

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 15 April 2008

(Extract from book 5)

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

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Heads of parliamentary departments

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Tuesday, 15 April 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.04 p.m. and read the prayer.

CONDOLENCES

Hon. David Henshaw, MBE

The PRESIDENT — Order! I advise the house of the death on 2 April 2008 of the Honourable David Henshaw, MBE, member of the Legislative Council for Geelong Province from 1982 to 1996.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent to Relationships Act.

QUESTIONS WITHOUT NOTICE

Air services: government policy

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Industry and Trade. I refer to the minister's comments yesterday regarding the Access Economics report on aviation policy. As everyone is aware, the minister and the Brumby government failed to secure Virgin Airlines V Australia, which was lost to Sydney. Does the government have estimates of the loss to the Victorian economy of this failure and will the minister confirm industry estimates that these losses run into tens of millions of dollars?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question, although I am not sure why I am thanking him because — —

Mr Jennings interjected.

Hon. T. C. THEOPHANOUS — It is out of courtesy, yes. I have for some time with both the member opposite and with his predecessor in relation to this industry tried to get the opposition and the government talking off the same page about supporting Victoria in relation to this important area, but it is no good, because members of the opposition have the view that any good news for Victoria is bad news for them.

Their modus operandi is to bag any good news because that is not what they want to see happen. They want to see Victoria go down because it suits their political agenda.

Some of us want to develop Victoria for the people of Victoria, and let me say that during the whole time of the Kennett government and the time of the Howard government there was absolutely no attempt whatsoever to do anything about the aviation industry. In fact the policy settings that were put in place by the Howard government were such that they deliberately disadvantaged Melbourne and Victoria. That is the situation we had. Why did that government do this? Because it established a circumstance where the regulation of flights was such that only two airlines could operate the Pacific route. That had the effect of creating this duopoly, which of course suited the two participants but it did not suit the travelling public and did not suit Melbourne. Those two participants were able to simply run flights in and out of Sydney and force Melburnians to go to Sydney in order to fly on the Pacific route into the United States. The question we faced was what were we going to do about it.

This government asked for a review to be done, and the review was undertaken to identify the level of economic damage that was done by the vandalism of the Howard government and, before it, the Kennett government. The results were astounding, because what the review showed was that there was a significant economic cost for Victoria and the Victorian economy in not having an open-skies policy setting. If you look again just at the Pacific route, you will see that about 40 per cent of people who want to either come to Melbourne from overseas or travel from Melbourne to the United States have to go through Sydney. On anybody's understanding this means that there is an enormous economic cost, a time cost and a range of other things.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — Let me tell the member what we are doing. We beat our heads against the brick wall of the Howard government for many years to try and get this changed, and there was no result. So what we did was we tried to go around the way it had been constructed for us by the Howard government, and we did so in a way that has allowed us to move things forward. When the new federal government — the new Rudd government — announced that it was doing a review in this area, we were off and running to try and maximise our position with a submission that we are going to put in. We already had information available to us from Access

Economics that we were able to put out in the public domain and say, 'Here is the situation. Here is why it is disadvantaging Australia, and here is why it is disadvantaging Melbourne in particular'. We have put our argument out there. We cannot get any support from the opposition even at this stage for that argument.

Let me say this: we have, however, managed to get Tiger Airways to establish itself in Melbourne as another domestic carrier, which has been a huge boost and a huge boon for the people of Victoria in terms of lower fares. We got bagged again by the opposition because it does not like good news. When there is good news, it does not like it; and that was shown again in the circumstance that I referred to. We have got Korean Air flying direct flights into Melbourne as part of a program of trying to get more direct flights. We have got Emirates with two — soon to be three — flights a day out of Melbourne.

The opposition can go around bagging us. The advantage that has been created by V Australia is that it has opened up for the first time an additional airline competing on the Pacific route. That is a good thing. The next step for us is to get V Australia, as part of its operations, to also fly direct flights into Melbourne, and that is what I will be working for in support of the people of Victoria and of Melbourne.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — That still does not explain why we had two losses with Virgin Blue. Will the minister now accept responsibility for his lack of capacity in securing flights into Melbourne with yet another airline, this time Etihad, or is he just going to admit that, as with major projects, he is not up to the job on this one either?

The PRESIDENT — Order! I remind the member that questions should not contain argument. I feel that the member's last comment was a little gratuitous, and I ask the minister to answer simply the first part of the question.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The situation specifically with Etihad Airways — even though the member does not want to talk about Emirates and he does not want to talk about our other successes — —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — I know he does not want to talk about success and he does not want to talk about the good things.

I think Etihad was flying into Sydney even before I became a minister in this area. We have had an ongoing dialogue. I am pleased to say that I have now spoken to and met the chief executive of Etihad Airways. We have had a discussion with him about its coming to Melbourne. It is absolutely committed to coming to Melbourne.

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — Let me say how pleased I am that it is not the other side that is negotiating on behalf of the people of Victoria. If you want to get these big airlines to come into your city, one thing will always bring them here — that is, paying them whatever they want on the cheque. You can get anyone to come here if you pay them whatever they want on the cheque!

That is not how we operate out of Melbourne. When we got Tiger Airways to come to Melbourne, we got them — and we do not discuss the amounts — to establish in Melbourne for less than they were actually being offered by other states. We were able to do that because Melbourne has a lot to offer.

The chief executive officer of Etihad has clearly understood that Melbourne has a lot to offer. He is a Melbourne boy, and I am confident that when he comes back to me with what he thinks the package should look like we will be able to negotiate around that. I am confident that Etihad will be flying into Melbourne in the not-too-distant future.

Information and communications technology: regional investment

Ms TIERNEY (Western Victoria) — My question is to the Minister for Information and Communication Technology. Can the minister inform the house of any recent announcements that will create new information and communications technology (ICT) jobs in the Geelong economy?

Honourable members interjecting.

The PRESIDENT — Order! I might add that the minister is the first recipient of the priority button. I need to confer with the Clerk on the validity of the question.

I ask Ms Tierney to ask her question again.

Ms TIERNEY — Can the minister inform the house of any recent announcements that will create new ICT jobs in the Geelong economy?

Mr D. Davis — On a point of order, President, I note that a number of government members have posters, and I know there are rules in this house against displays and props. I ask you, President, to be aware of these props.

The PRESIDENT — Order! Mr Leane is being too cute by half! He should not provoke the house.

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — I thank the member for her question. It was a source of absolute pride for me and other members representing Geelong to be at Deakin University yesterday to announce this fantastic new initiative, where an Indian information and communications technology (ICT) company, in collaboration with the Greater Geelong City Council and Deakin University, will be coming into Geelong and creating 2000 new jobs.

I was very pleased to see that the *Geelong Advertiser* had on its front page in big writing for everyone to see ‘2000 new jobs in Geelong’. Let me quote what the *Geelong Advertiser* had to say:

Geelong will get 2000 new jobs under a plan to turn Waurn Ponds into our own Silicon Valley.

It went on to say:

... It will help turn Geelong into an ICT hub ...

It quotes Satyam Computer Services co-founder and managing director, Mr Rama Raju, as saying:

I have no doubt in my mind that we are going to do wonderful work out of this city ...

Mrs Peulich — On a point of order, President, Mr Leane is flouting your ruling. He has now displayed the poster on the steps over there, where you cannot see it. I ask you to enforce your earlier ruling.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! While I cannot see the prop being displayed, I am inclined to take the word of the member opposite. That being the case, I can only take it that Mr Leane has deliberately flouted my previous ruling and I remove him from the chamber for 30 minutes.

Mr Leane withdrew from chamber.

Questions resumed.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I understand why members on this side of the house are pretty excited about the prospect of 2000 jobs. They are 2000 high-quality, highly skilled jobs in the ICT industry coming into Victoria. I want to comment on this because I think it is an important and momentous time for Geelong and also for the ICT industry in Australia. Once it is fully operational it will boost the Geelong economy — and of course the Victorian economy as well — by \$175 million annually and 2000 jobs.

I signed the agreement with Mr Rama Raju yesterday, and we made the announcement subsequently. This agreement has been about a year in the making. I thank the staff at the Department of Innovation, Industry and Regional Development who have been involved in this, because they have shown an enormous amount of dedication in bringing this agreement to its conclusion. I do not want to name them because they have especially asked me not to name them in these kinds of environments, but they know who they are. They have worked tirelessly and lived this attempt to get these 2000 jobs for Geelong for the last 12 months. All credit goes to them and to the people from the Greater Geelong City Council and Deakin University who have been involved in it. It could not have happened without a partnership. I am pleased to be able to say that that partnership and the determination of that great number of people have resulted in the announcement which was made yesterday.

Part of the agreement will involve a campus-type facility adjacent to Deakin University. It will allow for technology graduates out of Deakin University and other universities. We expect that something like 70 per cent of the recruits that will go into this facility will come from the new Geelong technology and learning centre and from Victorian and Australian universities. This is a massive boost for Geelong and for the Victorian economy.

Satyam is a major company in ICT in India. It employs over 50 000 people worldwide. It has an annual revenue of \$2 billion. It has 630 active customers, including 181 Fortune Global and Fortune 500 companies. It already does work for a variety of major companies in Victoria and Australia, and this will allow Satyam to expand its operations even further.

I must say that the one thing that was of disappointment to me was that whilst the *Geelong Advertiser* ran this, as it should, as a story about 2000 new jobs on the front page, it hardly rated a mention in the Melbourne press. I really think the Melbourne press should think about its priorities because — —

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — I am happy to criticise the press in this regard. Because when and if we lose 50 jobs in a manufacturing operation somewhere, it somehow makes page 3 of the newspapers — it would make page 3 of the *Age* and page 5 or 6 of the *Herald Sun*. But if you compare the *Herald Sun* and the *Geelong Advertiser*, you see that the *Herald Sun* has a front page story titled ‘He’s not that bad’. Quite frankly I think most people in Victoria would care more that 2000 jobs are being created somewhere than about a particular individual not being that bad.

Mr Lenders — It wasn’t Brendan Nelson, was it?

Hon. T. C. THEOPHANOUS — No, it wasn’t Brendan Nelson. It might have been worth reporting if it had been Brendan Nelson. I just think that sometimes you wonder about the priorities of the press.

The other thing I would like to point out in relation to this, which I think is extremely important — and I pointed this out at the announcement yesterday — is that there are a lot of stereotypes around in the community and also in the business community about the notion that Australia is somehow losing ICT jobs to India. Let me tell you what this agreement will do. It will bring 2000 highly skilled and qualified jobs into Victoria, into Geelong, from an Indian ICT company. This really will show what an important partnership is emerging between the Indian ICT industry and the Victorian ICT industry, and I hope it is a partnership which goes on for a very long time. Perhaps I can finish with a cricket analogy: I think it is a bit like getting Sachin Tendulkar and Steve Waugh together at the crease and, in this instance, batting on the same side.

Planning: Bendigo development

Mr DRUM (Northern Victoria) — My question is for the Minister for Planning. Is the minister aware that his decision to rule against the City of Greater Bendigo request for a new urban conservation zone development at Jackass Flat will see significant parcels of both medium and high-quality native vegetation destroyed?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Drum’s question in relation to the developments in Bendigo. It is interesting, is it not, that suddenly The Nationals are asking planning questions. I am very excited by the prospect of their asking planning questions again, after some period of time.

I have asked my department to work very closely with the City of Greater Bendigo to resolve this matter. It

will always be the case that there will be situations where councils prefer to do one thing, or on the other hand, do not seek to strategically justify the position. In this instance I understand the vegetation that has been nominated by the member, whilst it is of some quality, is not the highest grade native vegetation. It is an interesting predicament where you might have vegetation located in a residential area that, whilst it might initially seem potentially attractive, would also raise issues about public safety, particularly when I understand in these instances with native vegetation you need to have regular burn-offs. So it is an issue that provides a degree of contradiction in relation to how you manage it, and I have asked my department to try and clarify with the City of Greater Bendigo its issues into the future on these matters.

Supplementary question

Mr DRUM (Northern Victoria) — Can the minister explain how he expects local government planning departments and councillors to invest their time, money and expertise in local planning schemes when they are continually stonewalled by inflexible and unworkable state government planning laws?

Hon. J. M. MADDEN (Minister for Planning) — I take up Mr Drum’s point. In some instances we have the opposition from time to time trying to defend native vegetation but in other instances, from time to time, trying to eradicate it. From time to time councils differ from the position of the state government, and while it might appear at firsthand to look like a reluctance by both parties to resolve the issue, he might well find if he investigates the matter more thoroughly that there is a reluctance on the part of some local governments to work cooperatively to resolve an issue.

I have been out to see that site with representatives of the City of Greater Bendigo. I was not unsupportive of its proposal, but some difficulties were posed in bringing it together in a manner which would resolve many of the planning issues, particularly zoning issues. What I would say to Mr Drum is that the recently released discussion paper on planning zones, if it were advanced, would probably give the council more clarity on these issues and give more strength to its arm on local planning matters in relation to these sorts of issues. It could nominate zones that could be developed at a faster rate and other zones that could be protected by a stronger and more rigorous approach.

Going into the future I have asked my department to give more clarity to these issues, but I have also released the public discussion paper. Whilst I know that the opposition has sought to grandstand on housing

heights and densities in country Victoria, this is an issue on which Mr Drum — —

Mr Drum interjected.

Hon. J. M. MADDEN — Could Mr Drum please listen? He asked the question. Strengthening local planning policy gives those communities more chance to zone to protect the areas they feel are very significant and also to give the go-ahead to areas where they think development could occur in a way which could be managed in collaboration with local communities.

Mr Drum should make a contribution to the discussion paper, given that he has taken up an interest in planning. He has asked a question relating to the issue. He should contribute to that discussion paper, in contrast to his colleague, Mr Guy, who has sought to contradict many of the issues in that discussion paper. Mr Drum should make informed comment, which does not seem to be the case with the opposition on these matters. I thank them very much for taking up the matter. I encourage Mr Drum to work collaboratively with the council rather than just taking up a position which reflects the opinion of someone within the council.

Information and communications technology: regional investment

Ms BROAD (Northern Victoria) — My question is directed to the Minister for Information and Communication Technology. Can the minister update the house on how the Brumby Labor government is attracting new investment and delivering new innovation jobs for working families in regional centres in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — I thank the member for her question. One of the things about the information and communications technology (ICT) industry is that much of it is being delivered in regional Victoria. In order for that to occur you need to have a range of facilities available in regional Victoria. If you want to develop an ICT industry, you first of all have to have broadband access into those regional centres. This is something the Bracks and Brumby governments have sought to do and have been able to achieve in major learning centres like the University of Ballarat and other places around the state.

That is what allows us to be able to develop an ICT industry in those places. Yesterday's announcement about 2000 jobs at Satyam's Geelong technology and learning centre is something which has been described

as the beginning of Geelong's becoming a new Silicon Valley in this state.

Mr Drum — We've done this.

Hon. T. C. THEOPHANOUS — Let me tell you that if you have got 2000 jobs — —

Mr Guy — We've done this answer, haven't we?

Hon. T. C. THEOPHANOUS — I know Mr Guy does not like hearing about it, but the people of Geelong love hearing about it. In fact the people of Geelong so much love thinking about it that they have put on the front page of the *Geelong Advertiser* that there will be 2000 new jobs in Geelong. I know there may not be much of a precedent for this, President, but I request, by leave, that the front page of the *Geelong Advertiser* be incorporated into *Hansard* in order that whoever reads *Hansard* and sees the answers to these questions will understand how important this is for the people of Geelong. I seek leave to do that.

The PRESIDENT — Order! There are some criteria to be met. In responding to the request by the minister that the front page of the *Geelong Advertiser* be incorporated into *Hansard* I am reminded that the custom and practice of the house is that *Hansard* be consulted beforehand to see that it is suitable and discussions should take place with the leaders of all parties. Has the minister complied with that?

Hon. T. C. THEOPHANOUS — I must admit that I have spoken to the Clerk and I mentioned it to you as well, President, but I have not discussed it with the other parties. In my enthusiasm today I was wondering whether the other party leaders are in agreement, and if *Hansard* is of the view that it could be done, then I would be happy to have it incorporated. If not, I will seek to do it on another day.

The PRESIDENT — Order! Might I suggest that the minister do that and then come back to me as to whether or not he wants to proceed with his request for leave.

