. The urban design framework has not been complied with, and that is why we have drawn this to the attention of the house: to urge the government to reassess the situation and its approach to this issue before, as David Davis said, we lose that land, which is much loved not just by the people of Port Phillip but by the people from around Melbourne and the rest of the state, and it is gone forever.

There is a chance for the state government to reassess it. The best thing it could do would be to protect the heritage Palais Theatre and put some resources towards its restoration so that the development as proposed will not completely compromise the architectural and heritage value of the theatre by enveloping it on two sides with a hotel and other parts of the development which are totally inappropriate in terms of an iconic heritage building. Very few of these buildings exist in Australia let alone in Victoria and let alone in Melbourne. In my view this development is going to vandalise that building. I cannot believe the state government, which owns the land and has responsibility for this building, would allow this to

happen. It is obviously a local issue, but it is also a state issue. As I said, it is an issue about what happens to public land. If we are going to set these sorts of precedents where land that is owned by the public and should be used for community purposes together with some integrated, very low-key, relevant commercial operations can be turned over to a huge commercial development worth millions of dollars, then nobody's little piece of public land in their area will be safe from this. That is the problem with this development.

The report also refers the committee to some other important issues that have been brought to our attention. I know the committee intends to report on them in more detail. They go to concerns by the community and the Moreland City Council in particular over the proposed sale of VicRoads public land within the Merri and Edgars Creek parkland, which is well-established parkland, full of established trees. It could be one of the iconic regional parks in Melbourne if it were left alone and not sold off for housing. There is already the Pentridge development and I think the Kodak development to the north, so with all these people moving into the area we should be retaining this public land for the use of those new residents and because they have significant environmental and ecological values.

The Select Committee on Public Land Development went to Geelong and heard evidence about the impact of development on an environmentally sensitive corridor and wetlands around Lake Victoria and Swan Bay and how the oversize developments will impact on these sites, as well as state public land nearby. The committee also heard on that day about an extensive plan to overdevelop the pier area of Portarlington. Of course, David Davis referred to the Camberwell railway station development and the fact that is a very large development which will overshadow and swamp the surrounding buildings and the historic Camberwell railway station.

The committee heard extensive evidence about what has happened in Royal Park and the development of the former Royal Park psychiatric hospital site. Members of the committee would be very aware of that site, which was redeveloped for the Commonwealth Games. The site has some historic scientific laboratories, which the government had indicated and undertaken to retain as public buildings with public access. The buildings would not be used as scientific laboratories but for some other community purpose, but the public would have access to them. They would remain as an historic reminder of the important work that was done in the psychiatric field. However, the committee has learnt that these buildings have been sold off for private

development and apartments, despite the government undertaking otherwise. Once they are gone, they are gone. It is a bit like Stonnington mansion, which was sold off by the university. The government could have done something about that, but did not do anything. Parliament had met in that mansion, but still the government did nothing.

Lastly, I want to raise an issue raised by many local councils that have made submissions and come to hearings of the committee — regarding the transfer of state public land to local government at market value. When the land in question is to be used for community purposes and, in many cases, has been used and will continue to be used for community purposes and is maintained by the community and the local council, the government policy regarding the sale and acquisition of public land requires the least wealthy level of government to pay market value for the land. I ask the question: how does the market value compare with the ongoing community value? The public believes the land is owned by it. I note the committee that audited Melbourne 2030 has also raised the issue with the government. It is an important issue for the Parliament and the people of Victoria to take note of: the transfer of land between different levels of government, but in particular from the more wealthy level of government to the least wealthy level of government, and the expectation that it will pay market rates, which is ridiculous.

I must say that I remain disappointed at the interference of the Attorney-General by inappropriately imposing his own definition of public land and his own interpretation of the terms of reference of the committee. The committee was established by the Legislative Council and it has every right to determine its terms of reference as it wishes. The community that sent 136 submissions to the committee understood public land to be public land — that is, land not privately owned — which is the way the committee has interpreted it, as set out in its terms of reference. The interference of the Attorney-General in imposing his definition, which I add came about six months after the committee had been in operation, is completely inappropriate. It is not up to the executive government to tell a committee of the upper house what its terms of reference should be.

Secretaries of government departments were put in an unenviable and difficult position by the government because many of them might have been prepared to cooperate and supply documents and information that the committee wished to see and should have been able to see — none of the documents were state secrets — which could have assisted the work of the committee.

That interference by the Attorney-General and the government was most unwelcome and most inappropriate.

With those few remarks I urge the house to take note of the report, take it seriously and agree to the small extension of time.

**Mr THORNLEY** (Southern Metropolitan) — I rise as a member of the Select Committee on Public Land Development to speak to the report and to speak concurrently to the motion of David Davis in seeking an extension of time.

This report will be familiar reading for those who have read the first interim report, because portions of this report have been taken verbatim from the first interim report. The committee has had several more months of deliberation and in significant parts is reiterating matters that were contained in the first interim report and which, I dare say, will be repeated again in the final report. We will get to repeat them three times. I do not think repeating something three times will illuminate the public debate but I guess that was not the primary purpose of this committee.

This committee has been desperately trying to uncover scandal and has discovered none. The best committee members could do, which was related to the purported reason for starting the committee, was to mention the phrase ‘former Senator Graham Richardson’ as often as they possibly could — and to keep mentioning it. I have to say that did get one headline, but it is not getting headlines any more, because nothing has changed. The reason nothing has changed is that whatever involvement that gentleman may have had in the process, it was not influential on the outcome; he was lobbying for something that did not happen. That was determined a long time ago — in fact really before this committee started and certainly before the first and second interim reports. No doubt that will continue to be the case by the time the final report is delivered.

I think it is a shame that we have taken that approach. Since joining the committee I have advocated — and I think some members of the committee have shared this view — that there is a range of extremely important issues surrounding public land and that if this committee took a real mandate of exploring those issues and recommending specific and achievable policy changes, it could have a significant and positive effect on policy in this state. However, unfortunately we have not pursued those opportunities, despite their having been raised several times.

That does not mean that the committee's time has been completely wasted. A number of issues have come up, essentially peripheral to the committee's terms of reference. As we have diligently listened to submissions from a range of terrific community activists and helpful local councils and tried to interrogate these issues a number of matters have come up. They really had very little to do with the committee's terms of reference, but since they came up and were important issues we certainly wanted to act on them — and I will reflect on a couple of those now.

The Caulfield racecourse reserve is a good example. This is an issue that has been bubbling away in the community for some time. The purported relevance of that to this committee was proposed developments at the northern end of that site. Whilst this committee reviewed in some depth the material relevant to those, it did not find anything particularly specific that it thought the government should be doing differently in relation to that. However, since we were at the site, we listened attentively to the community activists and the local council and their concerns about a range of related matters to do with the use of the land in the middle of that racecourse reserve.

That land was decreed under a public trust about 150 years ago, so I think it is fair to say it was not a recent alienation of public land! Nevertheless, since we were there and this genuinely important issue was raised, committee members certainly took action on it. We raised the matter with the minister, raised it in this house, have met with several of the members of the board of trustees — and I will be back out there meeting with the racing club and observing the track training and the public use in a couple of weeks. I will also be taking that issue up with the local media and the local council and elsewhere.

I therefore do not want to convey a sense that just because this committee has chosen to waste a huge amount of time and resources and bolster the hopes of community activists and others that it could deliver some solutions and action on the issues of genuine concern to them — while then delivering nothing — we were not nevertheless trying to find useful things we could do. The action we are trying to take and the changes we are seeking from the Melbourne Racing Club to get greater public access to the use of the Caulfield racecourse reserve, particularly the 57 hectares in its centre, are a good example of our attempts to take positive action to attend to those matters.

The second example of that is the matter at Port Campbell. Again, that really was fairly peripheral to the

committee's terms of reference, but it is an important issue. Having had it raised by local activists and technical experts, we certainly took up the issue — again in this house and with the minister. I made a request of the relevant minister and know that the minister and the minister's office will be meeting with those activists and technical experts to ensure that the very important issue of public safety around the possible and continuing erosion of the cliffs at Port Campbell and access to that site is addressed to ensure there are no public safety risks. That is an important issue; I am glad it came to our attention, and we are certainly taking action to address it. However, that being the sort of issue that comes up through this committee — an issue very peripheral to the committee's terms of reference — demonstrates how few issues the committee came up with in relation to public land. In this case we were talking about the possible sale of four car park spaces in a development.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Rail: St Albans level crossing

**Mr FINN** (Western Metropolitan) — My question is directed to the Treasurer. I refer to the abysmal lack of decent public transportation and related infrastructure in the electorate of Kororoit, particularly the St Albans level crossing at Main Road, which is the fourth worst level crossing in the state, according to the level crossing steering committee. Will the Treasurer's government now commit the capital required to properly upgrade the St Albans level crossing after nearly nine years of inaction?

**Mr LENDERS** (Treasurer) — I thank Mr Finn for his new-found interest in these matters. I note for the record, firstly, that matters in the public transport portfolio are answered in this house by my colleague the Minister for Industry and Trade, Mr Theophanous. Nevertheless, in the spirit of responding to Mr Finn's question, I will in general terms reflect, to assist him, on the needs of the western suburbs. If my recollection is correct, in the period 1992–99, the state of Victoria closed railway lines, privatised the railway system, slashed funding to roads and totally abandoned the western suburbs of Melbourne. This was the Kennett government of which Mr Finn was a member. Since 1999 this Labor government has invested in services across the state as no government of Victoria has before, whether they be in safe seats; whether they be in marginal seats, whether it be investment in hospital

services through the west of Melbourne, or whether it be investment in education services.

This government has put 8000 more teachers into schools and has invested in rail infrastructure. We have 1400 more services on the railway system in the life of this government — as opposed to the government Mr Finn was part of, which voted to close railway lines, voted to privatise railway lines and, for good measure, voted to set up a toxic dump in the western suburbs.

**Mr Finn** interjected.

**Mr LENDERS** — I am happy to take questions on Mr Theophanous's behalf on matters of public transport in the western suburbs. What I say to anybody in the Kororoit electorate who is reading this *Hansard* today is to judge us by what we do. What we do on this side is restore services. We say we will do it and we do it. Whether it be the health system, the education system or the public transport system, we deliver! Those on the other side delivered a toxic dump, and that was the lot.

**The PRESIDENT** — Order! I did not want to interrupt the Leader of the Government during the process of his giving his answer to Mr Finn, who interjected with what, while maybe not unparliamentary, was an unsatisfactory interjection that that was an outrageous lie, and by inference that the Leader of the Government is a liar. Mr Finn knows my previous rulings on this matter. I ask him to take that into account and withdraw.

**Mr Finn** — I will withdraw and take it into account later, President.

**The PRESIDENT** — Order! If Mr Finn wants to play games with me, he will find that there is only one person in here who is going to kick goals, and that is me.

*Supplementary question*

**Mr FINN** (Western Metropolitan) — Given that the state Labor government has eliminated level crossings at Narre Warren and at Middleborough Road, both in marginal seats, why has it failed over the last nearly nine years to provide funding to remove the worst level crossing black spot in Melbourne's west?

**Mr LENDERS** (Treasurer) — Mr Finn in a by-election may play games with figures. What I say to Mr Finn is that this government has invested more in the last year alone in level crossing upgrades than the Kennett government, of which he was a member, did in its entire seven and a half years. This government will continue to invest and upgrade infrastructure in the

state. This government has invested in the western suburbs. For the entire life of this government, we have invested, we have cared, and we have not suddenly discovered the western suburbs because there is a by-election. We have delivered year after year after year, and we will continue to do so. Whether there is a by-election or no by-election, we govern for the entire state of Victoria, no matter how Victorians vote, and I happy to have that debate in this house at any time.

**Obesity: diabetes research**

**Mr VINEY** (Eastern Victoria) — My question is to the Minister for Innovation. Could the minister outline to the house how the Brumby Labor government is supporting the return of top expatriate Victorian scientists to the state to bolster our local expertise in science and, in particular, the fight against obesity?

**Mr JENNINGS** (Minister for Innovation) — I thank Mr Viney for the question and the opportunity to talk about the fantastic capability that we have in research and development in Victoria. Not only do we have world-renowned teaching research institutions, such as Melbourne, Monash and other institutions throughout Victoria, we also have great capability in terms of the research capability.

*Honourable members interjecting.*

**Mr JENNINGS** — I cannot quite hear the twinkling from the other side. I cannot quite detect the interjections.

**Mr Guy** interjected.

**The PRESIDENT** — Order! Mr Guy!

**Mr JENNINGS** — There needs to be a better method of intervention so I can respond to it. I would be pretty keen to, but I will not, subject to the Chair's guidance.

The importance of this research capability in Victoria is that we want to not only develop our home-based initiatives and capabilities but we also want Victoria to be seen as a desirable location so that some of our best scientific minds will return to our shores. The government embarked upon a program known as the VESKI scheme, which is the Victorian Endowment for Science, Knowledge and Innovation. The government provided \$10 million for a trust to be established to return scientific expertise to our shores.

Since 2004 we have seen a number of research fellows return to Victoria from international collaborations. Andrew Holmes, Marcus Pandy, Gareth Forde and

Alyssa Barry have been encouraged to bring their expertise, research and scientific endeavour back to Victoria. Last week at Monash University those fellows were joined by the latest incumbent, Professor Michael Cowley, who for the last decade has been undertaking important work on diabetes and obesity at the Oregon Health Sciences University in the US. His work has been so successful that he has developed a number of not only world-leading scientific papers, which is something in its own right, but beyond that, dealing with the world of therapeutics, he has established his own therapeutics company as a spin-off from his work. He has established Orexigen Therapeutics, which provides therapeutic and clinical support for people with obesity and diabetes to deal with their conditions.

The importance of this work should not be underestimated because there are about 1.5 million Australians who have type 2 diabetes at this time. It is a prevalent illness and condition that requires not only a high degree of medical support and intervention but bedevils the quality of life for many citizens. Approximately 6 children out of every 1000 in the Australian community are diagnosed with type 1 diabetes. The importance of this work to their quality of life should not be underestimated, nor what it might mean for the health care system in general.

Professor Cowley's work has established a connection between neurons in the brain and the activity and generation of glucose in the liver and the subsequent transmission of glucose to other tissues in the human body. Once the system of critical neurons breaks down — and there are only a few in terms of the number of neurons in the brain — if they are not functioning — —

**Hon. J. M. Madden** interjected.

**Mr JENNINGS** — I appreciate that there should be no interjection here so I will not piggyback off that, Mr Madden.

If those neurons break down the management of the glucose cycle in the brain ceases, and there is a high correlation between the breakdown of the capability of those neurons and obesity. It becomes a vicious cycle in that obesity leads to increasing problems in managing diabetes, and so the cycle is repeated.

Professor Cowley's work will enable us to start developing clinical practice and therapeutic interventions to deal with this condition. This will be world-leading research. It is taking place in Victoria thanks to VESKI bringing Professor Cowley back to Victoria to work out of the Monash faculty of health

and medicine. This work, which could have been undertaken in any part of the globe but will now be taking place in Victoria, is consistent with the drive of our government to support innovation and research capability taking place here. This will be leading work on diabetes and obesity for those affected around the globe.

### **Port Phillip Bay: monitoring project**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change and relates to the recently released research on mercury levels in dolphins by Dr Ross Thompson from the school of biological sciences at Monash University. His research on 20 live dolphins and 8 dolphins that died after becoming stranded found mercury levels averaged 3.45 milligrams per kilogram of tissue, compared to 1.32 milligrams per kilogram in living dolphins. He said it was critical that further studies were done throughout the bay dredging process to ensure that any further decline in dolphin health could be identified and managed if mercury and sediment from historic goldmining is released. My question is: will the minister be carrying out that research?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for the question and the opportunity to talk about this piece of research. As he well knows, the research he relies on involves evidence that was taken and established before the channel deepening process commenced, so in a sense it creates a benchmark going forward. Any construction of the research that tries to imply the consequences of channel deepening I know Mr Barber is resisting, and I would encourage other people in the community to resist as well.

Monitoring the level of mercury or other contamination that may occur in species that live in the bay is something we are particularly mindful of. There is a range of monitoring activities already commissioned in the environment management plan under the responsibilities of the environmental monitor in relation to this issue. I am very happy to talk with the environmental monitor about the way in which we can account for measurement going forward to make sure that what may in effect become the benchmark study in relation to this may be followed through in terms of our ongoing monitoring of the viability of all the species that continue to exist, and hopefully to flourish, within the bay.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — It would be excellent if that research was carried out. From the point of view of both the benchmark and any future effects I note that the Flora and Fauna Guarantee Act currently lists as threatening processes the release of toxic substances into rivers and streams, the release of petroleum into marine and estuarine waters and the release of human-generated debris — plastic bags — into marine and estuarine waters. Will the minister call forth advice from his department as to whether mercury contamination in the bay should also be listed as a potentially threatening process under the FFG act?

**Mrs Peulich** — That would be a very brave and sensible thing to do.

**Mr JENNINGS** (Minister for Environment and Climate Change) — President, Mr Barber knows how the mechanisms work under the Flora and Fauna Guarantee act, so the question is nowhere near as daunting as Mrs Peulich thought it was — nowhere near as daunting for me to respond to, because it does not necessarily require me to instigate such a thing.

**Mr Barber** — No, but you could.

**Mr JENNINGS** — I could. It does not necessarily demand that I do, because these can be generated from a whole variety of interests within the Victorian community, which may include me.

**Mr Barber** — The Greens could.

**Mr JENNINGS** — Or may include you. From our vantage point I think we should be mindful of the way in which this issue should be considered. As Mr Barber well and truly understands, the existence of threatening processes — including the ones he has described and potentially the one he is wanting us to consider — is subject in some shape or form to an environment management plan to deal with the consequences of those threatening processes to mitigate the adverse impact. The nature of the construction of the Flora and Fauna Guarantee Act is consistent with the framework that has been applied in terms of environment management plans. These are not inconsistent frameworks. They may be augmented in the way that Mr Barber is suggesting, and that is something I am happy to take advice on, reflect on and consider, but in terms of being daunted by the prospect, I am not daunted at all.

**Solar energy: Coburg solar city**

**Mr SCHEFFER** (Eastern Victoria) — My question is also for the Minister for Environment and Climate Change. Could the minister inform the house of how the Brumby government is assisting local communities to become solar cities?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Scheffer for the question. I am not saying I am disappointed that we did not feature in the story that appeared in the press giving credit to the commonwealth government for supporting Coburg as a solar city; that is not the case at all. I congratulate the commonwealth government on its \$4.9 million investment. I am very pleased that it, the City of Moreland and the people involved in the partnership to create that project got credit for that program, which has a whole range of environmental values. They all deserve credit.

I remind the house, in case there is concern in this chamber about whether the Victorian government supports the project, that we have done so in a variety of ways. Through the auspices of the Brumby government we have provided \$1 million of financial support directly or in kind. We are very keen to support the solar cities initiative, and Coburg has recently become one of six around this nation. What the project does is try to drill down to the level of providing support to households to undertake audits about their own energy efficiency and the way in which those households could be reconfigured to try to make sure they are efficient, and install solar panels in those households. It also looks at the way in which businesses interact in the local community. Five hundred businesses in the Coburg area will be involved in a similar exercise to the households, looking at ways they can reconfigure their commercial enterprises and facilities to try to be more environmentally friendly. The project also provides opportunities for community organisations. About 50 community organisations will be involved.

The great body of work in Coburg will provide some sort of environmental foundation for the redevelopment of the Coburg city centre. We will see significant investment going forward in that municipality in the years to come. It is very important for us to try as much as possible to find ways to embed sustainable principles within the planning and development process for cities such as Coburg. There is a great repository of knowledge going back decades in the City of Moreland in relation to efficient energy use and sustainable development issues. Our government is very pleased to support that effort. We have done so, as I indicated to

the chamber, with the best part of \$1 million to provide support through the auspices of Sustainability Victoria and the Smart Energy Zones scheme. We are making sure that we are well and truly fellow travellers and partners in that project, even though that may not have been evident at first blush today.

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

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Treasurer. I refer again to the abysmal lack of transportation and infrastructure in the electorate of Kororoit. Will the government now match the coalition's \$70 million commitment to fix the level crossing at St Albans?

**An honourable member** — Kororoit!

**Mr LENDERS** (Treasurer) — One of the consistent things about the Messrs Davis who lead the Liberal Party when they talk of the western suburbs is that they do not get the names of the suburbs correct. Philip Davis talked of 'Reservwah', and David Davis thinks he is out near Warnambool. It is to the west of Camberwell and Kew, I concede, and you do have to drive down to places like Caroline Springs, St Albans and Deer Park. You have to do some of those things to get out to the western suburbs, but you do not have to go all the way to Warnambool, so let us get something right from the start. If they are sincere about the western suburbs of Melbourne, they should at least get their names right. Perhaps the voters of the western suburbs would pay a little bit more attention, a little bit more respect, a little bit more heed, to their crocodile tears if they actually got the names right.

On the issue of transport in the western suburbs of Melbourne, for the record, over the last two budgets it is worth letting David Davis know, because he is not sure where the western suburbs are, of a few things that have happened. Firstly, there are seven new bus routes and 14 extended bus services throughout the western suburbs. There is an investment of more than \$460 million in road improvements through the western suburbs. For David Davis's benefit, that includes the Kings Road duplication in Sydenham in the western suburbs of Melbourne — not Sydney, Sydenham. It also includes the Boundary Road duplication in Laverton North — not Lavers Hill, further west, but Laverton North. There is the Derrimut Road duplication at Hoppers Crossing, the Palmers Road extension at Point Cook, the Mickleham Road duplication at Greenvale, the Taylors Road grade separation at Sydenham, in the western suburbs — not Sydney — and there is the Fitzgerald Road duplication at Laverton North.

Works have also commenced on the Deer Park bypass. If he goes out to Kororoit, he might find Deer Park. There is also the Fitzgerald Road duplication, which I mentioned, and extra train services on the Sydenham line in the western suburbs — not Sydney, Sydenham.

What we have in these particular areas are actually investments in transport that David Davis asked for. But in addition to that, the largest single use of transport out of the western suburbs is actually over the M1, and this government is spending \$1.4 billion on duplicating, working on the M1 and getting greater capacity.

And, President, the steak knives, or the last bit, is that this government, the first government in the history of this state with a sincere interest in the west, has actually got Sir Rod Eddington to do an east-west transport needs study, on which we are now engaging the community of the west.

Let me just explain, for David Davis's benefit: we engaged this a year or more ago. We do not suddenly have an interest in transport in the west because there is a by-election in Kororoit; we actually had an interest because we realised this was an important part of Melbourne that had been neglected through the 1990s by the Kennett government.

This government will continue to govern for the entire state. It is not just roads in the west. In education, we have invested in schools. Again, if David Davis went to the Kororoit electorate, to Caroline Springs, he would actually find a massive government investment in new schools in the Kororoit electorate. Mr Davis would also find a massive investment in health services. I do not recall David Davis in his budget speech, or any member opposite in their budget speech, praising the government for the extensions to the Sunshine Hospital. In fact this government has boosted funding to or investment in Western Health by 94 per cent.

We have also extended extraordinary community safety. Of course the former member for Kororoit, in his time as police minister in the other place, led the way on investing in police services. Rather than slash police services by 10 per cent as the previous government did, we have actually put 1400 more police on the beat. It is no coincidence that crime has dropped by 23.5 per cent in the state of Victoria because of this government's investment in community safety.

We will continue to invest in the whole of Victoria, no matter where a person lives. We are not interested in a person's postcode, we are not interested in the status of an electorate, we will deliver for the whole state as we have for the last eight and a half years. I thank David

Davis for his question, I welcome his supplementary question, and I hope that in his supplementary question he has the courtesy to at least pronounce the suburbs of the west by their correct terminology.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — That was pathetic, Treasurer. Of course, this is not the only area where the government has failed to provide proper public transport to the people of the western suburbs. Will the Treasurer's government now follow the coalition and find the funds to build a new railway station in Caroline Springs, a station that is now badly overdue in one of the biggest growth areas of the state?

**Mr LENDERS** (Treasurer) — The cruellest hoax ever played in politics is when an opposition that knows it cannot do a single thing about funding because it does not actually bring an appropriation message into the Legislative Assembly to do it, knows absolutely and cynically it cannot do a single thing about it, makes promises as this opposition has across the state.

What I say to the people of Kororoit is: opposition members have made \$10 billion worth of promises in the last election across the state to the people of Victoria. They have no capacity to deliver, and they know they do not. In a budget of \$37 billion with an \$800 million surplus, it is interesting to promise \$10 billion in resources. The promise is insincere, the promise is something opposition members have no intention of delivering. What they are saying is hypothetical.

**Mr D. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis!

**Mr LENDERS** — They have never delivered in the western suburbs. I repeat my response to Mr Finn: judge us not by what we say, but by what we do. We have delivered in education, we have delivered in health, we have delivered in community safety and we have delivered in transport, including 1400 more services on our public transport system. Judge us by what we do. What the opposition did was flog off the railway system, slash services, close schools, sack police, sack nurses, sack teachers — that is what it did. What it says is not important; what it did is what matters.

I say to David Davis: judge us by what we do, not by what we say, and we will judge you by what you do, not by what you say.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I have been quite lenient today, particularly with the Leader of the Opposition, about the constant interjections, particularly from Mrs Peulich and Mr Finn. Their incessant interjections are now at the maximum. Those members have reached the limit. Any more, there is the door.

**Planning: Northbank development**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Planning. Melbourne is proud of its reputation as one of the most livable cities in the world in which to live, work and raise a family. In light of the recent 2008 state budget, can the minister advise the house of the benefits that the Northbank promenade project will bring to the livability of Melbourne over the next financial year and beyond?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's question and his interest in this matter. We have one of the great cities of the world. There is no doubt about it. That is what is drawing people into Victoria, into Melbourne, at the highest population growth rate we have seen in 35 years. We have to make sure that Melbourne remains, and maintains the mantle of, one of the world's most livable cities.

**Mrs Coote** — Oh, it's not; Sydney is better than us!

**Hon. J. M. MADDEN** — I take up the interjection of the member opposite. No doubt the member opposite is a bit confused about the city's ranking based on today's media coverage, but the difference that the member opposite does not appreciate is that — —

**Mrs Coote** — Sydney is better than us, Auckland is better than us, Wellington is better than us!

**Hon. J. M. MADDEN** — The survey that was taken — that the member yells about — might be specifically relevant to her — —

**Mrs Coote** interjected.

**The PRESIDENT** — Order! Mrs Coote!

**Hon. J. M. MADDEN** — But it is not relevant to others because what the ranking reported on today was about quality of living, not necessarily quality of life. Quality of living is an index used — —

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I suggest to Mr Guy that he go to the website and check this out. This is the website — —

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I suggest that the opposition's answer to Bart Simpson should just listen for a moment. We have to make sure that we continue to build on the quality of life that is offered here in Melbourne, and we will do that by continued investment. We are doing that in terms of investment in all sorts of services, not only in health, education and those sorts of services but also in physical infrastructure and, in particular, building on the natural attractors that we have.

The Yarra River and the precincts around the Yarra River are particularly important. We have some of the world's best sports facilities and the world's best arts facilities, and we need to continue to invest in that. We have seen the growth around Southbank, but we also need to invest comparably in Northbank so that we link up parts of the city that will draw more people into the city, more tourists, and also build on the economic prosperity that we are seeing. As part of that, the 2008 budget committed \$15.1 million over the next four years — a generous amount — for promenade works basically linking those key facilities on the north bank of the Yarra. That will mean this promenade area will link the Yarra River all the way up to Spencer Street and through to Docklands. It will also build on the fact that we are seeing developments around the World Trade Centre, particularly the new ANZ offices, and this will see enormous numbers of additional commuters being able to access both sides of the Yarra by cycling and walking, but it will also be a key attractor to bring people into the city and celebrate what is great about the central city of Melbourne.

These are significant investments needed to continue to make the urban realm and the built form not only particularly attractive and enjoyable to attract people to the lifestyle that Melbourne offers, but also to ensure that it is a shared asset for all people across Victoria. When they come to those great facilities like the arts facilities, the sports facilities, the convention facilities, the exhibition facilities or whatever they might be, they will also have the opportunity to experience Melbourne in an even better way, given this investment that will continue to make sure that we make Melbourne and Victoria the best places to live, work and raise a family.

### **Stamp duty: rates**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer. Will the Treasurer confirm that a person buying a home in Caroline Springs for the median price of \$307 000 is liable for stamp duty of \$11 745?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his question, and in particular he asks about stamp duty. If this government had not reduced the stamp duty rates that the Liberal Party left us when we were elected to government, every single homeowner in Caroline Springs or any other part of the Kororoit electorate would be paying higher stamp duty than they do now. What I say to Mr Rich-Phillips is that the residents of the western suburbs, out of all Victoria, are paying less in stamp duty now than they would have if this government had not reduced the rates and increased the thresholds that it inherited from the Liberal Party, which, incidentally, Mr Finn voted for. He was one who voted to increase land tax from 3 to 5 per cent, the maximum rate, which affects every house in new developments — and Caroline Springs, for the benefit of David Davis, who clearly has not been out west, is a new housing area.

What I say to Mr Rich-Phillips is that all Australians pay stamp duty on homes, but what happens is that a first home buyer in Victoria and a first home buyer in Caroline Springs will be getting a \$12 000 rebate from the state government on a new home — a \$12 000 offset. A new first home buyer in Caroline Springs who is buying off the plan, as many of them are, will pay stamp duty on the land but not on the construction costs of the home, which is something that would not happen in any other part of the state.

But the main point I make to Mr Rich-Phillips, whose memory seems to be a bit selective on this, is that if this government had not reduced the stamp duty rates it inherited from the Kennett government — and again, judge us by what we do, and I say that to Mr Rich-Phillips through you, President — its legacy would have been higher stamp duty rates. What I say to Mr Rich-Phillips is that if he wants the people of Caroline Springs to have what the Liberal Party gives, they will have higher stamp duty, which they got from the Kennett government. They will also pay higher payroll tax and land tax; they will have their railways privatised, their hospitals closed, their schools closed and their police dismissed, and they will be totally abandoned.

This government governs for the whole state. What we want to see is every part of the state, whether it be Kororoit or any other part of the state, as a good place for people to live, work and raise a family. Our policies are dealing with the whole state, regardless of a person's postcode.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Given the Treasurer's comparison of taxes across different state jurisdictions, is the Treasurer aware of any Australian state where the base stamp duty payable on a \$307 000 house is higher than in Victoria?

**Mr LENDERS** (Treasurer) — Mr Rich-Phillips's colleague Mr Finn has called for more expenditure in Kororoit. His leader, whom he so devotedly follows, has called for more expenditure in Kororoit. Mr Rich-Phillips is now calling for less revenue. I am disappointed in Mr Rich-Phillips because he knows better than this. Either he supports his shadow Treasurer, who does not want us to borrow for investing in infrastructure, his colleague Mr Finn, who wants us to spend more, and his colleague David Davis, who wants us to spend more, or he stands by his own words, which are that we should cut revenue. It just goes to show that the opposition stands for nothing, is all things to all people, is desperate in Kororoit and will never set sight on the place again after 28 June.

**Planning: regional and rural Victoria**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Planning. Can the minister please inform the house as to how the Brumby Labor government plans to address the strategic land use planning challenges in regional Victoria to make these communities more livable?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Ms Broad's interest in this matter. I know that her electorate covers a wide area across regional Victoria, so she will have a specific interest in my answer to her question today. One of the many great things we are seeing under this government is the enormous growth in regional Victoria. Between 2001 and 2006 regional Victoria's population grew by 51 000, and that stands in stark contrast to the years before that when people were leaving regional Victoria in droves. Let us just put that stark contrast on the record. But of course the great fact about that growth is that it presents new challenges.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — One of the great challenges is managing the growth but also maintaining the livability, and making sure that the regions, Mr Drum, continue to be prosperous, livable and sustainable, particularly those centres in regional Victoria. That is why we have invested in initiatives

such as the rural land use program or the corridor strategies.

I had the great fortune recently of announcing, with the Premier and my colleague the Minister for Regional and Rural Development in the other place, \$68 million for the Moving Forward plan across regional Victoria. Just under \$16 million of that will be allocated to planning initiatives to support local government in those rural communities where, because of the growth, rural councils are under pressure to accelerate the development of statutory and strategic planning needed for major regional growth centres right across regional Victoria. Local councils need this support, particularly when we see challenges not only with growth but also with changing land use patterns, the influx of sea and tree changers into many of these areas, and global trends like climate change and other trends emerging, particularly around economic development. We have to make sure that we continue to invest in that prosperity and growth, and that we support local councils to accelerate the work that they need to do.

We will see 15 additional planners appointed to those regions to support local councils. We will also see greater coordination of their activities across the state, overseen by a newly established regional and rural growth ministerial task force. That will be complemented by a number of ministers ensuring that the strategic investment announced around the *Moving Forward* statement will be invested in, overseen and coordinated in a manner by which we will see improved prosperity, improved investment and improved coordination in relationships with local government. In stark contrast to what we saw in those years before we came into government, we will make sure that provincial and regional Victoria continue to grow and be the best places to invest, live, work and raise a family.

**Australian Synchrotron: operations**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Innovation. Can the minister advise the house of the names of all paying users of the current operating beam lines of the synchrotron since it became operational in 2007?