Hon. T. C. THEOPHANOUS — I want to mention very briefly in answering this question that I think this is only the beginning. It will be of benefit not only for Geelong but also for places like Ballarat, where we already have a significant ICT hub and are moving it forward. This will add to the reputation of Melbourne and Victoria as being places where ICT gets done in Australia and in this part of the world.

I might also say that one of my jobs is to try to attract new investment, and I am happy to inform the house

that I will be travelling to India next week, where I will be seeing a number of other ICT companies such as iGate Global Solutions, Infosys, Birlasoft and Oakton Global Technology Solutions to seek to bring even more business into Victoria and improve the relationship with India even more. I am sure the trip will be criticised by the opposition, because it probably thinks 2000 jobs and \$175 million are not worth a trip by a minister of the Crown.

Public transport: ticketing system

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. I refer to the Transport Ticketing Authority and the \$1 billion fiasco involving the myki ticketing system. I note the TTA website indicates that the TTA reports to the Treasurer for all matters pertaining to the State Owned Enterprises Act. On what date was the Treasurer first briefed as Treasurer about the developing fiasco; what was the substance of that briefing; and what actions did he take as Treasurer as a result of that briefing?

Mr LENDERS (Treasurer) — Speaking of fiascos, I would have thought the vote on Saturday of the Liberal Party state council would focus Mr Davis's mind. However, he asked me a question about the Transport Ticketing Authority. We certainly know that the Auditor-General has conducted a review of the Transport Ticketing Authority, and we know that the opposition has sunk the boots into the umpire rather than paying heed to what the Auditor-General said in his review about the Transport Ticketing Authority. Rather than listening to what the umpire said, the opposition decided to sink its boots into the umpire. That is the first point I would make.

The second point I would make on this matter is that the Minister for Public Transport and the Premier in the other place have commented on this in the Legislative Assembly, and I totally support the answers both of them have given on the same question.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am pleased that the Treasurer supports his colleagues, but that was not a complete and satisfactory answer. I therefore ask: has the Treasurer received notifications from the Transport Ticketing Authority board under section 54 of the State Owned Enterprises Act since his appointment as Treasurer; did they relate to the myki ticketing system; and if so, what actions did he take as a consequence?

Mr LENDERS (Treasurer) — I have answered David Davis's question in my substantive answer.

Mr D. Davis — Section 54!

Mr LENDERS — David Davis chants from the floor, and I can understand that he chants — his chants were not very successful on Saturday, so he is obviously seeking to chant better here — but I would say to David Davis that this government has greater standards of probity than any government before in the history of this state. I repeat: this government has empowered the Auditor-General more so than any previous government. The Auditor-General has reported on this matter; the Auditor-General has reviewed this matter. This government will respond to the Auditor-General's requests — the Auditor-General's guidance.

The opposition likes to kick the umpire. This government abides by what the umpire has advised us of. This is an area that the government does not take lightly. As I said, my colleague the Minister for Public Transport has reported extensively on this in the Legislative Assembly. I stand by her answers and repeat that this government supports the Auditor-General, will work to the recommendations of the Auditor-General and it will not sink the boot into the umpire like David Davis and his party take great glee in doing.

Information and communications technology: regional investment

Ms TIERNEY (Western Victoria) — My question is to the Minister for Information and Communication Technology. With the recent announcement about Satyam's Geelong software development and training centre that will add 2000 jobs in Geelong, can the minister advise the house how the Brumby Labor government is positioning Victoria as a global information technology hub?

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — I especially want to thank Ms Tierney for her question, because she has been one of those local members who has been constantly lobbying not just me but a lot of other ministers as well about the needs of Geelong and about Geelong's economy being boosted in a variety of ways. I am very pleased to be able to answer two questions from Ms Tierney today about the ICT (information and communications technology) industry.

The announcement yesterday is going to be a significant boost for the Geelong economy, but it is not

an isolated incident. This is part of a campaign and part of a strategy which this government has put in place and is continuing to put in place to develop an ICT industry or hub in Victoria. We are doing this by firstly facilitating a range of investment opportunities. In fact investment worth more than \$1.5 billion has occurred in this sector since 1999 and over 10 000 jobs have been created in that same time frame within the ICT sector alone, and a large proportion of those 10 000 is in regional Victoria.

We are building capacity in a range of ways. One way is to try and have more students enrolled in the ICT sector going forward. More than 22 000 students are now enrolled in ICT courses, and this will receive a significant boost with Satyam coming to Geelong.

The sector currently generates annual revenue of \$24.4 billion. That is an enormous amount of annual revenue from one industry sector alone. It exports a billion dollars already, and we expect those exports to increase dramatically. People may not think about the ICT industry as being an exporter, but in fact it exports more value than does the wine industry, for example, out of Victoria, so it is a very important growth industry for this state.

There is room to grow, but the house should bear in mind that Victoria has 25 per cent of the population of Australia but it has 34 per cent of the overall ICT industry, so we are very much punching above of our weight in relation to this sector. We want to try to stay ahead of the game, and we want to build a hub around key sectors in regional Victoria, in particular, through IBM and other associated companies in Ballarat, and now through Satyam in Geelong and other companies that are in the ICT field. We want to build this industry going forward.

Already the industry employs 85 000 Victorians. That is an enormous number of Victorians. It is an enormous industry, and I was very pleased yesterday to have been able to make the announcement, with the Premier, of a further 2000 jobs to add to that total of 85 000. We look forward to this industry developing even further going forward, through the dedication and the efforts of a lot of people being prepared to work with not only the Victorian government but also at a local level through local councils as well, and I thank them all for their efforts in this regard.

Planning: residential zones

Mr GUY (Northern Metropolitan) — My question is directed to the Minister for Planning. Noting that the government refuses to establish an independent

commission against corruption and further that the new residential zones proposal removes the check and balance of the Victorian Civil and Administrative Tribunal between council planners and developers, I ask: what guarantees can the minister give that this new and unhindered developer-to-council-planner relationship will not breed corruption in the planning system similar to what we are witnessing in New South Wales?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question because it is one worthy of consideration. Very few of Mr Guy's questions are worthy of consideration, but this one is. Whilst I cannot say that I saw last night's *Four Corners* program, a number of people have mentioned to me the issues raised in the program. Certainly the issues which I expected would have been of major concern are the issues around the likes of Wollongong City Council. Those matters have been in the newspapers for some time. No doubt those issues are very serious matters, with some very serious allegations around the probity of decision making at a local government level.

What we have always been committed to as a government through the planning process is transparency. That stands in stark contrast to the situation when we came to government in 1999, where we had the Maclellanesque style of determining planning decisions by calling them in and the Liberal-National coalition planning minister of the day unilaterally making decisions without due process and, not only that, without a reporting mechanism about why the decisions had been called in and without necessarily referring those matters to a panel for independent advice.

These matters are particularly critical. In any model of governance, whether it is at local government or state government level, particularly in relation to planning matters, what is important is that —

Honourable members interjecting.

The PRESIDENT — Order! Mr Guy and Mr Davis's incessant interjections have reached their peak; enough!

Hon. J. M. MADDEN — What is important in terms of getting the result in planning to manage growth, manage demand and provide affordability of housing to people right across Melbourne and Victoria is to have a planning process and a planning system that people have confidence in. It has to be fair, it has to be transparent and it has to have the governance arrangements at both state and local government level

entered into in agreement so that people can have confidence in that.

But if you have a system where intervention is sought, either by local government or state government, in a way that interferes too regularly and without transparency, then people cannot have confidence in that process. If you do not have policy, if you do not have a program, if you do not back it up and you do not have a plan, then you are going to end up in a situation like the Maclellan era. You will be having to call things in on an ad hoc basis to make decisions because the system does not work. We have a plan, we are committed to reviewing that plan and we are committed to making that plan work. We are committed to managing and having a fair, just and transparent system to make sure that not only does it manage growth into the future but it continues to make Melbourne and Victoria not only a great place but the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer and his views on transparency. I note that this is while the minister is proposing the removal of Victoria's transparent independent arbiter, the Victorian Civil and Administrative Tribunal, from the residential planning system. Can he now inform the house what new safeguards will be put in place to compensate for the loss of the planning system's sole legal shield against corruption?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's supplementary question. This is the difference between what we saw in the Maclellan days and what we see now. We have put out a discussion paper.

Mr Atkinson — On a point of order, President, one of the rules of the house is that in asking and answering questions there is not debate. I would suggest that the minister in his substantive answer actually debated the matters, but we let that pass. The minister continues to debate it now and to raise issues of debate rather than responding to the supplementary question.

The PRESIDENT — Order! In response to the Deputy President's point of order, he is correct, but I also remind the house that if members want to continually interject and add questions or comments to the question in any way, I will give the minister licence and room to respond. If opposition members just want a straight answer, I suggest they ask the question and leave it at that.

Hon. J. M. MADDEN — As I mentioned, we released a discussion paper on residential zoning. We have also had questions in the chamber today around this matter and the clarity of zoning. What is important about the zoning is that we are consulting with the community. We have a discussion paper out there, and we are willing to listen to comment and consider that. That is in stark contrast to what we have seen under previous planning regimes, where there has been either no consultation or unilateral decision making. I am not — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Davis, Mr Guy and Mrs Peulich are all warned.

Hon. J. M. MADDEN — When we present a discussion paper, the difference is that we will take on board the comments of the community in a fair and reasoned way. We do not go around scaremongering, as the opposition might like to do when a discussion paper has been released. Opposition members can scaremonger about residential heights, but we will not scaremonger — we will consult with the community.

The PRESIDENT — Order! I think I am sending a message to the chamber that I want all members to behave and act in a way that is in accordance with the standing orders. That requires the minister to be relevant and precise, not to debate the answers and not to be overtly critical of the opposition.

Hon. J. M. MADDEN — We have got a plan, we have got a program and we are currently reviewing that. We are committed to consulting broadly with the community. We have a discussion paper on which we are consulting, and we look forward to hearing the feedback from the community in relation to this matter so we can make adjustments if we need to. But what we will not do is make unilateral decisions on these matters in isolation. That is when people can make allegations about lack of transparency. We will consult broadly and continue to consult. I suspect there will be even further consultation about these matters going into the future.

Planning: Docklands

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Planning. Melbourne Docklands is a large urban renewal project by world standards — Australia's largest construction project and a remarkable mixed-use area where people live, work and play. It is also home to the Telstra Dome, which attracts thousands of football supporters to the Docklands every weekend.

I ask the minister to advise the house of the most recent development agreement for land surrounding the Telstra Dome precinct and how it complements the Brumby Labor government's vision for Docklands.

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's interest in these matters, because he knows how important economic development is for this state. He also knows about the importance of investment for Victoria.

I was very pleased to have made the announcement last week, and will reaffirm it today, of a \$700 million project in the south-east stadium site that borders the Telstra Dome. This is a particularly important development, because we know that 10 years ago Docklands was basically an underutilised piece of land, but when you go down there now, if you see it from, say, the Bolte Bridge or any area surrounding the city, you can see the enormous number of projects that have taken place, the economic development and the housing opportunities. The strategic investment that national companies and developers from all across the globe are making in this state is a glowing endorsement of what we have to offer. We have the luxury of having a magnificent parcel of land in such close proximity to the city.

What is particularly important about this \$700 million development in the south-east stadium precinct that borders the Telstra Dome is that the site is a joint venture consisting of the Industry Superannuation Property Trust, Cbus Property and EPC Partners, who have worked hard to make sure that this presently underutilised parcel of land will be the new workplace for approximately 7000 office workers when the entire development is completed in about 2012.

That is a sign of those financial institutions having the confidence to join the other financial institutions down in that precinct — for example, Suncorp Metway, which will occupy around half of the 21-storey south tower and be located beside the ANZ Bank, the National Australia Bank and the Bendigo Bank — and confirms Melbourne's standing as having a major financial services and corporations precinct in the Docklands area.

This is a sign of people investing in jobs in Victoria, so I would like to compliment VicUrban, which has worked with the developers to bring this together and also add even greater vibrancy and life to the Docklands precinct.

To give members a bit of a run-down on this proposal, I have a few statistics. Not only will the development

enhance the link between Docklands and the greater central business district, it will feature ecologically sustainable design — initiatives such as blackwater treatment programs, solar hot water systems and facilities for cyclists — a 29-level, north-east-facing tower and a 21-level, south-west-facing tower, an additional pathway between Bourke Street and the pedestrian concourse at Telstra Dome's gate 5, a 250-room hotel, a one or two-storey restaurant-style pub building, and a central building comprising of a range of retail and health facilities.

This \$700 million project complements the \$300 million project I announced only weeks ago. In total, between those two announcements, we are seeing \$1 billion of investment in that Docklands precinct. That is a glowing endorsement of not only Docklands but also of this government, this state and Melbourne, making Melbourne and Victoria the best places to live, work and raise a family.

Water: desalination plant

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Planning and is in relation to the draft scoping requirements for the environment effects statement for the desalination plant. Exhibition commenced on Thursday, 21 February 2008, and submissions closed on 13 March 2008. When will those submissions be made public?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's interest in this matter. One of the important things about any environment effects statement is the ability of the community to comment on the scope of that environment effects statement. We have been through the process where we have asked the public to make comments on the scope of that. Consultation in relation to planning matters is very important, because it can give the community confidence that these matters are being considered and factored into the broader environment effects statements that will no doubt be released over the course of time.

I do not have the exact dates in front of me, but I can say I would not expect this process to take much longer. I look forward to receiving advice from my department in relation to these matters so that we can release the scope of the environment effects statement to the community and inform the planning process in relation to this project so that those works can take place.

Supplementary question

Mr BARBER (Northern Metropolitan) — Given that that was a less than confident response from the minister in relation to when the submissions will be released, I will ask a supplementary question: why has it been over one month since the submissions closed, but we have not yet seen those submissions put onto a website? Is there a problem with the scanner? Did the website dude go on holiday, or is it going to be another one of those exercises where they stay in the bottom drawer until the minister has made all the key decisions, where he gets to see everybody else's work and none of us ever gets to find out what anybody else said?

The PRESIDENT — Order! I remind the house that when members are asking questions they are not to engage in argument or debate in any way. Mr Barber might like to reflect on that next time he has a question.

Hon. J. M. MADDEN (Minister for Planning) — In all these matters in relation to the planning process we would like to get decisions made and everything out instantaneously if we could. We would all like the process to work faster than it does. In all ways we would like democracy to work much faster, but an important element of democracy, whether it is in this chamber or whether it is in the planning process, is that it does take some time to bring about. I look forward to the information in relation to this — —

Mr D. Davis interjected.

Hon. J. M. MADDEN — We know that opposition members would like to present conspiracy theories in relation to all these planning matters, because that seems to be a theme they would like to present here. Can I guarantee the chamber that these planning matters have to be administered through the department. That information comes to me, and at various stages as decisions are made information in relation to that is released to the public.

I look forward to releasing this information to the public in due course, but can I say that what is important about the environment effects statement and what is important about the way in which consultation is undertaken throughout the environment effects statement process is that the public can have confidence, and should have confidence, that these matters are considered thoroughly, and that what is particularly worthy is that not only are they considered thoroughly, but they do have impact on the way in which these projects either do not happen or will happen.

What we have seen already with some larger projects that the state has been the proponent for — and I go back to the waste facility at Nowingi where we had an array of conspiracy theories presented around that project — is that at the completion of the due process the government did not proceed with the project. I make the point in this chamber that, for all the conspiracy theories that might abound on the other side of the chamber because it suits opposition members, who do not have policies, what is important is that we will undertake a full and thorough process and the public can have confidence in that.

Eastern Victoria Region: growth

Mr SCHEFFER (Eastern Victoria) — My question is to the Treasurer. Can he inform the house of recent growth in Eastern Victoria Region?

Mr LENDERS (Treasurer) — I thank Mr Scheffer for his interest in eastern Victoria, particularly the great region of Gippsland, where I had the privilege of being born. Gippsland is a great place to live, work and raise a family, so I am delighted that Mr Scheffer as a member for Eastern Victoria Region asked the question, because there is a story to be told about Gippsland and one that there seems to be an unbelievable focus on at the moment in the great region of Gippsland. It may have something to do with a by-election for the federal Parliament, for which people will be touting their wares.