**Mr JENNINGS** (Minister for Innovation) — I think the simple answer to the member's question is: it is the board in Coburg that operates the Australian Synchrotron. I am trying to rack my brain thinking about what could be the intrigue that underpins this question because I think the answer is relatively simple.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — If the minister cannot provide the information I requested, can the minister therefore tell the house if Victorian taxpayers are paying \$20 million a year to cover the ongoing operational costs of the synchrotron?

**Mr JENNINGS** (Minister for Innovation) — Mr Dalla-Riva was awake when that question was asked at the Public Accounts and Estimates Committee (PAEC) hearing at which I answered the question. In fact, I volunteered the information to him and his colleague Mr Wells, the member for Scoresby in the other place. I indicated that a trust fund has been established where contributions from the commonwealth government and the Victorian government are contributing to the ongoing expenses of the synchrotron. So from that answer I gave to PAEC I can actually say that the answer is yes.

**Building industry: warranty insurance**

**Mr HALL** (Eastern Victoria) — This afternoon my question without notice is directed to the Treasurer. It regards builders warranty insurance. Given the widespread dissatisfaction ranging from the Productivity Commission right through to consumers, does the Victorian government now concede that builders warranty insurance is 'junk insurance', as described by Labor Senator Gavin Marshall, and is it prepared to abolish the compulsory nature of this insurance?

**Mr LENDERS** (Treasurer) — Builders warranty insurance is an issue which is partly the responsibility of my colleague Mr Madden, as minister responsible for the Building Commission, and partly the responsibility of my colleague Mr Robinson in the other place, as minister responsible for Consumer Affairs Victoria. In a sense, traditionally the minister for finance has had a coordinating role, so I will endeavour to answer the question in general terms as representing the minister for finance, for the benefit of Mr Hall.

There is a premise in the question Mr Hall raised. The question was: is business warranty insurance effective or not? I say to Mr Hall that for any consumer who has actually purchased a home and had a builder who has gone bankrupt, died or fled the state, there is an insurance product for that consumer. Does it have any effect for those people in those categories? Unequivocally! If all the governments across the country had not intervened to preserve the product some years ago, there would be many consumers who

would have no remedy whatsoever where a builder died, went bankrupt or fled the country if it were not for that insurance product.

The second point that Mr Hall is clearly alluding to is the question: can that product be improved? Clearly we are aware that the state of Tasmania and the state of Queensland have different views on this product from those of the other six states and territories in the country. That is an issue that is more appropriately one for the future of that product, including its future direction. It is a question that he should ask of my colleague Mr Madden in this place, either in his capacity as Minister for Planning or in his capacity as representing the Minister for Consumer Affairs.

But I can say to Mr Hall that this has been an area that has vexed governments since February 2002, when one of the two providers of builders warranty insurance evacuated the system altogether as a part of the fallout of the HIH Insurance collapse. The other provider at the time, Royal and Sun Alliance Insurance, tried to keep a system going when there was nothing else for consumers in those particular areas.

I look forward to Mr Hall's supplementary. I will seek to answer it, but I say to him that the more appropriate person to ask this question of is actually the Minister for Planning rather than myself.

*Supplementary question*

**Mr HALL** (Eastern Victoria) — I note that, because of the issue of housing affordability, the Treasurer has answered questions in relation to that in this chamber, so I ask: does the Treasurer, having spoken frequently about housing affordability, now concede that compulsory builders warranty insurance impacts on housing affordability and, if so, why will his government not address this aspect of housing affordability?

**Mr LENDERS** (Treasurer) — To take Mr Hall's supplementary question to its logical conclusion, taking out insurance on housing, whether a house burns down or not, and requiring a vendor to insure a house until settlement also impacts on the cost of housing affordability. These are very complex matters.

I know that Phil Dwyer has been in Mr Hall's ear and Mr Dwyer does not see things as particularly complex; he sees them as fairly simplistic. Builders warranty insurance has been specifically designed to deal with a consumer who deals with a builder who has died, gone bankrupt or fled the country. It is a product designed to deal with those particular areas: does it adequately cover those issues for consumers?

The issues Mr Hall raised are legitimate: can the product be further improved and is the community getting better value for this product? This state has reviewed these issues. In New South Wales a Legislative Council committee reviewed these matters — and, I might say, came to no different conclusions from those of the New South Wales and Victorian governments. Also the Senate is having an inquiry into these matters. I wish all these inquiries well, because if they can find a more effective way of dealing with protecting consumers in a very complex regulatory environment involving builders, consumers and homebuyers, all power to them. This government will clearly look at any of these outcomes, if there is a better way.

But since February 2002 every government in Australia has tried to come to terms with the complex issue of builders warranty insurance. This government, along with five of six other governments, has gone down a similar path, in collaboration with the Housing Industry Association, the insurance industry and the Master Builders Association. All major building bodies, insurance bodies and consumer bodies have tried to find a simple solution to a complex problem. I welcome the Senate inquiry. This government would welcome advice from the Senate inquiry if it finds a better way of doing it than all other governments have. We will always have our eyes open and look at it. I say to Mr Hall that we will continue to look at this, but if he has further questions, they are more appropriately directed to the Minister for Planning.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 960, 1262–65, 2207, 2673, 2882, 2922.

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

### Reporting date and second interim report

#### Debate resumed.

**Mr THORNLEY** (Southern Metropolitan) — Thank you, President: I will resume the discussion. I think before question time we were discussing the matters at Port Campbell and I was making the point that whilst there is a very important issue of public safety surrounding the geological stability of the cliff

face there, that very important public safety issue was at best peripherally related to the inquiry into the sale of public lands throughout the state of Victoria, connected by the bare thread of four car park spaces that potentially might be for sale. That was the second example of important issues that we discovered in the course of the committee, but which really were not illuminating any major policy issues around the important topic of the sale of public lands.

The final matter referred to in the second interim report is that of the St Kilda triangle. I think this is a good example of the committee's vastly inflated sense of its own importance. That is not to say the issue is not important, quite the contrary: this is a very important issue. It has been one of wide community concern in that area, one of deep debate and one that has engaged the local council in a set of difficult decisions and vigorous community activity surrounding it. It is an issue that obviously the other members from Southern Metropolitan Region and I were well aware of and engaged with, as of course were the members of the Legislative Assembly representing the area, particularly my colleague the honourable member for Albert Park.

But what I am not sure of is whether or not the committee has added any value to that debate at all. We had the opportunity. I know I had met with almost all of the witnesses who gave testimony at that hearing some time prior to the hearing, obviously as one would. I am not sure that all the members from the Southern Metropolitan Region did, but I know I did, and I am sure Ms Pennicuik did — as any member would — to try to understand the issues and try to help broker an effective resolution to the conflicts about how that development was being approached. But this committee added absolutely no value to that process at all.

We were brought in months after the issue had blown up. It had received extensive media coverage. Whilst the committee rode in on its white horse, grandstanding about the issue and trying to be all things to all people, it did not actually do anything of substance other than provide a forum where people could put forward views which they had already very effectively been putting forward through a range of other forums. I note that, some months now after those hearings, the committee is not making any recommendations about how that issue may be resolved or about what might be a better way to approach it. I think that is indicative of the work of the committee as a whole, which is why I will be opposing the extension of time for debate.

It is disappointing to me, as somebody who joined the committee shortly prior to the presentation of the previous interim report in December of last year, to

read the interim report of June this year, some six months later, and to see that two of the four issues which are highlighted were the same issues that were referred to in the interim report of six months prior. The third issue that receives attention is the Caulfield racecourse reserve. As I said, whilst it raised some very important issues, they were issues that were really peripheral to the terms of reference of this committee and issues which we have taken up subsequently in other forums, where they are more appropriately and usefully dealt with.

Finally, the report deals with the St Kilda triangle issue, which I think certainly does fall within the terms of reference of this committee, but to which we added no value, and some months later we have contributed nothing by way of solution or public policy recommendation.

I can only conclude that the reason that we are so behind time is that this fishing expedition that was launched many months ago now has failed to achieve its purpose. The purpose that was set forward by the mover of the motion that established this committee was to try to find some scandal, some challenge, some issue on which this government could be found to have acted improperly. But of course no such issue has arisen. Despite prolonging the time of the committee by a number of months, still no issue has arisen. In fact, we are back reheating the old issues which were there eight or nine months ago; they received little attention then and are receiving even less attention now.

I do not think the committee has merited an extension of time. We should have been wrapping this up months ago. We have extended it for too long. Of course we will have to have an extension of time because we have not given the staff an opportunity to prepare the final report, and I certainly would not want to give them an unfair request. But I think it is disappointing that after six months we have achieved so little from the previous interim report.

**Sitting suspended 12.55 p.m. until 2.03 p.m.**

**Mr KAVANAGH** (Western Victoria) — Having spoken about the work of the Select Committee on Public Land Development on the tabling of its first interim report, I do not intend to speak at length on today's tabling of the committee's second interim report. There are two points, however, that seem to me to deserve emphasis and are therefore worth repeating. The first is that the government has maintained its hostility and obstruction to the committee's work. This can be seen rather clearly from the speech given earlier today by Mr Thornley and by the extravagant attacks

on the committee by its deputy chairman, Mr Tee, when the first interim report was tabled. One expects possibly to hear similar remarks from Mr Tee a little later today.

The extraordinary attacks included a greatly exaggerated claim of hundreds of thousands of dollars being spent on the committee. There has been some spending, no doubt, on the committee's work, including photocopying, postage and so on, and there have been two assistants employed for a total of a few months, not throughout the entire length of the committee's work. I do not believe that the amount of money spent on the committee amounts to anywhere near \$100 000, let alone the hundreds of thousands of dollars that has been alleged by the government members of the committee.

This hostility and obstruction falls into a pattern that is familiar to members and observers of the gaming committee also. The government has continued to do its best to prevent the committee doing its work. This house specifically authorised the land committee to investigate the alienation of public land. The government relies on an obscure administrative order to continue to insist that public land means land that cannot be alienated. The government's logically untenable position has, as obviously intended, limited the investigations of the committee.

Our adversarial parliamentary system is built on the assumption that competition enhances performance or, to put it another way, that scrutiny is conducive to good government and indeed is good for the government ultimately. The people of Victoria should be concerned that the government has continued to express determination to avoid scrutiny.

The second point I would like to emphasise is that the way that the government deals with land is a matter of keen interest to a very large number of people. Dealings with public land is the point at which community interest intersects with government policy for many people. The committee has heard from large numbers of passionate, interested people. It is important that governments develop and implement the best policies possible on the uses and sale or other alienation of public land. The committee's work could assist the government to fulfil this obligation.

**Mr TEE** (Eastern Metropolitan) — The second interim report reflects a committee that has failed to grasp the opportunities that have been provided to help the Victorian community. We have in this report what amounts to an attempt to justify an extension of time so that the committee can continue to do its work. When you have a look at those justifications and at how they

have been broken up you find that the justification is very much wanting. The report is structured in such a way that it starts by considering the issue in relation to the terms of reference. The committee has become very much bogged down in this dispute, and there is no light at the end of the tunnel in relation to the dispute about the terms of reference.

What we find in relation to the terms of reference is that the committee has acted very much in a petty political way. The members of that committee have refused to accept that they are answerable to the terms of reference that have been set by the Legislative Council. Instead of assuming and accepting that it is the Legislative Council from which they derive the powers, committee members seem to have adopted the terms of reference as a starting point from which to roam at large in terms of the types of matters that they want to consider.

On the one hand you have the committee that barely acts with regard to the terms of reference, and on the other hand you have the government, which has a clear definition based on the bipartisan practice that has been in place since 1988 and whose witnesses have behaved in a way which is consistent with those terms of reference. The committee's response to the government's approach is to say that the government is being obstructionist. The issue that emerges, though, is the failure of the committee and this interim report to suggest any way forward to remove this impasse. If members look at the interim report, they will see that the committee has refused time and again to resolve this impasse: members of the committee had another opportunity to resolve the impasse on the terms of reference, but again they failed. This has been a waste of the time and resources not only of the committee but of the community and the witnesses of the government who have given their evidence. We know that coming back to this chamber to amend and clarify the terms of reference would make a difference. We have clear, publicly available testimony that government witnesses who are currently constrained by the terms of reference would be in a position to respond to all matters if the terms of reference were widened, but the committee has steadfastly refused to do so.

This failure to address the impasse between the government and the committee will not be resolved by anything that occurs today. This impasse and this waste of time and resources will continue. The claims that more time is needed because of the delays that have been caused by this impasse do not add up, because, as I said, there has been a vehicle for removing or resolving that impasse. It is abundantly clear that the committee is not serious about moving forward. If it

were, it would have amended the terms of reference. The committee does not accept this chamber as the ultimate authority on its terms of reference; it does not accept that it is bound by the terms of reference prescribed by this chamber. As I said, the impasse on the terms of reference does not justify an extension of time. An extension of time will not resolve that impasse.

There is a problem in the way the committee has operated, and there is a more fundamental reason why an extension should not be granted. This committee has failed the community. Victoria is booming: last year we saw the highest birth rate since the 1970s, and people are moving to Victoria in droves. Melbourne is growing by 1200 new residents every week. This growth is a huge challenge and an opportunity for the Victorian community. This growth is from the investment and policies that this government has put in place. The community and indeed the government are looking at how best to accommodate these new Victorians in an environmentally and economically sustainable way. The public land use issues that this committee should have grappled with, such as Melbourne 2030 and the green wedges, are critical to this debate about accommodating growth in Melbourne. They are also central to the terms of reference. Yet the committee's second interim report, like the first, is stunningly silent on how to manage growth. In the context of a booming population the report offers no recommendations or insights into Melbourne 2030, public land or green wedges.

The committee has not used the opportunity that has been offered over the last 12 or so months to bring together the views of government, the community and experts on accommodating that growth. Instead, the second interim report traverses the same ground. In fact it often just plagiarises, covering the same ground as was covered by the first interim report. There is nothing new in the second interim report, and there will be nothing new in the final report. The matters that have been canvassed in the first interim report have been repeated in the second interim report, and they will be repeated in the third interim report. We know this because the second interim report states that no new evidence will be taken after 30 June 2008. We have already seen in the first and second reports what will be in the final report: it will simply repeat the same material.

What members have been asked to accept today is an opportunity for the committee to gain an extension of time to traverse the same issues in its final report. No progress has been made until now, and no progress will be made in three months. My view is that the resources

dedicated to this committee should be reallocated to work that will help the people of Victoria to manage growth.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr O'Donohue.

**Mrs Peulich** — This will be a far more illuminating contribution.

**Mr O'DONOHUE** (Eastern Victoria) — Let us hope so, Mrs Peulich. Thank you. I am pleased to rise and also make a contribution on the second interim report of the Legislative Council's Select Committee on Public Land Development and the motion to extend the date for the tabling of the final report until September.

Being a member of the Select Committee on Public Land Development has been a great learning experience for me. Receiving submissions from such a vast array of different community groups and experts in the area of public land, the alienation of public land, the green wedges and 2030, has been most interesting. The cumulative effect of the submissions we have received and the evidence we have heard demonstrates to me there are a number of significant issues associated with Victoria's public land, how the land is managed, how the process comes about where that land is either alienated or sold, and the great challenges facing Melbourne as a result of the 2030 policy and the need to protect and enhance our green wedges.

The committee has been ably assisted by Richard Willis and Anthony Walsh in particular. I know they have an enormous workload with other committees. Their help and assistance has been greatly appreciated as we have not only collected evidence, but travelled throughout metropolitan Melbourne and country Victoria hearing about the different issues relating to public land. The report identifies a number of those sites and some of the issues associated with those sites, as David Davis and Ms Pennicuik among others have alluded to, such as the Kew Residential Services development, the Camberwell railway station development, the St Kilda triangle development and many others.

As Mr Tee and others have said, the great challenge for the committee has been to work in an environment where there has been a conflict about the terms of reference. Government members would have you believe that the committee has been conducting a political witch-hunt, seeking to score political points against the government. It is disappointing that the Attorney-General in particular, and the government more generally, have taken such a belligerent attitude to the work of the committee. As Mr Kavanagh said, by

defining public land through an obscure 1988 administrative ordinance that, in effect, defines public land as being unable to be alienated, has guaranteed that it does not have to be accountable to the committee.

It is not just a simple matter of the Council clarifying its reference in response to the Attorney-General. We are members of the Parliament and the executive is accountable to the Parliament. The Parliament is not accountable to the executive. That is a fundamental issue with the select committee and a fundamental issue in the operation of the gaming inquiry. It is not up to the Council or a committee of the Council to respond to the whims of the executive.

The government members of this committee, Mr Thornley and Mr Tee, may be willing to roll over and do the bidding of the Attorney-General, but I for one am not. It is outrageous the way the Attorney-General has dictated to government bureaucrats and employees, ministers and other government staff who have presented material to the committee and who have given evidence to the committee. Their evidence has been truncated and limited to this ridiculously narrow definition — a definition that no-one had heard of before and no-one understood before the Attorney-General presented it to the committee. I reject wholeheartedly the notion that we must respond to the Attorney-General. We are the Parliament and the executive is accountable to the Parliament. That has been a major stumbling block to the work of this committee.

Having said that, the community attitude to public land and the community's understanding of what public land is has been most illustrative and flies in the face of the definition proffered by the government. The committee has taken the dictionary definition of public land and has submitted accordingly. We have received an enormous number of submissions and, as I said earlier, those submissions in and of themselves may not be illustrative of policy but together they paint a picture, and the common themes give meaning to policy flaws and policy holes. The work we have done and the submissions made by community groups, individuals, local government and authorities will be most helpful when it comes to making recommendations to government and to our own understanding as legislators of issues surrounding public land.

I refer to the minority report that was tabled by government members.

**Mrs Peulich** — A very short minority report.

**Mr O'DONOHUE** — Indeed, Mrs Peulich, a very short minority report. If one refers back to the first interim report, in that minority report the government members' state:

... we recommend that any matters of genuine policy importance yet to be considered by the select committee be referred to this new committee and that further public resources not be wasted by the continued operation of this committee.

Mr Thornley referred today in his contribution to the problems associated with the Caulfield Racecourse reserve, and there are significant issues associated with that reserve. Mr Thornley commented on the issues at Port Campbell, and again that is referred to in the government's minority report. On the one hand in the first minority report government members say that the committee is a waste of time and we should close down the inquiry and use the resources where they can be more productively used, and yet Mr Thornley comes in here and says that there have been some issues of real concern that have been identified by the work of this committee, and that work is so important those concerns have been referred to ministers for their action and those ministers will action those issues. That to me clearly demonstrates there has been some significant benefit as a result of this report, not on my definition but on the definition of the government members in their minority report. There is a clear lack of consistency.

Today in his contribution Mr Thornley made reference to the fact that the Port Campbell matter had only a tenuous connection to the terms of reference and related only to four car parks. Even if you accept what Mr Thornley said, that is in contradiction to the definition as dictated by the Attorney-General. Thus we have a situation where even the government members do not respect the Attorney-General's interpretation. The reason for that is, as we all know, the Attorney-General's interpretation is merely a way to obstruct, hinder and frustrate this committee's work.

In summary, we have received a significant number of submissions about a range of issues that have warranted the investigation of the committee. Those submissions and the evidence we have heard from witnesses, notwithstanding the government's obstruction, will be important for us in drafting and tabling the final report with significant recommendations to government. In that context it is appropriate that the extension being sought be granted by the Council.

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

### Reporting date

**The ACTING PRESIDENT (Mr Somyurek)** — Order! The question is:

That the resolution of the Council on 2 May 2007 requiring the Select Committee on Public Land Development to present its final report to the Council no later than 30 June 2008 be amended so as to now require the committee to present its final report by 11 September 2008.

**Motion agreed to.**

### Second interim report

**The ACTING PRESIDENT (Mr Somyurek)** — Order! The question is:

That the Council take note of the second interim report of the Select Committee on Public Land Development.

**Motion agreed to.**

## MELBOURNE: ELECTORAL REVIEW

**Mr HALL** (Eastern Victoria) — With much pleasure, I move:

That this house calls on the state government to undertake, as a matter of urgency, an electoral review of the City of Melbourne in line with the electoral representation reviews being undertaken of all other Victorian councils, with the results to be declared by 26 September 2008 to allow time to implement any changes recommended before the 29 November 2008 elections, and consider in particular:

- (a) the number of councillors and the electoral structure that provides fair and equitable representation for the persons who are entitled to vote at the general election of the council;
- (b) whether the municipal district should be divided into wards and, if so, the boundaries for the wards;
- (c) whether the system of voting should be by postal ballot or by attendance voting with appropriate provision for absentee ballots;
- (d) whether a candidate for lord mayor or deputy lord mayor should also be eligible (in the event that they are not successful) to be elected as a councillor;
- (e) the operation of section 9 of the City of Melbourne Act 2001;
- (f) the operation of section 17 of the City of Melbourne Act 2001; and
- (g) any other matters relevant to the structure of the council.

This motion, calling for a review of Melbourne City Council, has a number of subsections which I will comment on later but which relate to matters we, the coalition, believe should be considered as part of a review of the City of Melbourne.

The first point I want to make about this motion is that it, and my moving of it, is not going to be judgmental about the City of Melbourne. For one thing, I do not believe that members of Parliament are in the best position to judge the effectiveness and performance of any council, let alone the Melbourne City Council. I want to make it clear that during the course of my contribution to this debate, I will not be singling out issues or making criticisms of the actions of the Melbourne City Council — none at all. This is purely an argument about whether the City of Melbourne should be subjected to the same review process as every other local government in the state of Victoria. I do not believe that I or any other member of this Parliament has the ability individually to make those judgements on the performance of the City of Melbourne.

However, members of this Parliament made a decision back in 2003 that there should be a review process for local government. The Local Government (Democratic Reform) Act 2003, along with a range of other measures, established a review process for every other local government in Victoria. I would like to quote from the minister's second-reading speech, which was read to Parliament on 6 November 2003 by Mr Lenders, standing in for the then Minister for Local Government, Ms Broad. As is the norm, the second-reading speech described the content of the bill. In particular the issues relating to representation reviews were spelled out by the minister in this manner:

The conduct of fully democratic elections depends on the setting of appropriate electoral structures and boundaries.

The existing requirements for the review of electoral structures are seriously deficient. At present the electoral boundaries for local councils are reviewed by the councils themselves, and where councils are unsubdivided, reviews are only conducted at the discretion of councils.

At other levels of government these types of reviews are conducted at arm's length from the elected body to ensure independence and probity. Considerable concern was expressed in public submissions about the current system.

Finally, the minister said:

It is proposed that, in future, independent electoral representation reviews be conducted for every council before every second general election and that the reviews consider both the electoral structure and the location of electoral boundaries. Every council will be required to appoint an independent electoral commission to conduct its representation review.

All councils, the minister said in the second-reading speech; but not quite all, there is one exception — the City of Melbourne. We believe there is good reason for that provision to apply to the City of Melbourne as well.

The Local Government (Democratic Reform) Act inserted a new subsection into the Local Government Act; new division 2 of part 10, which is headed 'Electoral representation reviews', and sections 219A-219O, which spelt out the sorts of things that should be looked at in terms of a review of local government structures. That act placed a small provision in the City of Melbourne Act which explicitly exempted the City of Melbourne from the provisions relating to review. It did that in section 95(3)(5), which says that divisions 2 and 3 of part 10 of the Local Government Act 1989 do not apply to the council and the City of Melbourne. Divisions 2 and 3 of part 10 of the Local Government Act are those particular provisions that stipulate that a review of all local governments should be undertaken.

To date the Victorian Electoral Commission (VEC) has done most, if not all, of the reviews of local governments throughout Victoria. They have not always been popular and there has been some public input into what should be the structure of councils at a local level. That process has appropriately allowed for local community comment on the structure of their councils, and so it is that although some people are dissatisfied with the review process and what it has come up with, generally it has been an effective mechanism to look at the performance of each local government. From my reading of a recent VEC document, I think it will have completed 38 reviews of local councils by the end of this year.

However, as I said, there is one glaring anomaly — that is, the only means by which a review can be undertaken of the City of Melbourne is by the minister, if he or she requires a review to be undertaken, or if the council itself generates its own review, which is less likely, and to date that has been resisted by members of Melbourne City Council.

I want to go to the various components of this motion and make a few brief comments. I have already said that division 2 of part 10 of the Local Government Act requires the electoral commissioner to undertake an electoral review before every second general election of local councils. I have also said that section 5(5) of the City of Melbourne Act explicitly means that the City of Melbourne does not have to comply with such a review process.

The first part of the motion asks the review to look at the number of councils and the electoral structure. The City of Melbourne Act specifies that the council should comprise the lord mayor, the deputy lord mayor and seven councillors. It is reasonable to question whether this continues to be the most sensible representation and structure for the council because, between the 2001 and 2006 census, the population of the city of Melbourne grew by 17.5 per cent and the growth of the residential population, with the incorporation of Docklands into the city and other boundary changes, I believe strengthens the case for re-examining the appropriate electoral structure for the City of Melbourne.

As I said, I make no judgement on whether it should remain the same or not, but the boundary changes that have occurred since the City of Melbourne Act was enacted in itself give rise to some reason for a review to see if that structure, which was decided back in 2003, is appropriate today.

The next part of the motion goes to the issue of whether the city should be divided into wards or remain undivided. As I said, with the significant additions to the residential component of the city of Melbourne, it is worthy that any review should consider the issue of division or subdivision within the Melbourne City Council.

The third point of this motion relates to postal voting. I am a bit of a fan of postal voting — that is, postal voting as has been adopted by the City of Melbourne as its preferred means of voting at council elections. As I said, I think there is merit to that, but I know others have suggested to the contrary and have suggested that postal voting is not as secure a form of voting as in-person voting. I have a personal view, but I do not intend to suggest that is the correct view. Other members also have views that should equally be considered.

The fourth point under point (d) talks about whether a candidate for lord mayor or deputy lord mayor, in the event they are not successful, should also be eligible to be elected as a councillor. This is a matter which the people of Melbourne would have views on, and they should rightly be able to express those views. The election of the lord mayor and the deputy lord mayor is unique to the City of Melbourne, and that election goes across the municipality and is not simply from within the council. That is a unique structure in the state of Victoria, and we should be considering whether that is appropriate in this day and age.

The fifth point of this motion talks about clause 9 of the City of Melbourne Act. This section of the act covers

voting entitlements and is designed to cater for the unique combination of businesses, absentee landowners and residents who are represented on the city's electoral roll.

In my opinion the legislation is complex relative to comparative provisions for other councils which are defined in the Local Government Act. Concerns were raised about the right to extend a vote to those who might not own a residence or a business in Melbourne, but they might own a car park or even a mooring berth in Melbourne. Again I am open-minded about whether they should be entitled to a vote. I believe and understand, although we have not seen the wording of it, a bill is being introduced in the Assembly in the course of this week expressing the government's view on this particular provision. I will be interested to have a look at that when it becomes available.

This has been an issue of some concern to people within the city of Melbourne. It is entirely appropriate that such a matter be considered as part of any review process that is undertaken. The same applies to the deeming provisions — those provisions applying to corporations owning or occupying property in the city where they have the opportunity to cast a vote by nominating somebody to head their organisation. Those provisions have attracted some public comment in the past, and we should be looking at those to see whether they are still appropriate today.

The final matter I want to comment on is clause 17 of the City of Melbourne Act. This section specifies that council must adopt a Senate-style ballot paper for the election of councillors. Amongst other things, this means that above-the-line voting — and we all know about this from our own experience at the last election as members of the Legislative Council — is a process by which people need to scramble for preferences and get on a ticket if they want to be elected. Whether that is an appropriate form to elect local government councillors is the subject of some varied opinion out there in the community.

They are the components of my motion today. We on this side of the chamber — the Liberals and The Nationals — believe that such a review should be undertaken. Is it just us calling for a review? No, it is not. I have in my hand a copy of a letter written by four current councillors of the City of Melbourne — Cr Fiona Snedden, Cr Peter Clarke, Cr Brian Shanahan and Cr Fraser Brindley. On 22 April this year they wrote to the Minister for Local Government in another place requesting that an electoral representation review be undertaken as a matter of urgency. They say in their letter:

As a matter of urgency, on behalf of the Melbourne community, we call on you to:

1. undertake an electoral review of the City of Melbourne in line with the electoral representation reviews being undertaken at all other councils in Victoria;
2. undertake the review as a matter of urgency with the results publicly declared by August 2008;
3. commence the process for amendments to be made to the City of Melbourne Act 2001 to include a review of the structure of council prior to every second election, in line with other councils as provided for under the Local Government Act 1989.

To my knowledge the government has resisted undertaking a review of the City of Melbourne to date. I am not quite sure why it has resisted the request to undertake such a review. Perhaps we will learn that in the course of the debate today. A significant number of councillors from the City of Melbourne suggest that the matters to which this motion refers should be the subject of a review. It is the view of the Liberals and The Nationals that there is some significant call from the community for such a review. I note an article in the *Herald Sun* of 28 March of this year, which says:

An alliance of 10 city residents' groups has fired the first salvo on what it calls the battle for democracy in Melbourne.

The Coalition of Residents Associations has described the voting system for Melbourne City Council as dysfunctional and undemocratic.

As I said, I make no judgement on the claims made in that report. I only make reference to it in my contribution today in that this is an alliance of 10 city residents groups called the Coalition of Residents Associations. They have expressed views in that article. What they would like to see is exactly what has been proposed by this motion, and that is a review of the City of Melbourne.

This motion also puts some time limits on the undertaking of a review, and they are to have that review undertaken and the outcomes declared by 26 September 2008, so that any changes recommended and implemented shortly after that date can be included in time for the elections on 29 November this year. I appreciate that is a tight time frame in which to undertake a review, come up with some outcomes and perhaps put in place amendments to the City of Melbourne Act to facilitate any changes that might come out of a recommendation, but it is not impossible.

This is a critical issue. I repeat: I am not judgemental or critical of the operations of the City of Melbourne. I am not in a position to be so. But in the face of equity, fairness and democracy that we have in this state, as the

minister said in her second-reading speech in reference to the act in 2003, it is appropriate that all local government structures be reviewed before every second election. We support that. We support it today, but we also say the same provisions should apply to the only council not subject to those provisions, and that is the City of Melbourne.

With those comments I urge members to support this call for a review of the City of Melbourne.

**Mr LEANE** (Eastern Metropolitan) — The government will not be supporting Mr Hall's motion. We find it quite a strange motion; there is a real problem with the logistics even if the government thought it was a good idea to have the review before the next election. Also there is separate legislation that governs the City of Melbourne in its own right. That is the legislation which Mr Hall touched on. It is a strange motion; it is sort of a nothing motion in that the timing means it will not even be able to be done in time to change the legislation in both houses so this review can happen before the deadline that needs to be met for the council elections.

I know and respect Mr Hall insofar as he is coming from The Nationals. It has probably been a frustrating process in their recent coalition with the Liberal Party. Just after they joined up, the Liberal Party members proceeded with fighting each other. In recent times they have tried to get over that. One thing they have endeavoured to do which I have noticed clearly out in the east, and which I have noticed from a number of opposition spokesmen, is to try to get back in the game. They have identified an issue — they pick an issue and run with it hard. I think this is the issue that the shadow Minister for Local Government, the member for Shepparton, has identified and is running with. She has put out a press release, and I suppose this motion is the backup of the press release.

Obviously, as I said, council elections are not far away. They are only a matter of five or six months away. You can tell that because in the local papers in the east, local people have been taking up issues and running hard with them. The local papers have been surrounded by federal and state Liberal opposition MPs. I think what will happen is — surprise, surprise — that a local person taking up that local issue will all of a sudden become a candidate for the Liberal Party, or they might not say they are from the Liberal Party but from some sort of group, and they will run for local election.

Going to Mr Hall's motion, it would have to be a huge matter of urgency to get this review done even if the government thought it was a good idea, which it does

not, seeing there is legislation which covers the City of Melbourne anyway. But it has had the same reviews that other councils have been through. To undertake that would be a process of the legislation being drafted to amend the City of Melbourne Act and being passed through both houses in accordance with the time line set down in the Local Government Act. We are standing here today in June. The formal process is for the elections to commence on 21 August, when councils and the Victorian Electoral Commission prepare for exhibition of the draft roll leading up to 26 September, the last day a council can exhibit voters rolls for the statutory period from 3 October, when the rolls actually close. We are talking about a process that is to take place in late September, and we are standing in June. The draft legislation would have to be drafted and moved through both houses and then the review would be done. There is its own legislation which was moved by this government — the City of Melbourne legislation deems how the reviews of the City of Melbourne will be done and reflects what a unique municipality the City of Melbourne is to Victoria.

You can see that in recent problems with the 2.00 a.m. lockout the City of Melbourne has had to deal with. This is a place where people come at night. It is a unique nightspot, and on top of that we have unique international events in Melbourne, which is a showcase for us in the world. A lot of international events are in Melbourne; we have the big stadiums and big venues here. It really needs to be looked at as unique compared to other councils.

I am not too sure if this motion is an issue of the opposition wanting to beat up on the City of Melbourne or not, but obviously this government believes the City of Melbourne does a lot of good things, as we believe that all councils do. We have a good record of supporting local government. I know Mr Barber will agree that local governments do a good thing, after reading his *Age* report where he said that he actually missed being in the local council to some degree.

Local councils do good things, and I would not say it would be just the fancy clothes that you get to wear from time to time with the medals and all that, but it would be more what you can do on the ground. We agree with Mr Barber, if that is what he is saying.