Mr Scheffer asked a question about growth in a region of Gippsland. When this government came to office in 1999 it had a chance to reflect on the seven years before it came into government, and it is interesting to note that Gippsland — that great place to live, work and raise a family — had a pretty tough time in those seven years. Mr Scheffer asked about growth, so I would like to set the foundation of where Gippsland was at that time. In the Latrobe region in the central part of Gippsland in those seven years before this government was sworn in we saw the population decline by 3398 people. The decline in the Latrobe shire is interesting, because it paralleled the period during those seven years when the state government closed 16 schools throughout Gippsland. No wonder the population of Gippsland declined — 16 schools were closed.

Mr Guy interjected.

Mr LENDERS — I think Mr Guy asked what they were. For his edification and for the edification of the house, I advise that they were Wonthaggi Special Development School, Alberton West and District

Primary School, Munro Primary School, Mount Taylor Primary School — —

Mr Guy interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! The house is aware that I have already warned individuals on numerous occasions. Members know the standards that I require. Mr Guy has tested my patience once too often. I ask him to remove himself from the chamber for 30 minutes.

Mr Guy withdrew from chamber.

Questions resumed.

Mr LENDERS (Treasurer) — The schools also included Cabbage Tree Primary School, Poowong North Primary School, Won Wron Primary School, Willung Primary School, Outtrim Primary School, Mardan South Primary School, Koonwarra Primary School, Hazelwood Estate Primary School and, last but not least, Poowong East Primary School.

In addition to 16 schools being closed in Gippsland — again linking this to Mr Scheffer's question about growth and the base we came from — we also had two railway lines closed in Gippsland: the Bairnsdale line and the Leongatha line. This government has taken great pride in restoring the Bairnsdale line. We also saw the Traralgon Hospital closed, and we saw the Moe hospital closed.

Mr P. Davis interjected.

Mr LENDERS — Philip Davis says, 'What about the Leongatha line?'. I would have thought that someone who was part of the government that closed the Leongatha and Bairnsdale lines would be mute on this issue. We also saw, as I said, the Traralgon and Moe hospitals close, and, to round it all off, we saw the veterinary laboratories in Bairnsdale closed.

Gippsland — that great place to live, work and raise a family — did it pretty tough in the seven years before the election of this state Labor government. In contrast to what the Liberal-Nationals coalition did to Gippsland, this government upon being elected restored services to Gippsland. Early on in its time in government — and my colleague Ms Broad was part of this — our current Premier led the Latrobe Valley task force, which was all about bringing investment, jobs,

people and services to Gippsland. Following that direct intervention from this state Labor government — going back to my earlier figure showing that the Latrobe region lost 3398 people during the Kennett-McNamara years — during the Bracks-Brumby years we have seen the population in that part of Gippsland climb by 2294. Gippsland as a whole has now got more than a quarter of a million people. When we got into government, Gippsland was going nowhere.

Mr Jennings — It was the Brendan Nelson of Victoria!

Mr LENDERS — It was the Brendan Nelson of Victoria. Gippsland was going nowhere. This government has focused attention on Gippsland as a great region of Victoria, and I hope the people of eastern Gippsland pay heed to that when others tout for support for what they have done for Gippsland. This government has delivered for Gippsland, because it is a great place to live, work and raise a family. It will go places when governments care and when governments deliver services. I know Mr Scheffer is a keen advocate for Gippsland and his electorate, and people like Mr Scheffer will make Gippsland go forward rather than backwards, which is what will happen if it goes back to the dark years.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 868, 1735, 1741, 1796, 1862–77, 1958, 1963.

PETITION

Following petition presented to house:

Wallan Secondary College: funding

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the facilities at Wallan Secondary College have reached their limit because the government has failed to provide funding for the stage 3 development.

Your petitioners therefore request that the state government provide immediate funding to allow stage 3 of the Wallan Secondary College to commence.

**By Mrs PETROVICH (Northern Victoria)
(62 signatures)**

Laid on table.**PAPERS****Laid on table by Clerk:**

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2007.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme — Amendment C55.

Greater Dandenong Planning Scheme — Amendment C75.

Indigo Planning Scheme — Amendment C43.

Mornington Peninsula Planning Scheme — Amendment C99.

Port Phillip Planning Scheme — Amendment C57 Part 1.

Victoria Planning Provisions — Amendment VC47.

Whittlesea Planning Scheme — Amendment C41 Part 2, C93 Part 1 and C98.

Wyndham Planning Scheme — Amendment C92.

Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 8 April 2008 (three papers).

BUSINESS OF THE HOUSE**General business**

Mr D. DAVIS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 16 April 2008:

- (1) order of the day no. 4 relating to the second reading of the Victorian Water Substitution Target Bill 2007;
- (2) notice of motion no. 20 standing in the name of Mr Barber relating to a reference to the Electoral Matters Committee; and
- (3) the notice of motion given this day by Mr Hall relating to school teacher salaries.

Motion agreed to.

MEMBERS STATEMENTS**Schools: walking bus program**

Mr ATKINSON (Eastern Metropolitan) — I wish to commend the walking bus program, which was established by VicHealth several years ago and which has been a great success. It has been taken up by many schools and supported by a number of municipalities around the state. This is a proactive program that aims to get young people walking to school in safe circumstances guided by parents who volunteer to be part of the program. It is a fairly low-cost program, and it has been supported by VicHealth. In some cases it has received local government funding for jackets or other reflective materials that young people can wear to show that they are part of the bus, and most of them very much welcome showing that they are part of the bus.

I note that the funding for this program is waning. There is a suggestion that VicHealth will stop funding this program entirely after 30 June, and there does not appear to be any intention by the government to continue the program. Many local government authorities are at a loss to understand why the government would start the program and not continue to give it some support.

I know that my colleague Jan Kronberg has been very concerned about the circumstances in Nillumbik, where a number of schools are likely to be defunded. I join with her in calling for that program to be continued with funding.

Water: catchment logging

Mr BARBER (Northern Metropolitan) — I commend those municipalities that have joined together to oppose logging in Melbourne's mountain forest water catchments, led by Cr Samantha Dunn of the Shire of Yarra Ranges. Seven councils have joined this push — the Shire of Yarra Ranges, Bayside City Council, Whitehorse City Council, Moreland City Council, Port Phillip City Council, Yarra City Council and Knox City Council — representing 800 000 Melburnians. These councils do not support logging in water catchments and recognise that young regrowth trees need more water to grow, thus releasing less water into catchments; logging reduces stream flows and yields to our dams; it takes 150 years for water yields to return to the pre-logged status; and logging of water catchments also adversely affects water quality through increasing sediment, as does road construction through logging coupes.

We are in a time of critical water shortage. The science clearly indicates that logging significantly reduces Melbourne's water yield. These councils are advocating to state government to stop logging our water catchments now. Water is a critical issue for all of us. Many Melburnians are not even aware that we log our catchments or of the dramatic effect this has on water quantity and quality. I therefore applaud them for their work.

Knox: skate and BMX park

Mr LEANE (Eastern Metropolitan) — It was great fun to be present a couple of Saturdays ago when the Minister for Sport, Recreation and Youth Affairs, James Merlino, opened the new Knox skate and BMX park located off Ferntree Gully Road. Young skateboarders, rollerbladers and BMX enthusiasts in the Knox area showed off their skills on the new facilities on the day. There were a couple of skateboarders who especially were just ripping it up on the new concrete hemisphere ramps, which is something I could have watched for hours. The facility features ramps for all levels of expertise and will host dedicated coaching sessions for beginners and young women who want to learn to ride and skate. It will also cater for the wider community with space for families to use picnic or barbecue areas and to participate in activities or to be spectators, like I was. The new park, which has had a \$164 000 contribution from the Brumby Labor government, is a terrific asset for the local community.

Scouts: Knox

Mr LEANE — On another matter, I would like to thank Tony McTackett and the Knox scouts for presenting me with a commemorative scarf at the Tyner Road scout hall last Friday. We would all agree the scouts do a wonderful job with young people in our community. We wish them well on what is a very special year for them.

Dingley bypass: future

Mrs PEULICH (South Eastern Metropolitan) — The Aspendale Gardens Residents Association (AGRA) has campaigned continuously to have the Labor government honour its cast-iron promise made by the then Labor leader, Steve Bracks, and the now member for Carrum, Jenny Lindell, to complete the Dingley bypass in their first term of office, notwithstanding that the trucks have turned over onto the Old Dandenong Road, now part of Labor's 'Dingaling' bypass.

On 16 February 2008 AGRA surveyed shoppers at Aspendale Gardens shopping centre to establish whether the Dingley bypass was still an issue. Some 113 out of 114 people said that traffic on Wells Road is a major issue, and no-one believed EastLink would solve this issue when it opened. The Labor member for Carrum was reported as having said at the AGRA annual general meeting in November 2007, in response to a question about city traffic issues in Aspendale Gardens:

Traffic issues and congestion are not just an Aspendale Gardens problem. It happens everywhere. Traffic problems fixed in one area will then become a problem somewhere else. What can we do? This is a fact of life — not much can be done about it.

Never has a truer word been spoken by a member of the state Labor government. Not only has it failed to deliver on its Dingley arterial promise, but the Labor government has also failed to deliver safe and reliable train services. It has failed to provide Cranbourne East and Lynbrook railway stations, and not much has been done to build the Frankston bypass or the Cranbourne bypass. Victoria would be a great place to live, work and raise a family, but under the Brumby government not much can be done about it.

Manningham: human rights charter

Mr TEE (Eastern Metropolitan) — I would like today to congratulate Manningham City Council for creating an action plan to implement the Victorian charter of human rights and responsibilities. Manningham deserves praise for swiftly responding to the human rights charter. It is the first local government in the Eastern Metropolitan Region to create an action plan. As we all know, the charter is an important protection for Victorians. It is a legislative guarantee of human rights, which means that all Victorians will be treated fairly, with dignity and with decency. But for those rights to mean something they must be promoted in the community, and unless the community is aware of the rights they can be ignored.

I congratulate the Manningham council for complying with the charter, but more importantly I congratulate it for promoting the charter by way of posters and distributing them to council offices and work sites and promoting the charter in digital and print media to the wider community. Manningham has gone on the front foot and is creating awareness in the community. I call on other councils, including the cities of Maroondah, Whitehorse and Knox that are preparing their response, to join with Manningham to ensure that the charter gets the prominence that the community deserves.

Ardoch Youth Foundation

Mrs COOTE (Southern Metropolitan) — I would like to put on the record my appreciation of the work of the Ardoch Youth Foundation within the Southern Metropolitan Region, and particularly of Kathy Hilton, the founder of Ardoch, which is in its 20th year. All those associated, including the president, David Southwick, should be thanked and praised for the work they have done. Indeed the foundation does invaluable work in the community.

One of the most interesting things that the foundation has been doing recently is working in various schools. One of the inspiring things I would like to share with members of the house is a program about a letter writing buddy. Its newsletter states:

When was the last time you received a real letter?

In daily life, the act of writing and receiving a handwritten letter has become rare.

The foundation has started a reciprocal letter-writing program for various children and other people. It involves a buddy system, and it is working as a support system. It is extremely successful, and children are increasing their literary skills. They are feeling they are forming relationships with big buddies, and it is to be commended.

The foundation has other programs as well within the schools. It took a group of students to the Australian Open for a day, and Ardoch's volunteers, supporters and staff were thanked for their work at a very well-attended function at Government House.

Victorian sports awards: Northern Metropolitan Region

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate for their sporting achievements the students and volunteers from local schools in Northern Metropolitan Region who were recently recognised at the 14th annual Victorian School Sports Awards. The Brumby Government encourages students to participate in sport whilst at school. It is a great way to keep fit and healthy and to avoid obesity, as well as to develop confidence, friendships and general life skills.

I congratulate Ashleigh Kedge of Banksia secondary college who was awarded a Sporting Blue award for basketball. She represented Australia at the 2007 World Deaf Basketball Championships in China. She was also a member of the winning Victorian team at the National Deaf Basketball Club Championships.

The Outstanding Sporting Achievement (Secondary School) award was presented to Kyle Davis of University High School. Kyle has previously won two Sporting Blue awards. He has won numerous medals, including for the Commonwealth Championships and Oceania Championships. Kyle is ranked no. 1 in under 18 and under 21 categories at state and national levels. He was named the Outstanding Junior Player of the Year by both state and national federations and named the Victorian Men's Outstanding Player of the Year. This makes him the first junior in Victoria to receive this honour in 50 years of table tennis. Kyle undoubtedly has a brilliant sporting future ahead of him.

Kerryn Spokes was presented with the Outstanding Community Contribution award for her work as a school sports volunteer at Reservoir West Primary School. For the past eight years she has coached the girls' grade 5 and 6 Tee Ball and softball teams, both of which have been victorious at district, zone and state levels. She has also organised the teams' sports outfits. I congratulate all recipients of the 14th annual Victorian School Sports Awards and wish them well in the future.

Mental health: housing

Mrs PETROVICH (Northern Victoria) — I was saddened and angry today when I listened to a story on ABC radio about the housing crisis for mentally ill people in Bendigo, one of the largest cities in Victoria. It has only one 2-bedroom unit for mentally ill people in crisis. This government should be ashamed of this and of its neglect in this area, particularly in country Victoria.

Last year Mission Australia ran a program in New South Wales which clearly demonstrated the positive impact that having a home and community involvement had on mentally ill people — the program reduced their time spent in hospital by a staggering 92 per cent. It will come as no surprise that keeping in contact with your surrounding community and maintaining normal routines is extremely important for the welfare of people with mental illness.

Reducing the amount of time needed in hospital has the flow-on effect of easing the pressure on hospitals and staff. At an estimated total cost of \$800 a day for a stay in hospital, this would save Victorian taxpayers millions of dollars. But what is happening in Bendigo and other regional areas is exactly the opposite. The mentally ill are being kept in hospitals, taking up valuable space in acute psychiatric units because, quite rightly, health carers do not discharge them onto the streets.

I ask: why is this government continuing to turn a blind eye to this escalating crisis? With country Victoria's housing affordability plummeting — rentals were up by 27 per cent in Bendigo last year — this government needs to start helping those who are unable to help themselves. The community is getting sick and tired of this government's blame game. It is always someone else's fault, but nine years should be long enough to fix the problem — —

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

Sam and Sally Jamieson

Mr PAKULA (Western Metropolitan) — Over Easter I did what I have done for most of the past 30 years and took an hour out of my day to watch the Stawell Gift. My interest in the event was heightened this year when I noticed a brother and sister team from Williamstown, Sam and Sally Jamieson, lining up in the semifinals of the men's and women's gifts respectively. As it turned out, both won their semifinals, Sam Jamieson in the fastest time in a manner that catapulted him to being the short-priced favourite for the final. In the wash-up Sally Jamieson finished a very close second in the Women's Gift, but Sam blew the field away in the Men's Gift — he won by almost 2 metres in the very fast time of 12.09 seconds.

It was a triumph of persistence for Sam. Even though he is only 21, he has competed in the past three gifts but had not made the final previously. He also had to contend with the daily drive from Williamstown to Ringwood to train with his coach in the lead-up to this year's gift. Anyone who saw the interviews with Sam and Sally Jamieson after the Stawell Gift could not fail to have been impressed by what supportive, articulate and intelligent young people they are. I know that the member for Williamstown in the other place, Wade Noonan, has already sent his congratulations to the Jamieson family, and I add mine to his.

Ukrainian holocaust: commemoration

Mrs KRONBERG (Eastern Metropolitan) — Today a number of us joined my colleague Matthew Guy and leaders of the Ukrainian community to commemorate the 75th anniversary of the Holodomor. Members may ask, 'What is the Holodomor?'. The Holodomor famine was an act of genocide against the Ukrainian people. This sustained genocide was carried out by the Soviet communist regime during 1932 and 1933. It took the lives of between 7 million and 10 million men, women and children.

It was presided over by the depraved, brutal leader of the Soviet Union, Stalin. We stand shoulder to shoulder with the Ukrainian people and the now frail survivors as the truth about this horrendous atrocity resonates around the world. I also wish to condemn those history revisionists at Melbourne University and ask them to hang their heads in shame over this issue and their denial of the genocide.

Stalin's genocide against the Ukrainian people was the result of the communist government imposing exorbitant grain quotas. Stalin's agents ripped grain from the community down to the very last grain, resulting in a ruthless form of torture and slow death through starvation. For years I have reeled in horror when I have remembered the eyewitness accounts of the survivors. People driven mad with hunger waylaid others and killed and ate their neighbours. I wish the bearers of the commemorative torch, which was lit today, godspeed as they take the truth around the world.