**Mrs Peulich** — That's a very rare thing. Can we quote you?

**Mr LEANE** — No, we actually agree with Mr Barber from time to time. This is an issue that has been identified by the shadow minister as one to run with and get things back on track. I know that some

opposition spokespeople have fought hard to find different issues. The shadow Minister for Public Transport and member for Polwarth in the other place, Mr Mulder, has been out and about quite a bit, probably doing a good job of what he has signed up to do. Speaking of local council issues, the *Knox Journal* recently published a photo of Mr Mulder, with Mr Wells and Mr Wakeling, the respective members for Scoresby and Ferntree Gully in the other place, holding some signs about Rowville rail. The article says the state opposition is pushing for the government to support the Rowville rail, and local members always push for better local transport, but it goes on to say that the opposition would not guarantee that it would build the rail if it were elected. I have to say it is a strange issue.

An important thing about picking an issue is that you need to be seen to be consistent. The member for Ferntree Gully was a Knox councillor when he was the candidate for Ferntree Gully, and he voted in council against forwarding a feasibility study for the Rowville rail. Being the candidate at the time, he probably thought that maybe he would become the member for Ferntree Gully, which he did. He may have thought the Liberal Party would win the election, and he as a government member would have to deliver on that, so he voted against it. These are the things he voted against with the feasibility study, which was already done: he voted against lobbying the state government with the feasibility study, he voted against lobbying local MPs, he voted against sending out brochures to people in the electorate and he voted against briefing other — —

**Mrs Peulich** — On a point of order, President, I am finding Mr Leane's contribution very entertaining, but it is somewhat outside the bounds of the purview of this motion, given that he is spending quite a bit of time talking about Knox City Council, while this motion is about Melbourne City Council.

**The PRESIDENT** — Order! I can understand that Mrs Peulich may not like the contribution being made by the member opposite; however, he is the lead speaker of the government and in that capacity is entitled to a degree of latitude that may well not be extended to further speakers. I reiterate that as far as I am concerned the point of order simply relates to the fact that the member does not like what is being said, and that is not a point of order.

**Mr LEANE** — As was just pointed out to me, all roads lead to the City of Melbourne. Another thing the member for Ferntree Gully voted against was briefing other councils, such as the City of Monash. Consistency

is important. I do not intend to go into the record of the Liberal Party when it was in power as far as local government is concerned, but there is a problem with its consistency. I am not too sure where the opposition is trying to come from with this, but if it is trying to say it is some sort of champion of local government, really the record shows it is far from it.

In finishing, this is a strange motion, and the timing of it will not make it possible. This may be an issue that the opposition spokesman has found and is going to run hard with to get into the media, but we will not be supporting this motion.

**Mr BARBER** (Northern Metropolitan) — When talking about public policy it is always good to look forward, but when you are trying to work out the politics of a particular issue it is pretty important to understand history, and I would like to spend a bit of time on the history of Melbourne City Council and how we got to the position that we are now in, to the point that we would be debating a motion like this.

The town of Melbourne was incorporated as a municipal body by an act of the New South Wales legislature in August 1842 at around about the same time as it was creating the City of Sydney. One can imagine that at the time of their establishment those two cities were looking forward quite progressively and would have been wanting to adopt the most progressive models of governance that were around at that time. However, certainly at that stage the emphasis was on who got to vote. Voters at that stage were termed burgesses, which is a medieval expression used to define the inhabitants of a borough and distinguish them from commoners, or ordinary citizens like Mr Leane. He would definitely not have been a burgess if he had been around in 1842, let alone in medieval times. The words 'burgess' and 'bourgeois' have a common derivation. It would be debatable whether Mr Leane is now a member of the bourgeois, but he would not have been a burgess. Only if a burgess or his wife had property of £1000 or occupied rateable property of £50 or more in annual value could he stand for election as a councillor. They were fairly significant values in their day, and £25 annual rent would have been a substantial part of a tradesman's annual wages, possibly estimated at around £40 or £60 per annum at the time.

Certainly when the Sydney act was being considered we know from the debates that there was concern that the property value thresholds for voting and holding office were too low, and the *Sydney Morning Herald* editorialised that the franchise would invert the cone of society, meaning that the natural order, which is the

dominance of wealth and the ruling class over the common worker, which is what kept things in order, could have been under threat, with all sorts of terrible consequences. It was in this context that multiple or plural voting was raised as a means of awarding persons who possessed property with an appropriate additional weighting in the ordering of municipal affairs. There were too many working class and not enough ruling class, so to keep things in order we had to give the ruling class more votes to even things up, if we were going to have votes.

Mr Leane will love this: there was a clear understanding at the time that the social norm was that corporations were community enterprises — they probably were much more community orientated in those days — and that they had constituents, their workers. In this respect their masters, the owners of those corporations, were responsible for the welfare of their workers and could therefore make administrative and municipal decisions on their behalf. Again, it was all those who were participants in business partnerships who were allowed to be enrolled, provided that the annual value of the rateable property, divided by the number of partners, was £25 or more.

Fast-forwarding to the 1890s and something that should certainly have been more than just an aside in my talk, the issue of women's suffrage came in. Although that was barely a non-issue in the 1880s, by the 1890s it was incredibly important. It is estimated that between the 1890s and 1930s women enrolling increased the enrolment in the three wards of the Melbourne City Council area by between 35 per cent and 57 per cent. Certainly that had a big impact on who was having a say over municipal affairs in the Melbourne City Council.

There were of course ward boundaries, as I have just described. Those set up in 1938 were still the same in the 1970s, but they had been drawn around numbers of votes, not the numbers of voters on the rolls, as they were. With the abolition of plural voting in 1969 — that was the time until the modern period when we had the multiple voting phenomenon — there was a widening gap between the actual number of votes and the number of voters such that in Hopetoun ward the construction of flats, notably housing commission flats, had increased the number of voters dramatically. At that stage Hoddle ward, which was the city grid, had about 1670 voters, but up there in the north where the high-rise buildings were, there were 6500 voters, and yet each ward returned the same number of councillors. A business vote in that central ward was worth about four times what a housing commission tenant's vote would have been worth.

In December 1980 — we are really moving forward quickly now — events were unfolding quite rapidly. The then *Herald* newspaper was urging the sacking of the Melbourne City Council and so was at least one councillor. Suddenly there was a revelation of the existence of a report on supposedly corrupt practices at the Melbourne City Council's tree nursery up in Wandin. No criminal charges were ever laid but the allegations provided the grounds for dismissing the council and on 23 December the then Minister for Local Government, Digby Crozier, announced that the council would be dismissed.

Premier Hamer was implicated in this decision. His position as party leader was reportedly under threat from younger dissidents such as Ian Smith and Jeff Kennett, and he really needed to appear more decisive as a politician. Premier Hamer sacked the council. It did not save his leadership and it definitely tarnished his small-l liberal image. Shortly afterwards he was replaced by Lindsay Thompson.

Within a few days of that sacking, a residents group called Melbourne Voters Action fired up. Its chief spokesperson was Winsome McCaughey, who later became a councillor and a lord mayor. She was reported in the *Melbourne Times* as alleging that property developers were buying up options for sites all over town in anticipation of the sacking. They claimed in advertisements that the real reason for the sacking was that developers did not want the council to be controlled by the ALP and the residents. Certainly the government was not united in the sacking of that council. The then National Party's leader, Peter Ross-Edwards, was against it and particularly critical of it.

Certainly by the time of that sacking there had been six years of debate over a Melbourne City Council (MCC) strategy plan. That had been produced as the result of a request from the government and, as we find out later in the story, the control of planning over the central business district area is a key factor. Twelve months after the commissioners were appointed, that coalition state government was defeated and a Labor government, led by John Cain, Jnr, came to office. As expected, the new government moved quickly to reinstate the MCC and the new Minister for Local Government brought in a bill to reinstate the elected council. That bill became the Melbourne Corporation (Election of Council) Act. That act contained a range of measures that members would find quite progressive. I actually found a lot about the social and democratic reforms of the early Cain government to be quite progressive. It is a shame that this government does not

hold up that legacy. It appears to believe that 1999 was the year zero.

All residents aged 18 or over who were on the roll for state elections would have a vote. The notion of supremacy of property interests was laid aside. One argument put forward was that local government was funded by the commonwealth through grants as well as by rates and therefore all taxpayers were entitled to be enrolled. In addition, unnaturalised residents could also enrol if they were able to bring forth evidence of residency. Non-resident owners and occupiers — that is, most business people — were no longer automatically enrolled.

You can see where I am going with this, can't you, Mr Leane, in relation to the motion?

**Mr Leane** interjected.

**Mr BARBER** — But interestingly — —

**The PRESIDENT** — Order! Mr Barber.

**Mr BARBER** — My apologies, President. I was referring to Mr Leane but he has in fact missed his chance if he had a contribution to make to this debate.

That was a good thing for the Cain government to have done but it turned around and blew it by fixing the ward boundaries in such a way that Melbourne's central business district was broken up and each section of it had bits of residential area or suburbia added to it. It looked like it had all been calculated to ensure a Labor Party victory. A number of factional heavyweights — yes, they had them back then — whose interest in council elections was usually pretty minimal, apparently got in there and there were all sorts of accusations of jobs for the boys. There was nothing new about that, of course. But two well-regarded potential Labor candidates who were former councillors were overlooked in preselection. It is starting to sound familiar.

Richard Malone, who is a man I have a great fondness for, was given an unwinnable third spot, and when nominations closed there were 15 Labor candidates and 24 independents. The independents included people like Winsome McCaughey, Trevor Huggard and Lorna Rolfe — these are people I have a great admiration for in terms of being the original progressive thinkers on Melbourne City Council. But when the election results came through, the final tally was nine Labor councillors and nine non-Labor, or independents. By its actions, it has been stated, Labor diminished the goodwill that it had got for itself by restoring democracy and reinstating

the council, and so it was not rewarded electorally for that.

Time goes on, but certainly we know that during 1991 and 1992 there were some very influential lobby groups. The Building Owners and Managers Association and the Melbourne City Chamber of Commerce were each by this stage advocating a small municipality with varying amounts of residential area. They wanted to rip chunks off it to try and restore the balance on behalf of business.

As time was moving on, Jeff Kennett was starting to make noises about what he was going to do about Melbourne City Council. A change of government was widely predicted, but uncertainty was sown by the then Liberal opposition releasing a policy paper called *Vision for Our Capital City*, without any mention of restructuring of the Melbourne City Council.

The council by this stage was looking at different options to save its own bacon. The idea was put forward that partnerships and companies could be likened a bit to residential households, and that since most of those typically have about two votes, maybe the same number could be justified for a business. If company voters had been brought in at that stage, it was estimated there would be a 300 per cent increase in the number of company-enrolled voters.

By the time Mr Kennett had sorted out his model, it was something of a compromise of what business wanted. Certainly it had sliced off Carlton North, the housing commission area in North Melbourne, Flemington and some of Kensington; Southbank had been dragged in and of course the Flemington racecourse. That restructure was not referred to the Local Government Commission, which had already been established at that stage to set new council boundaries throughout Victoria, but was in fact brought straight into the Parliament as legislation. As an aside, that act provided that there be four wards, but then there would also be at-large areas, and companies would be compelled to enrol two voters — compelled! We do not have that level of compulsion in relation to ordinary citizens, but apparently for businesses you have to lead the horse to water and then hold its head under to make it drink.

The Melbourne City Chamber of Commerce, which had been complaining about central business district (CBD) rates not being spent in the CBD, was aware also that a CBD council in Sydney had recently fallen to residential voters because the business community had been so weak in its turnout, and it was of course in favour of this, and almost as if acknowledging the

possibility of such an outcome, section 18 of the act provided for the Minister for Local Government to direct that the council spend a specified percentage of its revenue on works and services in the CBD.

At the same time, while the commissioners were in office, the government legislated for councils to have the option of conducting elections solely by postal voting. The opposition — the then Labor Party — spoke against this legislation. I am presuming that Labor members in preparing for this debate have gone back over the various debates of 2001 and 1993 and looked at what their then Labor members — Pat Power, for example — had to say about the provisions that are now in this act, because those provisions were fully endorsed when this government put its stamp on the Melbourne City Council legislation and left those provisions in place.

The argument for having councillors elected at large was that it would reduce the likelihood of candidates running on parochial issues and that the focus on strategic issues should appeal to leaders of vision and encourage candidacy of people of appropriate calibre. That was interesting, because in fact the Victorian Employers Chamber of Commerce and Industry at the time was requesting that the elections be delayed to give it some more time to be able to rustle up some candidates.

It was also interesting that in 1995 when the government made a number of changes there was a quite notable difference in the way it treated the Melbourne City Council versus regional centres — Geelong, Bendigo and Ballarat. In the regional centres councils tended to be consolidated to bring more residential and hinterland areas into those city councils, whereas with Melbourne City Council at the time it was just tearing chunks off it to try to get it back to being a CBD. And then of course the government recognised that it was more than just legislative compulsion that was needed to get companies to enrol voters. Accordingly, if companies neglected or refused to do so, the roll compiler would go and find the company secretary and director from asset records and automatically enrol them, even without their knowledge, and failure by either to vote would incur a \$100 fine. I suppose we are getting a pretty clear picture here of the enormous lengths that a succession of governments have gone to, to try and get business to take it seriously at the same time as saying that the city has got to be all about business.

Business did in fact announce a Melbourne First group in October 1995, just about five months after that piece of legislation. The results of the election were less than

what the business community might have hoped for. None of its Melbourne First candidates was elected from wards, and only two of its people were elected district wide — Ivan Deveson and Carrillo Gantner. About a week after being elected, Deveson was reported as distancing himself from Melbourne First. Time moves on.

**Mr Finn** — Doesn't it!

**Mr BARBER** — The Bracks government got elected.

**Mr Finn** — It is 3.15.

**Mr BARBER** — I have not been watching the clock.

**Mr Finn** — Obviously!

**Mr BARBER** — The Bracks government was in charge; again, various bits of sabre rattling about the Melbourne City Council were occurring. The usual pattern — the now well-established pattern — of how Melbourne City Council was treated by the state government of the day was pretty clearly understood as a result of various issues, none of which were threatening to the planning, the financial management or the legal governance of the council; they were just a number of more personality-based issues. The council engaged a panel comprising Joan Kirner, Tim Costello and former Liberal Minister for Local Government, Alan Hunt, to look at proposals to fix any governance problems occurring. Certainly they had a bit of advice from the Victorian Local Governance Association, an organisation that had arisen during the Kennett years to be a defender of local councils. The panel finally submitted a comprehensive analysis on 18 December 2000, and the then Minister for Local Government, Bob Cameron, with no warning, within 3 hours of the report being delivered, sacked the council — it was a virtual sacking of the council in that its election was to be held forthwith.

You can imagine the dismay of Joan Kirner, Tim Costello and Alan Hunt. They were people who thought they had enough respect attached to them that they may be given the benefit of the government having more than a cursory read of the results of their panel work. We had a new voting system, which is the current one. It has all the worst elements of the old Kennett design with a few more joys which were thought up, including the direct election of a lord mayor and deputy lord mayor off the same ticket, which guaranteed that whichever millionaire contested and won the election would get a second vote out of nine for the same price. Since inevitably that person would also run a council

ticket, virtual control of the council is assured by a straight-out rigging of the result. There is also the infamous provision for above-the-line voting which involves putting a 1 in the box. That means that those putting together the ticket rather than the voter get to decide. That was covered adequately by Mr Hall's contribution to the debate on this motion. He proposed that section 17 of the City of Melbourne Act also be examined.

The result that was unleashed from this voting system — along with the fact that it involved full postal voting and a vast number of candidates, including all sorts of various secret and not-so-secret stooge tickets — was that the accompanying literature came to 170 printed pages. Sixty of those pages had repetitive images of the same how-to-vote card for each of the tickets with different numbered voting preferences for each group. Since it was possible to fill in your own ballot paper below the line and there were 97 candidates for district positions in 2001, there was a special allowance for people to complete only 90 per cent of the numbers correctly or at all and still have a formal vote.

The tendered price for the conduct of the 2001 election with all those complexities approached \$750 000, depending on the number of candidates. In terms of financial efficiency, that is a fairly heavy burden in and of itself to put on a local council, given that at that time in comparison Boroondara City Council was going to spend \$325 000, half as much as Melbourne City Council, on its election. I remember that election well because I was involved in it.

I also remember the 2004 election. There were 107 candidates, including 21 two-person teams for the position of lord mayor and deputy lord mayor. I think I had to negotiate the preferences on behalf of the Greens for that election, which was difficult when there were only one or two other tickets that you would want to support in a pink fit. The issue then becomes: how do you number the other 18 tickets in the least offensive order?

**Mrs Peulich** — You have to talk to them.

**Mr BARBER** — You do have to talk to them; that is right.

**Mrs Peulich** — All of them!

**Mr BARBER** — All of them! But John So, the current Lord Mayor of Melbourne, was portrayed as an underdog at that election. He was a funny sort of underdog, because he actually had a local federal parliamentarian, Lindsay Tanner, now the federal

Minister for Finance and Deregulation, and a local state parliamentarian, Bronwyn Pike, now the Minister for Education in the other place, backing him in quite a backhanded way. Lindsay Tanner was reported in the *Melbourne Times* of 6 October 2004 as saying that in the last couple of years he had heard less about the council than ever before and that he regarded that as a sign that the council was doing a very good job.

If that was his only sign that the council was doing a good job, I hope that Lindsay, of all people, would have been hoping to have heard a lot about all the good things that the council did. Bronwyn Pike's comment in the same article was that she could only echo Lindsay. At the risk of going any further, I will stop and let those comments speak for themselves.

How did we get here? One theory that has been put forward is that after the Cain Labor government restored the council in 1983 and all the government's candidates were rejected, it effectively lost interest in the area and even had an active contempt for it, or it decided that increasingly new Labor-type MPs were pretty keen on whatever business is pretty keen on anyway, as they are to this day. That is an unfortunate and dangerous aspect of the modern Labor Party: if the Labor Party cannot control something, it will work to destroy it.

One other aspect of the current City of Melbourne Act is beautifully symbolic of this council being a complete plaything of the government of the day, and certainly this government. Section 8 of the act provides that:

- (1) The Premier, or his or her nominee, may convene meetings with the Council to consider any matter that, in the opinion of the Premier (or the nominee), is of significance to the Government of the State and is relevant to achieving the objectives of the City of Melbourne as the capital city of the State of Victoria.

In other words, if the Premier summons the lord mayor, the lord mayor has to come. What is the point of that law except to underline the way the council is treated?

Somewhere in this little history, a member of the Greens was elected to the Melbourne City Council. His name is David Risstrom. Big changes started to happen, although initially they happened in an unnoticed and understated way. Greens thinking started to work its way into the Melbourne City Council's program for action — not through the thinking of the other councillors, because they never got the message. People in management in particular were keen on the multiplicity of ideas David Risstrom brought forward, not just in the environmental area but also in the areas of housing, governance, transport and the way that

council related to its own citizens. Literally hundreds of David's ideas were picked up by management and were often brought back to unsuspecting councillors as a management-led report. The councillors, who were less focused on those issues, ticked the box. Hundreds of David Risstrom's ideas were introduced into Melbourne City Council, and you can see the legacy of that all the way through to this day.

Somewhere along the way David was replaced by Fraser Brindley, and he also in the last term has played an enormous role as the most important sort of opposition figure there to blow the whistle on what is going on inside Melbourne City Council, particularly the governance style of the lord mayor and the cult of personality that — for a short while anyway — has popped up around him. Clearly this motion is here today because Fraser is right: there are deep-seated problems in the way the council operates.

Just imagine the psychological impact on the Labor Party if its federal government had been dismissed, not once in 1975 but three times since Whitlam. Labor Party members might scoff and say there is absolutely no comparison there. But from the point of view of this local polity, people who have been involved with Melbourne City Council for a long time, like the residents with their concerns, that is exactly the feeling we have with respect to our local area: as if a capricious state government of any flavour at any time can just take you out, with no recourse. That has only got worse under the system devised by former Premier Steve Bracks and former local government minister Bob Cameron — who is now the Minister for Police and Emergency Services — where you have to be a millionaire to compete in the lord mayoral election. And if you win that, you get two for the price of one: you drag a few more councillors up with you.

However, the Greens have done a good job competing in these elections. In 2001, up against that, our budget was \$5000. I think collectively the five biggest tickets spent about a million dollars. We managed to leapfrog one of those tickets. It was Don Chipp's ticket, which was allegedly secretly backed by various Kroger forces. But we actually managed to beat Don Chipp and come in fifth, or first ahead of the big money, if you like. In 2004 the Greens in their lord mayoral race actually came second to John So. It was not a full distribution of preferences, but certainly our primary was high enough to leap over the third-rated candidate, and I believe it would have brought us up to somewhere around 45–55 two-party preferred in that lord mayoral race, so the next election will be interesting.

Obviously now the government has been pricked into slight action. Even it finds it too embarrassing that a car park or a boat mooring might attract a vote, yet that situation and those relativities are far worse than the original scheme that had been set up by the 1880s. Vast numbers of votes are out there for the taking for anyone who happens to own certain types of assets. But as a resident it still leaves me wondering why a group of car parks — a slab of asphalt with a guy sitting in front of it, collecting tickets, or for that matter, a bunch of self-storage units sitting there, day after day, without even an attendant employed to keep the place open — should necessarily have the call on democracy in this area. And yet that attracts a vote.

So the Liberals in government have been no different. There is no way we can look to the opposition side of the chamber for the guardians of local government, let alone in the Melbourne City Council. Nor has the Labor Party brought forward any compact with local government. It has the Council of Australian Governments, sure, but that is just Labor state and federal governments; it is the executive wing of the Labor Party getting together to make decisions. The government is not interested in a compact with local government. Instead we just get dribs and drabs and drip-feeds, minor sackings and major sackings, and never any attempt to bring local government up to its necessary level. Its great potential is fatally weakened in the Melbourne City Council area by these sorts of so-called reforms.

With those words, I would like to say the Greens will support the motion. We will always support local councils. They are an incredibly important level of government. They deliver the last mile of infrastructure, which is crucial; they delivers things as fundamental as public toilets. If only the metropolitan rail system could deliver us a public toilet, especially with the waiting times on some of those train lines!

**Mr Finn** — I'd be happy with a train.

**Mr BARBER** — But if you are not getting a train, Mr Finn, certainly the next thing you need most pressingly is a toilet — —

**Mr Finn** — I would have thought so. You're dead right.

**Mr BARBER** — Particularly with the high level of cancellations. But we will also continue to be great supporters of local government from local government, and we will continue to speak against this kind of scrambling of the inner city's polity, and with it

people's very real aspirations for the place where they live and work.

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to be able to speak on this motion and indicate the reasons why I will be opposing it. I am grateful for the opportunity to debate the issue of local government because, like Mr Barber, I am also a former councillor, and I have a very keen interest in the issue of local government. However, unlike Mr Barber, I have moved on. Certainly my involvement as a local councillor, I guess, whetted my appetite for public office. I certainly have a great deal of respect for and interest in issues relating to local government. But in the time that I served as a local councillor we were able to achieve a great many things beside the construction of public toilets. I think local government has a very important role to play in our planning system, but also in many other areas.

In relation to planning, which is a portfolio I am involved with at the moment, we have always said we want a constructive partnership relationship with local government to ensure our 2030 policies can be achieved. It is in that context that this debate is important. We are seeing more and more people coming to live in the central business district, within the boundaries of the city of Melbourne, and they have very legitimate concerns to raise. For example, most recently the government has responded to community and resident concerns about the level of violence occurring outside some of our Melbourne central business district (CBD) nightclubs. As one of the parliamentarians that represent the CBD area in the Northern Metropolitan Region, I have been a very strong supporter of the 2.00 a.m. lockout.

A few months ago I accompanied Mr Leane and other members of the Drugs and Crime Prevention Committee, along with members of Victoria Police, on a tour of some of our nightclub areas. We were very concerned about the very large number of young people congregating outside nightclubs, because of the smoking bans, of course, and the potential that presented for altercations and other disputes to take place. That has been reflected in the rising number of assaults taking place. It has been very pleasing to see that last weekend, which was the first weekend of its operation, the 2.00 a.m. lockout has seen a decrease in the number of physical assaults.

I take an interest in these issues as a local member of Parliament representing that area. I know we certainly need to take a multifaceted approach, which is what the government is doing through the alcohol action plan, which is not just looking at the 2 a.m. lockouts, but also

working with young people to educate them about the dangers of excessive alcohol consumption, and responding to planning and liquor licensing issues as well.

I am using that issue as an example of the responsiveness that the government has to the concerns of residents of the CBD. I have been interested to receive correspondence from the Coalition of Residents and Business Associations, which is an organisation, as I understand it, that represents 14 associations across Melbourne, and also to receive information from some of its member organisations expressing their concerns about the legislation that relates to the City of Melbourne.

It has been some of these concerns that the shadow Minister for Local Government in the other place, Jeanette Powell, has been responding to in putting out her press release recently and in the motion that we have before the house. I am respectful of and sympathetic to the concerns that some of those residents organisations have raised with me but, as has already been indicated by Mr Leane, the call for the review that we have before the house is a political exercise that the opposition well understands is not achievable within the current time line that we have leading up to council elections for the whole of Victoria in November of this year.

The Minister for Local Government in the other place, Richard Wynne, has indicated on a number of occasions already that the government will not support an electoral review for the City of Melbourne before this year's municipal elections. However, the minister has introduced a number of reforms, which I will detail a little bit later in my contribution, through a bill that has been introduced in the Assembly only this week.

In terms of the electoral review itself, there is not enough time to conduct a review and to draft and implement legislation to meet the time frames to conduct elections set down for November of this year. I am sure that opposition members well understand that. They are unnecessarily raising expectations among CBD residents — or those residents who live within the city of Melbourne, and it goes beyond just the Melbourne CBD area — in putting forward this motion. The opposition would understand that it takes a considerable amount of time for the Victorian Electoral Commission to conduct an electoral review: to research and advertise a review; receive preliminary submissions and develop options; conduct public hearings and prepare a final report for consideration by the minister.

Reviews have been conducted in parts of my electorate recently — in the City of Darebin, for example. I know the review was a lengthy but good process that enabled both sitting councillors and members of the community to participate and put forward their views. Mr Barber says that the Labor Party seeks to destroy what it cannot control. But I would like to point out to him that in this instance we have ended up with an outcome where we have introduced proportional representation in the City of Darebin that will most likely see members of his own party elected. This is similar to the way government members voted for proportional representation in this house that brought about an outcome where the government lost the majority in the Legislative Council and ensured that members of the Greens were elected to this chamber. So I completely refute the assertion that has been made by Mr Barber.

The Labor Party and this Labor government have been interested in strengthening our democracy, both in this Parliament and also in local government. We have been very mindful of the recommendations and options put to us through the minister in terms of local government reform. On every occasion that that the VEC has put recommendations to the Minister for Local Government, those recommendations have been accepted by the minister. I think it goes to show a great deal about the very respectful way that this government conducts itself when it comes to strengthening democracy in local government.

I point that out because it is important to note that Mrs Powell and other members of the opposition have a very different experience of local government from that of many government members. Mrs Powell, for example, is a former commissioner under the Kennett government, and I remember the outrage that my local community felt when the council that I was an elected councillor of — the City of Northcote — was sacked and commissioners were appointed. It took quite a considerable period of time before we were able to get elected councils back into the City of Darebin. Unfortunately that local community had to suffer a double period of commissioners when the City of Darebin was again sacked. Mr Elasmr, who is a member of this house, well remembers that period because he was a councillor and mayor of the City of Darebin at that time.

I find it a bit galling that the opposition has now taken an interest in this issue and is crying crocodile tears for local government democracy when we know that the Kennett Liberal-National government rode roughshod over local government. It merged 210 councils down to 78 and in the process also introduced things like compulsory competitive tendering that saw

11 000 council jobs lost; the capping of the rate cuts in 1995–96 that deprived local councils of important resources; and the artificial cap of consumer price index less 1 per cent which prevented local councils, particularly in rural and regional Victoria, from being able to offer adequate resources to their communities.

It has been interesting to see this motion come before the house today. I note that there is a reference in the terms of the motion to section 17 of the City of Melbourne Act 2001. That is the section that relates to Senate-style ballot papers being used for council elections. I thought it was very interesting that Mr Barber did not indicate what his position was in relation to that. I certainly believe the introduction of above-the-line voting is an important innovation in terms of providing ease for voters. It is something that the Labor Party introduced in terms of voting for the Legislative Council. That enabled the Greens party to be elected to this chamber as well as the Democratic Labor Party. It is an important reform that is also very useful for local council elections.

I note that other issues have been raised over time in relation to the City of Melbourne, which I want to come to. One of these issues has been postal and absentee voting. It is important that residents are aware that councils have the legislative ability to decide for themselves which system of voting they wish to use. I personally have a preference for voting in person rather than postal voting. It means that people make more effort informing themselves about the candidates presenting themselves for election. It should be up to the council and the local community by lobbying their local council to make the decision as to which method will be employed in any particular municipality.

My understanding is that the Minister for Local Government does not have the legislative ability to impose on the City of Melbourne, or any other council in the state of Victoria for that matter, the method of election — whether it is going to be attendance voting or postal voting. I note some issues have been raised about the potential for abuse or corruption of a postal voting system. I know that Australia Post is particularly concerned about the allegations that have been made about the potential for fraud. It does not believe there is any evidence of it having occurred in past elections. It is important if people are going to make these assertions that they indicate where there has been evidence of abuses in the past.

In terms of the ward system, as has been indicated by Mr Barber in his contribution — I certainly do not intend to go anywhere near the 19th or even the 20th centuries in any great detail in my contribution — there

have been different systems in the past. In fact it was the Kennett government in 1996 that introduced a hybrid system of five councillors elected by proportional representation at large and four elected from single-member wards. In 2001 the then Minister for Local Government, Bob Cameron in the other place, introduced the City of Melbourne Bill to make reforms. It removed ward-based positions in favour of electing all councillors at large to promote a coherent city-wide focus. These elections are conducted under a proportional representation system using a Senate-style ballot paper. Those reforms also introduced the direct election of the lord mayor and deputy lord mayor as a pair to introduce greater stability to the City of Melbourne. Unlike Mr Barber, I think that direct election has a great deal of attraction. It should not necessarily mean that the wealthiest candidate gets elected; it should mean that various political parties and resident groups have an opportunity to put forward a ticket and that the person who is elected as the lord mayor has a degree of support and confidence across the whole municipality, otherwise they would not have been able to achieve direct election.

A lot of the talk and calls for reform that have been coming from residents organisations have been as a result of disappointment with the current incumbent. If we are going to be honest about the debate here, the opposition also needs to indicate what its views are in relation to that issue and whether it supports these reforms because it sees them as a way of defeating the current incumbent lord mayor and whether it has some disputes with him. He is in fact an incredibly popular lord mayor, not just in the city of Melbourne but across the rest of Melbourne. I have certainly attended with Cr John So many community events where a very great deal of support for him has been apparent. In fact it is the case that the government does not always agree with the position that the lord mayor or the City of Melbourne council takes on every issue. It is inevitable that we will have disagreements with the council — not just the City of Melbourne but other councils as well. That is what democracy is all about. If this whole debate is really about saying that we want to bring about a system that knocks off a particular individual or a team of people, then let us be honest about it and say this is what this debate is about. We do not come to this debate and say we are supporting any particular group of individuals; we support a system that ensures that the people who reside in the city of Melbourne or are eligible to vote in the city of Melbourne can be confident that the elected council will best serve their interests and needs.

In terms of the issue of eligibility to vote, I note that in the Local Government (Democratic Reform Act of

2003 changes were made to the voters rolls for the City of Melbourne and that these provisions will apply for the first time in this year's council elections. The changes that will apply include limiting all corporation appointments to directors and company secretaries. Previously corporations have been allowed to appoint any two people as their voting representatives, and the limitation to directors and company secretaries applies only to automatic deemed enrolments. The other change that will apply this year is that there will be a limit on the number of people who may be enrolled as owners or occupiers to two people per ownership or occupancy. Previously two people could be automatically enrolled and other owners or occupiers could apply to be enrolled also. These are important reforms that have already been put in place for the City of Melbourne and will commence operation later this year.

On the other reforms that the Minister for Local Government announced yesterday, a bill will be introduced into the Assembly this week to amend the Local Government Act 1989 and the City of Melbourne Act 2001 to exclude people from being enrolled as electors if they only own or occupy a single-vehicle car park or single-boat mooring. This is a reform that I have strongly supported. I am very pleased that the minister has included this particular reform to take effect from this year's council elections in the city of Melbourne. It is absurd to enable people to get an entitlement to a franchise by virtue of such a tenuous connection to the City of Melbourne. Residents who have been calling for reform will be supportive of this because it is an issue they have raised in the past.

In terms of other reforms, the minister has indicated that candidates will be required to nominate in person to ensure the legitimacy of nomination and effectively to prevent people from lodging a large number of nominations for what are referred to as dummy candidates. There is also a change in the caretaker period for council elections from 57 to 32 days to bring local council elections in line with the same period for state and federal elections. During this period councils will not be able to enter into major contracts, hire or fire chief executives or publish certain electoral material. There will also be the creation of a new offence for candidates, scrutineers and voters who make false declarations, with a fine of \$2000, and there will be a provision to prevent councillors from standing for election in a four-year period if they have lost office for a specific failure to undertake their duties.

It is important that we recognise these particular reforms that have already been flagged by the Minister for Local Government in the context of the current

debate, because one of those reforms that I discussed responds to some of the concerns that have been raised by local residents. Some of the other issues that have been raised relate to the disclosure of election funding. It is important that I put on the record that the Local Government Act already requires candidates to provide a return to the chief executive officer for the council disclosing donations of over \$200 received during the election period.

In his media release yesterday, the Minister for Local Government also indicated that the government will be introducing a councillor conduct bill later this year. This bill will contain measures outlined in the *Better Local Governance* consultation paper that occurred last year and closed in February this year to strengthen local councillor codes of conduct and provide for independent mediation where councillors cannot resolve conduct issues internally.

In concluding my remarks I point out that it is important that we recognise when we are having local government debates the important reforms that the government has already introduced in the context of the City of Melbourne, but more broadly in local government — for example, the enshrining in the Victorian constitution for the first time of local government and recognising that it is an important tier of government, and ensuring that the rampant disregard for local government that occurred under the previous Kennett government is not able to take place again.

It is important in the context of the City of Melbourne that we remember that it was the Cain government that introduced a franchise for residents for the first time. We should recognise the reforms that will occur in Victoria in November this year that will enable simultaneous elections to occur for all local councils across Victoria. That in itself is a significant reform. I think it will strengthen local democracy and ensure Victorians take a bigger interest in what goes on in their local council.

It is important that we recognise that our government abolished compulsory competitive tendering and replaced it with best-value tendering, helping councils to deliver high quality cost-effective services that benefit local communities. It is important that we recognise that this government has allowed councils to pay better remuneration, therefore attracting a better quality candidate to local government. We have also given them better guidance on things like codes of conduct and so forth and we will have further reforms in this regard later this year.

We should recognise that this government has been looking at helping local councils work more effectively together through the release of the *Better Local Governance* consultation paper last year that has enabled the government to look at making further reforms in issues such as conflict of interest. On this side of the house we believe we are a party that is very mindful and respectful of the needs of local government, and that we have already made a number of reforms.

I look forward to working with the Minister for Local Government in the other place to ensure that we put in place further reforms in relation to the City of Melbourne in the future that will give Melbourne residents a greater say in the running of their local council. In terms of the motion that we have before us today, it is unrealistic to be calling for a review in such a short lead-up time before the current council elections that we have before us. We know the formal process for elections will commence on 21 August when the council and the Victorian Electoral Commission will prepare for exhibition of the draft roll; that 26 September will be the last day a council can exhibit the voters rolls for the statutory period of time, and that 3 October is entitlement day, when the rolls actually close. Effectively the opposition is calling for a review that will commence immediately and be concluded before 21 August, which is an unrealistic time, and for that reason we oppose this motion.

**Mr HALL** (Eastern Victoria) — In reply, I thank Mr Leane, Mr Barber and Ms Mikakos for involving themselves in this debate. It is extremely disappointing that the government is not prepared to support this review on what I believe are rather flimsy grounds of an inappropriate time frame in which to deliver. Indeed, I think that comment is very hypocritical of the government when it expects 78 local government areas in Victoria to be the subject of review over a two-election timetable, with the one glaring anomaly, the City of Melbourne, which is not being addressed by this government.

Mr Barber gave us an insight into the various matters of the history and politics of the Melbourne City Council and I, for one, found it entertaining and very informative from a person with his knowledge of and involvement in the Melbourne City Council.

Mr Leane said this was not a good idea, but he failed to provide the house with any valid reasons for why it was not a good idea. The only objection I could glean from Mr Leane's contribution was that the time frame was too short. Similarly in Ms Mikakos's contributions there were no serious objections to the review apart

from the fact that she also believed the time frame was an unrealistic one.

I say to both Mr Leane and Ms Mikakos and to the Labor government that if there is a will there is a way, and I have no doubt in my mind that if this government thought a review was necessary, it would institute it tomorrow. It would start the process. We have 3½ months in which to complete such a review within the time frame established by this motion — we have half the month of June left and July and August.

Admittedly, as Ms Mikakos said, some of the procedures leading to the election are to be dealt with in August and September of this year, but there is nothing preventing those sorts of processes, regardless of the outcome of any review. However, if a review was to be concluded by September, we would have the month of October to implement any legislative changes if required — and this government is good at rushing through legislation when it needs to. There is no reason why it could not do that to meet the time frame of the late November election period. As I said, if there is a will, there is a way.

Listening to Ms Mikakos in particular, one would gain the opinion that everything is absolutely okay, that there is no dissent and that everything is working efficiently and properly within the City of Melbourne. On this side of the house, we do not believe that is the case. Moreover, the compelling reason we say a review of the City of Melbourne needs to be undertaken is that every council in Victoria, apart from Melbourne, is subject to a review by law. There is no valid reason why Melbourne City Council should be alienated from that process. It should be subjected to the same performance review by the electoral commissioner as are all the other councils.

I have to say that there was no great clamour for a review within many of the municipalities within my electorate. They knew it was required of them, despite the fact that comparatively few of them considered they needed such a review. However, those reviews have been undertaken, and I think in a lot of cases they produced some worthwhile outcomes. As I said, there is no reason why we should not apply the same measure to Melbourne City Council.

I am extremely disappointed that the government is not prepared to undertake such a review. It is extremely hypocritical of government members, and it reflects poorly on them. They are out of step with a lot of people and organisations within the city of Melbourne, and they will suffer from that in the long run.

In conclusion, I say this: we are asking of the City of Melbourne no more than we ask of the other 78 municipalities around the state of Victoria. All the municipalities should be treated equally, and they should be subjected to the same review process. By way of this motion we again call upon the Brumby government to implement a review of the City of Melbourne in line with all other reviews of local government that have taken place in Victoria.

### House divided on motion:

#### *Ayes, 21*

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

#### *Noes, 19*

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

### Motion agreed to.

## WATER: PLUG THE PIPE PROTEST

**Ms LOVELL** (Northern Victoria) — I move:

That the Legislative Council expresses its disappointment at the Premier's intemperate response towards the Plug the Pipe organisation and their peaceful protest which was held on the steps of Parliament on Tuesday, 3 June 2008.

I think most Victorians like me were very disappointed in the Premier's response to that peaceful protest. Everyone realises that it is an individual's right to protest if they disagree with a government project, and we see many protests on the steps of Parliament House these days because it seems that most Victorians disagree with the projects that this government puts forward.

I think the Premier's response was totally over the top. Calling people liars and insulting people personally, launching personal attacks on the organisers of that

protest was totally over the top. It showed that the Premier is not coping with the growing opposition to his very unpopular north-south pipeline that will suck water out of country Victoria to deliver it to metropolitan Melbourne. It was heartening to see on the steps of Parliament not only country Victorians protesting against this north-south pipeline, but also many metropolitan Victorians joining them saying that they know they need water and they know there are other options for Melbourne to get that water, and they do not want to take that water at the expense of country communities. But the Premier with his comments showed how little he cares about country Victorians and how he is prepared to just do anything he can in order to solve his immediate problem that has been created because for the past eight and a half years this government has done nothing about investing in water infrastructure.

Firstly, I would like to say that there is no-one in Victoria that opposes the modernisation of the food bowl of Victoria or the irrigation infrastructure there. We all know that that infrastructure needs modernisation, and everyone applauds any investment in that infrastructure to ensure that water is not lost through seepage and evaporation, but it should not be a condition of that investment that there is a reciprocal benefit to Melbourne, as country Victoria has been told. But as far as calling members of the Plug the Pipe organisation liars is concerned, the government needs to take a look at its own track record first. We need to look at a number of lies that have been told about this project.

If we go back even before the 2006 state election, we find that lie no. 1 was told then. When the central region water strategy was developed, this government promised that it would never take water from north of the Divide and pump it south to Melbourne — north of the Divide, where rainfall is scarce — to a high rainfall area in the south to supply Melbourne. That was lie no. 1: the promise that that would never eventuate. It was later revealed that the government was actually speaking to the food bowl modernisation group prior to the election, so the government knew when it made that promise that it was actually considering this proposal.

An article appeared last week on page 3 of the *Herald Sun* headed 'Secret dam plan' which revealed that prior to the last state election the government was considering this project. The article says:

Consultants drew up an exhaustive list of pros and cons for dams, weirs and pipelines that would have cost a total \$4.55 billion across the state.

It goes on to say:

The pre-election investigation found a series of flaws with building new dams on the basis of water delivery, environmental damage and economic viability, and led the government to back desalination and other projects.

So for 'other projects' read the north-south pipeline. The article goes on to say:

The so-called Hume corridor scheme, with a new pipeline and pump scheme diverted from the Goulburn River to ease the burden on Kilmore and Melbourne's outer growth corridors ...

would have cost \$580 million, and that the Sinclair Knight Merz report backs that view, finding that taking water from the Goulburn River catchment remained the best option.

So there we see that before the last state election the government was already considering this plan. So lie no. 1 was that it would never pipe water from the north to the south. Lie no. 2 came at the beginning of this project. I guess it is almost 12 months ago today — in fact 12 months ago this Saturday because the date was 14 June. It was a Thursday last year — Thursday, 14 June 2007. The Premier, who was then Treasurer of the state, came up to northern Victoria. He met with the mayors and the chief executive officers of our councils in the region that would be affected by the pipeline. He told them about his plan to build a north-south pipeline and in return to invest in infrastructure in the irrigation district, but he said that without their support this project would not go ahead.

Before they could get back to him and respond — this was on the Thursday — on the following Tuesday, the government announced its plan to build this north-south pipeline. That was on 19 June 2007. Five days before and a weekend in between that, when the then Treasurer met with our mayors and CEOs of our councils, he knew then that the TV ads had already been filmed, that the TV ads with the little red helicopter were already in the can. The air space, the TV, radio and the newspaper ads had all been booked for the following Tuesday. He knew that when he told these mayors and CEOs that he would not progress with this plan unless they agreed with it. So that was lie no. 2. Lie no. 3 is the claim by the Premier that he can create new water.

**Mr Viney** — On a point of order, Acting President, I think it is absolutely inappropriate that the member is accusing the Premier of a series of lies. It is unparliamentary and I think she ought to be brought to order. This is absolutely beyond the standards of this house.

**The ACTING PRESIDENT (Mrs Peulich)** —

Order! I have been listening very carefully to the speaker. I do not believe she has actually called the Premier a liar. She has referred to the Labor Party lying, and her reflection on the Premier or discussion of the Premier's conduct or otherwise is as part of a notice of motion and therefore I do not uphold the point of order.

**Ms LOVELL** — There is a claim by the Premier that he will create new water. As far as I am concerned the only person who can create new water is God, and I certainly do not think the Premier is God. We certainly know that this project will not create new water, because the water already exists. The water may be lost to seepage and evaporation and it may be overdelivered onto farms, but finding those savings will not create new water; it will only mean that the water will be distributed in a different way. As members know, most of that water is overdelivered onto farms. In the entire Goulburn-Murray system it is considered that 10 per cent of water is overdelivered onto farms through the inaccuracy of Dethridge wheels, according to Goulburn-Murray Water. That is one-third of all the losses in the system, and that water is already being used productively in the Goulburn Valley and is not really lost. That water will just be taken from irrigators. Irrigators will lose 10 per cent of that water and in return they will be given back 5 per cent, so they will be worse off than they were previously.

Lie no. 4 about this project is that irrigators have asked for this project to be delivered. The majority of irrigators are actually against this pipeline. There is really no community support at all for the pipeline. As I said before, no-one is opposed to modernisation — and yes, that is what we have asked for, modernisation of our infrastructure — but we are opposed to the north-south pipeline. It was most disappointing to hear our current Treasurer, Mr Lenders, making a speech to the Municipal Association of Victoria (MAV) in which he said this government would not consider investment in that infrastructure unless there was a direct benefit for Melbourne.

As I said, the majority of irrigators are totally against this project. They have not asked for it. The reality is that the government is hanging its hat on a proposal that was put to it by an unelected group of people from northern Victoria which is not representative of the majority of irrigators because it does not represent the views of the majority of irrigators. Those people know that we need investment in our infrastructure, and they genuinely believe that the only possible way to get that is if there is a benefit for Melbourne. They consider that this is the only way that this government would invest in that infrastructure, so in their heart of hearts they

think they are doing the right thing. But when you speak to them on their own and tell them to separate these two projects, many of them openly admit they do not support the north–south pipeline proposal part of this. They believe this is the only way they can get this investment in new infrastructure, and of course the Treasurer told the MAV that that is the truth.

Lie no. 5 about this proposal goes to the losses and the rubbery figures that the government has used to describe the losses that happen in the Goulburn-Murray system. When this proposal was first announced the government said 900 gegalitres were lost to the system every year. If we go to the *Hansard* of 19 June last year, the Premier said:

It is important to understand when you talk about the Murray-Goulburn system that the water that is released each year is around 3000 gegalitres: 2000 gegalitres is delivered, and 900 gegalitres go missing.

When Mr Baillieu interjected and said that, if the system did not run at full capacity and there was less water running through the system, there would be fewer losses, the Premier responded, saying:

The Leader of the Opposition says, ‘What if the flows are lower?’.

Then he went on to say:

They are the distribution losses that occur whether it is at full capacity or whether it is at half capacity. It is the water that is lost when you operate the system.

**Mr Drum** — The Premier doesn’t know what he’s talking about.

**Ms LOVELL** — Mr Drum is right. The Premier does not know what he is talking about, because you do not lose 900 gegalitres every year regardless of how much runs through the system. The government is now acknowledging that. Its press releases are now saying there are 600 to 800 gegalitres lost every year, but even that is wrong, because we know that in the last two years the losses in the system have been around only 500 gegalitres and the projected losses for the 2007–08 season are only about 450 gegalitres. So 900 gegalitres are not lost every year — and you cannot save 450 gegalitres every year, because there is not that amount of water.

We are never going to get to 100 per cent efficiency because we use natural waterways and open channels to deliver this water. If we got to 85 per cent, that would be rather miraculous, but when there are only 450 gegalitres to be lost this year, getting to 85 per cent would mean that only a maximum of 225 gegalitres

could be found as savings, and that is combining stage 1 and stage 2 of the project.

Lie no. 6 is the figures that have been used to describe the savings. We know the government has said that Melbourne will get one-third of the first stage of these savings. The government has said that 225 gegalitres can be found in the first stage, but as I have just demonstrated, if the losses are lower, we may find that is the figure for the entire stage 1 and stage 2. The government says it can save half the losses, but it keeps quoting that as half of 900 gegalitres, and I have just demonstrated that that is not right. It says it will save 225 gegalitres in the first stage and 200 gegalitres in the second stage, which is to be funded by the federal government. But the Auditor-General has questioned the savings, based on a lack of detail in the food bowl proposal that the government adopted and also full validation of those savings. There has been no independent audit of the savings to establish whether these figures are correct. We know that the water will go to Melbourne before the savings are even achieved. The water will go to Melbourne in 2010, yet the first stage of the investment in infrastructure is not expected to be completed even in 2015.

What if the savings are not found? Melbourne will still get its water regardless of how much is found or whether any is found at all. The Premier has confirmed this. He said Melbourne will get more than one-third of the water. Last week on the Premier’s website was a statement, which I printed today, confirming that Melbourne will get more than one-third of the savings in the first stage. That is because the government has dropped the savings for the first stage from 225 gegalitres to only 200 gegalitres. In the record of an interview discussing the 2.00 a.m. lockout, the Premier spoke about the food bowl modernisation and said:

...we’re actually creating new water and ... There will be on average 200 gegalitres ...Melbourne will use 75 gegalitres of that.

That is, more than one-third of this new water that our Premier is creating will be delivered to Melbourne. But the government’s promise was that only one-third of the savings would go to Melbourne. If the savings turn out to be only 150 gegalitres, Melbourne is still going to get 75, because the Premier has confirmed that Melbourne will get 75, no matter what. Therefore lie no. 6 is that Melbourne will get only one-third of the savings.

Lie no. 7 revolves around the government ads that appeared in the papers last Tuesday and claims that 46 signatories to the ads represented close to 1 million people who supported the pipeline. Why do I refer to it

as a government ad when it appeared that it may have been a community ad? It is a little bit confusing, and even the Premier himself is a little bit confusing.

The advertisement refers to the Foodbowl Unlimited Forum as proudly supporting this advertisement. We all know that Foodbowl Unlimited has been the recipient of government funds, so I guess that shows that if it is a recipient of government funds and it is funding this advertisement, then it could be a government advertisement. But it was the Premier who made us think that it was a government advertisement, because when he was interviewed on ABC radio about this particular advertisement — he was in Ballarat at the time — he was asked about the protest in Melbourne and the advertisement in that morning's paper, and he is reported as saying to the interviewer: 'Look at my ad. Look at my ad, Jess, please. Look at the ad'.

Then when Jess said to the Premier, 'Is that the ad in the papers?', the Premier said yes. Was that a Freudian slip? 'My ad'? We are all a little bit confused. Is it a community advertisement or is it a government advertisement? Either way the Premier has lied because he has said it is 'my' advertisement on the one hand and then he tried to pass it off as a community — —

**The ACTING PRESIDENT (Mrs Peulich)** — Order! The member is able to refer to lies, but not to personalise them to a member of Parliament.

**Ms LOVELL** — Lie no. 8 is that the majority of northern Victorians support this project. We know that to be untrue. WIN Television has run polls which have recorded 97 per cent to 98 per cent of people being against this project. Just yesterday ABC radio conducted an SMS poll, and by 10.00 a.m. 530 people had registered their opposition to the north-south pipeline and only 26 had registered as being in favour of the north-south pipeline.

John Corboy, one of the proponents of this project in northern Victoria, went on ABC radio and tried to defend the position by saying that the Plug the Pipe group was highly motivated and had motivated its troops to call in. One respondent to the SMS poll was so enraged by this comment that they contacted the ABC to say that they were not a member of the Plug the Pipe group, no-one had contacted them and told them how to vote, they were quite capable of having their own opinion and were insulted by Mr Corboy dismissing their view just because it was different to his. This is how the community feels about the Premier as well. It is insulted when the Premier dismisses its concerns. People have a right to have a difference of opinion to the government.

Not only does the government misrepresent people's views, but the Premier also says that the majority of northern Victorians are in favour of this pipeline. In fact in the same interview I previously referred to, the Premier said that the advertisement that was in the paper last week was signed by 'people who represent hundreds of thousands of country Victorians'. He said that if you went through the list of the employees of the companies and the members of these groups, you would probably find it was closer to a million than hundreds of thousands of people. While these companies may have signed this advertisement, it does not mean they represents the views of their employees or their members.

The president of Northern Victorian Irrigators is on the list. I am a member of Northern Victorian Irrigators and I do not support this project. In fact Northern Victorian Irrigators have never been asked to vote on this project. There was a meeting at which a motion was moved, but it was very misleading. At that stage there were about 800 members of Northern Victorian Irrigators, but only 160 people voted. The motion that was moved was, 'Do people support \$1 billion worth of investment into the irrigation infrastructure'. That is not saying, 'Do you support that investment in return for piping water to Melbourne?'. It was a misleading motion that has been used to support this project.

I know of another signatory to this advertisement who, if he took the time to walk around his workplace and talk to his employees, would learn that his stance on this issue is not supported by the majority of his workforce. I know that because I know a number of people who work there. I speak to them regularly and they hold a different opinion to that of their employer.

When we look at the 46 signatories to this particular advertisement, we find that at least a quarter of them are state government appointees or paid bureaucrats, and many of the companies that have signed it are either direct beneficiaries of contracts or consultancies that are related to this project or they have received other government funding. Three trade unions are signatories, so of course they are going to be in favour of the state government position.

We know that the Premier and the minister know in their heart of hearts that the majority of northern Victorians are against this pipeline. That is why they have to sneak into the Goulburn Valley to meet with their mates. If they announce a visit they know they are going to be surrounded by protesters. On the Friday before last there was a protest at Kyabram. It had been reported that the Premier was going to be at that particular event, which was the turning of the sod for

the food bowl modernisation project, but the Premier chickened out. He did not turn up because he knew he would be surrounded by protesters.

Last week's rally on the steps of Parliament House was attended by over 1000 Victorians, and that should have sent a very strong message to the Premier. But instead of listening to the community, he chose to insult the organisers. He chose to insult them by calling them liars and by launching an appalling personal attack on Mike Dalmau, who was only exercising his democratic right to protest. John Brumby has resorted to the schoolyard bullying tactics of insults and abuse. When a government, and in particular a Premier, is prepared to stoop so low as to launch personal attacks on the community, it shows it is losing the argument because those are the tactics of a desperate government.

Finally, I would just like to compare this project with another significant project — a particular Labor government project — that was also based on a lie. This is, of course, the promise that it would build the Scoresby freeway. Does everyone remember that word 'freeway'? The Scoresby freeway — what a laugh! The government said categorically prior to the 2002 elections that there would be no tolls on this road. Then, post the election, the government announced the road was to be tolled. So what did it do to try and ease the community anger about these tolls? It changed the name of the project: the Scoresby freeway became the EastLink tollway. Like a magician's trick — or what the government thinks is a magician's trick — it thinks that by changing the name it can just make the former promise disappear. It thinks, 'We can make the promise of a freeway disappear by changing its name to EastLink', that with a click of its fingers or a twitch of its nose, just like a magician, it can make it disappear. Now it seems that that will be the recipe for all unpopular government projects. The government will say, 'We will make a popular announcement prior to the election. After the election we'll do the unpopular backflip, and then when the project becomes distasteful to the electorate, we'll change the name', and that is exactly what it has done with the food bowl modernisation and the north-south pipeline.

Prior to the election the government promised that no water would be pumped from north of the Great Dividing Range to the south. Post the election it said, 'Now we're going to take the water from north of the Divide and pipe it down to Melbourne, and we're also going to tie any investment in irrigation infrastructure into that pipeline. When the project becomes unpopular, we'll just change the name', and that is what it has done. I actually got a letter last week from one of the ministers who said, 'You wrote to me regarding the

food bowl modernisation and the north-south pipeline. These have now been renamed: food bowl modernisation is now called Northern Victorian Infrastructure Renewal Project, and the north-south pipeline is now referred to as the Sugarloaf interconnector'. So it has changed the name to make the anger go away. But the community will not be fooled, nor will it put up with John Brumby's bullyboy tactics and insults.

Community members know that this project is wrong, and they know that the government has not been quite truthful with them in dealing with this project. They also know that it is not the Plug the Pipe group who are telling the lies. John Brumby will regret the day that he resorted to name calling and insults. We all know that the community will rise above this and it will reject John Brumby. We all know that John Brumby is an unelected Premier whom nobody wants. He has a history of not being wanted. The good people of Bendigo did not want him when he was their federal member, so they showed him the door. The Labor Party in opposition did not want him when he was their opposition leader, so they showed him the door. And in 2010 the people of Victoria will get to have their say.

The north-south pipeline and John Brumby's attitude to anyone who opposes it will be his downfall. The people John Brumby insults today will have the last laugh in 2010, when Victoria shows John Brumby the door.

**Mr VINEY** (Eastern Victoria) — Firstly, let us just get things clear on the table. People opposed to this project — the Plug the Pipe group — have been running around Victoria saying all the things that Ms Lovell has just said, which are not true. They have been making accusations that the government is not telling the truth, that the government has misled people and that the government is not telling the truth about the investment that it is putting into water in this state. When a bit of pressure goes back — and when a bit of pressure gets put back on the other side — they are all squealing.

**Mr Drum** — Where are the facts?

**Mr VINEY** — The facts are that this government is investing. Mr Drum, you can keep screaming for the facts; if you want to listen, I will give them to you.

**The ACTING PRESIDENT (Mrs Peulich)** — Order! Through the Chair!

**Mr VINEY** — The facts are that this government is investing in the largest investment in water infrastructure that this state has ever seen — \$4.9 billion across the state — and in the food bowl

region, the government is investing \$1 billion into the food bowl modernisation project. Let us be clear: the modernisation of our irrigation system would not happen if there were not \$600 million from the government and \$100 million from Melbourne water users. How could it happen? Are the members opposite suggesting that irrigators ought to pay the full \$1 billion?

**Ms Lovell** — On a point of order, Acting President, Mr Viney has misrepresented what I said. I did not say irrigators should pay the price —

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

**Mr VINEY** — I am not sure what the opposition is proposing to do to modernise the food bowl project, but if the government did not put in \$600 million and the Melbourne water users \$300 million, it would be \$900 million short, because the irrigators are putting in \$100 million.

**Ms Lovell** — The Howard government is.

**Mr VINEY** — Okay, I will come to the Howard government and stage 2. I will come to the commonwealth government and stage 2 of the project in a minute, but let us deal with stage 1 — \$1 billion worth of investment, of which irrigators are putting in \$100 million. How on earth could the food bowl modernisation project occur without that? Let us just be clear: in the food bowl, every year irrigation is losing through evaporation and leakage almost twice the amount of water that Melbourne uses every year. That is lost every year in the system.

**Mr Drum** — Where does it go?

**Mr VINEY** — It goes through evaporation and into the ground.

**Mr Drum** — Does it go in the aquifers?

**Mr VINEY** — What is Mr Drum suggesting, that ultimately it is going to go into the atmosphere and fall as rain somewhere else? Where does Mr Drum want to send it to — South America? Does he want our water out of the food bowl to fall as rain in South America? I do not know. That is a good idea; let us tell the irrigators that.

**Mr Drum** — Does it go into the aquifers?

**Mr VINEY** — Some of it does.

**Mr Drum** — Thank you. And what happens to that aquifer water?

**Mr VINEY** — It is lost every year. So what are we going to do? We are going to modernise the system, and in stage 1 — \$1 billion — we are going to return one-third of that water to the irrigators, one-third of the water to the rivers, and one-third of the water to Melbourne. Out of the \$900 million investment from the government and Melbourne water users, 75 gegalitres is coming to Melbourne. In actual fact, if you think about the \$600 million the government is putting in, you have to ask: where does that come from? That comes from general tax revenue. Where does general tax revenue come from? It comes from all Victorians. I asked the planning minister before what Melbourne's population is, and it is about 80 per cent of the Victorian population, so out of the \$600 million it is fair to say that somewhere between \$400 and \$500 million has been drawn from Melbourne people. Some \$500 million plus \$300 million gives us about \$800 million, so somewhere between \$700 million and \$800 million of the total project cost is probably being paid for by people from Melbourne. According to that lot over there, the people of Melbourne should not get anything — they should just pay for it!

What we heard from Ms Lovell is not only an attack on the Premier but an extraordinary attack on a whole range of people in her own electorate — a whole range of people who dared to differ from what Ms Lovell said, criticising people for putting an ad in the papers saying, 'We actually think this is a pretty good idea, this project'. People like Andrew Prentice, the CEO (chief executive officer) of Eastfield Orchards —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mrs Peulich)** — Order! One moment, Mr Viney. We know that Mr Viney has a tendency to inspire interjections. I ask members to desist and to allow him to complete his contribution to the debate without assistance.

**Mr VINEY** — Ms Lovell has been busy criticising people who dared to advertise their opinion that the pipeline is a pretty good idea. People like Andrew Prentice, the CEO (chief executive officer) of Eastfield Orchards; Oz Pac Australia Pty Ltd; Michael Zurcas, the CEO of Zurcas Coolstores; Russell Pell, the chair of the Central Goulburn modernisation committee; Geoff Akers, a member of the Northern Victorian Infrastructure Renewal Project; Peter McCamish, the director of Water for Rivers; Nigel Garrard, the managing director of SPC Ardmona; Richard Guy, former chairman of the Bendigo Bank and chairman of the Northern Victoria Infrastructure Renewal Project; Colin Rees of Mangalore Airport Australia; Stuart Rea, a dairy farmer; Peter Bicknell, a senior partner of

M B+M Accountants; John Pettigrew, a member of the Goulburn Broken Catchment Management Authority; Suzanna Sheed; Rocky Varapodio of Varapodio Orchards; Ross McPherson from McPherson Media Group — —

**Ms Lovell** — On a point of order, Acting President, I would like to correct Mr Viney. Mr Viney pronounced Stuart Rea's last name as 'ree' but it should be pronounced 'ray'.

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

**Mr VINEY** — I am reading from an extensive list, and I am trying to do it quickly for the benefit of the house. There is an extensive list of people from Ms Lovell's region who are in favour of this project. For Ms Lovell to come into this chamber and say that those people do not understand the people who work for them or the views of the people of northern Victoria is just plain wrong.

There is considerable support for this project. A problem with the project is that people who have a political axe to grind and who are failed politicians — like the Liberal Party member who ran for the lower house seat of Seymour twice and got beaten twice — are running a political campaign to try to criticise a project that is going to benefit the people of northern Victoria.

In regard to addressing the truth, Mr Dalmau firstly said that the water is not there to take. Even the VFF said in a press release of 3 October 2007 that water will be generated from the food bowl modernisation project.

Mr Dalmau then said that there would be a loss in food production — what nonsense! We are putting \$1 billion into the food bowl modernisation project to create more water for the irrigators in the region and to pour water into our stressed rivers. Mr Dalmau said that that will cause a loss of food. What absolute, arrant nonsense! These are the sorts of comments we are responding to. It is nonsense that has been propagated across northern Victoria by a failed politician who is an aspirant to the other place. He missed out twice — —

**Mrs Petrovich** — On a point of order, Acting President, I believe the member opposite is reflecting on someone in the community who has an opinion which they are entitled to hold in the community. I think it is most unfair.

**The ACTING PRESIDENT (Mrs Peulich)** — Order! That is not a point of order. It is only disorderly

to reflect on members of this chamber or the other place or to use unparliamentary language.

**Mr VINEY** — Mr Dalmau went on to say that the Murray–Darling Basin is in crisis and that this project would exacerbate it. The food modernisation project means there will be more water for the rivers. There will be 175 billion more litres of water because of the project.

The government is investing in putting water back into the river system. Some opponents of the project are almost saying, 'We want to forget about that. We are just going to talk about the bit of water that is going to Melbourne'. About the same amount of water is being saved in stage 1 and in stage 2 of the project. There are \$1 billion worth of Victorian government initiatives and \$1 billion that we managed to negotiate is coming from the Rudd Labor government. We could not get any progress on an agreement from the Howard federal government regarding the Murray–Darling Basin project because it was playing politics with this issue.

We had to wait for a change of federal government so we could actually get some sense from a government that recognised that the Victorian government had already invested substantially in the river systems, the irrigation systems and the water systems in Victoria. A further \$1 billion was put into stage 2, with 50 per cent of that water going into the rivers and 50 per cent going back to the irrigators. I cannot do the maths while on my feet, because I am not as good as that, but one-third of stage 1 savings is significantly less than one-third of both stages. It is probably somewhere closer to one-sixth. From all this investment and work a small amount of water, 75 gegalitres, goes to Melbourne and hundreds of gegalitres go back to the farmers and into the rivers. This project is an absolute no-brainer. It will stop the loss of water that is occurring from a clapped-out irrigation system, it will put water back into the rivers, it will give water back to the farmers and it will give a little bit to Melbourne. Melbourne is paying far and away the lion's share of the cost of the project. Melbourne taxpayers are paying between \$600 million and \$700 million in one form or another for this project.

The next thing Mr Dalmau said was that there are better solutions for Melbourne's water problems. The government is dealing with these problems in a whole range of ways, including the incredible water savings Melbourne people have made in their own use of water — they have reduced their water usage by over 20 per cent. Not only that, the government is investing in a desalination plant to create more water. What is the next thing we are doing? We are looking at a way to

recycle more water; we are looking at the eastern treatment plant and how we can reuse that water. There are a range of projects across Melbourne to deal with the water issues we are facing in Melbourne. Mr Drum is laughing — —

**Mr Drum** interjected.

**Mr VINEY** — He is laughing about the issue of water. But what is the solution of The Nationals to this issue? Their solution is to dam the Mitchell River or dam the Macalister River in Gippsland. They ran a campaign in Morwell saying that Melbourne was stealing Gippsland's water and sending back its poo.

Their solution, which they spruik in northern Victoria, is to dam the Macalister River or the Mitchell River. But The Nationals are not running that out in Gippsland. No, they do not talk about that. I would like to see Mr Drum run that in his Gippsland campaign right now. Run it in the campaign: 'We want to dam the Mitchell and the Macalister and send the water to Melbourne'. Talk about untruths! I remind the house of The Nationals' untruth in the last election with what it did in the seat of Morwell; and it is mind blowing to realise what their real proposals are. The next line from Mr Dalmau was to say:

To me the pipeline to Melbourne proposal is a con job; to think that we must give up our water to Melbourne; give away our future, our jobs to pay for this.

The food bowl modernisation project is about securing the future for northern Victoria, about securing jobs, about securing the future there in terms of securing water supplies for the irrigators and about securing the jobs and the industry that flow through all of that. It is about putting a \$1 billion investment into that region — in fact \$2 billion when you take into account stage 2.

This is one of the few times I have ever heard a political party come into this place and oppose a \$2 billion project in its region. It is absolutely extraordinary. The logic of this is that if you do not think Melbourne should get a share of the water, if you do not think Melbourne should be receiving some of the benefit, when it is paying somewhere around about 70 per cent or more of the total project cost, how on earth could it happen? How could you say to people, the taxpayers of Melbourne, 'Yes, you pay for it all, but you get none of the benefits'?