Footscray: residential development

Mr EIDEH (Western Metropolitan) — I wish to commend the Brumby Labor government and the Minister for Planning, the Honourable Justin Madden, for approving a new residential development in Footscray. This amazing project will see our government spend some \$52 million over the next three years to significantly improve the community through a number of key initiatives. A large number of new residential apartments, modern shops, a new railway line footbridge and the upgrade of the Nicholson Street mall and the streetscape and other capital works will all contribute to a new and revitalised Footscray.

The Brumby government is committed to the improvement of this community and to doing even more for its citizens. Partnering with the government is the Maribyrnong City Council. Together the government and the municipality will ensure that this development will be a showpiece for Victoria as a state and in particular for the members of the community who live and work there.

When taken into consideration with greater safety initiatives, increased funding for schools, improved public transportation — as announced last week — improvements to the health-care system and a greater commitment to the future of the state, as the Premier announced in his inaugural statement, it is plain that the community will enjoy greater benefits than have ever been known. I commend the government, Minister Madden and the City of Maribyrnong on this great initiative.

Otis Foundation: breast cancer fundraising

Mr DRUM (Northern Victoria) — On Sunday I had the opportunity to take part in the Otis Foundation charity golf day at the Bendigo Golf Club. The day started off well, with the Murray Meanderers, a group of adventurers who travel down the Murray River in little tinnies, handing over a cheque for \$43 000.

The Otis Foundation provides health care and accommodation care for women and their families going through the fight with breast cancer. Dr Andrew Barling, as well as being the husband of Mary Wooldridge, the member for Doncaster in the other place, is the driving force behind the Otis Foundation in Bendigo. He was able to outline at the start of the day how the money that is being raised by the Otis Foundation is being used to provide those services in Bendigo and in growing the organisation to provide six residences around the state. A further \$60 000 was raised on the day, and I want to congratulate the organising committee, led by Paul and Sue DeAraugo, along with Brian Coghlan and Terry Kalamaloudos from 3BO FM. Brian Coghlan spent the entire day out there as master of ceremonies for the event. Corporate support from Harvey Norman and Bushy Martin in providing the prizes and from Telstra Country Wide was very much appreciated.

Breast cancer seems to be on the increase all over Australia and it is sad to think that our state government cannot offer more support than it does for these women and their families. In the absence of that support I think we need to be very supportive of the Otis Foundation.

Hon. David Henshaw, MBE

Ms TIERNEY (Western Victoria) — I take this opportunity to speak on the passing of David Henshaw, MBE, who passed away on 2 April, aged 76. David Henshaw served in this chamber as the member for Geelong Province from 1982 until his retirement in 1996. David graduated with a physics degree from the University of Western Australia in 1952, and in 1958 began work in Belmont, Geelong, at CSIRO's textile division, rising to the position of chief research scientist. In 1962 David Henshaw invented a new system of yarn spinning that increased spinning time twelvefold, using less power, which saw him awarded an MBE in 1971, and an Encyclopaedia Britannica Australia award for scientific achievement.

In his inaugural speech David Henshaw went into great detail on employment in Geelong and the importance of growing Deakin University, which was in its sixth year when David was elected. With the wonderful

announcement of 2000 new jobs made just yesterday by the Premier and the stunning results that Deakin is accomplishing, there is no doubt that both as a parliamentarian and also as a member of the university council, from 1982 to 1996, David Henshaw played a prominent and successful role in Deakin's future.

An elite scientist and parliamentarian, David was also a South Barwon city councillor, a member of the Geelong Environment Council, a Bethany Family Support board member and long-time Belmont ALP branch member, amongst many other commitments. I would like to extend my condolences to David's wife Delys, and the family. David Henshaw was a wonderful representative and an intelligent man, and he will be sadly missed.

Maggie Diaz and Tiffany Bishop

Mr SCHEFFER (Eastern Victoria) — It was a great honour to be invited to open a new retrospective exhibition of the photographs of Maggie Diaz at Burrinja Gallery in Upwey last Friday evening. The photographs are a representation drawn from a working life spanning more than 60 years, both in the United States of America and here in Melbourne. Mostly in black and white, a number of the pieces have been meticulously restored by fellow photographer Tiffany Bishop, whose exhibition *Mother's War Cry* was also opened at Burrinja last Friday.

The pictures that make up *Into the Light*, Maggie's exhibition, are a revelation. All photographers know that shooting into the light is breaking the rules, but to Maggie breaking the rules comes naturally and produces the unconventional, the unexpected and the wonderful. Maggie's pictures are mostly portraits: an African American pictured on a Chicago public housing estate, a little girl dancing, a man in a cardigan, and a woman laughing. Each individual is precisely located in their time and place — by a hair style, the cut of a jacket, or eyeliner. Besides the breadth and abundance of Maggie's insights, this exhibition shows the exceptional production qualities of her photographs and her technical mastery.

Tiffany Bishop's exhibition, *Mother's War Cry*, is a phenomenally powerful series of meticulously detailed and subtly crafted collages — powerful statements on war, women and children. I congratulate both Maggie Diaz and Tiffany Bishop on their fine work and pay tribute to Gwen De Lacey, whose vision and belief in Maggie's work has brought these wonderful pictures into the light, and into the public gaze.

Archbishop Frank Little

Mr ELASMAR (Northern Metropolitan) — I rise to speak of the recent death of a former Archbishop of Melbourne, His Grace Frank Little. I had the honour and great pleasure of knowing Frank Little personally, and only very recently he attended the blessing of the new Maronite church, Our Lady of Lebanon, in Thornbury. I was deeply saddened to hear of his passing. Frank Little was not only a prince of the church, he was also a man of the people and extremely kind. He will be missed by all who loved and knew him, especially me.

Elie Khalil

Mr ELASMAR — On Saturday, 5 April 2008, I attended Melbourne University to witness the graduation ceremony of a young Australian Lebanese man. This young person was receiving his PhD in biomedical science. As I watched him being conferred with his degree my heart swelled with pride, and as I pondered the bright future for this brilliant young man, I knew that his skills and ingenuity would bring much benefit to Australia and that he is a shining example for other Australian Lebanese to follow. This young doctor, who is 26 years of age, is Elie Khalil, and I am very proud to say that he is my nephew.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL

Statement of compatibility

For Mr JENNINGS (Minister for Environment and Climate Change), Hon. J. M. Madden tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment Bill 2008.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment 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 purpose of the bill is to make two unrelated amendments to the Drugs, Poisons and Controlled Substances Act 1981 (the act).

Part 2 of the bill provides a mechanism to allow for the effective and efficient supply of drugs such as antivirals and

vaccines during a public health emergency, such as an influenza pandemic or bioterrorism incident.

Part 3 of the bill deals with the supply by medical practitioners and nurse practitioners of drugs of dependence, including where the patients are drug-dependent persons, in order to simplify the processes and reduce the administrative/compliance burden on practitioners.

Part 3 also requires a practitioner to obtain a permit when treating with a drug of dependence for a period greater than eight weeks.

Human rights issues

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

The relevant rights under the Charter of Human Rights and Responsibilities Act 2006 ('the charter') which the bill will engage are —

Section 13: right to privacy and reputation

Section 13 of the charter provides that a person has the right —

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

Part 3 of the bill confirms the obligation of a medical or nurse practitioner to notify the Secretary of the Department of Human Services in circumstances where a practitioner has reason to believe that one of his or her patients is a drug-dependent person and either that patient requests or seeks prescription of a drug of dependence, or the practitioner intends to treat the patient with a drug of dependence.

The right to privacy in section 13(a) is only limited if an interference with privacy, family, home or correspondence is 'unlawful' or 'arbitrary'.

While part 3 of the bill engages the section 13 rights, it does not limit the right to privacy because the interferences with privacy are proportionate and not unlawful or arbitrary.

The interferences with privacy in part 3 are not unlawful as they are provided for in this bill and occur in precise and circumscribed circumstances.

The interferences with privacy in part 3 are not arbitrary, because the requirement to notify the secretary is limited to a very specific set of circumstances. The requirement to notify in certain circumstances is intended to limit and control the supply of drugs of dependence, thus protecting both individuals and the community at large from harm. As these are important public policy objectives, they are sufficient to justify the requirements.

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

As the right under the charter which the bill engages is not limited by the bill, it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter because, although the bill engages the right conferred by section 13 of the charter, it does not limit that right.

GAVIN JENNINGS, MLC
Minister for Environment, Climate Change and Innovation

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Planning).

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

That the bill be now read a second time.

This bill seeks to amend the Drugs, Poisons and Controlled Substances Act 1981 and will:

authorise a wider range of suitably qualified persons to distribute poisons or controlled substances such as vaccines and antiviral medicines during a public health emergency;

address some unnecessary administrative burdens placed on medical and nurse practitioners when treating patients; and

make other amendments to improve the operation of current laws.

The Brumby government is committed to ensuring that Victoria is prepared to respond to public health emergencies. As a part of this commitment, we provided \$4.5 million to enhance the Victorian health system's preparedness for an influenza pandemic, which resulted in an increase to Victoria's stockpile of antiviral medication and protective equipment.

The ability to quickly mobilise an appropriate workforce is a key factor when responding to a public health emergency. It is possible during a public health emergency, such as an influenza pandemic, that an additional trained workforce may be needed to distribute vaccines and antiviral medications.

Victoria will lead the way through this legislation which provides that in the event that the community is faced with a public health emergency the secretary would have the power to make an order in writing to authorise a wider range of suitably qualified persons such as registered nurses and pharmacists to distribute vaccines and antiviral medicines which under normal circumstances would not be allowed.

The order would specify the public health emergency to which it relates, the affected location, the persons to be authorised to possess, use and supply these medicines, and the date the order is to take effect.

The bill also seeks to separate the control of schedule 8 poisons such as morphine and dexamphetamine, drugs commonly used to treat medical conditions, including severe pain, from schedule 9 poisons. Schedule 9 poisons include heroin, LSD and cannabis. It is therefore appropriate to clarify the requirement for a permit to be held by a practitioner

before proceeding to treat a patient with a schedule 9 poison. This is consistent with current requirements under the Drugs, Poisons and Controlled Substances Regulations 2006.

The current permit system aims to identify and minimise doctor shopping through the coordination of a patient's treatment with schedule 8 poisons. However, there are certain settings where the permit provisions impose an unnecessary administrative burden and, in some cases, work against good treatment practices. These situations are when patients are being treated in prisons, hospitals and aged-care services, and are not in a position to doctor shop.

Another situation where the existing permit requirements do not contribute to the coordination of a patient's treatment is in clinics with multiple medical practitioners. Under the current provisions, each medical practitioner may require a separate permit to treat the same patient. This adds an unnecessary administrative burden and affords little additional safety benefit. It may also result in a break in treatment for the patient while the practitioner applies for and awaits issue of a permit. It is intended that where a practitioner at the clinic holds a permit to treat a patient with a schedule 8 poison, other practitioners may treat that patient at the clinic with schedule 8 poisons without obtaining a permit provided that the treatment is consistent with the issued permit.

In addition, practitioners will only be required to provide notification of drug dependence in higher risk circumstances, that is, when the patient requests a drug of dependence or the practitioner intends to treat the patient with a drug of dependence.

These amendments will simplify the administrative requirements placed on practitioners in restricted settings, without reducing the protections that the current system affords.

Further enhancements in coordinating patient treatment are also proposed. Currently a practitioner is not required to hold a permit until his or her treatment of a patient with a schedule 8 poison exceeds eight weeks, irrespective of the duration of treatment by previous practitioners. In circumstances when a patient, who has been in long-term treatment with a schedule 8 poison by one practitioner, transfers to another practitioner, unless the second practitioner has reason to believe the patient is drug dependent, the second practitioner may continue treatment without a permit for the first eight weeks. During this period, the patient is effectively outside the protection that the permit system affords and may actually be receiving treatment from multiple practitioners. This could have adverse impacts on patients receiving chronic treatment who are transferring between practitioners. In order to overcome this, the bill proposes that a practitioner who considers it necessary to prescribe a schedule 8 poison for a patient and has reason to believe the period the drug has been prescribed for the patient by another practitioner along with that practitioner's prescription would represent a continuous period of treatment greater than eight weeks must apply for and hold a permit from the secretary. The second practitioner is however authorised to continue treating until the issue of the permit has been determined by the secretary. This provides for a balance between maintaining continuity of treatment and promoting coordination of treatment.

This bill is a further example of the government's commitment to ensuring that Victoria is well placed to respond to public health emergencies. It is also further

evidence of our government's work in ensuring that the administrative and compliance requirements placed on the workforce strike the right balance, without compromising patient care.

I commend the bill to the house.

Debate adjourned for Mrs PETROVICH (Northern Victoria) on motion of Mr D. Davis.

Debate adjourned until Tuesday, 22 April.

**CROWN LAND (RESERVES)
AMENDMENT (CARLTON GARDENS)
BILL**

Second reading

Debate resumed from 10 April; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr P. DAVIS (Eastern Victoria) — I think this is the first time this Acting President has called me. I congratulate her as it is a long time since I have been in this house speaking and she has been in the chair.

I am pleased to speak on the Crown Land (Reserves) Amendment (Carlton Gardens) Bill, as I regard the Carlton Gardens as my backyard. This may surprise members of the chamber, but it is a fact that life for parliamentarians is full of mysteries. One of the great mysteries is the amount of time you have to spend away from your home base if you live a distance from Melbourne, as I do. My home and family are based in Sale, but I find that I spend an unnecessarily large amount of time in Melbourne. The thing that makes it more pleasant to endure is the Carlton Gardens. When I am in Melbourne I am delighted to walk there at least twice a day — not, as my colleague Wendy Lovell said last week, to be one of the people wandering around the gardens; I think that was her expression. When I go around the gardens I go fairly directly —

An honourable member — Purposefully.

Mr P. DAVIS — Purposefully — that is a good expression — in pretty much a clockwise direction. I take in all of the sights of the Carlton Gardens and enjoy enormously the beauty of the gardens, the trees, the flower beds themselves and also that wonderful building, the Royal Exhibition Building, which is the centrepiece.

Mr D. Davis — And the museum.

Mr P. DAVIS — My colleague the Leader of the Opposition interjects to say, 'And the museum'. I can tell a story about that. When the Kennett government decided to relocate the museum to the Carlton Gardens I can recall looking at the design of the new museum. Not really being someone with a great architectural bent I have to say that my fairly uninformed view was that the design was totally uninspiring. On its own account I thought it was a grossly ugly building, and I thought it would be a travesty. But what I now observe, having had time to reflect on it over the years, is that the design of the new museum balances the old and the new. It has a new, modern design; a different form of design which complements the Royal Exhibition Building fabulously. But I admire the Royal Exhibition Building itself, and of course it holds a special status in terms of formal recognition not only within Victoria but in Australia and internationally.

The bill we are discussing today is about the International Flower and Garden Show, which is Victoria's hallmark flower and garden show. It is held annually and has been held annually on 13 occasions in the precinct of the Royal Exhibition Building in the Carlton Gardens. I make the point that that was the necessary location for the show because there had not been an event of such a scale in the nursery and garden industry previously. An initiative of the Kennett government, that event commenced in 1996.

I point out that the bill effectively enables the Governor in Council to declare a special event on the gazettal by the minister responsible that the event is of state significance. That declaration has the effect of giving management powers to the secretary of the Department of Sustainability and Environment (DSE) or the Melbourne Convention and Exhibition Trust, rather than leaving those powers with the City of Melbourne. This enables events to be held in the Carlton Gardens.

There is a safeguard in the bill in that the gardens must be properly restored after an event is held, whether it is the garden show or another event. As a further constraint the bill requires that the minister gazette the show each year; so there can be, if you like, a change of mind by the government. This effectively implies that the minister can decide whether the Carlton Gardens is suitable or unsuitable for events of state significance, depending on the particular case.

It is especially important to note that the bill will overrule the decision of the City of Melbourne to stop the show being held in the gardens because of concerns about its environmental impact and the view of some councillors — claiming to be on behalf of residents — that normal public access should be denied for the

course of the show. I particularly want to pick up on that point, having held out my credentials as somebody who has a keen interest in the Carlton Gardens and the precinct of the Royal Exhibition Building. Notwithstanding the views expressed by some residents of the Carlton Gardens precinct, as a part-time resident in that area — and as I know from speaking to many others — I do not find such interference in our access to the gardens as to warrant excluding what is a magnificent annual event for Victorians.

It is important to note that 100 000 people visit the flower and garden show each year. They are simply representative of a much wider active participation in various activities in horticulture, including the frontyard and backyard gardening activity that many Victorians enjoy. I note the pleasure that this event brings to many people. It is important for conventional and economic reasons, which I will come to in a moment. But I would say that in terms of the impact on people who enjoy the recreational use of Carlton Gardens there is absolutely no question that for a short time each year there are barriers to access part of the gardens.

The flower and garden show does not occupy the whole of the gardens; it occupies the southern part, and for a couple of weeks there is temporary fencing and gates are locked, thereby restricting access. Otherwise I do not find that the impact is such as to warrant having a major argument about it.

I would also say that with regard to the argument put about damage to the environment, such as it is, we have to remember that it is a pretty artificial environment to begin with. The gardens have been created and maintained by man. I will not reflect on expressions in the chamber, but I would have a debate with anybody in this place about the artificial state of the Carlton Gardens. They are a magnificent representation of an investment in what was Marvellous Melbourne more than 100 years ago, and maintaining the gardens in a fairly good state is a fine tradition, but inevitably maintenance is required. Garden beds are changed, moved and turned over, trees are planted and removed. There needs to be, just as with any horticultural or agricultural operation, ongoing treatment of the landscape. That is performed on a regular basis, and credit goes to all those who are employed professionally in that venture, because it is generally satisfactory. After a lot of people have walked across the lawns, those grassy areas certainly take some while to recover — but they do recover.

It is important to note that the flower and garden show represents what was Victoria's image, at least as developed by former Premier Sir Rupert Hamer.

Sir Rupert was a great man for what I describe as quality-of-life issues. He advocated strongly on behalf of parks and gardens and encouraged the citizens of Victoria to be involved in maintaining their own little piece of heaven by creating an asset for themselves around their houses and improving their living environment. As a result our state was for a long time known as the garden state.

The garden show is a legacy of the Kennett government, resulting from the combination of the former Garden Week and the Australian National Flower Show. The Kennett government initiated the Melbourne major events strategy to establish a program of year-round international events. That was based on a need to broker and encourage participation in events that would highlight our sporting and cultural heritage and ensure that we could promote Victoria to the world but importantly also to generate economic activity at a time when economic activity was fairly low because of a decade of mismanagement by Labor through the 80s into the early 90s.

The major events program was envisaged to enhance the lifestyle of Victorians, showcase the state to the world and add economic value — which it did. In line with the strategy, funding for tourism was increased substantially and the Melbourne Major Events Corporation was given a much expanded role to play in association with government and key figures in government by the former Premier. A 2003 report on the impact of Victorian major events in *Australasian Special Events* magazine commented that although the corporation was established under the Kirner government in 1991 after Melbourne's losing Olympic Games bid, it came to prominence under Premier Kennett. The report says that Mr Kennett:

... put those in government departments involved in events into an office in Tourism Victoria because he wanted major events to be seen as tourism opportunities.

Tourism Victoria began to headline its promotions with Victoria's hallmark events, and it still does so. There are 13 annual and 2 biannual events, and another 6 to 10 one-off events each year, all of which, in the words of the magazine, 'provide economic impact and brand equity for the state'. The major events strategy heightened the emphasis on tourism and economic growth. It is important to recognise that the Bracks Labor government, in coming to office in 1999, accepted this legacy and continued with the strategy. The current government has recognised the value of these events and has sought to take political kudos, even though some of the criticism of events such as the grand prix heard in the Kennett era has fallen away.

It is important to note that the flower and garden show attracts 100 000 people a year and generates at least \$8 million in economic benefit. The organisation at the centre of the show, Nursery and Garden Industry Victoria, places the economic value to the state economy of the industry it represents at \$1.4 billion, which comes from more than 5500 businesses operating in the sector and their employees who number more than 11 000.

We need to ensure that the legislation that overrides the city council's control of the gardens is appropriate, and the argument for that turns on the question of Melbourne City Council choosing to not allow the flower and garden show to proceed beyond this year. The arguments that I have seen put by representatives of the council and community representatives do not seem to be consistent with the facts, because there is not just an intuitive understanding that this is a wonderful location for the event and that it works extremely well in that location but also there is clearly at an organisational level a comprehensive plan to minimise the impact on the gardens and provide full restoration.

The show organisers established an event advisory group when the city council first entered into a licence agreement with it in 2003. The advisory group includes members from the City of Melbourne, Melbourne Museum and a range of community organisations. In return the council receives a licence fee which is adjusted by the consumer price index each year and last year amounted to more than \$72 000. The organisers contribute \$25 000 a year to a fund that is used to enhance the gardens and its world heritage listing, consistent with the Carlton Gardens master plan. As of last year the organisers must also obtain a permit from Heritage Victoria, which imposes another tier of impact assessment on the gardens and heritage assets.

Further, the council itself recognises that the garden show fulfils several of its City Plan 2010 directions under the headings 'Connected and accessible city' and 'Inclusive and engaging city'. It also accepts, as set out in a report of its marketing and events committee of 10 October 2006, that a use such as the flower and garden show:

... is associated with the world heritage significance of the site, and the ongoing use of the venue for this purpose is acknowledged in all heritage listings.

The report adds:

It is important that the REB —

Royal Exhibition Building —

and Carlton Gardens continue to host both local and international exhibitions.

These sentiments echo a report to the city's Business and Marketing Committee on 13 September 2005, which commented:

The use of both the building and gardens for the annual international flower and garden show is reminiscent of the great international exhibitions of 1880–81 and 1898–99.

In my view any doubt raised by the city council's stance on the show needs to be resolved beyond question. The future of the show as a horticultural showpiece for Victoria and a key card for our international recognition needs to be assured. This bill, although it has implications extending beyond concerns for the show — that is, other events — certainly meets the needs of the garden show.

Therefore it is my position, consistent with the view of the Liberal Party and The Nationals, that we will not oppose the bill. I would go further and say that, so far as the flower and garden show is concerned, I hope that event continues to be successful and is conducted on its present site at the Carlton Gardens for many years to come so that many more Victorians can enjoy it, and when the flower and garden show is not in session, I hope they can enjoy the beauty of the Carlton Gardens.

Ms PENNICUIK (Southern Metropolitan) — Mr Barber has spoken extensively on behalf of the Greens on this bill, which allows the government to use the Carlton Gardens for events of so-called state significance; in this case it is aimed squarely at the Melbourne International Flower and Garden Show, which has really morphed into a trade fair and in the process has completely ignored the World Heritage listed status of the Royal Exhibition Building and Carlton Gardens site and the management of the site by the Melbourne City Council. Indeed the council's recommendation is that the event not be held on that site anymore due to the damage being caused to the site.

In his contribution Mr Barber said the gardens are a special site in that only two buildings in Australia have world heritage status, they being the Sydney Opera House and the Royal Exhibition Building in Carlton Gardens. That means Victoria has only one world heritage building, so it should be valued accordingly and be treated with the care, management and maintenance required of a world heritage site under the United Nations Educational, Scientific and Cultural Organisation guidelines.

Australia's nomination of the Exhibition Building to UNESCO made the point that the gardens provide the

setting for the Exhibition Building on all four sides, with the main gardens being to the north and south. This nomination states that the south gardens during both Great Exhibitions were laid out as pleasure grounds, designed by Joseph Reed, while the north garden space was used to house extensive, temporary pavilions and was only landscaped after the close of the events.

The south gardens are in gardenesque style with a formal, symmetrical layout around an axial path leading to the south front entrance. The gardens reflect a major input from the 19th century horticulturalist William Sangster, particularly in the selection of plants and trees. The garden was added to for the 1888 Great Exhibition but retains most of the main elements of the 1880s scheme, and a high number of trees survive from that date, although some of the detail, such as the parterres, railings, fountains and seats, has been lost. The nomination goes on to reiterate that the north garden was originally the site of the temporary exhibition halls and was a place where temporary exhibitions and events were held.

As has been confirmed by Heritage Victoria, the south garden was never used for exhibitions and was never designed for that purpose. The purpose of the south gardens was to provide the vista as you are walking from the south — that is, from the city up to the Royal Exhibition Building. The acceptance of the Australian nomination to UNESCO included the gardens, the gardens being integral to the building and its acceptance as a World Heritage listed site.

I have read the documentation about the damage done to the gardens during the Melbourne International Flower and Garden Show. That damage has been caused not by just one event, but by event after event — it is cumulative damage. The long drought has also had an effect on all gardens, including Carlton Gardens. I believe the damage is quite extensive and is not acceptable for a World Heritage listed site.

I take the purist view that as the south garden is integral to the site and has the World Heritage listing, in terms of maintaining a World Heritage listed site in its pristine form, as it was nominated and has been accepted, it is not appropriate to hold any events in there that involve any sort of earthworks or construction of rather heavy exhibition platforms, pavilions et cetera, because that basically takes away from what the site is. That site should be maintained in its form as it was nominated and has been accepted by UNESCO at all times, so that visitors — be they international, from other parts of Australia, from other parts of Victoria or

local — should be able to see the site as a listed World Heritage site at all times.

Philip Davis, who has left the chamber, made the point that the gardens are not natural; they have been laid out purposefully and designed purposefully. I agree with that, but that is actually part of the reason why they have been nominated and accepted as a world heritage site.

It is arguable whether the Melbourne International Flower and Garden Show is an event of state significance, but it is not critical or essential — in fact it is undesirable — that it be held in the south Carlton Gardens. There are many other venues close to public transport that could be great showcases for that event — for example, the Caulfield racecourse, or any other racecourse for that matter, or any other similar sporting grounds or the Melbourne showgrounds. We could have the flower and garden show and maintain the Carlton Gardens as they should be under their World Heritage listing.

Members would be aware that Protectors of Public Lands Victoria has taken a great interest in this issue, and I am sure it has contacted many members about that. I know that members of Protectors of Public Lands Victoria have been in correspondence with the heritage management branch of the commonwealth's department of environment and water resources and have had correspondence with the assistant secretary and, more recently, the secretary of that department. I am told by Protectors of Public Lands Victoria that the secretary has told the group that the department was never consulted on the bill. It is surprising that we have a World Heritage listed site and the heritage management branch of the department of environment and water resources in Canberra has not been consulted on a bill which impacts on a World Heritage listed site.

Following some correspondence with the department, yesterday the Protectors of Public Lands Victoria wrote back to the assistant secretary advising him of the group's advice on the Carlton Gardens bill. Its letter states:

In the view of the Protectors of Public Lands Victoria ... the bill significantly changes the way the Royal Exhibition Building and Carlton Gardens ... is protected and managed under state and commonwealth heritage legislation.

Under section 29M(1) of the bill, the minister can make a declaration for up to three years that suspends all or specified functions, powers and duties of the trustees or committee of management of the gardens — that is, the Melbourne City Council ...

The power to suspend operates for the period of the declaration and for the period of the special event. That is to

say, the suspension can apply for the three-year declaration period as well as for the period of the special event during that three-year period. Under section 29O of the bill, some or all of the council's powers under the Local Government Act may be suspended during some or all of the declaration period.

Under section 29J(2) of the bill, the minister can make a declaration where the minister believes that the gardens are suitable for the event and the event is of state significance.

No event of state significance should be held in the Carlton Gardens; no events that have any impact whatsoever on those gardens should be held there. The letter to the assistant secretary goes on:

In making the declaration, the minister does not have to have regard to state or commonwealth heritage legislation.

This is of great concern when we are talking about Victoria's only World Heritage listed site. The letter continues:

There is no requirement under this bill for the minister to consider the impact on the heritage status of the place.

Given that events of state significance are likely to be of a large scale, such as the Melbourne International Flower and Garden Show —

is, and it has been getting larger —

there are potentially impacts of a long-term nature that will affect the gardens' heritage status. In that regard, the group —

that is, the Protectors of Public Lands Victoria —

relies upon the report prepared by Mr Rob Galbraith, arborist, who has reviewed the various reports concerning the holding of the —

garden show —

in the gardens ... The long-term impact, according to Mr Galbraith, amongst other things, is the compaction of soils around trees in the gardens that affects the long-term health and wellbeing of trees.

I would have to say that if you wanted to compact the soil in the gardens, then what you would do is allow 100 000 people to walk around them for five days. Compaction of soil is a serious issue for the gardens and it cannot easily be restored. The letter continues:

While the declaration does not suspend the heritage legislation applicable to the gardens, the council may lose all or part of its management powers over the gardens during the period of a declaration — potentially for up to three years at a time. Further, the minister responsible for making a declaration is not obliged to consider heritage impacts.

How can this be when we are talking about a World Heritage listed site? The letter continues:

Under section 29S of the bill, the event organiser is responsible for ensuring the restoration of the part of the gardens used for an event.

It is a concern:

... that an event organiser is not an objective entity for judging whether the gardens have been restored appropriately.

In addition, section 29S of the bill only requires the event organiser to restore the gardens '... to a condition reasonably comparable to its condition before the beginning of the special event period'.

Mr Barber asked why there would not be a stronger requirement that the gardens be restored to excellent condition and any damage be restored. The group views this as a weak standard for the restoration of any impacts. Its letter continues:

It could lead to a situation where, over time, there is a gradual erosion of the condition of the gardens, particularly in the manner foreshadowed by Mr Galbraith.

As I mentioned before, that is the cumulative effect of holding this event year after year, with the substantial impacts it has on the gardens in conjunction with the effects of the drought. The letter continues:

In circumstances where there is no management plan for the gardens —

there is supposed to be a management plan under the World Heritage listing, but there is none at the moment —

under the Environment Protection and Biodiversity Conservation Act 1999, almost four years after the inclusion of the gardens ... the group believes that the bill circumvents the existing heritage legislation and in a way that potentially causes the greatest harm to the heritage significance of the place.

The letter goes on to say that for the reasons stated above the Protectors of Public Lands Victoria seeks the referral of any declaration under this bill or the holding of any event of state significance such as the international garden show to the commonwealth minister for consideration of the impacts of holding the event on the heritage status of the gardens. In addition the group says — and I too say it — that there should be a management plan for the gardens so that events such as the garden show or other events can be properly assessed.

This bill is unfortunate, because what we should have in terms of the Royal Exhibition Building, the Carlton Gardens and that precinct is maintenance of the site as it was intended to be. The gardens should be a showcase for the building and an area of passive recreation, and the design of the gardens should be

maintained at all times for visitors to see and should not be obstructed by a commercial event. People are saying that the flower and garden show is held for only a short time, but it is for a period of five to six weeks — maybe longer, if we include the time to set the exhibits up and take them down — and the gardens feel the impact of the event for a considerable period of time after the event. This is a totally inappropriate use of a World Heritage site.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise on the Liberal Party side to make a brief contribution in respect of the bill before the chamber. This is an important bill because it ensures the continuation of the Melbourne International Flower and Garden Show, as everyone knows it. It is important in the sense of what it does for the nursery and garden industry. This is an industry that has been under enormous pressure for a number of years because of the drought. Such events are important in terms of ensuring that people in Victoria, around Australia and internationally know what we are doing. This is a continuation of Victoria being a place of major events, and this is yet another one of those major events. It is also important to put on record and acknowledge the work that the horticultural industry does in promoting itself. The Melbourne International Flower and Garden Show promotes Victoria throughout Australia and to the rest of the world. The show also brings a significant amount of interest in terms of tourism and is a positive for Victoria in that respect.

Lack of water is an ongoing issue, which is due in part to the lack of action from members on the other side, and the show allows residents of Melbourne to see measures that can be taken in their gardens to reduce water consumption. Participants in the industry have taken it upon themselves to move forward on that issue. I have visited the show in my role as shadow minister for industry and state development, and I have been very impressed to see a range of presentations with water-saving ideas. There is a concept in the nursery and garden industry of greening the planet one backyard at a time, which would also cool the planet. I would have thought that, as a member of the Greens, Ms Pennicuik would support the show, because it is about ensuring that people have a better appreciation of how to establish gardens moving forward.