This is about Victoria's water. It is about securing the whole system. It is about making sure we have a grid across the whole state. It is about drought proofing Victoria. It is about dealing with the climate change issues that the people opposite pretended for so long did

not exist. We had debates in this chamber in the last Parliament where members opposite denied that climate change was an issue that we had to deal with. That was the debate we had in this chamber only four or five years ago.

This project is about the Victorian government's efforts to ensure that we have a secure future in Victoria, understanding that water is a precious resource, by changing people's habits in terms of how we use water; changing the habits of all the water authorities in terms of increasing the amount of reuse; and looking at ways of creating more water, such as the desalination plant and improving our irrigation systems, which is occurring in the food bowl project. This is about investing in all Victorians, making sure that all Victorians accept their responsibilities in reasonable and sensible water use and accept their responsibility to share it all with one another.

I have said to people in Gippsland who raised the accusations that The Nationals made about Melbourne stealing Gippsland's water that it is complete nonsense to be suggesting that Melbourne has its own water supply. It does not. Melbourne has a water supply that is based on the regions and where the rain falls, and to be suggesting that Melbourne is stealing Gippsland's water or northern Victoria's water or anyone else's water is nonsense. We are one community. We need to share the resource together. We need to be understanding of one another. And we do not need to be driving a wedge between country Victorians and Melburnians.

**Ms Lovell** interjected.

**Mr VINEY** — We do not need to be doing that. We need to be recognising that Melburnians have a responsibility to help pay — —

Mr Drum might shake his head, but we need to accept, and you all ought to accept, that Melburnians have a responsibility to help pay for modernising the irrigation systems in northern Victoria. We absolutely have a responsibility for that. Melburnians have a responsibility to make sure that Melbourne's wastewater is treated and reused, and they need to pay for that.

*Honourable members interjecting.*

**Mr VINEY** — Through the eastern treatment plant. Melburnians accept those responsibilities. There is no-one in Melbourne who is objecting. I have not heard anyone in Melbourne objecting to their taxes and their money being used to modernise the irrigation systems in northern Victoria, because they accept and

understand the importance of the food bowl. They accept and understand all of that, and they are prepared to help farmers and irrigators to modernise the system. They do not expect that farmers and irrigators should have to pay such a massive amount of money to modernise the system and to drought proof the farms and those important regions that produce the food.

Melbourne absolutely needs the food bowl. It needs our producers in Gippsland. Melbourne needs the coal in the Latrobe Valley. But the food producers of this state need Melbourne: they need Melbourne's market, they need all the infrastructure and everything that Melbourne provides. It is a co-dependent relationship, and we ought not be driving wedges between one side and the other.

The people in the Plug the Pipe organisation have been running out the line that the government is lying. They have been doing it for months. But the truth is that they are in fact telling untruths to the people of northern Victoria. They are the ones that are misrepresenting the situation here, as I have just shown using Mr Dalmau's comments. They are misleading people in northern Victoria, and the government has a responsibility to set the record straight — and it will. It will not sit by and watch people like that mislead people in northern Victoria for base political purposes.

This motion is nothing more than trying to ramp up Mr Dalmau's political aspirations. It is all about winning seats at the next election. It is not about looking after farmers in the food bowl. It is not about looking after irrigators, because you could not say you are going to help the irrigators and argue against this project.

This is a great project for Victoria. It is going to deliver water. It will deliver significant amounts of water — hundreds of gigalitres — for irrigators. It will deliver similar amounts of water for our stressed rivers and will deliver 75 gigalitres of water for Melbourne. That, combined with the savings that Melburnians are making, combined with the increased reuse of water from our treatment plants and combined with the new desalination plants, will secure the important market for our farmers — that is, Melbourne. Let us not kid ourselves. As I said, this is a co-dependent relationship: Melburnians need our farmers, and our farmers need Melbourne. It is that relationship that will make this state great.

For that to occur requires a government to believe in it and to invest in it. That is what this project is about: believing in all Victorians and investing in all Victorians. That is what this project is about. It is a

great project for Victoria. It is a shame that the opposition is continuing to peddle the untruths of Mr Dalmau, and it is a shame it is doing it for purely political purposes. Anyone looking at this project objectively would agree that it is an investment in the future. As I have said in this house in numerous water debates, there are some simple solutions to the issues of drought and climate change: we need to use less water, reuse water more, and we need to create more potable water. It is no solution to dam more rivers, as The Nationals propose, because all of our river systems essentially are dammed and the dams are not full.

**Ms Lovell** interjected.

**The PRESIDENT** — Order! Ms Lovell!

**Mr VINEY** — There is no value in damming the Mitchell or the Macalister. We need that water going into the Gippsland Lakes, and they have already been stressed.

This is about creating more water through modernising a clapped-out irrigation system over 100 years old. That is the solution: creating more water through desalination, modernising our irrigation systems, using less water, and reusing water more.

Finally I want to pick up on Ms Lovell's comment about the EastLink project, which did not seem at all relevant to this debate. But I challenge each of the opposition members who have banged on about tolls to get up here before it actually opens and tell the house they are not going to use it.

All those members over in the eastern suburbs should tell us they are not going to use it because they are all opposed to it. When they were last in government they did nothing about it — a project that first appeared in the *Melway* street directory in 1967. I went to the library in Melbourne and went back through all the old *Melway* street directories and the first time it appeared was in 1967. As I said, Henry Bolte was Premier then, and he did not build it; nor did Dick Hamer, Lindsay Thompson, John Cain or Joan Kirner; nor did Jeff Kennett, but Steve Bracks got it under way and John Brumby will finish it. It is this government that actually did it.

The members over there who are going on about tolls would like to forget that the tolls went onto this project when one of the companies their government sold our railway system off to walked away. That is what happened. It cost the state a billion dollars. We had to find it. If Ms Lovell wants to raise it, then she can promise never to use it because there are tolls on it. Members opposite have gone on about it for so long

that I would like each of them to get up here and tell us they are not going to use it.

What has occurred is that the government has said quite clearly that the political people who are associated with this Plug the Pipe campaign have not been telling the truth to the people of northern Victoria.

**Mrs Petrovich** — On a point of order, President, the member opposite has continued throughout this debate to use unparliamentary language about a member of the community by calling him a liar and implying that he is telling untruths.

**The PRESIDENT** — Order! There is no point of order.

**Mr VINEY** — I have not once said that Mr Dalmau is a liar. I have not actually said that, and I have not said it of anyone. What I have highlighted in my contribution to the debate is the fact that there are a series of things which are not true. He has said a series of things that are not true, and the government has pointed out that these things are not true. I do not think once in my speech I referred to any of them as a liar, unlike Ms Lovell, who accused the Premier of telling lies. I have not once used the word 'lie' in my speech. I am saying that Mr Dalmau has not been telling the truth in these claims, and I have gone through and pointed out each time that one of these things —

**Mrs Peulich** — On a point of order, President, I was, as you know, in the chair when Ms Lovell was speaking, and I would hate Mr Viney to be reflecting upon the capacity of the Chair to adhere to the standards and forms of this house, because he is misrepresenting what Ms Lovell said.

**The PRESIDENT** — Order! Again there is no point of order.

**Mr VINEY** — I will not go down that path. Let me be clear: this project is essential for Victoria. It is an essential project to bring all Victorians together to recognise that we have a co-dependency: that we all need water and that we all have a responsibility to fund the creation of the water and sometimes to share it. That is what this is about. We are all Victorians. We have a precious resource in water. We have difficulties associated with the drought and with climate change, and we need to respond. This government has responded. It has responded in a comprehensive way that will secure water for all Victorians into the future, and where the government is criticised by people who are not telling the truth it will call them to account.

**The PRESIDENT** — Order! I now interrupt the debate.

**Debate interrupted.**

## WATER: INFRASTRUCTURE

### Following documents tabled by Clerk pursuant to resolution of Council of 28 May:

- (1) Catchment management authorities operating reports;
- (2) Catchment management authorities compliance reports;
- (3) RMCG, *The Food Bowl Alliance — Modernising the Goulburn-Murray Irrigation District*, final draft report prepared for the Department of Sustainability and Environment (DSE), 2007;
- (4) Business progress reporting (BPR), DSE database;
- (5) DSE internal departmental paper on the proposals to restructure the Office of Water, June 2007;
- (6) Individual reports generated by water companies and catchment management authorities tracking some aspects of the strategy including water conservation and recycling;
- (7) *Annual Review of the Central Region* referred to in PricewaterhouseCoopers and Snowy Mountains Engineering Corporation, *DSE Central Region Sustainable Water Strategy Annual Review Framework*, prepared for the DSE, Melbourne, 2007;
- (8) Spreadsheet reviewed by the Auditor-General tracking all of the 129 strategy actions, October 2007;
- (9) Draft text for inclusion in the DSE 2007 annual report in response to reporting requirements for regional sustainable water strategies under section 22J of the Water Act 1989;
- (10) Draft document from DSE setting out proposed reporting protocols;
- (11) Mid-2006 Victorian Water Trust (VWT) evaluation report;
- (12) VWT progress report to the VWT advisory council for period up to June 2007, assembled by the VWT secretariat within DSE;
- (13) VWT project register, listing of actual expenditure by project produced by the DSE finance division covering the period up to June 2007;
- (14) Business progress reporting (BPR) documents for VWT projects, November 2007;
- (15) PricewaterhouseCoopers, *DSE Water Industry Governance Review*, draft report, prepared for DSE, Melbourne, 2006; and

- (16) DSE draft terms of reference — integration working group.

**The Clerk** — I also lay on the table a letter from the Attorney-General on behalf of the executive government received on 11 June 2008 claiming executive privilege in relation to the PricewaterhouseCoopers, *Desalination Procurement Options Analysis — Full Report*, prepared for DSE (Department of Sustainability and Environment), Melbourne, 2007. As executive privilege is claimed, the Attorney-General states that the document will not be produced to the Legislative Council.

The Attorney-General further advises that one of the documents referred to in the resolution of the Council, the final business case covering the food bowl project, cannot be identified and therefore has not been provided.

## WATER: PLUG THE PIPE PROTEST

### Debate resumed.

**Mr DRUM** (Northern Victoria) — I must take this opportunity to respond to Mr Viney's claims that The Nationals are only calling for dams on the Mitchell River. Mr Viney must have a short memory, because Peter Hall stood in this very place less than a month ago detailing some plans for recycling that would see Melbourne attain something like 150 gigalitres per annum — if only it would recycle instead of tipping 350 gigalitres a year into Gunnamatta and Point Wilson at Werribee. Mr Viney does not want to answer all that. He does not want to go there. He just wants to be selective with the facts that he chooses to purport as coming from the opposition side.

Mr Viney also forgets to talk about the \$1.8 billion — it has probably gone over \$2 billion now — in public sector dividends that come out of various water authorities around the state. It is okay for this government to take \$2 billion in water dividends from the various water authorities around the state, but when it comes time to reinvest that money back into the water authorities and to fix up the infrastructure, it cannot do that. It has to find another source, and in this instance it has called it Melbourne Water. It says, 'We will leave the \$2 billion from public sector dividends in the bank; we will get some money from Melbourne Water, because if we can get Melbourne Water to pay for the infrastructure improvements, then somehow or other we will be able to put our tag on any of the benefits coming back to Melbourne'.

When did it become Labor Party policy that any services provided to regional Victoria have to have some benefit for Melbourne? When does that become public policy? We pay our share of taxes: whether it be 25 per cent from the people who live in the region or 27 per cent. Therefore, we expect schools to be built in our regions, and we do not expect those schools to provide any benefit to Melbourne. We expect to have our own law courts and our own police stations. We expect a whole range of government departments to be built and to operate in our regions, and we do not expect those regions to have to pay Melbourne for the privilege of our money, our taxes, being reinvested back into our area. This whole idea that the government will take public sector dividends from water authorities and keep that water is all against the backdrop of years and years of water irrigators paying 100 per cent of their costs and receiving less than 50 per cent of their water allocation. That is the backdrop against which this government has acted in the way that it has.

We can go on for years; we could pay 100 per cent of the maintenance costs, the storage costs, the delivery costs for the water, but we might get back 20 per cent, 30 per cent or 40 per cent of the water — and the government thinks that is fair. The government thinks that because it happens in the regions, people can put up with it, but when it comes time for the government to reinvest in that infrastructure that is generating all that income, it says the benefits somehow or other have to be shared with Melbourne. I do not know when that became Labor Party policy.

What has now happened is that the government has made a decision and it has gone back on a promise, irrespective of whether you call it a lie or an untruth, or whatever you call it. The government simply made a promise before the last election, like the promise it made in relation to the Scoresby freeway. It is exactly the same. It makes one statement before an election, and it makes another statement two or three weeks after the election. It made a promise that it would not take water from north of the Great Divide and pipe it to Melbourne. We know historically that it is drier in the north, and we know the catchments of Melbourne enjoy significantly better rainfall. That is reflected in the catchment storage capacities at the minute. The Eildon Weir, which is in effect going to be the genesis for all the water that is going to find its way into Melbourne, is currently around 82 per cent or 83 per cent empty — so it is at 12 per cent or 13 per cent of capacity at the moment. Eppalock Weir, which also joins part of that Goulburn system, is sitting at about 5 per cent or 6 per cent of capacity at the moment. Melbourne, which is going to be the beneficiary of this water, is currently

sitting at just under 40 per cent of its capacity. Historically it receives the bulk of the water.

The backdrop to all this is farmers paying for years and receiving less. Will they get the opportunity to invest the money they have been receiving in water dividends back into the infrastructure? No. What is going to happen is that Melbourne water users' money is going to be used, through Melbourne Water, and therefore somehow or other it will be claimed that a shared benefit has to be delivered back to Melbourne!

There were two peaceful protests, which in effect is what the motion is about. The second one occurred last week. People took time off from their work and drove down to the city. There were 800-odd vehicles. Some of those vehicles were held up and could not make it here until 2 hours after the first vehicles had arrived at Parliament House. What did we get? We got the Premier of this state turning around and calling this group of people liars.

Today Ms Lovell presented a petition that has been signed by over 300 people from the Goulburn Valley who want to express their views in this chamber. Is the Premier going to call those 300 people liars? We will be bringing petitions into this Parliament over the next number of months. Does that mean that everybody who signs the Plug the Pipe petitions is a liar? The government has to be very careful not to disenfranchise so many people in the Goulburn Valley. We can talk about a whole range of statements which have been made by this government and show that the government has then gone back on those statements. Promises have been broken. I agree with Ms Lovell when she said earlier that when there is no coherent argument left for the government — the ministers and the Premier — it seems that the only thing they can turn to is name-calling, saying northern Victorians are ugly, ugly people and quasi-terrorists, and that the people involved in the Plug the Pipe group are nothing but liars, or are telling lies.

We have had pre-election promises such as that the government would never take water from north of the Divide and pipe it to Melbourne. That promise has been broken. When this started to bubble through, the Premier went to various shire councils and the Municipal Association of Victoria and said, 'I will not do this unless we get full community support'. That was a lie, because it was only the very next day, without any sort of public support, that the government went ahead and made the announcement.

Calculations on the water savings are based on a 100-year average. Mr Viney talks about members on

this side of the chamber somehow being climate change sceptics. The government is being deceitful with these figures, because when it talks about the savings that will be generated it refers to average rainfall over 100 years. It expects that the rain will start bucketing down and deliver excess water into the system so that it will be able to deliver all the expected savings. We are in the midst of the worst 10 years of drought on record. When it suits the government to talk about the worst 10 years of drought on record it will, and when it suits it to talk about a 100-year average rainfall coming through the system it will do that as well — and it will do it in the same breath, because it has no shame. It suits the government to say the rivers are going to be flowing and that there will be water loss through leakage and evaporation, because that will generate all the losses it wants to support its savings figures. The government cannot all of a sudden have it both ways, but it tends to try to do that.

The government continues to promote the lie that this project has irrigators' support. The WIN TV poll that was taken approximately four months ago showed that the percentage of people against this was well into the 90s. Then only yesterday ABC radio received 530 calls in 2 hours, which is a phenomenal response, and only 26 of those were from people who supported the project. It is hard to believe the government can then continue the lie that this project has community support.

Mr Viney read out the advertisement which the Premier called 'my advertisement', even though it was paid for by the beneficiaries of government contracts. That is fine; the government can do all that. Then Mr Viney read out the names of the people who were prepared to put their signatures to it, and there is no doubt that many of them are not supportive of the pipeline. I can tell members that one person who is not supportive of the pipeline is Richard Guy, the chairman of the infrastructure project. He is quite happy to spend \$1 billion in infrastructure improvements, but he does not want to know anything about a pipeline taking water to Melbourne.

Have members opposite got an answer for that? There are people out there who have been pushed to the brink in trying to get some money for infrastructure improvements, but that is a totally different argument altogether from taking the water to Melbourne — and the government needs to understand that.

Some of the facts are: irrigators pay 100 per cent of their water costs irrespective of how little water they receive and irrigation infrastructure is owned and maintained by the state government through the water

authorities and they have been failing to supply farmers, who have had less than half their water allocation in recent years. The government decided to invest in water infrastructure but not for the irrigators or the environment alone. All of a sudden they said that Melbourne must benefit from these improvements. They could have used money from any part of the budget that they wished to; they could have used surplus money; they could have used borrowings or money they derive from public sector dividends. They decided to use Melbourne Water money, which all of a sudden gives them a clasp on it and they can say, 'If Melbourne water users are paying for it, Melbourne water users have to benefit from it'. It is a deceptive way of mounting an argument to ensure that their plan has merit.

I again reinforce the fact that we have a government whose members are effectively saying that country Victoria cannot benefit from the investment because, as Mr Viney says, 75 per cent of the taxpayers live in Melbourne. If we are to have any project based on the fact that 75 per cent of the people who benefit from it must be Melburnians, does it mean that this Labor government will ensure that 75 per cent of the benefit of anything built in the regions of Victoria has to somehow be attributed to Melbourne? That is the most ridiculous argument I have ever heard in this chamber. Members of a government who purport to govern for everybody and to support the regions are now turning around and saying, 'If all the money is going to be generated in the city why would we spend it in the bush unless there is something in it for the city?'. That is Mr Viney's government's argument. That is the argument of Mr Holding, the Minister for Water in the other place, when he says that if city money is going to be invested in the bush there has to be something in it for Melbourne!

This is the first time we have ever had a government in this state whose members have laid down this precursor before it starts spending money in the regions — that there has to be something in it for us! It is the most disgusting policy that a government has ever come up with and yet its members think they are right. Not only do they think they are right but they think that anyone who dares to disagree with them does not understand what they are talking about. They do not want to have a discussion. This mob wants to have an argument and when they are finished with the argument they want to make sure that they kick your head in. If you dare stick to your opinion, which may be different from theirs, they are going to make sure that they kick your head right off!

**Mr BARBER** (Northern Metropolitan) — I used to mock people who talked about turning the rivers inland or piping water from the tropics to the southern states, but when I see the Brumby government's approach to water management and the fact that its members are serious, I am left without words.

The Greens have a strong view, obviously, against the pipeline. That is based on the fact that there are plenty of opportunities left to conserve water and to reduce water consumption within Melbourne's own system. There are large amounts of water coming off our roofs and off our hard surfaces that are not anywhere near being captured — and that is even before we start getting into the vexed question of recycling sewage.

So far the debate has produced more heat than light and certainly more decibels in the last few minutes. That is really the government's responsibility because this is their project. They need to put more light on the proposal and say what the true benefits are, who is paying, what will be delivered and what guarantees there are around that.

Recently I was present when the Minister for Water in the other place was asked about the economics of the north-south pipeline. He told us what the capital cost was and the volume of water that would be going through the pipe. Although he was repeatedly pressed about the actual business case or at least the cost that that water would be delivered to us for, he just repeated those two figures over and over again. That is unsatisfactory because it is actually not that hard. To know the delivered cost of water in real terms, all we really need to know is the capital cost, the volume of water, the effective life of the project, whatever terminal value they are going to put on it and the operating costs. The operating costs are, of course, a considerable concern because the project involves pumping large amounts of water for a long time to come. There was no response on the business case. Here, in the middle of this debate, interestingly coincidentally, the government has just rushed in with a pile of papers that relate to a previous request of the Council to provide a little more transparency around some of its water decisions. Obviously I have not had time to examine those documents just yet, as they are being photocopied by the papers office as we speak. I certainly hope some answers are in those documents.

Members know that Melbourne as a city is a relatively small user of water compared with the irrigation system. If you exclude the irrigation system, the urban water use in Australia is actually quite small. If you look at Melbourne's particular uses relative to its own

immediate catchment, it is starting to put some considerable demands on those rivers.

At the moment I am paying about \$1 a kilolitre for water — that is what my last water bill indicated. That is about \$1000 a megalitre. While these sorts of water rights cannot be directly compared to other rights out there for farm water, there are not too many people, certainly not in the Goulburn Valley, who can snap up water for \$1000 a megalitre permanently, with 100 per cent certainty. Remember that the water I am getting is 100 per cent certain: I do not get 20 per cent of my water right in a dry year, I always get the megalitres I request. The water is delivered to me in my house through quite an expensive system — more expensive than the usual method of channels and so forth — and it is a perpetual water right.

**Ms Lovell** — And it's potable.

**Mr BARBER** — And it's potable, as Ms Lovell points out. There are considerable costs there, yet I am paying a lot less for water than others pay.

Now we are going to link up the agricultural system to the urban system, but the cost at my end will not reflect the true cost — or maybe the cost at the rural end is not reflecting the true cost. Nevertheless, if you sat in Melbourne and looked at your different water options, you would be surprised to find there were so many options available for \$1000 a megalitre. If the government is saying that it is selling me water at \$1000 a megalitre because it can supply water at \$1000 a megalitre — if marginal revenue is in fact being matched up with marginal cost — that is interesting, because what I hear about desalination, what I guess about the north-south pipeline and what I am finding in relation to the other projects is that they will end up supplying water that will be a lot more expensive than that. If the next option at the margin for producing water for Melbourne is more expensive, then those price signals should be coming back down the line to an ordinary user like me.

It would also help if the government made a clear decision about what it wants to do about water restrictions. They come on and they go off, they move up and they move down, and that does not tell me or other investors whether we should be investing in our own water-saving options. It does not tell me, for example, whether I should be buying more water tanks and capturing more water from my roof and so on, and nor would it tell anybody else out there — with the capacity and capital to invest in water saving — any new development, any large factory or any municipal council. No wonder the whole thing is so stuffed up.

Melbourne Water runs on a user-pays system under the framework of the national competition policy. I know that because the Premier, as the then Treasurer, told me exactly that in an estimates committee hearing last year. That is the framework under which water authorities are meant to be managed. The burden of proof is really on the government to provide us with the information we need to make the sorts of comparisons that are essential for this to be a rational, reasoned debate.

In relation to this project, the food bowl modernisation, there is also the question of environmental flows. Allegedly the savings to the environment are guaranteed, but if this project has received only qualified or tacit support from certain environmental groups, I would say that is because the government has been less than clear about how it is going to guarantee the environment's share of the purported savings from this project. If the savings themselves are under question and no such security is being offered for environmental water, then as always the environment is going to end up at the very back of the queue, behind urban users and farmers. That is of real concern to the Greens. We are talking about a heritage river. We are talking about a river that flows out of that small area, the high country — perhaps 15 per cent of the Murray-Darling Basin — and is responsible for the vast majority of the water production. That is the reason we are tapping into the Goulburn River. There is a lot of water in the Goulburn. There is a lot of water in it because it rises out of mountain forests. Yet we are continuing to log those mountain forests and reduce their water yield.

I have read the published food bowl modernisation proposal, and the issue I am really concerned about is that it is extremely lacking in detail. In particular there is a lack of certainty about the environmental flows that have been promised and put forward as a benefit.

We now have the opportunity to examine some documents that the upper house has requested. Notable among the documents that have been refused, as indicated by the letter just tabled by the Clerk, is the PricewaterhouseCoopers *Desalination Procurement Options Analysis* of August last year. Given that pipelines, desalination, water conservation, water tanks, recycled sewage and stormwater capture are all options that should be given the opportunity to compete with each other on a level playing field, it is less than satisfactory that the government is hiding its case.

During the last sitting week I described the government in this place in its political journey as being like a bunch of scared people in a castle pouring boiling oil over anybody who comes near the drawbridge. Last

week we saw exactly that. We saw a peaceful protest on the steps of Parliament House and the government venting its political bile all over those individuals. Despite that, government members are now walking in here and making claims of so-called executive privilege in relation to the information everybody is trying to debate.

If this is such a great project, the government will be keen to spread the good news and release the documents that relate to the business case and answer these important questions. If the government is not going to be open and transparent about that, then it can expect to be stuck in a debate that continues to generate an increasing amount of heat. For that reason, the Greens will support the motion.

**Ms DARVENIZA** (Northern Victoria) — I am very pleased to rise and make a contribution to this debate. I speak against the motion that is before the chamber. This is a very emotive issue, and there is a lot of emotion out there in the electorate. There is a lot of emotion about water, not just in my electorate of Northern Victoria Region but right across the state, because right across the state we have been experiencing the drought. It does not matter whether you live in the city or in the country, in rural and regional Victoria, the drought has been felt and all of Victoria is aware of it.

There are water restrictions in place. In some areas they are far more severe than in others, but what I would say about the devastating drought that has been with us for some 11 years and the very severe impact it has been having in rural and regional Victoria is that our government — the Brumby Labor government — has been prepared to step up to the mark and take very decisive action to deal with the drought and with climate change. We have not been prepared to just sit back and pray for rain, although we have done a bit of praying for rain as well, but we have not been prepared to make that the action that we have taken. The action that we have taken is directed at securing water for all of Victoria and it is about securing water in our regional areas, where we know that water is lost, and that is what is happening in northern Victoria with the food bowl modernisation project.

Where did the food bowl modernisation project come from, where was its genesis and where did the idea for it come from? It came from the people in the Goulburn Valley area, from the food bowl group. The group came up with the idea and presented it to government and we have taken up the idea because it is a very sound one and a very good one. The reason it is so good is that anybody that has anything to do with the irrigation

system, any experts who have looked at the irrigation system — even those in the opposition who are opposed to the food bowl modernisation project — knows and cannot dispute that water is lost from that ancient, antiquated irrigation system in northern Victoria.

How is it lost? It is lost through evaporation, leakage, seepage and overruns. How much water is lost is an issue that has been raised by those on the other side. Experts have looked very closely at the amount of water that has been lost over a very long time. We have had experts look at it over a short time that includes the drought. We have also had experts who have looked at it in view of climate change, which is upon us and is likely to impact on us in the future. Every one of those experts who have looked at this has come up with the fact that hundreds of billions of litres of water are lost in that irrigation system every time the system runs.

Mr Drum was saying, 'How was this water lost? Where does it go? It goes down to the aquifers'. This water is not lost to the universe — it does not shoot off into outer space — but this water is lost to our captured irrigation systems so it is lost for the use of irrigation. Mr Drum put forward a view that just because the water is lost through seepage, leakage and overrun, we should not worry about it because it is not lost. Even though we have gone to all the trouble of capturing the water, putting it in the irrigation system, sending it to the irrigators and to the farmers to be used: we should not worry that it overruns, that it leaks, seeps and evaporates. He says: let's not worry about that because it all still ends up in our system, it ends up in our aquifers, it ends up in our rivers and it ends up being evaporated into the clouds and it will rain down on us somewhere.

That is correct; that is what happens to the water. But that is exactly the same as saying that if you are driving through Shepparton and see the water main burst and the water shooting up into the air, Goulburn Valley Water does not really need to do anything about fixing that leakage and stopping that water gushing up into the air by fixing the pipe, because the water is not lost. The water will go down the gutter and end up in the river somewhere; it will end up in the aquifer system somewhere. This water in our irrigation system is captured water. It is water that is part of our irrigation system. It is water that is lost to those who need it most. The water that is lost could be used for irrigation, but because it seeps, leaks, evaporates and overruns it is no longer there for the farmers to use for the production of food. We are talking about hundreds of billions of litres of water.

The Brumby Labor government has put together a food bowl modernisation project that will capture that water and ensure that it does not leak, does not seep, does not overrun. We are putting \$1 billion into the food bowl modernisation project that will save some 225 billion litres of water. That is just for stage 1. Not only have we been prepared to commit that level of funding, but stage 2 of the project, which the commonwealth government has recently signed up to, will recover another 200 billion litres of water to be shared between the irrigators and the Murray River.

This is a situation where we are all in it together. City and country, we are all experiencing the drought and we are all experiencing climate change. This is a shared project in which we will capture this water and share the outcomes. It is a shared expense paying for the project. What has to be understood is that this is a \$2 billion project, an enormous project. Before the federal government even put its \$1 billion in, it was still to be the largest project that any government has ever put into regional Victoria to fix up the antiquated and degraded irrigation system. That \$1 billion will be put together in a shared way, with \$600 million from Victorian taxpayers, \$300 million from Melbourne Water and \$100 million from the irrigators through Goulburn-Murray Water.

The outcomes will be shared, with 75 gigalitres of water coming to Melbourne. Given that there is \$600 million of taxpayers money and \$300 million of Melbourne Water money involved, it is not unreasonable that 75 gigalitres of the 225 gigalitres that is going to be saved will come to Melbourne. The water will be shared with Melbourne, but the irrigators will get additional water and the environment will get additional water.

With the extra \$1 billion of funding that is being put into stage 2 by the federal government, the 200 billion litres of water there will be shared between irrigators and the environment, so by far and away the majority of this water that is being saved is staying in northern Victoria. It will be going to either the irrigators or to the environment, both of which need to have water security. We know how stressed our river systems are — everybody in this chamber knows that — and we know that our irrigators require that water to be delivered through a modernised irrigation system in order to be able to capture that water that is now being lost.

Mr Drum says, 'You should not worry about this'. Why are we worried about water loss? We are we worried about this? Of course are worried about it because it is hundreds of billions of litres of water. Our government,

along with the federal government, is putting forward a package that will ensure that that captured water is not lost in an antiquated irrigation system.

I want to speak briefly about some of the very deliberate misinformation out there. I am very concerned about this politically driven misinformation circulated by the opposition and the Plug the Pipe people, because it really plays on people in northern Victoria who are living through an extended drought and who are very anxious and very nervous about their water security for the future. This plays on their anxieties and causes them a great deal of unnecessary stress. It is politically driven and motivated. I think Mr Viney is absolutely right: Mike Dalmau, who is a spokesperson for Plug the Pipe, is part of the opposition. There is no doubt about that. He is a member of the Liberal Party and he peddles the opposition's views of the world. He is a twice-failed Liberal Party candidate, and he is simply using this and the anxieties of people in northern Victoria for his own political gain: we will see him back again as a candidate at the next election. I am quite sure about that.

Melbourne Water's \$300 million investment to modernise the irrigation system is a very significant one. The \$600 million from the Victorian taxpayers is significant, and it is only fair that they receive some benefit from this project. It will be, as I said, the biggest investment that has been made by a government in regional Victoria in living memory. Without this investment from Melbourne Water and Victorian taxpayers it would be left to the irrigators themselves to pay for any upgrade of the irrigation system. As Mr Drum pointed out, that is how it has been done in the past: it has been left to the irrigators to pay through the catchment management authorities for the infrastructure they use to run their businesses and farms and to produce food for this state and for export.

I hate to think how many years we would have to wait to have an improvement in this irrigation system if we had to rely on irrigators paying for it. It would take an enormous amount of time. As I said, we are all in this together, and this is really about all of Victoria recognising that something needs to be done about a clapped-out irrigation system. Something needs to be done to assist irrigators in northern Victoria so that they can have greater water security. The city is reaching out and lending a helping hand by making this investment in northern Victoria as part of the food bowl modernisation project.

But it is about more than just water security. Recent studies have found that stage 1 of the project alone will inject \$381 million into the regional economy and

create more than 680 jobs. The upgrade will also provide water security, and that appeals to major processors and industry, who in turn will be more likely to invest in regional Victoria and therefore provide more employment and ensure that it is more prosperous.

There is a lot of misinformation being put out there, and Mr Viney covered a lot of that. I put on the record that this is a good project. It is one that I know has an enormous amount of support throughout northern Victoria. My electorate of Northern Victoria Region covers 48 per cent of the state. I spend a lot of time out there moving through that electorate, and believe me I am continually approached by people and told how much they welcome this major investment by the government and how much they are looking forward to the investment being put in place and the benefits that will come from this water saving. As I said, I cannot support this motion, and I do not believe it deserves the support of this chamber.

**Mrs KRONBERG** (Eastern Metropolitan) — I am really pleased to rise in support of Ms Lovell's motion. I have to congratulate her on the very moderate and parliamentary tone of this motion that has been developed against the background of intense feeling and across-the-board suffering of people who will be affected by this proposal. There is plenty of evidence that the Premier of this state has offended and insulted a lot of people who are living under drought conditions and who feel aggrieved and let down. The lure and appeasement strategy of this government that says that all of a sudden it has discovered it can snatch water from our system reminds everybody that we have a system of channels, an irrigation system, that has been allowed to run down over decades and that it is only fit for an upgrade because the government wants to poach the water.

What would the scenario have been for the efficiency of the delivery of water through the Goulburn system, the irrigation system to the so-called food bowl, and what would the commitment of this government have been if it had not set out to poach the water to direct it to the rest of Victoria, and Melbourne in particular? How many more years would that system, which should have been upgraded decades ago, have been neglected? There have been dry spells before the current one. There has been a lot of suffering. We can all remember the horrors of the drought in 1968 and the drought of 1982–83. Why was something not done in those days?

As a member for Eastern Metropolitan Region I do not have a direct involvement with the affected constituency as have members who have spoken before

me, but I am standing here today because last week at the height of the campaign we saw 1000 protesters uproot themselves from their farms. It is worth making the point that many people who uprooted themselves from farms and made their way from right across the north of this state down to Melbourne would have done so at great expense not only in terms of transport costs but because they were away from their farms.

I do not know whether anybody on the other side of the chamber has any background, experience or oversight of the operations of a dairy farm, but my family were dairy farmers in Gippsland for generations and I can tell the house that it is a very scary proposition to leave your herd un milked to come to the city.

**Mr Viney** — I reckon I've milked more cows than you!

**Mrs KRONBERG** — I am not suggesting we are in a competition for milking cows. I am pointing out the fact that it is a very scary proposition, and yet those dairy farmers from the Goulburn system were so moved — —

**Mr Viney** interjected.

**The PRESIDENT** — Order! Mr Viney should not interject, and he is out of his place.

**Mrs KRONBERG** — I can probably still take Mr Viney and show him the spot on the front steps of this Parliament where the splashes of the tears fell off the cheeks of men from places like Tongala as they expressed their grief and anxiety. After receiving only 56 per cent of their water one year, 28 per cent the next year and in 2007 none — no water whatsoever — they were distraught and they were very, very upset with this government. This is intensity of emotion and probably what I could say with a degree of licence is that there is probably some sort of seething loathing of this government right now because of these crushing blows. The offset and the appeasement of the lure of upgrades is just not enough.

When I was mixing with the people in my electorate last Tuesday, I had the opportunity to talk to a number of people in concentrated areas where we were raising the issue of the Plug the Pipe group coming down here to Melbourne. I can tell members that everybody was interested and everybody — men, women and children, the able-bodied and the infirm — was concerned that Melbourne is stealing the water from the Goulburn system.

I find it particularly amazing that the government is fixated on this. I think it is because they consider the

people in northern Victoria a soft target. The government's inflexibility to me is really breathtaking. We know that there are alternative sources of water and that this approach should not be taken and this pipeline project should not be entered into. Of course the upgrade of the irrigation system is needed but without a thorough examination of other sources a project of extracting the water out of that area should not be entered into at this time, while these drought conditions are prevailing.

What is the government's position on the effective capture of stormwater? I have not heard any new ideas on that. What about the building of new dams? It is not anathema to me; it might be the only solution. Where is the desalination plant and when is it ever going to come on stream? What about piping water from Tasmania? I think that could be a very attractive proposition, something auspiced in conjunction with two states and the commonwealth to bring about a solution and a great flow of income to the faltering economy of Tasmania. It is called thinking outside the square but something that this government in its dogged approach is not good at. It is like a terrier — actually not like a terrier, more like a pit bull: it locks onto something, the jaws clamp, seized on the throat, and it is never going to let go of an idea.

The government is resting on the food bowl modernisation project as its rationale for taking water out of the catchment. The government knows full well that the upgrade of the ageing systems so that water can be better utilised is desperately needed to ensure food production is not limited. You cannot deny that food production is under threat, and that taking water out of the system will also degrade environmental flows.

There is a lot being said about the formula for actually promoting the potential water savings. I just see it as more of the government misleading people. Its methodology is flawed. It is based on average uses of the past 100 years despite the last 10 years being drier than average. This is striking at the rural heart of Victoria, at farmers and businesses already reeling under the stress of the drought. For me, this policy, this approach and the Premier's insulting conduct — I am sorry I have to put it in that manner and I am sorry that the Premier of this proud state of Victoria has to be reduced on the record; his arrogance is now at a zenith; I think he has moved into the emperor-style approach to governance — is proof positive of the government's sneering disregard for country Victorians.

This is another assault on country Victoria. I am personally still reeling from the government's assault on our cultural heritage — the mountain cattlemen in

Gippsland. To me this is the politics of envy. I would like to mark this point in history: I think stealing the water from the north is the tipping point for this government.

**Ms TIERNEY** (Western Victoria) — I rise to oppose the opposition's motion and speak on the importance of water to all Victorians. This government is about planning and securing our water. Our Water Our Future has seven major platforms. The first, of course, is the funding element and it is \$4.9 billion worth of investment. It also provides for one of the world's biggest desalination plants by 2011. It provides 375 billion litres of water, a 50 per cent boost in Melbourne's water and of course we cannot forget a 50 per cent boost in Geelong's water supply. It will provide 250 kilometres of new pipe. It is about water for our cities, towns and regions — water for all. All projects are making strong progress and all projects throughout the state are on track.

In relation to the north-south pipeline and the food bowl modernisation project, as members have heard from previous speakers, it is a \$2 billion project and it will secure water supplies. It will secure water retention by making huge improvements and reducing seepage and evaporation.

The pipeline and the food bowl project go hand in hand, and this has already been clearly articulated by Mr Viney and Ms Darveniza. The opposition disputes the water savings, but still wants money for the redevelopment of the irrigation system. What I say back to the opposition is that you cannot have it both ways; it just does not stack up. The reality is that the project is supported, and it needs to be remembered that the proposal actually came from the area concerned. As with most projects, there are supporters and there are opponents. In respect of the supporters, Mr Viney read out a huge list, and they have also taken out advertisements in the local papers. As the Premier outlined in the other place as recently as yesterday, those advertisements, unlike what was implied by Ms Lovell, were actually paid for by the group itself.

I would like to add to the list. To the list there also needs to be added Mr Ross McPherson, who is the chairman of the McPherson Media Group. We have Mr Gavin Pogue, a valuer; Ms Lisa McKenzie, chief executive officer of Fairley Leadership; Linfox —

**Mr Koch** interjected.

**Ms TIERNEY** — Yes, and I advise Ms Lovell that we have Victorian Employers Chamber of Commerce and Industry as well as three unions — the Transport

Workers Union, the National Union of Workers and the Australian Workers Union. We also have the Tourism Taskforce Australia, Industry Funds Management, Earth Tech, Excelior and Transfield Services. There is a whole range of individuals, company executives and employer organisations as well as unions who actually support the north–south pipeline.

Support is also evident in respect to letters to the editor. As recently as last week on the back of the demonstration or the protest that was held outside the chamber, Mr Ross McPherson, the co-convenor of Foodbowl Unlimited, who is based in Shepparton, said in his letter to the *Age*:

The lies of which the Premier complains —

which was reported in the *Age* of 4 June —

are not insignificant and deserve a little more scrutiny from your newspaper. Chief among them is the notion that Melbourne is ‘stealing’ water from the north. The truth is that the massive annual losses in the northern irrigation system — equating to twice the water used by the whole of Melbourne — are neither owned nor paid for by irrigators. They are owned by the Victorian taxpayer. And the taxpayers are paying a handsome price to secure a one-third share of savings.

Next is the notion that the pipeline will turn the north into a dust bowl. In fact, all irrigators will end up with an increase in their legal water right as a result of this project.

And then there’s the suggestion that the government is doing something against the country’s wishes. In fact, this project was conceived by irrigators and business people in the north and taken to government. There are 140 000 of us in the north who are quietly delighted with the \$2 billion investment in our region: it guarantees irrigated agriculture will have a very bright future.

There is further support in the area. In fact it also appeared in the *Age* on that day as well in a letter from Mr Drew Pettifer from Kyabram, who said:

The Plug the Pipe coalition wants to have its cake and eat it too. While the group disputes the government figures on the estimated water savings generated by the north–south pipeline, it has never disputed the fact that water savings will be made as a result of \$2 billion in investment.

Nor does the group disagree that the food bowl modernisation project is needed; the irrigation channels in northern Victoria are more than 100 years old and waste substantial amounts of water through leakage.

The savings from the upgrades to the irrigation system will be divided between irrigators, environmental flows and Melbourne consumers. With more than 70 per cent of Victorians living in Melbourne, according to the 2006 census, it seems only fair that a portion of the savings should be enjoyed by city consumers who are suffering even greater water shortages than those of us in northern Victoria. After all, their taxpayer dollars are funding these substantial upgrades.

The drought is a statewide problem in Victoria and requires a statewide solution. While the pipeline will not be a panacea for the drought, it does appear to be a serious attempt at resolving some of Victoria’s water shortages.

And even in this morning’s *Weekly Times* we have another contribution from Mr Trevor Mays from Chum Creek, who says:

John Brumby’s characterisation of Plug the Pipe people is spot-on.

They are moving throughout our community spreading disinformation and half-truths about the food bowl modernisation and north–south pipeline.

The Liberals and Nationals are trying to use the project for political gain.

Peter Ryan has said that if The Nationals won the 2010 election, the pipeline will stay; Ted Baillieu’s Liberals have no policy.

Can I also inform the house that there was a recent meeting in Ballarat of regional mayors, and the Premier said at that meeting that there had been near unanimous support for the project, but the mayors described it as a visionary plan to drought proof the state.

I think to all intents and purposes the fact remains that there has been, continues to be and will be absolute support for this project. That is not to say, as we know, that there are not opponents to it, and opponents in cases such as this where there are major projects are often passionate, and this can be said about some of the opposition among members of the Plug the Pipe group as well. Of course it is understandable in some ways that opposition groups also fuel discontent, and it is often the case that people feel as though they are not being heard, and often opposition groups call on governments for more consultation or state that there has been no consultation. This claim is often used by groups that essentially just have not got their own way, and this is the case in terms of the Plug the Pipe group.

Mr Holding and other ministers time after time — which I myself have witnessed — have listed all the consultations, all the forums, all the discussions and all the meetings that have been held with the people who are opposing the north–south pipeline as well as those who are in favour of it. The fact is that this government is pressing ahead. It is unfortunate that the Plug the Pipe spokesperson, Mike Dalmau, has chosen the course that he has. As cited in the *Herald Sun* of 5 June, he is a twice-failed Liberal candidate for the seat of Seymour. The Premier was also quoted in the same article as saying that this man has a political agenda, and the information that he has been spreading is not fair on country Victoria. Mr Dalmau is then quoted as saying:

We'll see if we can't hurt them in the Kororoit by-election later this month.

He also goes on to say:

I'm not planning on running for Seymour again, but that said, you never know what the future holds.

Clearly there is political motivation that is driving a lot of the opposition in respect of this issue.

The fact is that regardless of whether or not there is political motivation involved in this, we are in a drought situation. Australia has been, and indeed this state has been, in a relentless drought condition for some time, and we are — believe it or not — all in it together. To promote the division between Melbourne and regional Victoria is politically, economically and socially absolutely irresponsible.

Politics has moved on. As regional Victoria has developed, so too has the level of politics. I would argue that using the old divisive Melbourne versus country Victoria politics is old politics. Regional Victoria now has access to technology which, until a short time ago, was not necessarily the case. The barriers created by geographic distance are being eroded by information technology in people's homes, schools and businesses right throughout Victoria. The politics of 'he said, she said' are the politics of yesterday and do not stand the test of today. Mono, narrow views which have had input into the bush telegraph are also being significantly eroded as a result of computer technology.

We now have modern cities outside of Melbourne. We have large regional centres, we have small towns and we have remote rural communities; we have people living in those communities that are connected to computers in their homes who are increasingly working from their homes, often in idyllic surroundings of the Victorian coast as well as the hinterland. The us-and-them politics is the politics of the past. More importantly, it creates unnecessary divisions and mistrust. I think it is particularly demoralising for people to use such negative politics when Victoria faces the significant changes in front of us today regarding the continuing drought, climate change, high petrol prices and of course the high Australian dollar. Due to all of these issues — along with the opposition acting irresponsibly — where is the hint that the Liberal Party is seriously taking up the challenge of securing water? Where is the opposition's water plan?

I have heard one or two things over the last couple of years: we had a suggestion about the damming of the Maribyrnong River, and a couple of other things have

been tossed around. But there has never been a comprehensive water plan put to the people of Victoria or put in newspapers or to the communications sector. The opposition does not have a comprehensive water plan let alone a plan that can be continually built on if we continue to be in the unfortunate circumstance of continuing drought. We do not have a plan from the opposition, because it is a little bit easier for the opposition to be lazy.

Opposition members rely on one-liners; they continually deep-trawl for issues. They try to hijack local community groups and hope that media grabs will somehow convince Victorians that the opposition should be considered to govern this great state. But this Liberal Party has no leadership, does no work and has nothing positive to offer. It has no plans and has no ideas.

On the other hand, we have a water plan. This is a Labor government that faces the challenges and has ideas; it has the research, it has lateral thinking, it has a comprehensive approach and it is cohesive. We have a leader who is Premier Brumby. He is respectful of people's right to peacefully protest. The Premier, like everyone else, has the right to have an opinion.

**Mrs Peulich** — Well, he thinks you should go next time.

**Ms TIERNEY** — That is completely unnecessary and does not help the citizens of this state in respect to the water difficulties we have.

The Premier also has the right to state whether he believes that certain protesters are representative of people across regional Victoria. The Brumby Labor government is listening to all, but I say this to the opposition: this government does not have to agree with all. It is firm and works on outcomes for all. It does not take a narrow approach; it takes a whole-picture approach. It has leadership, which is something that the opposition does not have. I call on members of this house to reject this motion and implore all of them to get on with the things that matter, and to secure water for all Victorians.

**Mrs PETROVICH** (Northern Victoria) — Today I rise in support of the motion put forward by my colleague Wendy Lovell, who also represents the Northern Victoria Region. Last week I attended a protest meeting with my colleagues from the Liberal Party and The Nationals, members of the Plug the Pipe group and the northern region who came from as far away as Mildura on buses, in trucks and in utilities to voice disgust at a plan which will rob Peter to pay Paul.

This action was not designed to annoy Mr Brumby, although that seems to be the result of the efforts of this group, as any activity that opposes this tired, lazy and ineffective government seems to provoke.

This unelected Premier is determined to use nasty and untrue language to describe Victorians. They have been described by the Premier as ugly, ugly people and now they have been described as liars. I am sure that some of the blokes from the northern region could cop the first criticism, but to attack the character of country people like that constitutes fighting words. In the country your reputation and your word are everything and the most valued asset that you have. The Premier has forgotten this, if he ever knew it. The insult that he made last week will never be forgotten in northern Victoria.

**An honourable member** — And you're not going to let him forget!

**Mrs PETROVICH** — And I will not let them, either. From day one there has been a range of statements regarding this ill-fated proposal. Figures have been manipulated to suit government spin while the term 'liars' is being thrown around loosely by this government.

I would like it to take a closer look at itself. Victorians know the truth. The truth will be apparent when food prices hit record highs and when country communities become shadows of what they formerly were because primary production is their primary industry — that is the truth. Eighty per cent of the fruit, dairy, vegetables, fodder, meat and even wine — which is consumed by Melburnians — is produced in northern Victoria. Because of a lack of planning this government has robbed Peter to pay Paul. The truth will bite when water which is simply not there is taken to Melbourne and put into its already low and dry reservoirs.

The truth is that Lake Eildon was built as a storage for water for irrigators, and that a significant amount of water is used in producing the food we consume. We have the cleanest soil, air and water in the world, and we are currently producing the highest quality food in the world, for which we also have a very strong export market. The truth is also that the amount of water used to produce this food is five times the amount used in our homes and gardens. That sounds like a lot, but a life-sustaining product, our clean, high-quality, nutritious food, is produced.

I would like to highlight also the truth about Melbourne's water savings. I have spoken about this in the house before. Water usage by Melbourne's

residents is 5 per cent above the state's per capita average and 9 per cent higher than the national average. The truth is that if residents in the three highest consuming areas of Melbourne had their water usage cut back or would cut their water usage back to the state's average, and if this government had been responsible and imposed a better water restriction on Melbourne than stage 3a, we would have saved 53 747 million litres, or approximately two-thirds, of the water proposed to come from the pipeline. The truth is that the Premier could save Victoria the \$750 million to be spent on this pipeline of destruction if greater water savings were achieved across Melbourne. That is just one sort of solution that this government could have achieved if it had used its imagination and, instead of having a knee-jerk reaction and introducing this pipe, had implemented heavier water restrictions earlier.

People in the country are much more frugal. In areas from where water will be taken to be piped to Melbourne the average daily consumption is 640 litres per person. These figures, prepared by the University of Sydney's Centre for Integrated Sustainability Analysis, show water consumption by postcode throughout Australia.

The arrogance of this government is breathtaking. The Premier, Mr Brumby, refuses to put Melbourne on stage 4 water restrictions, and refuses to listen to anyone north of the Great Dividing Range. The truth is that we have had 10 years of drought, and our farmers are being pushed to the limit. Today I heard of a \$50 000 grant for drought relief recovery to irrigate an oval, announced in Wodonga by Ms Darveniza. I am pleased for that community, but this government should know the truth about drought-ravaged communities: this is simply just a drop in the bucket. I hope the penny will finally drop with members of this government.

The people from Plug the Pipe who are protesting are not militant, highly organised unionists. They are just individuals who are trying to run businesses and to have sustainable industry across the regions. They are not militants; they have had to become organised. They have persevered for well over 12 months now in their opposition to this project, and they have figures to back up their opposition. We have seen statistics coming in from a whole range of polls, showing that 97 or 98 per cent of communities are opposed to this happening. I think a Premier and a government whose members do not listen to that and take it on board do so at their peril. These people are hardworking, predominantly conservative farmers.

I would really like to raise some facts for consideration and to perhaps add some reality to this debate, because

there has been a lot of talk today about truth. Seventy per cent of Victoria's councils have urged the government to rethink its plan. The Murray-Darling Basin Authority has highlighted the massive disaster now facing the Murray in South Australia if more water is taken from the basin. The CSIRO, as we have heard in reports, has evidence on climate change and water yield that is alarming. Running the pumps which will be needed to get water over the Great Dividing Range will generate as much in greenhouse gases as would putting an extra 38 000 cars on the roads in Victoria. This is a government that purports to be clean and green!

Estimates of how much water would be diverted from the Goulburn Valley have all been based on an average rainfall over the past 100 years, and not much on the smaller amounts of the past decade. The government's plan throughout refers to new water, when there is no such thing. We all know where the water is: at the green patch beside the channel. Nobody is disputing the fact that we need to improve irrigation channels, but why should one community have to pay the piper because of infrastructure improvements in its area? That sort of blackmail should not be imposed on what are effectively businesses that will not have enough of the raw material to run their businesses. As I said, the government's plan refers to new water when we know there is no such thing.

Rising food prices reflect the rising costs of producing the food. The government's plans totally ignore the impact of water raiding from the region's underground aquifers, the level of which is rapidly dropping. Melbourne can solve much of its own water supply by recycling much more of its own water, including stormwater. Also, if we are fair dinkum about 5-star energy ratings, how about putting in a tank? We have done it in the country for a long time.

The government's idea was built on flawed, if not non-existent, consultation and environmental planning and provable benefit. Recently the Auditor-General released a damaging criticism of the food bowl process, the lack of genuine consultation, the lack of a business plan and no substantiation of the project savings. This is all pretty damning stuff when it is stacked up. A report in this week's *Weekly Times* is about the savings in water. The government cannot get it right even from one paragraph to another. It talks about 700 gigalitres in one paragraph and then goes down to 800 or 900 in the next. It is pathetic.

In closing, I would just like to ask: where is the truth in the waterways and drainage tax, which will be imposed on Melburnians by the catchment management

authorities? I went to a meeting in Sunbury the other night, where the community was very, very angry, firstly about the lack of transparency about the meeting site and timing, and secondly about the fact that there is very little information about what will actually be done with this tax. It will mean 118 300 residential properties, 5200 non-residential properties and 54 100 rural properties will have to pay up an additional \$75, on top of massive water hikes. There are no winners in this. This government has been asleep on drought and asleep on water infrastructure — and now everyone is going to pay.

The truth is that our unelected Premier would rather fight with the people than listen to them. The message is clear, in spite of the television advertisements and flyers with disclaimers. One flyer put out after the release of the Auditor-General's report — it was this government's attempt at consultation — has a disclaimer on the bottom saying in effect, 'We actually wouldn't stand by the information contained in this flyer. We don't know whether it is right or not'.

As far as this government goes, all the people of northern Victoria are liars and we are all ugly. I think that is most unparliamentary and it is unrepresentative of any parliamentarian to describe a constituent in that way. It is childish, churlish and undignified and should not be expected from even an unelected Premier. On that basis, I will close.

#### **Sitting suspended 6.29 p.m. until 8.03 p.m.**

**Mr VOGELS** (Western Victoria) — I fully support this motion before the house expressing the Council's disappointment at the Premier's intemperate response towards the Plug the Pipe organisation and its peaceful protest on the steps of Parliament House on Tuesday, 3 June 2008. I happened to be there, and I congratulate the 1000 or more people who were in attendance and who voiced their concerns. This is what democracy is all about. Many had travelled 8 to 10 hours to be there. There were people from as far away as Mildura, and some of the people who wanted to be there were 1 or 2 hours late because of the traffic. There were people from Echuca and from across the Murray River and the Goulburn Valley. For the Premier to call them liars beggars belief. This is the same Labor government that released the Central Region Sustainable Water strategy before the 2006 election. This strategy included this statement, and I think it is important to read it:

The government considers that Melbourne must tap the significant potential for conservation, efficiency and reuse and recycling gains within the Central Region rather than connecting with northern Victoria ...

That was on page 64 of the strategy; in other words, no north-south pipeline. It makes you wonder who was telling the truth.

I have so far listened to the speakers both for and against this motion. Mr Drum accurately pointed out that the Bracks-Brumby government has collected over \$2 billion worth of levies over the last few years. That income should have been used to rebuild water infrastructure right across Victoria. If we are to believe the figures about the water savings which have been bandied about, then let us fix the infrastructure in the Goulburn Valley first and then see what savings there are. Under this scenario that we are looking at, the north-south pipeline is being built and the water — 75 gigalitres — will be pumped to Melbourne before the infrastructure is in place and upgraded. It will be going to Melbourne before any savings are there.

It always amazes me how city politicians magically do not understand any of these issues. They say, 'We are putting in pipelines and this will automatically create new water'. I have been a farmer all my life and have relied on farm dams for our farm management systems. Whenever the dams get low because we have had a dry year, we sometimes have to pump water from dam to dam to make sure that it is in the right spot at the right time. But I can tell you one thing: we have never found any new water. No new water has ever arrived. The water we pumped hopefully got to the dam we were pumping it to, but there was no new water.

In her contribution Ms Tierney talked about \$4.9 billion worth of new spending. Let us remember that 90 per cent of this is coming from the consumers — the people who will be using or getting the water. Only 10 per cent is coming from the state government.

She went on to say taxpayers are paying a handsome price to upgrade this infrastructure. Melbourne taxpayers are paying I think \$300 million of Melbourne Water's money to upgrade this infrastructure. But I would say to the citizens of Melbourne, 'Thank God for country Victoria and the food bowls that produce clean, green, fantastic food: the fruit, vegies, dairy products and grain beef, which is sent down to Melbourne for the people of Melbourne to consume'. Each and every one of us pulls our weight.

The reason we are in this predicament of dwindling water supplies is obvious: it is basically because of a lack of rainfall. However, I also understand that it was 1983 when the last dam was built or the last piece of infrastructure was put in place to meet the needs of Melbourne. Since that time Melbourne's population has doubled, and it will probably triple by 2020 or 2030. I

continually hear the Labor government saying there will be no new dams for at least the next 50 years and we will save a lot of water by showering with a friend or catching water in a bucket and then tipping it on your vegie garden. It all sounds fantastic, but it does not work. It is a disgrace that when I was growing up Victoria was known as the garden state, but now we are no longer the garden state. A lot of that is due to the failure of governments to put in place the infrastructure needed to make sure that Melbourne and the rest of Victoria have water supplies.

Yes, we all understand there is less rainfall than we used to get. The rain in Victoria falls south, not north, of the Great Dividing Range, and that is where we should be putting in place the infrastructure to make sure the water is available to Victorians to use. Just willy-nilly saying we are going to pump it from the north and across the Great Dividing Range to supply Melbourne is verging on the ridiculous.

Water is precious and should not be wasted. I commend the Bracks and Brumby governments; they have brought to the fore how precious water is. We have had a dry season, and we understand that we cannot waste water, whereas once upon a time we probably did waste it. Melbourne currently uses about 412 billion litres of water per year, and more than half, 273 billion litres, ends up as wastewater. Of this only 61 billion litres is currently recycled and reused, which means the remaining approximately 210 billion litres is pumped out to sea. That is also a disgrace.

The Auditor-General in his report, which was tabled in this Parliament, points out in relation to the announcement about the modernisation of the food bowl that the figures have not been done; there has been no rigorous work done. It is basically a lot of empty rhetoric, and the Auditor-General does not believe the savings will be there, either. This food bowl project will take water from Eildon Weir, which is currently 13 per cent full, and pump it over the Great Divide to Melbourne, where the water supplies stand at about 30 per cent at the moment. It does not add up.

The other thing that this government is talking about is desalination. It always amazes me that most of the rain in Victoria falls in the Otways, where I come from. Weeaprounah is the wettest place in Victoria. Some 975 billion litres of water runs from the Otways straight into the Southern Ocean. Through the currents it will find its way down to Wonthaggi, where we will then desalinate it and pump it back to Geelong, where it originated as rainfall, before going out into the ocean. If anybody can tell me that this is common sense, then I will go he!

I can see the whips looking at me angrily, so I have to move on.

**Mr Koch** interjected.

**Mr VOGELS** — Everyone is looking at me angrily! I support the motion moved by Wendy Lovell. It is an excellent motion, and it should be passed.

**Mr KAVANAGH** (Western Victoria) — It seems to me that the origin of the dispute that has led to an unfortunate remark by the Premier was in the government's misguided hostility towards dams and weirs. For centuries dams and weirs have been used to protect countries and cities against drought, and they have proven their worth. It has previously been argued by me in this house that the government should seriously consider, for example, the scheme that Mr Vogels referred to: a weir in the Otways. At present 93 per cent of the water runs into Bass Strait, and I do not see the advantage in that at all. So the government is now left with proposing running pipes that will crisscross throughout Victoria to bring water from one area which may not have an abundance of it to other areas which have even less water, plus constructing an extremely expensive desalination plant.

Many in northern Victoria resent water being taken from their area, and indeed they have expressed that anger on the steps of this building. The Premier's response was a very uncharacteristic failure of intelligence by someone who undoubtedly is an extremely intelligent man. The Japanese refer to an uncharacteristic failure with the expression 'Even monkeys fall out of trees'. We all make mistakes, and this is probably one by the Premier. We have all done things that we regret, and I suspect that the Premier will regret this momentary failure of his intelligence. The response by the Premier was disappointing, so I feel I have no alternative but to vote for the motion.

**Mr KOCH** (Western Victoria) — This might be a small contribution. I must say in starting my contribution that it would be remiss of any non-metropolitan parliamentarian not to register their concern about and objection to the language that the Premier is using in relation to country constituents. His response to northern Victorians at the Plug the Pipe rally on the steps of Parliament House last Tuesday, 3 June, was appalling. As someone who was raised, lives and owns property in regional Victoria and whose parents continue to reside, work and make a large contribution to their small rural community, I believe the Premier making these types of statements that accuse regional Victorians of being liars will not wash and is likely to be reflected in the future at the ballot

box. No friend of rural Victorians uses this type of language.

The way this government has managed water over the last eight to nine years has been a disgrace. Unfortunately today we continue to see no stage 4 water restrictions in Melbourne, although trigger points have again been passed. The situation defies belief. This is not a situation that is afforded to and enjoyed by many regional householders. The fear of those north of the Divide is very real. They are more than reasonable people, who would be prepared to share any water savings, but they are correct in calling government members thieves for taking precious water south to Melbourne before any water savings have been quantified. I certainly share their sentiments.

There have been many lost opportunities to harvest water. Recently we saw published the government's position on the possibility of providing more dams statewide. As this report was commissioned by the government, the outcome was quite predictable. Unlike the government, the opposition recognises that a greater use of storage dams would benefit all Victorians. Last election saw our water policy include the damming of the Maribyrnong River both to afford greater water storage and also better manage flood mitigation downstream.

Further opportunities do exist in the higher rainfall areas, especially in the west of the state, but also in areas adjacent to the Thomson Dam where, with the use of a tunnel, greater scope is afforded to harvest water that would greatly add to Melbourne's water supply, which has not been at levels higher than 50 per cent of capacity for some years.

Many in Newry, down in Gippsland below Glenmaggie Dam, would testify to the value of greater storage capacity in their area after the flooding that took place last year. Many of my colleagues who assisted townspeople and farmers after that flood event recognise the merit of further consideration of the possible investment in more catchment storages that do not come at a cost to the environment. This government would lead us to believe otherwise.

Water security, especially across regional Victoria, is coming at a huge cost. As Mr Kavanagh said, now we have pipes crisscrossing Victoria all over the place. From the point of view of western Victoria in the area serviced by Wannon Water, water security is now being offered in the Hamilton, Tarrington and Dunkeld areas principally from a 50-kilometre pipe that is running from Rocklands Reservoir. This water security out of Rocklands is making many scratch their heads.

**Mr Vogels** — What's it got in it, 3 per cent?

**Mr KOCH** — There is less than 1 per cent of water in Rocklands Reservoir, and that is meant to prop up the security of those three towns. It does not come without great cost because over the next four years water prices to customers in the Wannon Water area will grow by some 35 to 40 per cent. This is well exceeded in the Barwon Water area where, with improved security being offered, customers of Barwon Water are anticipating a price increase of some 75 per cent over the next four years.

I, like many in this Parliament from regional Victoria, have family and friends in Melbourne whom we see and talk to regularly. My extended family and friends are now very aware of what the Brumby government is doing and they are not supportive of taking water from farmers and rural towns before water savings are demonstrated in those areas. These people do not support the Premier's recent language and, like me, condemn him for it.

Members of this government will continue to be seen as water thieves until the savings are found. So Mr Brumby should find this water before he siphons it off to the metropolitan area. In the meantime, people will rightly doubt the Premier and his government's credentials and they request the same respect for regional Victorians as all Victorians deserve. In closing, I urge the house to support Ms Lovell's motion before the chair.

**Ms LOVELL** (Northern Victoria) — I thank the members who have contributed to the debate tonight, particularly my colleagues on this side of the house who support the motion and have told the truth. Some imaginative contributions have been made by members on the other side of the house and some of those points deserve to be disputed. One of the things the government fails to acknowledge is that there will be less inflows and less water into the Goulburn-Murray irrigation district. A CSIRO report confirms that. The government's predictions of water savings based on the past 100 years cannot be accurate because in the future we will not have as much water in the irrigation district.

I was particularly disappointed with Mr Viney's contribution because he continued to attack private citizens, as the Premier did last week. He attacked them for having a different opinion from his own. In particular he attacked some of the leaders of the Plug the Pipe group and singled out Mike Dalmau, just as the Premier has. Mike Dalmau is a man of high moral standards and principle. It is not true that he has misled any one. For Mr Viney to stand up and say that here in

cowards castle and not out on the street or to Mr Dalmau's face is an act of a coward.

Ms Tierney said that modernisation and the pipeline go hand in hand. We know that is the attitude of this government. The Treasurer, Mr Lenders, said that to the Municipal Association of Victoria in his speech. He said that this government would not invest in irrigation infrastructure if there was not a direct benefit for Melbourne, so we knew that well and truly. The government also failed to acknowledge that at its conference the MAV moved a motion, which was supported overwhelmingly, that the majority of communities in Victoria are against the pipeline being built.

Ms Tierney also referred to forums, discussions and consultations. What a load of rubbish. There were no forums, no discussions and no consultations. There was just an announcement. As I pointed out in my opening contribution, the Premier visited the area five days before he announced the project and said he would consult and that it would not go ahead unless the communities agreed but then he announced the project anyway.

During the course of the debate this afternoon members were interrupted when documents were presented which the opposition had called for last week that had been used in preparation of the Auditor-General's report. I have received the documents in only the last 5 minutes. A very brief look at the document entitled *Vision for Modernising the Goulburn-Murray Irrigation District*, the final report by the Rendell McGuckian group, shows that what the opposition has put forward today is absolutely true. There will be less water for irrigators because the report indicates in table 5.2.3 that the savings from the system will be a total of 225 gegalitres, and this is if the government reaches its savings. Of that 225 gegalitres, 80 gegalitres will come from seepage and leakage, 104 gegalitres will come from re-metering and 41 gegalitres will come from outfalls. The irrigators have been told they will get 75 gegalitres of that 225 gegalitres if it is delivered, but this table confirms that they will actually lose 104 gegalitres. So they will be worse off under this arrangement by this government.

Table 6.2 of the document also shows that we currently deliver 1980 gegalitres of water to irrigators in the Goulburn-Murray irrigation district, and yet the future predictions for the delivery of water are for only 1870 gegalitres — so less water will be delivered in the future in the Goulburn-Murray irrigation district. This confirms that this government has been misleading the irrigators and the people of Victoria, that there will be

less water for irrigators and that Melbourne will take its 75 gigalitres regardless of what savings are found.

The Premier should be condemned for the way he last week attacked private citizens who had conducted a peaceful protest on the steps of Parliament House. It is the right of every Victorian to protest against government decisions that are going to negatively impact upon their community. I have just illustrated through this report — the government's own report — that this will have a negative impact on the communities of northern Victoria, and yet this government is attacking private citizens for exercising their right to protest over what is an appalling government policy.