I have heard the arguments about the effects the flower show has on the Carlton Gardens, and I must say that I am quite perplexed about some of the arguments for the show being held in the south gardens of the Exhibition Building. People argue that those gardens should be preserved and should have no earthworks on them. Can I suggest to those people who are concerned about

earthworks in the gardens that if they take a little walk around the Exhibition Building they might stand in front of quite a large earthworks or building — that is, the Melbourne Museum — which has been constructed in the northern part of the gardens. I have not heard anyone complaining about the museum being built in the northern garden or argue that it should be removed because it impacts on the World Heritage values of the Exhibition Building. It would be irrational and irrelevant to claim that the south gardens should have no infrastructure on them while a major piece of infrastructure has been built on the northern part of the garden. Perhaps there is a move somewhere — put by the members in this chamber who are opposed to the bill or by local residents — to demolish the museum. That may sound silly, but that is the argument that has been put forward in this chamber. I think it is irrational to consider that to be the case.

We also heard about the issue of the associated activities of the Melbourne International Flower and Garden Show compacting the ground in the gardens. Those of us who are budding gardeners will have heard of the use of aerators for aerating the soil in gardens. That is a common practice.

Another argument has been put about safety and the risks of limbs falling from trees in the gardens during the show. Recently Victoria saw some of the most violent storms in recorded history. Unfortunately one injury occurred as a result of those storms, but most of the significant damage and injuries were caused by falling trees well away from the Carlton Gardens. If we were to pursue such an argument we would not have any events anywhere in Victoria for fear that a tree may fall on the people who attend them. Again, the arguments put forward in the debate are nonsensical and illogical if that is their foundation.

I also refer to the concerns that have been put forward by some of the residents groups. I know they have a passion for the Carlton Gardens and I understand their arguments. However, I am concerned about the referral of this bill to the United Nations Educational, Scientific and Cultural Organisation. As we know, UNESCO will determine whether this bill breaches the requirements of the World Heritage listing of the Exhibition Building and the Carlton Gardens.

Mr Barber — Will it?

Mr DALLA-RIVA — I will take up Mr Barber's interjection. It seems to be that some groups are encouraging the removal of the World Heritage listing. We on this side of the chamber support the continuation of the World Heritage listing, and we will not be doing

anything to encourage its removal, and I am sure that government members have the same view. Why would anyone in Victoria or anywhere in the world want to remove the World Heritage listing of the Exhibition Building and the Carlton Gardens? It would seem to be an act of bastardry to the state of Victoria to have that listing removed. I do not believe that it would be appropriate.

In summary, from an industry perspective the Melbourne International Flower and Garden Show is a very good event. It is a collective of a number of major events. A number of concerns have been raised by various groups. To save their time, I suggest that they join together and call themselves the Nimby Group — the not in my backyard group — because that appears to be what it is all about. I support this bill, I support the industry and I support the work that its participants do at the Melbourne International Flower and Garden Show.

Mr JENNINGS (Minister for Environment and Climate Change) — I will briefly deal with some of the matters that have been raised by members. Under normal circumstances I would have thought that in protecting environmental values and World Heritage listings I might have been a bit closer to the Greens than to Mr Dalla-Riva, but I volunteer that, whilst I might have made my points more diplomatically, I fundamentally agree with Mr Dalla-Riva and the points he has just been making. Mr Dalla-Riva has recognised the value of the Melbourne International Flower and Garden Show and the standing of the Royal Exhibition Building in terms of its heritage value and its worthy recognition with a World Heritage listing.

Mr Dalla-Riva has also recognised that a whole range of management techniques are available to the City of Melbourne and to those people who are responsible for the wellbeing of this important parcel of public land on a day-to-day basis, if they have the wit and wherewithal within their delegated responsibilities as the committee of management to make sure that those environmental and World Heritage values are protected. It is quite extraordinary from the government's perspective that the Melbourne City Council — the committee of management of the gardens — did not exercise its discretion and its wit and wherewithal to be able to achieve these outcomes and to develop management plans and regimes to deal with this matter. It would be the hope of the Victorian government that Melbourne City Council may, in light of the importance to the Victorian community in relation to the ongoing preservation of the garden show occurring in this precinct and its desire to be the committee of management for the gardens, dig a bit deeper in terms

of its resolve and work out the way in which it can manage these issues without abrogating its responsibility to manage these gardens.

If that is the outcome, then I would be hopeful that we might be able to have a reconciled position so that it will not be necessary to invoke the provisions of this bill. However, the government had tried for a very long time to try to reach an understanding with Melbourne City Council to enable it to satisfy its obligations in relation to the gardens, to exercise its obligations in relation to the committee of management and to satisfy management regimes that are required to preserve its standing. Up until this point in time it has not been able to satisfy those expectations beyond a very narrow casting of local community concerns and jurisdictional hopping in line with the most paranoid interpretation possible, some elements of which have been brought to bear in the course of this debate. If you cannot get an outcome in terms of state legislature, you can hope to get one at the commonwealth level or you might actually have to seek international jurisdiction to resolve this matter. This is a matter that should have been dealt with at local government level. It should not have reached this Parliament, but it had to in order for there to be a resolution to some of the issues.

If the Melbourne City Council has the capacity to dig deep and take up its responsibility to manage these matters, then I, as the responsible minister with this piece of legislation, will be extremely happy to enable it to undertake its committee of management roles. If it is not capable of doing that, then the provisions of this bill will be enacted, if and when required, to ensure the ongoing preservation of the flower show in the Exhibition gardens. The government will take responsibility for trying to make sure that these environmental protections and the management regimes are put in place, but it is of the view that, if Melbourne City Council is capable of doing it, then that is where the responsibilities should lie.

House divided on motion:

Ayes, 34

Atkinson, Mr	Lovell, Ms
Broad, Ms	Madden, Mr (<i>Teller</i>)
Coote, Mrs	Mikakos, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr (<i>Teller</i>)	Theophanous, Mr

Koch, Mr
Kronberg, Mrs
Leane, Mr
Lenders, Mr

Thornley, Mr
Tierney, Ms
Viney, Mr
Vogels, Mr

Noes, 4

Barber, Mr
Hartland, Ms (*Teller*)

Kavanagh, Mr (*Teller*)
Pennicuik, Ms

Motion agreed to.

Read second time.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

In so doing, I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

LEGISLATION REFORM (REPEALS No. 2) BILL

Second reading

Debate resumed from 13 March; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms LOVELL (Northern Victoria) — I rise to speak on the Legislation Reform (Repeals No. 2) Bill and in doing so indicate that the opposition will not be opposing this bill.

This is the second bill in a series of bills, as the title indicates. It is a bill that seeks to repeal only redundant legislation. The bill has been studied by SARC (Scrutiny of Acts and Regulations Committee), which is something that the first bill missed.

This bill will repeal seven principal acts and 48 amending acts, or 55 acts in total. As I said before, unlike the no. 1 repeal bill, which the government did not send to SARC for scrutiny before bringing it into the house and had to be reminded by the opposition that it should have been so scrutinised, the government sent this bill to SARC before introducing it to the house. The opposition is satisfied that SARC has gone through this bill.

The second-reading speech says:

It is important for Parliament to review the legislation in the Victorian statute book on a regular basis and to repeal acts that no longer serve any useful purpose. This has usually been done through the statute law reform bills that the Parliament has passed in previous years.

It goes on to explain why the government is doing this as a series of legislation reform bills. It says:

The government has decided to give this process an increased priority, in an effort to reduce the total number of acts by at least 20 per cent, based on the number of acts in operation in 1999. Accordingly, the government has instituted a review of all acts across every portfolio.

My colleague the member for Ferntree Gully in the other place, who handled this bill in the other house, did some research on how many acts of Parliament there were in 1999 and how many acts there are now. He got the library to do this research for him, but he found that on 1 January 2000, there were 544 principal acts on the statute book. At the end of the Kennett period of government, because this 1999–2000 period coincides with that, there were 544 principal acts. On 1 January 2007 there were 579 principal acts on the statute book, so during the seven years of the Bracks government the number of acts increased by 35. Through a series of law reform bills last year that number was reduced to 527 principal acts, and this bill will bring it down to 520. But to achieve the government's aim of 20 per cent less than the number of acts in operation in 1999, it will need to bring that number down to 435.

After this bill passes the government still needs to remove a further 85 principal acts from the statute books, so we can look forward to a number of these bills coming before the house in the months and years to come.

The seven principal acts that this bill will repeal are the Mildura Vineyards Protection Act 1931, which was an act that repealed the Mildura Vineyards Protection acts 1918 and 1922 and applied part II of the Vegetation and Vine Diseases Act 1928 to vines and vineyards in Mildura. The 1928 act has been repealed and the vine diseases are now controlled under the Plant Health and Plant Products Act 1995, so this piece of legislation is no longer required.

It also repeals the River Murray Waters Act 1949. This act was enacted to give effect to an agreement made on 26 November 1948 between the commonwealth, Victorian, New South Wales and South Australian governments. The agreement was replaced by a new agreement in 1982, which has since been replaced by the 1992 agreement which formed the basis of the Murray-Darling Basin Act 1993. It is quite ironic that we are repealing this act that was the forerunner to the

Murray-Darling Basin Act considering the government has finally signed up to the federal plan for the Murray–Darling Basin in the last couple of weeks.

I would say the only problem with the government signing up to that federal plan is that it should have signed up 12 months ago. Twelve months ago the Howard government put that plan on the table, but this government hung out and would not sign up to it. We can ask why. I would say the reason for the delay is that the Victorian government wanted to ensure that its north–south pipeline — a pipeline that will rip 75 gegalitres of water out of the Murray–Darling Basin — was well and truly in place and on the way before it signed up to the federal government plan. It also wanted to make sure that the Goulburn River was excised from the federal government plan. The Goulburn River is one of the main feeder streams to the Murray River, but that is the area where the government wants to rip the 75 gegalitres of our precious water out of the Murray–Darling Basin to pump over the Great Dividing Range to quench Melbourne’s thirst and to flush Melbourne’s toilets.

It is also disappointing that the government has settled for only \$1 billion out of the \$10 billion in the federal government plan, because I believe that under the Howard government plan, Victoria would have received between \$2 billion and \$3 billion for infrastructure in Victoria, and I think this government has struck a very poor deal by securing only \$1 billion of that \$10 billion. In fact quite a large proportion of the \$10 billion is for infrastructure, and I think Victoria has been duded by the federal government.

Another act that this bill repeals is the State Coal Mine Act 1966. This act that provides for the refund to mine workers of pension contributions and the continuation in certain circumstances of coalminers’ pension rights under the Coal Mines Act 1958. That dealt with the closure of the power station and the scaling down of the state coal mine at Wonthaggi. The mine and power station have closed and there are no longer any persons entitled to payments or pensions under this act. The mine may have closed, but it operated for the people in the Wonthaggi region as a very important tourist attraction for some 20 years. Unfortunately has been forced to close again due to non-compliance with occupational health and safety standards. Those standards were set as if the mine were operational, rather than being a tourist attraction, and about \$2.5 million worth of work would be needed to bring the mine up to those standards and enable it to reopen as a tourist attraction for that region.

The Brumby government promised \$1.5 million during the state election in 2006. I think the Premier himself, then a minister in the Bracks government, went down and made that promise, and the Rudd government also promised \$1.5 million during the federal election, but the people of Wonthaggi are waiting for either of those governments to come up with the money so they can get on with the work that needs to be done on the State Coal Mine at Wonthaggi so that it can reopen as a tourist attraction.

The bill will also repeal the Shepparton Abattoirs Act 1966 and the Shepparton Abattoirs Act 1967. The 1966 act authorised the then Shepparton shire to borrow money and repay by 30 June 1968 funds in excess of the amount authorised under the Local Government Act. This funding was to enable it to reconstruct a large municipal abattoir. The 1966 act ceased to apply when new arrangements for the repayment of this debt were made in accordance with the 1967 act. The loan has now been repaid and the debt has been discharged, so this guarantee is no longer required and neither of these acts is required. I remember the Shepparton abattoirs as a child. It was one of our major employers in Shepparton, and it was certainly a major feature of the town. Unfortunately it was closed in the early 1980s, which caused a lot of hardship to the people of Shepparton at the time. Many of the families had a father or mother who worked at the abattoirs but were then out of a job and had to leave the area in search of work, and others became dependent on welfare. As we know, in the early 1980s under the federal Labor government at that time we had massive unemployment, and jobs in Shepparton were not easy to come by.

I also remember the secretary of the meat workers union at the time, Wally Curran, quite clearly for a number of reasons, but in preparing for this debate today I spoke to a former mayor of Shepparton. The abattoirs came under the former Shire of Shepparton, but Bill Hunter, a former mayor of the former City of Shepparton, is someone who has a great knowledge of the history of everything that has gone on in Shepparton and district, and I spoke to him about the closure of the abattoirs at that time. He said he remembered a lot of industrial problems at the abattoirs in Shepparton, and he remembered going down there one day when Wally Curran was there stirring up some trouble. He insulted Bill as he walked up, saying, ‘Here comes the mayor with his necklace of empty beer cans’. Bill remembers that to this day; he felt quite insulted by it.

I remember Wally Curran for a number of reasons. Prior to moving to Shepparton we lived in Williamstown, and there was a Gilbertson’s meatworks

between Williamstown and Newport West, where my brother had the job of selling newspapers early in the morning. Gary was only 12 years old, and Wally Curran put a black ban on him because he was not a member of the union. He would not allow my brother onto the site to sell newspapers to the workers as they arrived at work because my brother was not a member of the union. The ladies in the canteen came up with a sensible solution. The canteen was not actually part of the abattoirs as it was leased out to someone else, so it was not a union site. What they did was close the main gate and force all the workers to walk through the canteen on their way to work, which meant that their sales improved and Gary's sales of newspapers also improved. That action defeated Wally Curran's purpose, and I think Gary still thinks to this day that he had quite a significant victory over Wally Curran on that particular issue.

The bill will also repeal the Como Project Act of 1994. This act repealed the South Yarra Project Act 1984, ended the agreement ratified under that act and amended the South Yarra Project Act of 1985. The amending and repeal provisions have come into operation and are spent, so this act is no longer needed on the statute book. The bill will also repeal the Dried Fruits (Repeal) Act of 1998. This act provided for the repeal of the Dried Fruits Act 1958, the abolition of the Victorian Dried Fruits Board and the transfer of the assets of that board to a trust, and it also provided for transitional provisions in relation to that transfer. All the transactions under that act have now been completed, and the trust has advised that the act is no longer required.

The bill will also repeal 48 amending acts that are no longer required. I will refer to a number of acts that relate to the management of national parks, including the Alpine Resorts (Amendment) Act 1992, the National Parks (Alpine National Park) Act 1989, the National Parks (Amendment) Act 1986, the National Parks (Amendment) Act 1997, the National Parks (Further Amendment) Act 1990 and the National Parks (Wilderness) Act 1992. The National Parks (Alpine National Park) Act was the forerunner to the creation of the Alpine National Park. The creation of the Alpine National Park followed a long and protracted period of great uncertainty and angst amongst the mountain communities — communities that I now represent in this Parliament. Of course that was back in 1990 before I had contact with those communities, but I have spoken to many people up there about that period and they have told me that there was a great deal of uncertainty and angst among the mountain communities. They said that eventually an agreement was struck between the Labor government at the time

and the alpine communities, and that the only reason the communities agreed to the parks being created as large as they were was that the government agreed to arrangements to protect the local cattlemen and the tourism operators by issuing them licences. The cattlemen were given seven-year licences and the tourism operators were given two-year licences. This agreement went on for 14 years, until the Bracks government broke the agreement in 2005. This was an agreement brokered by a Labor government and, 14 years later, broken by another Labor government.

The Bracks government's breaking of the agreement has devastated the mountain families. Some of them feel that they no longer have a future. They have had 150 years of tradition ripped away from them. Many of the families are suffering from depression and, as I said, feeling as if they no longer have a future on the mountain. But it is not only the mountain families who are losers as a result of the Bracks government's action; the state of Victoria has also lost part of its heritage, its tradition and its culture. The mountain cattlemen culture was established in 1834–35 when the first cattlemen settled in the Benambra area, but this culture has now been stripped away from Victoria. It is most disappointing. It will always be part of our heritage, but it will no longer be part of our culture. Steve Bracks will be forever known as the man who killed the Man from Snowy River.

The most disappointing thing for national parks in Victoria under this Labor government is the underresourcing and the government mismanagement of our national parks. Most people tend to think that by creating a national park the area will be provided with greater protection, but that is not true unless the park is adequately funded and well managed; of course the government in this state has a very poor record on both counts. We have seen many hectares of new parks created, but funding has not been increased accordingly. In the alpine fires that raged from December 2006 through to January 2007, over 1 million hectares of our national parks were burnt. This was because of the government's inadequate fuel reduction program and its mismanagement of our Alpine National Park. Following the previous fires which occurred in 2003, just after I was elected, personnel from the then Department of Sustainability and Environment took me up into the fire area around Mitta Mitta and showed me some of the areas where the fires had burnt uncontrolled due to fuel loads. There was one area they showed me where the blackberries had been about 40 feet deep. This had given a light fuel load to the fire, and it had been able to move very, very quickly across that area. They also showed me where the fire had in parts stopped dead in its tracks because it

had reached an area where there had been cool burns due to fuel reduction burning. They showed me how effective that can be in stopping a bushfire in its tracks.

The Environment and Natural Resources Committee is currently conducting an inquiry into the 2006–07 alpine fires. Two of my colleagues — Donna Petrovich from this house and Christine Fyffe, the member for Evelyn in the other place — are on that committee, and I get regular updates from Donna Petrovich because she knows of my keen interest in the Alpine National Park and particularly in this inquiry. I know the committee has worked hard on this inquiry, and I hope the report that will finally be produced will not be whitewashed by the government, because we have a government-dominated committee. This report should be a blueprint for better forest management and a blueprint to protect our national parks for future generations.

The bill also repeals a number of water acts — the Mildura Irrigation Water Trusts (Merbein) Act of 1978, the River Murray Waters Act of 1949, the Water (Further Amendment) Act of 1994, the Water (Rural Water Corporation) Act of 1992 and the Water Industry (Amendment) Act of 1995. Victoria has been very fortunate in that it has had good water policy from the beginning, largely due to the good work of a great Liberal, Alfred Deakin, who was a member of this Parliament in its very early years. Alfred Deakin did a huge amount of work on the irrigation areas in my electorate to establish good water policy in this state that has allowed Victoria to always lead the way in water policy.

However, under this government policy has become more confusing. The act has doubled in size, and everyone is struggling to understand it and to implement some of the changes the government has introduced. One area people are struggling with is the unbundling of water rights and land, which was introduced by the government a couple of years ago. Unbundling has caused major concerns for irrigators and local councils. Local councils stood to lose a massive amount in rates because of the unbundling of water and land. This was pointed out to the government at the time the legislation went through the Parliament, but the government would not listen. In fact I sat in the lower house for that debate with a number of irrigators who had come down from northern Victoria, and they were absolutely disgusted at the attitude to the debate of then Minister Thwaites. The various opposition members, including Tony Plowman, who was the member for Benambra and the Liberal Party shadow minister for water at the time, and Peter Walsh, the member for Swan Hill, who was The Nationals

spokesperson for water, and various other members talked with authority on what that legislation would do. John Thwaites turned his back on them and spoke to the backbench; the irrigators were absolutely disgusted. The government now has to pay compensation to the affected shires because it would not listen to what they had to say about the impact this would have on local shires and irrigators.

Two years have elapsed between the passing of the legislation and the implementation of the new arrangements, but there are still major problems. When irrigators commenced trading under the new arrangements on 1 July last year it caused a massive amount of confusion. The offices of those of us who have offices in the irrigation district were inundated with complaints about transactions being held up because the government had not got its act together with the new system. The government had two years to get its act together, but it could not do it.

Many of the irrigators who had lodged trades that did not go through because of the failure of the system incurred penalty interest rates because their money was delayed, and they were already struggling because of drought and were relying on those transactions going through. They were further penalised because of this government's actions.

Another consequence has been the negative impact on stock and domestic water supplies. In the past irrigators who had a stock and domestic right had an absolute right to that stock and domestic water. If you had an irrigation right that had a 10-megalitre stock and domestic right on it, you got 10 megalitres regardless of what your other allocation was. You might have had 100 megalitres under the non-stock and domestic water allocation and been allocated only 60 per cent of that, but you got 100 per cent of your stock and domestic allocation. Now the stock and domestic right has been rolled in as a general water share, so when you receive only a percentage of your right, as the irrigators have this year, you receive only that same percentage of your stock and domestic water. The irrigators are receiving less water under these arrangements. That is a severe penalty on the irrigators. If you have a 2-megalitre stock and domestic right and only get 50 per cent of your allocation, then you are only going to get 1 megalitre of your stock and domestic allocation, whereas under the former arrangements you had absolute right to those 2 megalitres of stock and domestic water.

I could not finish talking about water without referring to the infamous Water Amendment (Critical Water Infrastructure Projects) Bill, which sounded as if the

government was doing wonderful things about water infrastructure in this state. It was good government spin. In fact the government found that particular legislation so important that after the election in November 2006 it called the Parliament together in the week before Christmas.

The government second-read the bill, it passed through the lower house in February and came to us in the upper house in March 2007. When the government introduced the bill it said it was critical because it needed it to build the Colbinabbin–Eppalock pipeline. We know what happened when that legislation came into the house — it was amended because it was bad legislation. It was pretending to do something about water but it actually diminished landowners' rights. This house would not put up with that, so the Liberal Party, The Nationals and the Greens voted to amend it. As we have seen, it went back to the other house, but the pipeline has been built without that legislation being passed. It is on the Assembly notice paper 14 months later, while the Colbinabbin–Eppalock pipeline pumps water through to Lake Eppalock without that legislation ever having been passed.

There are also a number of bills to do with police and education, and these are two areas which are very contentious at the moment. The government is at odds with both Victoria's police and its teachers. We saw the police marching on Parliament last week; we have teachers striking all over Victoria; and this government is not sitting down at the table talking to police or teachers about their issues.

The opposition released a policy over the weekend that would ensure our teachers are adequately remunerated — in fact, it would move them to being the best remunerated teachers in Australia. The government should look at sitting down with teachers and negotiating a similar position.

In conclusion, as I said earlier, this bill will repeal a number of acts and there are a number of these bills to come. Repealing acts is always an interesting process for our Parliament to go through, because we look back over time and reflect on legislation that has passed through previous parliaments. The opposition does not oppose the bill.

Mr HALL (Eastern Victoria) — I am happy to inform the house that The Nationals will not be opposing the Legislation Reform (Repeals No. 2) Bill 2007. As its title indicates, it is the second in a tranche of such bills to be introduced by the government. As the minister said in the second-reading speech, it is the intention of the government to reduce by 20 per cent

the number of acts on Victoria's statute book. It is a sensible arrangement. I do not think we ought to confine ourselves to a specific number or percentage, but the process of clearing up the statute book and removing acts that are no longer necessary is something I am happy to support and happy for the government to work towards.

This is a very small bill — the major part of the document before us today is the explanatory memorandum. As I said of the Legislation Reform (Repeals No. 1) Bill, the explanatory memorandum is a useful piece of information that provides a brief description of the amending acts and the principal acts that are being repealed by the bill. I note that the bill repeals 7 principal acts and 48 amending acts, some of which date back as far as 1931 and are rather historic in nature. I will not go through them, but I note with interest that 36 of the 55 acts being repealed have been debated and introduced while I have been a member of Parliament. I looked through the list of bills and can recall speaking about them when they were debated in this chamber — —

Mr Scheffer interjected.

Mr HALL — No, Mr Scheffer, I will not take the house back through my previous contributions; they are on the record for all to see. I will say that some of them were significant and worthwhile pieces of legislation. Many of them, being amending acts, have served their function — that is, they have amended principal acts — and there is no longer a requirement for them to sit on the statute book. I will not reminisce over those many acts on which I have previously spoken in this house. I conclude my comments by saying that The Nationals are happy not to oppose this piece of legislation. It cleans up the statute book of this state, and that in itself is a worthwhile aim.

Ms HARTLAND (Western Metropolitan) — For the reasons that have just been outlined by Mr Hall — the technical nature of these repeal bills — the Greens see them as very necessary. We will be supporting this bill.

Mr SCHEFFER (Eastern Victoria) — The Legislation Reform (Repeals No. 1) Bill was passed by the house on 11 March, and this bill deals with a further group of acts that need to be repealed because their provisions are redundant. This bill lists redundant legislation that relates to local industries, education, water, administration, authorities and government bodies. The schedule contained in the bill lists 55 acts that need to be repealed. The oldest of these is the

Mildura Vineyards Protection Act 1931 and the most recent is the Dried Fruits (Repeal) Act 1998.

The explanatory memorandum to the bill provides details relating to each of the acts to be repealed and the reasons for removing them from the statute book. Those reasons are fairly obvious. The memorandum explains that in each case either the provisions contained in the particular act have taken effect or the functions that the act assigned to an agency are no longer required because they have been transferred to another more appropriate body, and the bills are therefore redundant. The Parliament has an ongoing responsibility to ensure that redundant legislation is removed from the statute book, and the bill does that.

The statement of compatibility with the Charter of Human Rights and Responsibilities Act indicates that the bill does not raise any human rights issues because the measures in the acts do not have a continuing effect. I commend the bill to the house.

Mr GUY (Northern Metropolitan) — I will make a few short comments on the Legislation Reform (Repeals No. 2) Bill 2007. As has been said by a number of people, the purpose of the bill is to repeal a number of redundant acts of Parliament, the oldest being, as Mr Scheffer has just said, from 1931. There are 7 principal acts and 48 amending acts being repealed. They range from national parks, water, education and dried fruits to the Shepparton abattoir, as Ms Lovell said in her contribution to the debate. I will run down a few points on a couple of them, starting with the State Coal Mine Act 1966.

As has been said before, the state coal mine in Wonthaggi, which is no longer active, was Victoria's only black coal mine. It was not an open-cut mine like those in the Latrobe Valley. The advantage of black coal is that it burns at a higher temperature. It burns better than brown coal, and it is certainly more efficient. Black coal was used in steam trains throughout Victoria at the time that legislation was introduced, and it was provided by the mine for use by the Victorian government in providing a range of services. Nowadays the mine is not used, but as Ms Lovell said, a certain amount of money — in fact, \$1.5 million — was promised by the Brumby government, and again by the federal Rudd government, to restore the mine to working order as a tourist attraction. That should be noted, because the mine would be a very good tourist attraction. It was one for many years but has been closed due to occupational health and safety issues. Unfortunately the state government believes the mine needs to be of working standard for tourists to use it, which is rather perplexing. While I do not believe

safety should be compromised, it is rather odd to say that the mine needs to be of working standard before it can be opened up as a tourist attraction.

I think that is rather odd, but, as I said, it is unique. It was the only Victorian black coal mine; it was not an open cut like the Latrobe Valley. It is certainly unique. It was certainly a tourist attraction that would add to the unique charm of Wonthaggi, a town which I was in a couple of days ago. It would certainly be a great addition to Wonthaggi's many tourist attractions and its interest to visitors.

Another of the acts which took my attention was the Como Project Act of 1994. I remember the Como project. As a younger person who was interested in planning issues at that time I was concerned about the Como project and its proposals for canals and high-rise apartments. It was one of those almost Melbourne 2030-esque proposals that was thought of by the Cain government at the time. It was certainly pumped around and many people worried about the future of South Yarra. We were going to have this development, the original plan of which I think was for about 30 storeys on one side of it, descending to 5 or 6 on the other side. It certainly did not end up that way. Certainly the canals through the Yarra River did not go that way. I think Victoria's finances went down the canals a year and a half after it was proposed. The Como project never really got off the ground to the extent that it was meant to.

Mr Dalla-Riva interjected.

Mr GUY — A very distant canal, Mr Dalla-Riva, you are quite right. While the existing Como project certainly ended up being — —

Mr Dalla-Riva interjected.

Mr GUY — Very distant, Mr Dalla-Riva, certainly very distant from the original proposals. The project certainly did not take off to the extent the Cain government had hoped, but then Victoria's finances and the ability for private industry to invest in a project like that certainly were not existent at that time.

Further on in the bill I noticed the State Electricity Commission (Amendment) Act 1988, which dealt with a few of the issues in relation to the State Electricity Commission (SEC) of the time, from the State Electricity Commission Act 1958 onward. As we all know, the Latrobe Valley power scheme was something that was envisaged many years ago — about 50 or 60 years ago — but completed under the Bolte government in Victoria. We have a number of power stations now in existence which are using the open-cut

brown coal method. I remember going down into the open cut in the 1980s. All of my family who lived in the valley were involved in the SEC. I had the thrill, for a young boy, of being in one of the dredges of the time and going on the small railway that used to run down the middle of the open cut. That no longer exists; it is all trucked out. It was a little world unto itself, the old SEC, and it operated for the times and built up Victoria's power infrastructure at a time, postwar, that was part of building the state.

We are now in a different era and a different frame of mind, and I think the arrangements we had which were put in place by the Kennett government have served Victoria very well. Unfortunately the contracts have not been well managed by the people who inherited government in 1999, but that is an issue unto itself. The SEC, as existed in the 1950s, 1960s and 1970s, was certainly thriving in places such as Moe, Morwell, Traralgon and Yallourn. Yallourn is a town with which my family certainly has a long association, and I am sure the families of other people in this chamber do too. Yallourn was an SEC town and it had a charm of its own. The SEC designer of the time was assisted in the design of the town by Walter Burley Griffin. It had an almost American country town feel, but it was all part of history after the late 1970s and early 1980s, when the houses were cut in two and put on the backs of trucks, and some of the government buildings were removed. It was all part of the new Yallourn W open-cut brown coal mine, which is powering Victoria as we speak.

As we look at the State Electricity Commission amendment in this bill, it brings to mind energy issues which this state is facing and which I think it is pretty obvious the state government has not properly addressed and is not properly addressing in the future at all, and those issues are going to come back and haunt us if we do not act soon. Unfortunately the government appears very keen to ignore them.

Another act being repealed under this bill, referred to at 2.14 in the explanatory memorandum, is the Borrowing and Investment Powers (Amendment Act) 1988. I thought it very apt to make a couple of comments on the Borrowing and Investment Powers (Amendment) Act, because if there was one government in Victoria's history that we all feared at the mention of the word 'borrowing', it was the Cain government. Of course in looking at this act from 1988 it should be remembered that the Cain and Kirner governments took our debt from \$11 billion to \$33 billion. It took from the 1850s until 1982 to get Victoria's debt from zero to \$11 billion; it took the Cain government just 11 years to take that from \$11 billion to \$33 billion, unfortunately, for which the then incoming Kennett Liberal-National

party government had to make some very difficult decisions to secure this state's future, otherwise we would have ended the way of some banana republic in South America or an African nation which cannot pay the salaries of its own workers. Unfortunately that is history, and that is where we had to get to — the \$33 billion debt.

I think we all remember Tricontinental, the State Bank and the Victorian Economic Development Corporation. In fact it is good to see a number of relevant people in this chamber — Mr Theophanous was a minister in that government, Mr Jennings was an adviser in that government, and Ms Broad was the chief of staff to Mrs Kirner. Mr Bracks was an adviser, I think, in that government; I think Mr Batchelor was a state secretary; and Mr Brumby and Mr Hulls were members of the Keating government — it also had some debt issues. Indeed one of Joan Kirner's — —

Hon. T. C. Theophanous interjected.

Mr GUY — One of Joan Kirner's media advisers at the time was a fellow by the name of Adam Kilgour, who has done very well out of this government to date I would have thought.

Hon. T. C. Theophanous — What was your role in the Kennett government?

Mr GUY — We move on, Mr Theophanous, in case you get too excited. Thank you for being in the chamber.

At paragraph 2.32 in the explanatory memorandum we have the Land (Crown Grants and Reserves) Act 1993, which is being repealed. It relates to public open space and Crown land. It is very interesting and quite apt that it is being repealed by this government. I saw some representatives of the Kew Cottages Coalition in the Parliament building today and of course they would be very interested to know that we are talking about repealing Crown land. This government does not have a very good record when it comes to the preservation of public open space and Crown land — the Kew Cottages being a very good example of that. I would have thought that under Melbourne 2030, while we are adding an extra million people to our city's metropolitan population, we would be adding to our stock of public open space and not selling it off for development in a fire sale to the highest bidder.

With those brief comments on a couple of those amendments, I will conclude my remarks by saying that the Liberal Party does not oppose the bill, and indeed it is quite supportive of the contemporarisation of the Victorian statutes.