#### House divided on motion:

##### *Ayes, 21*

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, 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 ( <i>Teller</i> )
Hall, Mr	Vogels, Mr
Hartland, Ms	

##### *Noes, 19*

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

#### Motion agreed to.

### WESTERN SUBURBS: GOVERNMENT SERVICES

**Mr FINN** (Western Metropolitan) — I move:

That this house condemns the Brumby government for its failure to provide the people of Melbourne's western suburbs with the government services they deserve.

When I was elected in 2006 to represent the Western Metropolitan Region, I gave a public assurance — and a private assurance to myself — that I would represent and speak for all of the people in the west. I stand here in this Parliament tonight to do just that. This motion is long overdue — not just today, but long overdue. This

motion should have been debated many years ago and I feel sad and angry that it is necessary to move a motion of this nature.

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

**Mr FINN** — Mr Theophanous's nature always comes to the fore. He always puts his own motives on others, and that is unfortunate.

What we are talking about tonight is years and years of neglect of Melbourne's western suburbs to the point where today it has gone beyond neglect. What we have under this Brumby government is arrogant neglect. What we have as a Premier is arrogance personified. What this government must realise is that the west of Melbourne is a lot more than just a revenue stream for the Labor Party.

**Mrs Peulich** — Or branch members.

**Mr FINN** — Or branch members, as Mrs Peulich points out quite correctly. This government has a policy of take the money and run. That is all it cares about. The members opposite know what I am talking about. They know about the land tax; they know about the cash grabs; they know about this government reaching into the pockets of people who live in the western suburbs, taking their hard-earned money and giving nothing back.

That is the only conclusion one can reach when we see the way the people of the west have been treated in the almost nine years of this miserable government in Victoria. We have new estates going up all over the place in the western suburbs. The city of Wyndham, for example, and the shire of Melton are amongst the fastest growing municipalities in Australia, and what we are seeing is a government that is going out there and basically fleecing the residents. It is going into their homes, picking them up, holding them by the ankles and shaking them until all their money falls out, collecting it, putting it in a bag and then running out the front door. That is what has happened.

**An honourable member** interjected.

**Mr FINN** — George would know a fair bit about that, I reckon. But I have to ask, where are the services and the infrastructure that these people need to lead a reasonable life? If they are waiting for a Labor government to give it to them, they are going to be waiting for a very long time, and can I suggest most strongly that none should hold their breath.

The level crossing in Main Road, St Albans, is a symbol of the neglect of the west by the Labor

government. The saga of the Main Road, St Albans, level crossing has been going on for years. This house I am sure would be interested to know that just prior to the defeat of the Kennett government in 1999, that government — the Liberal government — was preparing to do something about the problem at the Main Road, St Albans, level crossing. But since Labor came to power, what has happened? Absolutely nothing. What we continue to see every day is local residents in that area — —

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

**Mr FINN** — Why don't you go with them? Every day we see people in that local area risking their lives on that level crossing. What do we see Labor do? Absolutely nothing. It can fix the level crossings in the eastern suburbs — —

**Hon. T. C. Theophanous** — I'm going to go.

**Mr FINN** — Please do, and don't bother coming back. The government can fix the problems on level crossings in the marginal seats of the eastern suburbs. It can spend millions of dollars looking after the eastern suburbs, but what does the west get? Zilch, not a thing. The only conclusion we can draw is that this government regards the lives of people who live in the east of Melbourne as being far more important than the lives of people who live in the west. At long last the people of the west are waking up to the fact that Labor just does not care about them, and they see the Main Road level crossing as a symbol of the arrogant neglect of the Labor government.

I am delighted to see that the Leader of the Opposition in the other place has made a statement in the last 24 hours or so that the coalition, when elected, will put forward a \$90 million package, and as a part of that package there will be around about \$76 million to fix that level crossing in St Albans. It is long overdue, but let me say the people of St Albans will really appreciate that somebody is showing an active interest. At long last somebody is taking an active interest in their welfare and will act to provide a service whereby their lives will be protected. That is long overdue.

**Mr Dalla-Riva** interjected.

**Mr FINN** — As Mr Dalla-Riva says, all Minister Theophanous cares about is politics. He does not care about the lives of people in the western suburbs. He does not care about the western suburbs. All he cares about is votes. It does not matter whether it is votes at the ballot box or votes at internal ballots within the Labor Party. I understand that Minister Theophanous has been spending a fair bit of

time on the phone over the last few days. I have not been able to get out of him whether he is backing Natalie, or he might be backing Justin. That is a good yarn. Justin might just get up.

**Hon. T. C. Theophanous** — I heard you were backing Twentyman.

**Mr FINN** — You heard wrong, Mr Theophanous, as you do so often. Another example of the neglect of the west by this Labor government — —

**Mr Pakula** — You have backed him.

**Mr FINN** — I have not backed anyone, I can assure you. After my day at Flemington a couple of weeks ago, I am never backing anything again.

**Hon. T. C. Theophanous** — He's an old drinking buddy of yours, Les Twentyman. That is what I heard.

**Mr FINN** — He is not that old.

Another example of the neglect of the west — and this is something that I have taken a strong personal interest in over the past couple of months — is the treatment of the Western Autism School by this government. Some four years ago the Western Autism School was told that it could set up shop at the Deer Park campus on the corner of Main Street and Ballarat Road — a notorious and very dangerous corner. In fact, the previous occupants of the site, the Deer Park Primary School, had to be shifted from the site because it was too dangerous for those children.

However, according to this government, it was not too dangerous for the kids with autism. They could go in there, although the government knew full well that children with autism have no sense of personal danger whatsoever. Any of them getting out at any time would mean almost instant tragedy, and that is no exaggeration. That is exactly the situation that this government put those children in. I have been to this school, as I have mentioned in this house before, and I have seen the run-down condition that the teachers, the children and families have to put up with. It is a disgrace that this government would put those children in such an environment. But what does the Labor Party do? Not a thing. It said to them four years ago, 'Go to Deer Park; you will only be there for 12 months'. Guess what! They are coming up on their fifth year at that very site, and what is this government doing about it? Absolutely nothing. It is a disgrace and another great example of the pure contempt that the Labor Party has for the people of the western suburbs, and not only the people of the western suburbs but in this particular instance disabled people in the western suburbs, and

indeed disabled children in the western suburbs. I wonder how they can look themselves in the eye in the mirror in the morning. It is sickening beyond words.

Now we move down a little closer to town, and the residents of Francis Street, Yarraville, and the areas around it can vouch for Labor's inaction.

**Mr Pakula** — I am so glad you brought this up.

**Mr FINN** — Mr Pakula says he is glad that I have brought this up. I understand that Mr Pakula will be speaking after I have finished this dissertation, and I am going to be very interested to hear what he has to say in defence of his government's inaction — —

**Mrs Peulich** — The man from Beaumaris.

**Mr FINN** — The man from Beaumaris is going to be very interesting. Mrs Peulich makes a fair point, that he is from Beaumaris, so it is excusable that he would not understand what the people in Yarraville have been subjected to. To get from Princes Park to Beaumaris one does not have to go through Yarraville, so he would not understand what the people of Yarraville have been subjected to for a very long time. I have been down there a number of times over the years, most recently at a rally to address hundreds of very angry locals who were venting their spleen about their treatment by this government.

In defence of his government's performance in handling the enormous number of trucks clogging the streets of Yarraville and in particular Francis Street, Mr Pakula might mention — I just have a feeling — the name Eddington. There is a fair chance that he will. What he is going to say to us is that the Eddington report is going to solve everything. At this stage all we know is that the Eddington report is just that; it is a report, one of so many reports that this government has commissioned since 1999. It has reports, it has committees, it has task forces, it has people gathering to examine reports from all over the place. I have a feeling, given that the Eddington report has suggested spending of some \$18 million, that this report is going to find its way onto one of those task forces or committees for examination at some length. If we ever see action on the Eddington report, I think I will be a very old man indeed. I am looking forward very much to Mr Pakula getting up and defending his government's treatment of the people of Francis Street in Yarraville and those who surround it.

Another example of the way this government treats the people of the western suburbs is the issue of the Tullamarine toxic waste dump opposite Melbourne Airport. This is an issue that I have been involved in for

many years. Now the dump has finally closed, but for how long? That is the question, and it is the question on the minds of a good many people. I see Ms Hartland sitting over there, and I think it is probably a question that has entered her mind from time to time. Just how long will this dump be closed? It was only after a question in this house that it was closed. It was only after the exposure of leaks into Melbourne Airport and Moonee Ponds Creek that the thing was closed. The saga of the Tullamarine toxic waste dump goes back many years. I remember when I left this Parliament in 1999 it was going to close in 2001, we were told. Then the government told us it would close in 2003. We finally got to 2008, and it has closed, but you would have to wonder for how long. I would be indebted to Mr Pakula if during his contribution to this debate he attempted to enlighten us as to what is going to happen at the site of the Tullamarine toxic waste dump, not just in terms of whether it will reopen for business but what is going to happen to the millions of gallons of waste that is under the ground. You cannot just walk away from these things. This thing is opposite Melbourne International Airport.

**Mr Pakula** — For seven years you were the member for Tullamarine. What did you do about it?

**Mr FINN** — Mr Pakula asks what did I do about it when I represented Tullamarine. Let me tell Mr Pakula, if he was not listening earlier, that when I left Parliament in 1999 we had agreed that the thing would close in 2001. When Labor got in, obviously all bets were off, and the thing closed just a couple of months ago, however temporarily that might be. I say to Mr Pakula that is the situation. I was working very closely — —

**Mr Pakula** — You were 'gonna' do it. You just didn't get around to it.

**Mr FINN** — No, we didn't get the opportunity because you clowns got in, and look what happened as a result. We are still stuck with that dangerous cocktail of chemicals under the ground opposite Melbourne Airport. It is not very often that I come from Melbourne Airport over the overpass into the city, but I had cause to do that the other day, and what was the first thing I saw as I left Melbourne Airport? The toxic waste dump. Welcome to Melbourne, the toxic capital of Australia! It certainly is under the Labor Party and under this government that just does not care about the people who live there. They do not care about the people who work at the airport. They just do not care about the western suburbs at all.

I am very disappointed, I have to say, that Minister Madden — as much as I have great affection for Minister Theophanous, who is in the house, and who I am sure will put out a press release on that one tomorrow — —

**Mr Pakula** — He reciprocates.

**Mr FINN** — I am sure he does. I am very disappointed not to see Minister Madden in the chamber at this point of time, because the area of planning — and I am sure Mr Guy will elucidate a little more on what I am talking about — really shows Labor's contemporary thinking about the western suburbs. What we have seen is a huge expansion in numbers of people. The Minister for Planning has just opened the gates on development, with no infrastructure, or very little, no public transport and no roads. These are the things that are pretty basic to us all, but Minister Madden has said, 'No, let all those people go out there to the western suburbs, let them go out there to Caroline Springs, let them go out there to Tarneit. They can all live out there very nicely. Just don't bother me'. That sounds a bit like Minister Kosky in the other place with her infamous email, 'Don't tell me your problems'. It is not just Minister Kosky, because Minister Madden has exactly the same problem. He is letting it loose.

Now we see a situation where Minister Madden is closing in on local councils. He is planning to strip planning controls from local councils, which will allow development to go ahead without any local input at all, and that is something that is truly terrifying for people who are concerned about what is going on, particularly in the outer western suburbs.

And then to add insult to injury — and who will ever forget this — Minister Madden gets up and attacks those people who live in the outer west as living in McMansions. Of Caroline Springs he said, 'The people in Caroline Springs all live in McMansions' as he snorted down his nose at them — the snob in his own mansion. Minister Madden can sit up there in his own mansion, but he slams down those who seek to live in a decent home and to raise their families in the outer suburbs of Melbourne, particularly the outer western suburbs of Melbourne. McMansions he called them, sneering down his nose.

Those people in Caroline Springs and Burnside Heights, and all those suburbs that will vote on Saturday fortnight — I thought I would get that in for Mr Theophanous — I am sure will remember the gross insult that they received at the hands of Minister McMadden just last year.

**An honourable member** interjected.

**Mr FINN** — Have we got a candidate yet? What time is it? It is 5 to 9; have we got a candidate yet? Still counting, well fair enough, I ask the member to keep me updated.

That is what we have come to expect from this government, particularly from Minister Madden. The question on the lips of many people in the western suburbs is one that is on the lips of the rest of Victoria: where are our police? That is what they want to know, and they, like many, look at the Chief Commissioner of Police and they say, 'Dear God, where did we go wrong?'. They are grossly concerned about what is going on within the upper echelons of the police force, but they are particularly concerned because this government does not seem to care. They know that there are not enough police on the beat, there are not enough police on the streets to protect them.

**Hon. T. C. Theophanous** — There are 1400 more than you had.

**Mr FINN** — Minister Theophanous spreads this yarn about 1400 extra police officers. I ask the question again: where are they? They are not on the streets. I can tell the minister that if I saw a policeman on the streets as I left home tonight, I would go and buy a Tattsлото ticket, because it would be my lucky day. It is a real concern to the people of the west because there is a real crime problem in many of the western suburbs. I use, for example, the city of Brimbank. Some members may be aware of it; it includes places like Deer Park and St Albans. In 2004 to 2006 there was a 73.8 per cent increase in violent crimes against persons.

**Mrs Peulich** — Probably all at Labor Party branch meetings.

**Mr FINN** — I will get to that in a minute. There has been an 87.6 per cent increase in assaults — and get this figure — and a 116 per cent increase in sexual assaults in Brimbank since 2004. The people of Brimbank want to know where the police are and why the government is not doing anything to protect the people of Brimbank. And fair enough, too.

The shire of Melton, which is just up the road, includes such suburbs as Caroline Springs. Let us have a look at the figures there. There has been a 26 per cent increase in violent crimes against persons; a 34.6 per cent increase in assaults; and a quadrupling of homicides in the shire of Melton. They too are asking the question, 'Where are our police?' and that is a question — —

**Hon. T. C. Theophanous** — You are making it up.

**Mr FINN** — These are police figures. If anybody makes it up, you know who to talk to.

These are concerns of people right across the western suburbs. The people of Werribee have been screaming for more police for years and they got some. Where did the government get them from? It got them from Footscray. It closed the Williamstown police station at night and sent them up to Werribee. It did not get more police into the western suburbs, it just shifted them around a bit to make it look a little bit better. A bit more spin so that the government could put out a press release and say the problem was solved. Let me assure the government that the problem is not solved. The people of the western suburbs know that the problem is not solved. The problem is far from solved.

I do not want to overdo the Caroline Springs thing — it is a great spot — but it has a major hoon problem. I have been contacted by a number of residents who are very concerned about this hoon problem. Guess what they asked me? They asked, ‘Where are our police?’, and I had to explain that despite all the gumpf that the Labor Party puts out, the police are not on the streets and that I too would very much like to know where they are.

Throughout many parts of the west we have a major gang problem. We have seen people beaten, assaulted and robbed in what is gang warfare on the streets —

**Mr Guy** — Gangs don’t exist!

**Mr FINN** — Mr Guy makes a good point, that the chief commissioner cannot even mention the word ‘gang’ because gangs do not exist. If the chief commissioner closes her eyes and puts her hands across her ears, then the gangs will disappear. I can tell members that they will not disappear, they have not disappeared, and it is getting worse. This government has done nothing about it.

Last year in this house, after discussions with the renowned youth worker in the western suburbs, Les Twentyman, I raised the issue about the need for government action on this front. What happened? Did the government come to the party? Did the government say, ‘Yes, there is urgent need for such service’? Not on your nelly; no way known. Not a cent of support went into fighting the gang problem and assisting those youths who might find themselves involved in gangs.

The Brumby government has failed the western suburbs on law and order, it has failed the western suburbs on personal safety, and the only conclusion we can draw is that it just does not care. The people of the west just do not matter as far as the Labor Party is concerned. Public

transport throughout the western suburbs is nothing short of disgraceful.

**Mr Koch** — This should not take long!

**Mr FINN** — I reckon it might. It is nothing short of disgraceful. I catch the train quite frequently from Sunshine, and it never ceases to amaze me that it does not matter what time I catch the train from Sunshine — that is presuming I can get through the car park safely away from the gangs — the thing is always packed. It does not matter whether it is 10 o’clock in the morning, 3 o’clock in the afternoon or 5.30 at night, the thing is always jam packed. The people of the west have had about as much of this as they can cope with, and they are really looking at the government to see if there is any help on the horizon. Sadly, there is not.

**Hon. T. C. Theophanous** — They love us.

**Mr FINN** — Mr Theophanous will find out in a couple of weeks that they do not quite love them. I have seen the trains to and from Werribee known as the Wyndham Crush — they just shove them in like cattle into cattle cars. To treat people like that I think is appalling. To expect them to travel in those conditions, quite often on trains without air conditioning on exceedingly hot days, is appalling, and I just wonder how some people actually survive it. But again in this budget there is no attention paid at all to what is really needed to provide extra train services in the western suburbs of Melbourne — that is, a major upgrade at North Melbourne station, because at the moment extra trains just cannot get through North Melbourne. North Melbourne is at capacity. The government can get up and talk about putting extra services on — not that it does a great deal, I would have to say — but it does not matter how much talking it does, because until it fixes the problem at North Melbourne, nothing much will change at all. You cannot even get a bus to the Werribee zoo on a Sunday. How ludicrous is that? It is one of the major tourism attractions of Victoria, and certainly one of the major ones in the west, and you cannot even get a bus to Werribee zoo on a Sunday.

Once again the Labor government is prepared to see estates built in the outer western suburbs — it dumps people there — but the residents have no public transport on weekends, and not much during the weekdays either. On Saturday evenings when the young people in these estates have nowhere to go and they gather, cause trouble and create major issues for the residents of those areas, not only do the people ask, ‘Where are the police to look after these problems?’, but they also want to know where their public transport is. I am delighted to see the Treasurer walk into the

chamber, because I would like to see him loosen the purse strings a bit. I would like to see him loosen the purse strings and give the people of the western suburbs a little bit back from what he has taken from them.

For those who have given up on public transport — and there would have to be a fair number — a trip to town on our roads and particularly our freeways is no better. The Western Ring Road is close to obsolete. Every day we see thousands of cars crawling along the Western Ring Road. If there is one accident on the Western Ring Road, that can destroy the thing for the entire day. This is not good enough in a city the size of Melbourne, and it is certainly not good enough for the people of the western suburbs.

As we know, the West Gate Freeway and bridge is a daily disaster. What we need desperately is a second Yarra crossing at the West Gate Bridge or thereabouts. That is exactly what we need to ease the congestion on the West Gate Bridge and the West Gate Freeway, but it is not on the government agenda. Again, that would help the western suburbs; why would this government be interested in that? It does not care about the western suburbs.

Then we look over at the Calder Freeway — I say 'freeway', but is it? Because on this freeway as we leave town we get to a stage where we are starting to see the light of day after some of the suburbs, and we hit an 80-kilometre-per-hour zone which continues for kilometre after kilometre — way past the Thunderdome. It has become the Calder Crawl instead of the Calder Freeway. In the morning, from Taylors Lakes right in to the Tullamarine Freeway, it is, again, the Calder Crawl. In the afternoon peak hour from the ring-road to way past Keilor, again, it is the Calder Crawl. But is Labor doing anything to alleviate the traffic turmoil in the west? You would have to be joking. It is doing nothing — no plans, no action, nothing.

**Mr Guy** — Miserable.

**Mr FINN** — It is, as Mr Guy says, miserable indeed. We all remember the saga of the Sunshine pool. I mention the Sunshine pool because swimming pools in the west of Melbourne are few and far between, and we desperately need more swimming pools in the western suburbs. But with the Sunshine pool the local residents had to fight very hard for a long time, and it was only at the eleventh hour before the last state election that an emissary of the then Minister for Sport and Recreation, again Mr Madden, came out to Sunshine and said, 'You can't have your 50-metre pool. I know you want a 50-metre pool' — and the residents

did want a 50-metre pool — 'but we'll give you a 25-metre pool'. The government said, 'For the western suburbs, half will be good enough, won't it? Of course it will'. But do you know what happened then? After the election it tried to renege — even on the 25-metre pool! It tried to renege, and we had to fight, and I was a part of that campaign to make this government stick to its word. It would not give the people of Sunshine what they wanted; it would only give them half of that. And then it tried to get out of it after the election, and it was a battle royal to get that back. Absolutely appalling.

It brings me to the latest outrage that would appear to be in the process of being committed by the Labor Party against the people of the western suburbs. The Werribee racecourse is under threat. It would seem that there will be no more racing in Werribee. Racing in Werribee at the Werribee racecourse is now a part of history — that is, unless the Labor Party gets off its tail and does something now. It must come up with the money to upgrade that course, because the Werribee racecourse is a vitally important part of the culture and the heritage of the city of Wyndham. What if that racecourse was in the east or in a marginal seat; do you think the Labor Party might come up with the money necessary to upgrade the course? You betcha! It would be out there with the chequebooks flying. You would not be able to see the Treasurer for the dust that would be flying up behind him as he raced in with a cheque in order to provide the money needed to keep that racecourse up and running. But the Werribee racecourse is not in the east and the Werribee racecourse is not in a marginal seat, so as far as this government is concerned, who cares? It certainly does not, and it makes that obvious every day.

Sporting and recreational opportunities in the west are at a premium, and the Labor Party at this point in time would appear to be the party that wants to go down in history as the crew that closed Werribee's racecourse. I hope I am wrong, but at this stage it looks as if it has its mind made up. It is not going to come up with the money, and racing at Werribee will be no more. That, to my way of thinking, is a disgrace and shows further contempt —

**Mr Pakula** — You are just making it up.

**Mr FINN** — No, I am not making it up. I have been down there and I have spoken to them. I had a meeting with them three or four weeks ago. Has Mr Pakula seen the press release? Mr Pakula will have his opportunity in a moment to tell us what he and his party will do to save the Werribee racecourse, and I am very hopeful that he will come up with a viable plan which will

provide the people of Werribee and surrounds with their racecourse well into the future.

I think I have made a pretty strong case tonight for something that we have all known for a very long time, and that is that the Labor Party treats the west of Melbourne with contempt — and not just contempt, but arrogant contempt. The Labor Party is happy to use and abuse the people of the western suburbs for its own personal and political gain. It is happy to take from the people of the western suburbs, but will it give anything back? There is no way known! It is not something we have come to expect, and if it ever happened, we would probably fall down in shock.

The way that the Labor Party treats the west of Melbourne is a disgrace. This government should be ashamed of itself for the way it treats the Melbourne western suburbs from Craigieburn to Werribee to Williamstown and all the parts in between. All we of the western suburbs want is a fair go. The passing of this motion tonight may go some way towards achieving that.

**Mr PAKULA** (Western Metropolitan) — I am exhausted from listening to Mr Finn's contribution. He said that the government treats the people of the west with contempt. I will give Mr Finn this much: we supported proportional representation and as a result, we have imposed Bernie Finn on the west. To the extent that we have inflicted Mr Finn on the west, I apologise. We on this side of the chamber say, 'In this chamber the warm air is full of Mr Finn's speeches and vice versa'. His contribution was something else!

If the Liberal Party's motivation for putting forward this motion was not so transparent and cynical, it would be funny. I have to say that in his own way Mr Finn can be amusing and entertaining — —

**Mrs Coote** interjected.

**Mr PAKULA** — No, that was not the word I was looking for, but I am sure Mrs Coote can lavish whatever praise she likes on Mr Finn. This motion would be funny, because Mr Finn likes to forget the fact that the Liberal Party was in office for seven and a half years between 1992 and 1999 — —

**Mrs Peulich** — Last century!

**Mr PAKULA** — It might have been last century, but the point is this: the Liberal Party had seven and a half years in office to demonstrate a genuine interest in the western suburbs. Listening to Mr Finn tonight, I am entitled to assume that during the time that the Liberal Party — that great defender of Melbourne's west —

was in office education in the west improved, health in the west improved, roads in the west improved and public transport in the west improved. I would be entitled to believe — —

**Mr Finn** interjected.

**Mr PAKULA** — I am saying that given Mr Finn's comments tonight, I am entitled to assume that all of those things improved when he was in office in the 1990s and that equity improved, opportunity improved and community services in the west improved. But did they? Of course they did not. Of course — —

**Mr Finn** interjected.

**Mr PAKULA** — Of course they did not. The Liberal Party will be remembered in the western suburbs for trying to open a toxic waste dump in Werribee — —

**Mr Guy** interjected.

**Mr PAKULA** — Mr Guy knows something that I do not. Mr Finn talks about Tullamarine. I remind Mr Finn that it took the Labor Party to close the Tullamarine toxic waste dump.

**Mr Finn** — It was a question in here.

**Mr PAKULA** — Yes, it was a question in here that did it! Mr Finn was formerly the member for Tullamarine in the lower house for more than seven years. I have checked *Hansard* to see how many times Mr Finn raised the matter of the Tullamarine toxic dump in the lower house when he was the member for Tullamarine; he never raised it once.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am back. I notice that Mr Finn is not in his place and neither is Mrs Coote.

**Mrs Coote** — It was because of the microphones.

**The PRESIDENT** — Order! I have just made that observation.

**Mr PAKULA** — When Mr Finn's party was in office did all of those issues improve in the west? Did the west go forward in regard to education, health, community services, equity and opportunity? Of course it did not. The west went backward; it took Labor and Steve Bracks, the former Premier, to come to office in 1999 to jettison the decisions of the Kennett government and start investing in Melbourne's west again. It would be funny — —

**Mr Finn** interjected.

**Mr PAKULA** — It was the former Cain government which opened the West Gate Bridge. In the 18 months I have been in this chamber, with the exception of Mr Finn — who has idiosyncratic and flamboyant contributions — I have not heard the Liberal Party mention the western suburbs of Melbourne. This is a Damascus road conversion. This would be funny, because the opposition controls the agenda on the notice paper on wacky Wednesday, and it chose to support this motion as the seventh order of the day out of seven motions. It is not the first motion of the day so that we could have had a fair dinkum debate; and it is not the third or the fifth motion. But this motion has been put forward and debated now when it is nearly 9 o'clock at night. That brings me to this question: why are we having this debate today? I do not know why we did not have the debate 6 months ago, 12 months ago or 15 months ago.

This motion was put forward today because there is a by-election in the electorate of Kororoit on 28 June. That is the only reason. Now we find out that Mr Finn has his stalking horse candidate, Mr Twentyman, to drive down the Liberal vote so he can install Mr Mulder as the leader. It is fair enough for the Liberal Party to try this sort of cynical move! It is very cynical. Frankly, for Mr Finn it is really a simple caper. All that Mr Finn has to do is ignore all the things the government has done over the last eight and a half years.

**Mrs Peulich** — Give us some specifics.

**Mr PAKULA** — I will. All Mr Finn has to do is ignore the irrefutable evidence that on any measure, the services, the infrastructure and the attention to Melbourne's west have been massively increased since 1999. Mr Finn should ignore the fact that Labor's approach to the western suburbs is integrated, broadly based and holistic, and instead come in here and on the Liberal Party's simplistic, basic understanding and basic knowledge of the western suburbs, simply identify a few projects that are yet to be completed and use that argument as the basis for some idiotic claim that the west is being ignored.

By the extension of Mr Finn's logic, somehow we have ignored the western suburbs if everything has not been done — every single piece of infrastructure, every service, every single bit of public housing, every school and every hospital that has ever been or will ever be needed in the west in the future. Unless we can say, 'Job done', on all of these things, unless we can say we have finished every project that will ever be needed in the western suburbs — unless it has all been done —

somehow we have ignored the western suburbs. It is a nonsense.

**Mr Finn** — You could come and start a few. Just start a few.

**Mr PAKULA** — Mr Finn, it is nonsense.

**Mr Finn** — Why don't you start a few?

**Mr PAKULA** — I suspect Mr Finn knows it is a nonsense, but I suppose you can only row with the oars you have.

Despite the provocations from Mrs Peulich earlier, I do not intend to simply read out a shopping list of all the things the Labor Party has done in the western suburbs over the last eight and a half years. I can assure the house that if I were to do that, not only would I be speaking until 10 o'clock tonight, I would be speaking until 10 o'clock next Wednesday night!

**Mr Finn** — You are on your own!

**Mr PAKULA** — The Wednesday after that; Mr Finn knows what I mean. The Labor Party's approach — —

**Mrs Peulich** — You are not going to mention it because there is nothing.

**Mr PAKULA** — I ask Mrs Peulich to just hang about and she will hear what I have to mention. The Labor Party's approach is integrated, holistic and broadly based. Unlike Mr Finn and the Liberal Party we do not wait until a by-election has been called to develop an interest and then pluck out one or two hot-button issues. It does not matter which area of state government responsibility you look at in regard to the provision of services in the western suburbs, you find the Labor Party's record of achievement stands proudly against the record of the Kennett government, which closed schools, closed hospitals, sacked police, sacked nurses and reduced all of those services.

As I said, it is not my intention to list every single project, but let us go through some of them. We have built new primary schools in Point Cook, Melton, Tarneit, Sydenham, Deer Park and Roxburgh Park.

**Mr Finn** — You just cannot get to them, that's all. There are no roads.

**Mr PAKULA** — Mr Finn says you cannot get to them. When he finds his argument has a hole in it, he just comes up with a new argument. The opposition said we had not built any schools, we have

demonstrated that we have, so Mr Finn now makes it a debate about roads.

**Mr Finn** — I do not think I mentioned a school. I didn't mention schools.

**Mr PAKULA** — Of course Mr Finn did not mention schools, because the Liberals' record on schools is a disgrace. The Liberal Party record on schools was its leader flogging them; it was the Liberal Party leader in the other place, Mr Baillieu, and his real estate company which flogged off schools for the Kennett government. We have built secondary schools in Sydenham, Caroline Springs and Point Cook. There have been modernisation works at more than 60 schools so far across the western suburbs as part of our commitment to rebuilding and modernising every school in Victoria.

**Mr Finn** — Tell us about the Western Autism School. Would you like to tell us about that?

**Mr PAKULA** — Mr Finn spoke about that; I am speaking about other things. In the budget just gone, \$5 million has been allocated for the regeneration of Altona Secondary College and Altona West Primary School; a new primary school at Derrimut, a new primary school at Taylors Hill, a new primary school at Kororoit Creek, a new P-9 school at Wyndham Vale; and school regeneration programs at Sunshine East and Pascoe Vale; and when the government made a decision to build two new select-entry schools, one of them went to Berwick, but of course the other one went to the west, to Wyndham Vale, not just for the people of Wyndham — —

**Mr Finn** — Wyndham Vale is in the Western Victoria Region.

**Mr PAKULA** — But people in our region, Mr Finn, will get to use that school, as you well know. It is about 100 metres outside the boundary and it will be a resource that will service the western suburbs for years to come, and it is something the Liberal Party would never have done in a million years.

Let us move on to health. We all remember the Liberal Party's plan for Williamstown Hospital; it was to close it. It took Steve Bracks, as both the member for Williamstown and Premier, to save it. He did not just save it: the Labor Party upgraded it, particularly the emergency department.

The Labor Party's approach to health has not been piecemeal. Our approach to health has seen us more than double the recurrent budget to Western Health. It was only a month ago in the state budget that the

Treasurer made one of the most long-awaited announcements which the west had sought for a long time: \$74 million for stage 2 of Sunshine Hospital. Does anybody in their wildest dreams believe that Sunshine Hospital would have received \$74 million from a Liberal government? Never in a million years! Our allocation is on top of the \$20 million we put in last year. We have also built new super-clinics in Melton and Craigieburn and expanded the Werribee Mercy Hospital, which is handling 800 more births a year as a result of the expansion. Unlike the Liberal Party, which reduced expenditure on health care, we have seen a 70 per cent increase in growth in the number of nurses employed in the western suburbs.

I turn now to transport. I want to take a couple of moments to talk about Main Road. Quite frankly, Mr Finn has plucked the low-hanging fruit; it is an easy one for him to talk about because he knows it has been a contentious issue for a long time. It is a matter that was resolved back in 2004. There were at the time — —

**Mr Finn** — We were going to finish it a decade ago.

**Mr PAKULA** — Mr Finn, I know what the Kennett government did in regard to Main Road. The Kennett government provided a few bob for the local traders association to do a study. That is all the Kennett government did.

**Mr Finn** — It was coming along nicely.

**Mr PAKULA** — Mr Finn, I know the history; I know who you talk to. Do not worry, I talk to them as well. The fact is that back in 2004 — —

**Mr Finn** — You'd like to just rewrite history.

**Mr PAKULA** — Sorry, back in 2001 there were consultations, as I am sure Mr Finn knows, between the former Minister for Transport in the other place, Mr Batchelor, VicRoads, the then Department of Infrastructure, the St Albans traders, Brimbank City Council and the government. There were a lot of competing views about not just the alignment, but where the grade separation should occur, whether it should involve the rail line going under the road or the road going under the railway line. Studies were funded.

**Mr Finn** — But when did the work start?

**Mr PAKULA** — Just hear me out. An integrated solution was arrived at, and it was released in 2001.

The integrated solution, which was agreed on by all parties at the time, had a three-stage process. Stage 1

was to grade-separate Taylors Road, a \$68-million project which is well under way and is almost finished, as Mr Finn knows. I was out there for the sod turning. I am not sure he was there.

**Mr Finn** — I was not invited.

**Mr PAKULA** — It does say something. But there is a \$68-million grade separation which has started, is well under way and will be finished in 2009. What all the modelling at the time, all of the studies and engineers report said was that the best option for stage 2 of the integrated solution — because we were not just thinking about a by-election on 28 June, we were thinking about an integrated transport solution for the western suburbs — was a Main Road bypass at Percy Street. Stage 3 was to get under way when Taylors Road was finished because — Mr Finn may not understand this — the Taylors Road grade separation is ongoing, and Taylors Road is shut.

If you try to grade-separate two of the three crossings on the Sydenham line at the same time, and they are about a kilometre and a half apart, if that, St Albans is shut. Stage 2 cannot start until stage 1 is finished, and stage 3 — Furlong Road — cannot start until stage 2 is finished. That is a matter of logic. It is controversial because some people in St Albans, including some of the traders, wanted the station taken underground at Main Road. A lot of the modelling that was done said that up to half of the traffic on Main Road in St Albans was through traffic, traffic not destined to remain in the St Albans shopping centre. The decision was made to build a Main Road bypass at Percy Street to take that traffic out of the St Albans shopping centre, and that plan is still on track. Stage 1 will be completed in 2009. Planning for stage 2 is well advanced, and when that is completed then stage 3 comes into play. In the meantime, the government continues to work with the traders and the residents and the council to improve the safety at Furlong Road.

Let me just take Mr Finn to this. What makes this so opportunistic, because as he knows the alignment and the grade separation have been controversial for so long, is that the plan to grade-separate Main Road was not in the Liberal Party's policy at the 2006 election. I have here what I think was called a Liberal government plan to improve country and metropolitan roads, and here are the Liberal Party grade separation projects:

1. Frankston bypass;
2. Springvale Road, Nunawading;
3. Blackburn Road, Blackburn;

Not a lot of western suburbs there yet:

4. North Road, Ormond;
5. Moorooduc Highway, Frankston; and
6. Scoresby Road, Bayswater.

There were no plans, not just for a grade separation at Main Road, but for any grade separation in the western suburbs in the Liberal Party policy at the 2006 election. But it gets worse than that, because let us go through all — —

**Mr Finn** interjected.

**Mr PAKULA** — What I am outlining is Mr Finn's hypocrisy and his opportunism. Let us talk about the road projects that the Liberal Party proposed at the last election: a clearway on Punt Road; upgrade of Clyde Road, Berwick; Stud Road; Kelletts Road, Rowville; Forest Road, Ferntree Gully; Scoresby Road, Ferntree Gully; Coldstream; Mooroolbark. This is the Liberal policy — Mooroolbark, Donvale, Donvale, Heathmont, Rowville, Belgrave, Lilydale. Do you know how many road upgrades were proposed for the western suburbs in the Liberal Policy for the 2006 election? None! Not one proposal for one road upgrade or one grade separation in the western suburbs in the Liberal Party 2006 policy.

The absolute hypocrisy and opportunism of the Liberal Party is exposed. Contrast that with our record — the Kings Road duplication in Sydenham; the Boundary Road duplication in Laverton North; the Derrimut Road duplication in Hoppers Crossing; the Palmers Road extension in Point Cook; the Fitzgerald Road duplication in Laverton North — and all of that without mentioning the Deer Park bypass, the Monash-West Gate upgrade or the decision of the government to commission the Eddington report to specifically look at the transport needs of the west.

I am surprised that Mr Finn had the audacity to come in here and to talk about Francis Street which, by the way, is front and centre of the truck action plan in the Eddington report.

**Mr Finn** interjected.

**Mr PAKULA** — We can all read newspapers. I have a copy here of an article by Briar Sinclair in the *Hobsons Bay Leader* of 25 March 2008 about Mr Finn and his factional colleague, Mr Mulder in the other place, who went out to visit the Maribyrnong Truck Action Group, and get this — this is almost too beautiful:

Western Metropolitan MLC Bernie Finn and opposition transport spokesman Terry Mulder met Maribyrnong Truck Action Group president Peter Knight at Francis Street last Wednesday.

The Liberal Party members said that, while they had no policy about the truck traffic on Francis Street, they wanted to hold the state government accountable ...

They come in here, they say they want to hold us accountable and they admit in all of the local *Leader* newspapers that they actually have no policy on it.

**Mr Finn** — Which opposition has policy mid-term?

**Mr PAKULA** — Mr Finn says, ‘Which opposition has policy mid-term?’. I will tell Mr Finn what sort of opposition has policy mid-term: a good one!

That is the Liberal Party’s policy on Francis Street — it has not got one. That is the Liberal Party’s policy on road upgrades in the west — it has none. That is the Liberal Party’s policy on grade separation in the west — it has none. And Liberal members come in here and lecture the Labor Party and tell it that it shows contempt for the western suburbs. What a joke! I have not even mentioned the rail upgrades, the third track at Laverton, park-and-ride upgrades at Aircraft, Laverton, Hoppers Crossing, Albion, Keilor Plains, Werribee, Tottenham, Watergardens, or more services on the Sydenham line. When we decided to trial the Early Bird program, where did we trial it? We trialed it on the Sydenham line. There are also more peak hour services through Yarraville.

Mr Finn thinks he had a pretty good crack at demolishing the government’s record. What has been demonstrated in the discussions, particularly about roads, particularly about transport, particularly about hospitals and particularly about nurses, is that the Liberal Party’s record is not something it can stand on. All the Liberal Party can do is come in here and read out a shopping list of things that have not been completed.

When we talk about roads, we know the Liberal Party’s plan was not to improve any of them. When we talk about grade separation, we know the Liberal Party’s plan was not to do any. It just exposes the absolute hypocrisy of this party. It went to the election with a total document, a Liberal Party plan to improve country and metropolitan roads. The plan contained every single road project that it planned to undertake if it won government, but there was not a single dollar for the west. Yet Mr Finn comes in here and attempts to lecture us about Francis Street while having to concede that the Liberal Party has no policy on the matter.

**Mr Finn** — We will have a policy.

**Mr PAKULA** — Mr Finn said, ‘We will have a policy’. I put it to Mr Finn that he should have a policy. If he is going to come in and criticise the government, then he really needs to be able to indicate how he would do things differently.

**Mr Finn** — We will when it matters.

**Mr PAKULA** — Let us wait and see. No discussion of services in the west would be complete without reference to *A Fairer Victoria*. That is a comprehensive and integrated approach to dealing with disadvantage. It is a document that only a Labor government would ever come up with. It is an approach to dealing with disadvantage that only a Labor government — —

**Mr Finn** — Glossy documents; more glossy booklets!

**Mr PAKULA** — Mr Finn should tell the people who are going to be living in the \$500 million worth of new public housing that it is just a piece of paper. I suggest he tell the people who will benefit from the community services, the people who are enjoying the Yarraville community centre that has been saved by this government, and the people who will benefit from all the increases in expenditure on tackling family violence and early childhood services — all of those things that are outlined in *A Fairer Victoria* — that it is just a piece of paper.

**Mrs Peulich** interjected.

**Mr PAKULA** — Tell it to them, Mrs Peulich.

**Mrs Peulich** interjected.

**Mr PAKULA** — Mr Finn will talk for 38 minutes.

Giving children the best start in life, responding to issues of family violence or boosting access to affordable housing are things that would only ever happen under a Labor government. We all remember the more than half a billion dollars allocated to boost public housing, much of which was spent in Melbourne’s west, whether it is support for disadvantaged groups, whether it is building stronger communities — —

**Mr Guy** — We want to adjourn, hurry up!

**Mr PAKULA** — They are measures that by their very nature are targeted at the most disadvantaged parts of the state. Melbourne’s west gets a huge look in.

**Mr Guy** interjected.

**Mr PAKULA** — I could, Mr Guy, go on. I could talk about how the government helped to save the Yarraville community centre last year. I could talk about the government's support for the redevelopment of the Whitten Oval. As I said in the house yesterday, I was out there last week at the launch of the new elite learning centre. I have seen with my own eyes the incredible community facilities that are going to be created at the Whitten Oval, not just in terms of recreation for young people but also in terms of a child-care centre. All of the work of the Western Bulldogs, particularly with African communities and all sorts of new arrivals to our shore, has been put on the record by the members for Western Metropolitan Region, and the government has been absolutely front and centre with its support for the redevelopment of Whitten Oval.

I could go on and mention the redevelopment of the Williamstown football ground, which will provide not just a magnificent sporting facility but also a community facility and function centre for the people of Williamstown. I could mention the redevelopment of the Werribee football ground. I could talk about — —

**Mr Guy** — But you will not because you do not live near any of them, do you?

**Mr PAKULA** — Mr Guy wants to play the man, because he knows that in terms of the issues that confront the western suburbs the Liberal Party runs are simply not on the board. I could go on and talk about the new integrated children's hubs in Deer Park, Altona and Laverton. I could talk about the funding for multicultural communities, such as the funding for the Quang Minh temple. I could talk about the new bike paths in Footscray. I could talk about how, with the government's support and the government's intervention, we have helped secure the new Toyota hybrid Camry plant in Altona.

**Mr Finn** — I thought Kevin Rudd was taking credit for that.

**Mr PAKULA** — Let me take up Mr Finn's interjection. He talked about Kevin Rudd taking credit. I am happy to concede that, with the new cooperative partnership between the Victorian state government and our magnificent new federal government in Canberra, the Rudd federal government and the Brumby government have delivered not just jobs for Altona but a whole new industry of hybrid, clean, green cars.

I could talk about the duplication of Kororoit Creek Road, but I will not. Despite all the hot air that we heard from Mr Finn tonight, despite all the frivolity,

despite all the hilarity, despite all the fun that Mr Guy is having in the chamber, the Liberal Party really has nothing to say about Melbourne's west. The Liberal Party has nothing to say about what it would do for Melbourne's west, and no record of achievement in delivering to Melbourne's west. The Liberal Party's record in Melbourne's western suburbs is one of closing schools, closing hospitals, reducing the police force, sacking nurses and downgrading services. If members think the Liberals have learnt from that and have turned over a new leaf, they really need to think again, because as their policy document on roads — their entire policy document — —

**Mr Finn** — You are fair dinkum running out of steam here! You're not going to make 38 minutes!

**Mr PAKULA** — If you are going to make this a matter of honour, Mr Finn, I will find something to talk about for the next 4 minutes. Don't make it a matter of honour!

As the Liberal Party document taken by the Liberals to the 2006 election shows, in any area of government responsibility that you want to look at, what the Liberals had to say about Melbourne's western suburbs was either nothing or next to nothing.

*Honourable members interjecting.*

**Mr PAKULA** — The Liberal Party had nothing to say about Melbourne's west. As we see from their document on roads, it is all about Nunawading, Blackburn, Ormond — a fine place, Ormond; I grew up there — Frankston, Bayswater, Berwick, Rowville, Coldstream, Mooroolbark, Donvale, Belgrave and Lilydale.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Some might suggest I am trying to give members a bit of a break here, but the incessant interjections from my left are now really starting to grind on the house and on me in particular. I suggest members take that into account. I say for Mr Guy's benefit that I am quite aware of his question about where Mr Pakula may or may not live; so is the rest of the house. Mr Guy has asked it. He is not going to get an answer. I suggest he cease and desist.

*Honourable members interjecting.*

**Mr PAKULA** — In deference to the tone you have tried to set, President, I will wrap up.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I suggest for the last time to members on my left that if they have an adjournment matter they want to raise, they had better be careful, because they may not be here to raise it. Last warning!

**Mr PAKULA** — I say again that I will wrap up. I will wrap up by repeating that despite all the hot air we have heard from Mr Finn, members of the Liberal Party really have nothing to say about Melbourne's west, even though his contribution was made very eloquently, very amusingly and very theatrically — in fact, sometimes I wish I had a voice like Mr Finn's! I can say that mine is giving out, whereas I think Mr Finn could make reading out the McDonald's menu sound good. It is a voice honed by 3AW and it is spectacular. Mr Finn and the Liberals should remember an old maxim: there is nothing wrong with having nothing to say unless you insist on saying it.

**Debate adjourned on motion of Ms HARTLAND (Western Metropolitan).**

**Debate adjourned until next day.**

## ADJOURNMENT

**Mr LENDERS** (Treasurer) — I move:

That the house do now adjourn.

**The PRESIDENT** — Order! Before we start the adjournment, I remind the house that last night I decided to take some time to think about whether the adjournment matter raised by Mr Koch was in order. To remind the house, I will read from *Daily Hansard* the particular part of Mr Koch's contribution I have in fact decided is appropriate:

The action I seek from the minister is to request the Chief Commissioner of Police urgently to fix the shortage of front-line police in the Geelong, Bellarine and Surf Coast regions and to meet whatever demands are made.

I have decided the fact that Mr Koch sought that the minister make a request to the chief commissioner is, as I said, in order. The main thrust of this particular matter is okay. However, I remind members that the fact that the house has decided to remove the inhibitor of set speeches does not alter the fact that members debating matters raised during the adjournment has never been appropriate, and there is a very strong argument to put that Mr Koch's main contribution last night was in fact either a debate or likely to cause a debate.

I therefore ask members to reflect on previous rulings and understand that there is no capacity to raise matters

in such a way that they are likely to cause debate. I will also restate the processes for raising adjournment matters: members should indicate the minister to whom the matter is directed — in this instance, the member was correct; members should give a brief and succinct summary of the facts — in this instance, the member was not necessarily correct; and members should set out a request, query or complaint and suggest the action sought.

If members comply with that, there will not generally be a problem or an issue. However, if people draw out adjournment contributions into long and protracted speeches, in my view that is likely to cause debate and will cause us all some grief.

### Drought: government assistance

**Ms LOVELL** (Northern Victoria) — The matter I raise tonight is for the attention of the Premier in his role as chairman of the drought recovery task force. It concerns funding for drought coordinators and drought support workers in rural and regional Victoria that is due to expire at the end of June. My request of the Premier is that he reinstate the funding to enable the drought coordinators and drought support workers to continue delivery of these vital services in Victoria's drought-affected communities.

Only eight months ago, in October 2007, the Premier announced that funding would be allocated for additional drought coordinators. When making that announcement he said:

Victoria is in the grip of the worst drought on record and the Victorian government will do all it can to help our struggling farmers, rural communities and rural businesses.

Perhaps the Premier and the Minister for Agriculture believe the grip of the worst drought on record has loosened, as many drought support workers have been told their jobs will no longer exist at the end of June this year.

I have news for the Premier and the minister: nothing has changed. The drought has not broken, communities in northern Victoria continue to battle drought conditions and future forecasts that predict inflows into our storages will continue to decline due to climate change are putting communities under enormous stress.

I understand that Department of Primary Industries and the Department of Human Services drought support positions will be lost in areas including the Loddon Mallee region, Echuca, Mildura and Rutherglen. Drought support workers have put in countless hours building networks and knowledge from which they can

provide invaluable support to struggling farming families and communities. If these drought support workers' jobs cease at the end of June, their knowledge, contacts and profiles will be lost.

Farming families and communities in the Northern Victoria Region continue to do it tough financially, mentally and physically. Drought-stricken communities need continuity, not the stop-start approach of this state government. I call on the Premier to act immediately to extend funding to ensure the drought support workers and drought coordinators can retain their positions beyond June.

### **Country Fire Authority: Toongabbie**

**Mr HALL** (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Police and Emergency Services in the other place in regard to the facilities at the Toongabbie Country Fire Authority station. I was prompted to raise this matter upon receipt of an email from one of my constituents, Mr Kevin Kennedy. Kevin is the managing director of Gippsland Group Training and is also a volunteer member with the Toongabbie Country Fire Authority.

Mr Kennedy's letter to me suggests that the facilities at the Toongabbie fire station are totally inadequate and were proved to be so with the fires of some nearly 18 months ago when the Toongabbie Country Fire Authority branch members were heavily involved in fighting the Gippsland fires. The facilities there are urgently in need of an upgrade. The member for Morwell in the other place, Russell Northe, and I inspected those facilities and met with the CFA shortly after those fires nearly 18 months ago and we can verify the inadequacy of those facilities.

In his capacity as managing director of Gippsland Group Training Mr Kennedy has made a very generous offer of supplying all the labour component associated with the reconstruction of facilities at the Toongabbie fire station. He says that they are looking at a \$100 000 upgrade of those facilities, with half the costs attributed to labour and half to material. Mr Kennedy has offered the services of Gippsland Group Training to embark upon the construction of the new facilities out there and in effect meet the \$50 000 labour costs associated with the redevelopment of those facilities. He asks me to advise him of a source of revenue for the material costs of \$50 000, matching the local volunteer cost to improve the facilities.

The action that I seek from the Minister for Police and Emergency Services is to consider this request to make available the \$50 000 for the material costs which will

be matched by the volunteer labour costs of improving the facilities at the Toongabbie Country Fire Authority station.

### **Police: Preston**

**Mr GUY** (Northern Metropolitan) — Tonight, like Mr Hall, I raise an issue for the Minister for Police and Emergency Services in the other house. It concerns the level of police numbers in the Preston area. Some people in this state may try to ignore the problems we are having with crime, particularly around certain activities areas in suburban areas, but local residents are fully aware of how some of our neighbourhoods have changed and are continuing to change — in this instance, not for the better.

As a local resident of Preston — in the seat that I represent, the seat that I live in, the seat that I work in, the seat that I am very proud to represent —

**Mrs Peulich** interjected.

**Mr GUY** — And sleep in, Mrs Peulich. I can advise the house and the minister that violent crime and in particular theft is becoming a huge issue in Preston. Unruly behaviour, violence and gangs on the streets in the activities area on High Street have made the shopping area unsafe at night and add to the general feeling of unease that now pervades the area after dark. Crime has risen around the railway station area, particularly on the Preston Market side and also in the Safeway car park area, with car theft and assault now an unfortunate but common feature after hours.

I know some shop traders are more and more uneasy about opening their premises fairly early or staying open late simply because by being in an open, lit-up shop by themselves, they expose themselves as a target.

What is becoming a real issue is needless, wanton vandalism. Whether it is turning over bins on residential streets in neighbourhoods that border the activities area, bus shelters being repeatedly smashed up, graffiti on shop fronts, smashed windows or even graffiti on parked cars, it is all much greater in number than even this time last year.

A recent poll conducted by the Preston *Leader* newspaper found that an astounding 39 per cent of people living in Preston felt the suburb had become unsafe. Unfortunately they have every right to feel that way. We have to look at the solution to what appears to be a growing unsavoury trend that is sullyng the good reputation of this northern suburb. In my view the Police Association is right in saying that it is police numbers.

**The PRESIDENT** — Order! I remind Mr Guy that I made a comment earlier about debating. He is going beyond actual facts, which he is more than welcome and encouraged to do, but he is now offering opinions, such as ‘in my opinion’. That is likely in my view to cause a debate, or whatever, and it is inconsistent with the guidelines I have already on numerous occasions laid down, so I ask him to be succinct and to the point and to stick with the facts.

**Mr GUY** — Thank you, President. It is fact that over the last decade per capita police numbers in places like Preston have fallen. It is a fact that Preston police station needs more police. The Police Association say an extra 58 police are needed. That is a good start, so in my adjournment matter tonight I ask the minister to act on the advice of local people, the council, traders and the Police Association and deploy more police to the Preston police station to lower the ever-increasing crime rates in this suburb.

### **Mallacoota: community centre**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Regional and Rural Development. The Mallacoota township in East Gippsland is 535 kilometres from Melbourne and, as such, is one of the more remote communities in Victoria. As a consequence, although it is mostly widely appreciated for its natural beauty, it is self-sufficient, has a strong arts community and is known for its community spirit and resourcefulness.

The qualities that the township exemplifies are manifest in the local radio station, 3MGB, which has been broadcasting since the early 1980s and provides a focal point for community information and development. The station’s reach spreads beyond Mallacoota to the neighbouring towns of Genoa and Cann River. It began operating out of a double-decker bus, but in recent years has been using a flat, accommodation that it retains on a tenuous monthly rental.

The Mallacoota Arts Centre also fills an important role in the life of the town. The centre has a small gallery and coordinates arts and community activities from a run-down cottage on the outskirts of the town. A proposal developed some years ago foresaw the two organisations getting together and establishing a high-profile presence in the shopping centre as the Croajingolong centre for communications and the arts. A local couple donated money to buy a block of land and recently the East Gippsland shire has granted provisional planning approval for the project. The outstanding issue is to find the money to build it.

The radio station educates local schoolchildren in broadcasting by involving them in a weekly on-air program called *New Kids on the Block*. The Mallacoota Arts Council would bring its gallery to the Croajingolong centre project and use it to organise concert activities and as a booking office for community activities. It could also become a learning centre for TAFE students who visit Mallacoota to undertake environmental studies. This is as worthy a local community project as you would find and it has been a singular community effort that has brought it to this stage.

The next step, as I mentioned, is funding. My request to the Minister for Regional and Rural Development is to support this important project and to work with the local community and shire to ensure it progresses to completion.

### **Liquor: Toorak licences**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Consumer Affairs. I acknowledge that, by implementing the 2.00 a.m. lockout in nightclubs and initiating a moratorium on the issuing of any new liquor licences within a 10-kilometre radius of the central business district, the Brumby government is attempting to curb alcohol-fuelled violence, and this is commendable. But the consumer affairs website has this to say about under-age drinking:

People under 18 years of age are not allowed to consume liquor on licensed premises unless:

in the company of a parent, guardian or spouse (over 18 years of age) and partaking of a meal.

...

A guardian is one appointed by the court. A spouse is the person to whom they are married.

Please note: A responsible adult (other than a spouse, parent or guardian) cannot supply liquor to a minor.

The penalty is \$6607 for the licensee, \$1101 for the server and \$551 for the minor. I was perplexed to find that in my electorate, which is also the electorate of the Treasurer, the Toorak Lion was advertising free alcohol and a happy hour. A couple of my constituents went in to observe what was happening and saw obviously under-age drinkers being given free alcohol. This was reported to the police, who arrived almost immediately and are to be commended for doing so, and charges were laid. I was very perplexed to read the following in the *Stonnington Leader*:

Jamie Nasser —

who is the licensee —

has hit back at claims his bar staff knowingly served minors alcohol at his Toorak Village pub.

He said he is being victimised because of his name and that the drinkers looked authentic. That is not good enough. This man is applying for a licence on the same site, at the Trak Centre, and he was only fined \$500 for serving alcohol to minors instead of the \$6607 fine for a licensee.

The action I request is that the minister investigate this breach of his own regulation and advise the Liquor Licensing Commission to seriously take into consideration Mr Nasser's abuse of the liquor licence regulations when it is reviewing his current application for an extension to the existing licence in the Trak Centre.

### **Water: waterways and drainage charge**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Water in the other place. I ask him on behalf of very angry Sunbury residents to drop his proposed waterways and drainage tax. Last week I attended a public meeting organised by the Essential Services Commission with the residents of Sunbury on the issue of Melbourne Water's proposed waterways and drainage tax. The ESC called the meeting to get public comment on the application and level of the charges. I would have thought it was in the interests of everybody, particularly the member for Macedon in the other place, to promote this meeting, as it is her responsibility to look after the wellbeing of her constituents. However, this meeting was poorly promoted and was held in a very hard-to-find venue, almost as if it was not desirable that people attend. Members will be pleased to know that I found the venue and found the meeting most interesting.

The message from the meeting was loud and clear: now is not the time or place to be slugging struggling families with another tax on top of massive water price hikes. The problem of water supply and price lies solely on the shoulders of this government. Its inactivity and lack of vision have meant that we are now in dire straits with our very dry state, and yet all this government seems to do is rob Peter to pay Paul. It has failed to secure our water supply, and now communities like Sunbury, Gisborne, Bacchus Marsh, Melton and others have to pay the price; 118 300 residential properties, 5200 non-residential properties and 54 100 rural properties will have to pay up to an additional \$75 on top of massive water price hikes.

Instead of listening to the concerns of her constituents, the member for Macedon has done nothing except wag her finger at them and tell them to pay up. Sunbury

Residents Association, Sunbury Conservation Society and Sunbury Chamber of Commerce are, quite rightly, asking why there has been this neglect of the local community.

The action I seek from the minister is for him to provide a full explanation of where the money from these taxes will go, including a detailed description and costings of the works to be carried out so that the affected communities can clearly see what they are being asked to pay for.

### **Australian Childhood Foundation: funding**

**Mrs KRONBERG** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Community Services in the other place. During a recent visit to the Australian Childhood Foundation (ACF) a number of alarming facts were revealed to me about the rising number of child abuse cases presenting for the foundation's counselling services. There is new and alarming evidence picking up on the impact on children of sexual abuse and family violence trauma and the inherent long-term ramifications.

The Australian Childhood Foundation is currently seeing 300 children per year. Current levels of funding from the Department of Human Services are meant to cover the costs of delivering counselling services across three streams: child victims of sexual abuse, children who are victims of family violence, and children under 15 years who themselves show problematic sexual assault behaviour.

When referrals are factored into the number of children that the ACF is seeing, the number of children needing counselling will swell from 300 to 500 by 30 June this year. As at 4 June the ACF had a list of 43 children who had been waiting for a minimum of three months, with most waiting for five months. Exhaustive fundraising has contributed in part to making up the 30 per cent funding shortfall. Whilst there has been some funding allocated in the budget for family violence, with a slim possibility of some trickling down to the ACF, funding still is and, as it stands, will be grossly inadequate.

The waiting list for counselling services is not an accurate reflection of the need. The ACF's waiting list has potential clients drop off the list after such a long wait. I ask the minister to urgently review the three funding streams and, inter alia, that an allocation of \$200 000 be made in order to have the growing demand, as is manifested in the waiting list, dealt with immediately.

### **Water: Powelltown supply**

**Mr O'DONOHUE** (Eastern Victoria) — My matter this evening is for the Minister for Water in the other place. Last week I had the pleasure of visiting beautiful Powelltown, where I met with representatives of the Powelltown Residents Water Association and in particular its president, Mr Ian Martin. The association is responsible for supplying the 300 residents in 110 homes in Powelltown with water. The association has a long-term licence with Melbourne Water to withdraw up to 163 megalitres a year from the Learmonth Creek system, but currently only draws approximately 80 megalitres.

The water is taken from the creek and sent to three semi-submerged in-ground tanks which have corrugated iron covers. There is currently no security for the tanks in the form of a fence or secured shed. The tanks are not far out of town and, as the minister would be aware, Powelltown is a popular tourist destination on the way to Mount Baw Baw during the ski season and to Warragul and other places for the rest of the year. This presents a potential security risk to the town's water supply, which has a dual purpose as it can be used for firefighting and in times of emergency, so this is an important issue.

The action I seek therefore from the minister is that he meet with Mr Martin and other representatives of the Powelltown Residents Water Association and work with them by providing funding or technical assistance to ensure the residents of Powelltown have a safe and secure water supply and that their tanks are secured and free from access by third parties, illegally or in any other way.

### **Roads: South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) — I have a brief matter for the attention of the Minister for Roads and Ports in the other place. I have spoken on many occasions about concerns in relation to roads and public transport, but there are also numerous traffic snarls that make daily commuting to and from work very difficult. I have received significant communication on two of these, and I would like the Minister for Roads and Ports to see what he can do to address them.

One of those problem areas is the intersection of Springvale, Hutton and Governor roads in Waterways. I have had a number of constituents write and telephone me about the right-hand turn signal from Springvale Road into Hutton Road. During afternoon peak hour in particular there are substantial delays for commuters

turning right because the signal is not green for long enough for more than two or three cars to turn at one time. Often, many commuters are so sick and tired of waiting during the long delays, which can run up to 10 or more minutes, that they run the red light to make the turn. Clearly it is not a desirable thing to occur, but the frustration is understandable, and I call on the minister to see what he can do to allow perhaps more cars to turn right at that location.

The second problem area is the traffic snarls at the intersection of Vanessa Drive and Pound Road, Hampton Park. It has been reported to me that many Hampton Park residents are receiving police fines for turning left towards the freeway entrance from a right-hand turn lane. Whilst I agree that they have done the wrong thing — there is no doubt about that — the local morning peak traffic, which begins at 6.00 a.m. in that area, is horrendous and traffic is often banked right down Vanessa Drive.

I therefore call on the Minister for Roads and Ports in the other place to act promptly on these two sites and to see what can be done to address these local traffic congestion or traffic snarl problems to ensure that commuters at least have some chance to travel on their daily route without the frustrations associated with these two intersections which are notoriously annoying to drivers and commuters.

### **EastLink: sound barriers**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Ports in the other place, as the minister responsible for Southern and Eastern Integrated Transport Authority (SEITA) and works taking place on EastLink.

I have been approached by residents of Woodview Court, Dandenong North, which may be unknown to the Treasurer. It is the area to the north-east of EastLink and the Monash Freeway, and it relates to the sound barriers which have been installed as part of the EastLink construction works. Prior to that work being undertaken the properties there had a chain-link fence at the back, there were timber sound barriers on the Monash part of the freeway of a medium height, and in between was substantial native vegetation.

Since the EastLink construction work the timber barriers have been removed and replaced by very large concrete sound barriers at a height of between 4.5 and 6.5 metres. As the back fence and the native vegetation have been removed, residents of Woodview Court now look out upon what is basically a 6-metre concrete

structure across the back of their property, not unlike the Berlin Wall in appearance — a huge concrete wall backing onto the properties.

Prior to the works being undertaken the residents of Woodview Court, Dandenong North received a letter from Thiess John Holland committing to extensive landscaping to both the roadside and the residential side of the walls, with indigenous trees, shrubs and groundcovers that, when fully established, would soften and complement the appearance of the noise walls. That commitment was contained in a letter dated 5 January 2007 from Thiess John Holland to the residents.

That work has not been undertaken by Thiess John Holland. When the residents of that area in Dandenong North contacted SEITA seeking to have those commitments delivered upon they were given the brush-off. Indeed the people at SEITA to whom they spoke indicated that it was only a matter of opinion that a 6-metre concrete wall on the back of their properties was a bad view for them to have.

What I seek from the minister is his commitment to ensure that the undertaking given by Thiess John Holland with respect to finishing the works between the backs of the properties and the sound barriers on the residential side is honoured, as committed to in that letter of 5 January, to ensure that the amenity of those people living along that boundary to the freeway is enhanced.

### **Avalon Airport: international terminal**

**Mr KOCH** (Western Victoria) — My adjournment matter is for the Minister for Planning. It concerns the federal government's decision last week to reject a planning application for a major development at Avalon Airport. Avalon Airport has been a leading contributor to Australia's aerospace industry for over 50 years. It is home to numerous Australian and international aerospace companies and is well placed to become Victoria's second international airport. Avalon is already the main base for Jetstar Airlines' domestic flights to Sydney, Brisbane, Adelaide and Perth.

Airport operator Linfox was keen to start construction of an 8000-square metre international terminal next month to cater for low-cost carriers. The new terminal would triple annual passenger numbers and accommodate more than 2 million international passengers driven by the vast economic opportunities of the Asia-Pacific region. But the \$300 million expansion has been rejected by the Rudd government on planning

issues and has severely set back development of international air services at Avalon.

The refusal of the defence department to approve Linfox's planning application means that Asia's biggest low-cost airline, AirAsia, has axed plans to fly its international arm, AirAsia X, into Avalon from later this year. It was anticipated that this carrier would have provided a daily non-stop service to Kuala Lumpur, connecting with a huge network within Asia and onwards to Europe.

Not surprisingly, Geelong's business and tourism leaders are frustrated and very angry with the state and federal governments, particularly local federal politicians Richard Marles and Darren Cheeseman, who gained election on the basis of having the ear of government, but now in government — —

**Mr Lenders** — On a point of order, President, I have been listening to Mr Koch with some interest. Mr Koch's comment firstly is about the actions of the federal government on planning, so it is not a state issue. Now it has moved to his comments on the inaction of federal MPs on lobbying the federal government on planning. I draw your attention to the fact that this is not a matter for the adjournment for a Victorian minister. It is a commentary on a federal planning minister and the action of two federal MPs.

**Mr D. Davis** — On the point of order, President, I understand that the state Minister for Planning has a responsibility for some aspects of planning in and around the airport.

**The PRESIDENT** — Order! The fact is that the member needs to demonstrate how the matter is the responsibility of the state minister to whom it was addressed. The member's reference to federal members is in my view starting to get into that area we discussed earlier about debating and has nothing to do with the state minister. I ask the member to restrict his comments and matter to the area of responsibility of the state minister.

**Mr KOCH** — Avalon has had the planning support of the City of Greater Geelong. It is one of the only areas of federal Crown land over which state planning powers exist, and it is on those grounds that I bring it to the attention of this house and our planning minister. The action I seek from our planning minister, Mr Madden, is for him to call on the federal government to overturn the defence department's refusal to grant planning approval, which again stalls the development of Victoria's second strategically located international airport at Avalon.

**The PRESIDENT** — Order! I advise Mr Koch that the state minister has no responsibility to do what he asks. He is simply asking the minister to do something that the federal minister has responsibility for, and therefore I rule it out of order, which I have done previously with other matters in this regard.

### **Responses**

**Mr LENDERS** (Treasurer) — In opening, I was intrigued by Mrs Peulich asking a minister to ‘see what he can do’. There were 10 matters for ministers, and I will refer those 10 matters to the relevant ministers.

**Mr D. Davis** interjected.

**Mr LENDERS** — No, Mr Davis’s matter will be referred. But through you, President, I am interested that Mrs Peulich has asked a minister to ‘see what he can do’. I think that is quite quaint. I will refer all 10 matters to the relevant ministers.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.21 p.m.**