Mr VOGELS (Western Victoria) — I would like to make a few comments on the Legislation Reform (Repeals No. 2) Bill we are debating today. This bill removes seven redundant principal acts and 48 amending acts from statute law. Statutory law revision is a good thing, and I fully support going through the statute book and removing acts that are redundant or have passed their use-by date in the case of amending acts.

I have before me the schedule containing the titles of the acts that will be repealed, starting with the Mildura Vineyards Protection Act 1931. This act was introduced at that time to address the need for pest and disease control as phylloxera, a vine disease, was threatening the future of grape growers. In agriculture it seems there is always a new threat, and we need to be vigilant in protecting our industry, especially from international diseases which have the potential to cause enormous economic damage for our farmers. Pests and diseases will now be controlled under the Plant Health and Plant Products Act 1995.

Whilst I am talking about Mildura, we are also repealing the Mildura Irrigation and Water Trusts (Merbein) Act 1978. This act was introduced to incorporate the Merbein urban water supply into the Mildura water supply system, bringing the water up to drinking standard for Merbein users. Whilst on that subject I noticed an article in the *Weekly Times* of 2 April with the headline ‘Trust in hot water’, which says:

Victoria’s water minister Tim Holding has formally issued directions to a north-west water company after concerns about financial management issues.

Mr Holding issued the directions to the First Mildura Irrigation Trust last week. The FMIT is believed to have lost \$750 000 by investing in the US and risks being a victim of the subprime mortgage crisis.

Let us hope that they do not go down the tube, because they are a very important part of the irrigation system in the Mildura region.

There are various acts being repealed that deal with water. We have the Water (Rural Water Corporation) Act 1992, the Water (Further Amendment) Act 1994 and the Water Industry (Amendment) Act 1995. I believe history will be very unkind to the Bracks and Brumby governments on the way they have handled our water infrastructure needs since Labor took over government in 1999. The last major piece of infrastructure to deliver water to Melbourne was the Thomson Dam which was built under a Liberal government about 27 years ago. It concerns me that all of a sudden at the last minute the Labor Party has

recognised that water is important, and we are now looking at \$4.9 billion worth of infrastructure. We need to let the people out there who think this \$4.9 billion is going to come from the state government have another think about that because the Auditor-General’s report, which was tabled in the house only last week, notes that customer charges will fund nearly 90 per cent of the \$4.9 billion cost of the Victorian water plan. It is actually the customers out there who will be footing the bill, not the Brumby government.

This bill deals with quite a few other acts, such as the Fire Authorities (Contributions) Act 1989. Once again it appears that we are still trying to work out the fairest way of collecting fire service levies. We had a briefing in Parliament House only last week, and we were told — and of course we know — that there are tens of thousands of property owners who do not insure their properties and are therefore freeloading on the Country Fire Authority and the Metropolitan Fire Brigade. I think the proportion that does not insure is 40 per cent. I conclude by saying that it makes good sense to scroll through legislation and make redundant any acts that have sunsetted or are no longer relevant. I therefore commend the bill to the house.

Mr P. DAVIS (Eastern Victoria) — It is with delight that I join the debate on the Legislation Reform (Repeals No. 2) Bill. This bill repeals a number of spent acts, but in particular I want to make the point that it repeals five acts relating to national parks. In that context I would like to make a few very brief comments, bearing in mind the enthusiasm that members of the chamber have for debating a repeals bill.

I enjoy the time I spend in Victoria’s national parks, and increasingly I am seeing more and more of them. In recent times I have been walking and touring in the Alpine National Park. I have also walked in the Croajingalong National Park, the Mitchell River National Park and the Cape Conran Coastal Park, and what I found is disturbing. As I go around and visit communities in East Gippsland, and particularly when I inspect the good work that the staff of Parks Victoria undertake to maintain our national parks, I find that they are underresourced and unable to undertake the work required to maintain the parks in a satisfactory state.

Admittedly there is a large challenge. The national parks of Victoria comprise an area of almost 4 million hectares, and Parks Victoria has an annual turnover in excess of \$150 million. Notwithstanding the allocation of taxpayer funds for the maintenance of our parks, what I am consistently finding, particularly compared

with parks in New South Wales I have recently visited — the Blue Mountains National Park and the Snowy River National Park — is that Victoria's parks are in a very poor state. I find that the vehicle access tracks and the fire access tracks, generally known as management-vehicle-only tracks, are largely in a poor state. Many of the walking tracks are overgrown. Signage for visitors to Victoria's national parks is inadequate and in many cases dilapidated, obscured and cannot be read, in significant contrast to New South Wales parks. Parks Victoria does not seem to be able to accurately map its own parks, and the visitor information pamphlets provided to park visitors are limited and in many respects inaccurate. I have met international tourists who have been bushwalking in our great parks and have been unable to follow the maps provided by Parks Victoria.

I find there is a different state of mind in New South Wales. The parks officers and particularly the rangers and those staffing the information offices have an enthusiasm about creating access to parks. This may be induced in part by the fact that in New South Wales, to my surprise, there is a park access fee required from anybody going into a national park: \$190 for a year-round permit or, for example, \$16 a day for the Kosciuszko National Park. I think park user fees are obnoxious and that Victorians regard having unrestricted access to our national parks as a right. Certainly I regard it that way. But that is how New South Wales has in part funded some of its works in parks. There is a consumer focus, and because people have to pay fees they expect a certain standard. I guess that has led to a higher standard of performance by those responsible for New South Wales parks.

I want to make the point with respect to this bill that it is one thing to deal with the governance of our national parks by tweaking the legislative regime and repealing redundant national parks legislation, but it is another thing entirely for the government to administer our land appropriately to ensure that it is properly maintained, is accessible to the community and, importantly, is managed in a sustainable way long term that will ensure that the high ecological values which Victorians wish to observe are sustained into the future.

In conclusion I therefore urge the government to put more effort into park management, and I do not mean by building a bigger bureaucracy but by getting people out of the parks offices and on the ground. I particularly make the point that I visited the parks office at Mallacoota only about 10 days ago on three separate occasions on the one day and found it impossible to see anybody because the office was closed and the blinds were drawn, notwithstanding that there were vehicles

parked outside the office. I inquired as to whether the office is fully maintained, and according to the parks information line officer I spoke to, that office is open from 8.30 a.m. until 5.30 p.m. five days a week, so it is a mystery to me what had happened to the staff on the day I tried to visit.

If the problem is that the staff of Parks Victoria are burdened with too much paperwork, the government and the chief executive of Parks Victoria need to resolve that, because we need parks officers out there, maintaining walking tracks, vehicle tracks and signage and ensuring that there is adequate information for parks visitors rather than hibernating behind closed doors and just doing the necessary bureaucratic paperwork which they are obliged to complete.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

I thank honourable members for their contributions.

Motion agreed to.

Read third time.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

Debate resumed from 26 February; motion of Mr JENNINGS (Minister for Environment and Climate Change):

That the Council take note of the annual statement of government intentions for 2008.

Mr HALL (Eastern Victoria) — I started my contribution in response to the annual statement of government intentions on 26 February and tonight I will conclude it, some six weeks later. At that time I was about to wrap up my comments on the statement because it was agreed by all parties that we would try to terminate proceedings around 6.00 p.m. that day. I was somewhat surprised when the President ruled that I was interrupted according to sessional orders. I was not quite sure whether that was an appropriate ruling given that concluding debate on Tuesday at 6.00 p.m. does not fit within sessional orders. Nevertheless I accepted that and welcomed the fact that I was interrupted

because since that time a number of issues have arisen which I would seek to comment upon. For the sake of convenience for other members of this chamber I am going to limit myself to just one.

The issue I wish to make reference to arises from some of the comments made on page 2 of the statement of government intentions under the heading 'How democracy has been strengthened in Victoria'. When I read this page I cannot help but smile at some of the comments made by the Premier. Listed in dot point form are some of the changes that this government has made, but I think there would be great debate on whether some of the changes listed have made this place more democratic or not.

I particularly refer to 'reform of the Legislative Council, now elected on proportional representation'. I have had that argument before; I do not think it has improved democracy in Victoria. I would argue with the government over whether the changes listed in other dot points have decreased democracy in Victoria rather than improved it.

I want to mention the government's approach to the reform of some practices in this chamber in particular and how that has impacted upon democracy. I would say a reform of the practices has had a more profound impact on the democratic rights of the people of Victoria via their elected representatives to raise matters and get responses from the government in this chamber.

I refer in particular to the government's efforts in what it might describe as a reformation of the adjournment debate in this chamber. What we have had is an absolute trashing of the process of the adjournment debate in this chamber. I remind the government, members of the house and people who read *Hansard* that when the Bracks government, as it then was, took government in 1999 the first thing it did in terms of the practice of the adjournment debate was to not require every minister to attend. It appointed one, and one only, to come and listen to the contributions of members during the course of the adjournment debate.

In previous years while I was a member of this chamber the practice was that every one of the ministers of this house would come and listen to the adjournment debate and respond to those issues for which they were responsible. The first thing this government did was to say it would not require all ministers to attend but would have just one minister attending, who would respond on behalf of all others.

The second thing this government did when it got the numbers was to restrict members of this chamber to just

one adjournment matter per week of sitting, whereas the previous practice had been that a member was allowed to raise an adjournment matter on any single day on which the house was sitting. As members of Parliament we are elected to raise matters of concern, but that practice is a further restriction of democratic process and practice in this house.

We have seen a further change in attitude from the government this year. I have noted that now ministers at the table during the adjournment selectively decide whether to follow up on an issue or not. In that regard I say there has been a trashing of the process of this Parliament, and I am not the only one who holds that view. I refer members to an article in the *Age* of 13 March this year in which Paul Austin comments about the practice being adopted by the Labor government in the adjournment debate, under the article's heading 'Labor sings the democratic tune but ignores the chorus'. It also ignores the substance of democracy and I, for one, cannot understand how the government has the cheek to talk about improving democracy in Victoria while it continues to trash the practices of the Parliament, and for that the government stands condemned.

There are other things I could comment on, and I had a fair go last time I debated this particular topic, but I could not let the opportunity slip by again to say how disappointed I am in the way the government talks the rhetoric about democracy but does not practise it in any sense of the word.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the annual statement of government intentions, which I fully believe is a symbol of a very healthy, robust democracy. At its heart the statement is about the government loudly and clearly signalling to the community its focus and priorities; it is about the government making sure that it is meeting the needs, indeed the aspirations, of the community. As I understand it, the statement of government intentions is an Australian first, although I suspect you will find that other jurisdictions will follow.

As well as signalling the government's priorities, the statement invites responses and contributions from the community. The statement is comprehensive, but it is by no means conclusive. It is a work in progress and it is not set in stone. As one would expect from a process that is genuinely consultative, the priorities set out in the statement may change. New priorities and new measures may emerge.

It has been some time since we last debated the statement. I have in front of me David Davis's graph,

which he spoke exhaustively about and which deals with Victorian greenhouse emissions under the Bracks and Brumby Labor governments. Mr Davis and other members of the community are allowed to express their views via the consultative process that has been identified, and I encourage Mr Davis to articulate his views as part of that process. I urge Mr Davis to be cautious in the material he uses, because his greenhouse emissions document identifies the increase in greenhouse emissions between 1999 and 2005, and he then uses that increase to criticise the government's record. I would not accuse Mr Davis of deliberately misleading the house, but the graph is misleading. The graph articulates the increase in greenhouse gas emissions in the period 1999 to 2005 of some 3.1 per cent. The graph does not indicate the greenhouse emissions for the period 1992 to 1999. If Mr Davis had used the table that went back for that period, he would have found that greenhouse gas emissions had increased by some 8.1 per cent. There was a significant decrease in greenhouse gas emissions, or a decrease in the rate of increase, under the Bracks and Brumby governments, compared to the increase in greenhouse gas emissions in the period 1992 to 1999. Again I urge Mr Davis to participate in the process, but I suggest that he provide the other part of the graph as part of his presentation.

It should be noted that these significant savings have been made under the Bracks and Brumby Labor governments in the state energy industry and, importantly, some 70 per cent of the state's energy is in the energy industry. This is the area where the Bracks and Brumby governments have sought to make significant inroads in terms of saving on greenhouse gas emissions.

Under the Kennett government energy industry emissions went up by some 27 per cent, whereas since 1999 those emissions have gone up by some 3 per cent — and I welcome Mr Davis's entry into the house. Again, what was missing was the reason for that significant drop in greenhouse gas emissions from an increase of 27 per cent in the period 1992 to 1999 as opposed to the 3 per cent increase in the subsequent period, the reason for this dramatic decrease by the current government and the reason for that slowdown. How did we slow down those greenhouse gas emissions and have a booming economy with jobs growth? How did we manage to do all of that? The answer, of course, is the Victorian renewable energy target. Our 10 per cent renewable energy target, the first mandatory target by any state government which has resulted in those significant reductions, is a mandatory target that Mr Davis and the opposition opposed. It is encouraging that members make their contributions as

part of this debate and as part of the process — that is welcomed — but I would urge that there be a fuller explanation of the successes of the government in reducing greenhouse gas emissions.

The statement is an important innovation for democracy, it provides a formal process for access to government planning and builds on what is available through the consultation processes already in place under this government. It means there is now a formal process outlining the government's agenda and priorities. The statement is an opening into government thinking, but it also provides a feedback loop by asking the community whether the government has got it right and what else should be on the government's agenda. The statement is about identifying priorities for the community and aligning government business with those priorities. As you would expect, the issues identified as being priorities in this, the first annual statement of government intentions, are families, communities, jobs, water and climate change. Indeed these are the issues of our time.

Having identified these issues, the statement then details how government will meet the needs and aspirations of the community in each of those areas. Specifically the statement identifies the action the government will take to deliver for families, particularly in education and health and in addressing the needs of disadvantaged Victorians. In terms of local communities, the statement identifies improving local communities through upgraded public transport, better planning and greater community safety. The statement is also about creating jobs, growing the economy through good financial management, investing in skills and infrastructure, and addressing the critical challenges of water and climate change.

I congratulate the government on its annual statement of government intentions and on reaching into the heart of the issues that are out there in the electorate and are the challenges for us in the next 10 — indeed 20 — years. By going through this process the statement will strengthen our democracy and improve the community's connection to government, so I welcome the initiative. I congratulate the government on its inclusive and forward-looking approach, and I welcome the addition we will have to public policy debate in Victoria.

Ms LOVELL (Northern Victoria) — I rise to speak on the annual statement of government intentions. The introduction of this statement was announced with all the fanfare of American politics — indeed some saw its introduction as Premier John Brumby's version of the American State of the Union address. Somewhat

fittingly it was delivered on the day known in the United States of America as Super Tuesday. It was a government announcement that was heralded to be equally as exciting, if not more exciting, than the Obama-versus-Hillary primaries, but unfortunately it fell flat. It was heralded as an important document that would set out the government's vision and intentions for 2008, but instead it has highlighted the government's lack of vision and plans. The Deputy Premier confirmed in his statement that the government could not meet even the very light legislative program set out in this statement. The Deputy Premier has admitted that some of these bills will not be ready to be brought into the Parliament until 2009.

I would like to speak briefly on a couple of points of the government's plan that relate to my shadow portfolios of children and early childhood development and country Victoria. Page 5 of the statement refers to children and early childhood development. On his first day as Premier the Premier said that education and early childhood development were his no. 1 priorities, but so far the government's actions have not demonstrated this. It has adopted the Liberals' policy of moving kindergartens into the education portfolio — along with about 40 other Liberal policies — but as yet the government has not extended free kindergarten education to all four-year-olds. Government members have foreshadowed that they will introduce transition reports — in fact that legislation is now in the other house — which will be helpful for primary teachers in informing them about a child's development in the transition from kindergarten to primary school; however, any primary teacher will tell you that the best transition to school is kindergarten, and for every four-year-old to have a year of kindergarten would be far more helpful than providing a transition statement for those who do have it.

In the statement of government intentions the government foreshadowed that it intended to regulate outside-school-hours care and family day care, and that legislation is now in the other place, but the government has promised to do this for a number of years. It has taken a long time to get to this point. The statement also foreshadows that there will be consultation on the children's services regulations under the new act. That is a bit overdue, because the children's services regulations sunset on 31 May 2008. The government has known for the last eight and a half years — the entire time it has been in government — that the children's services regulations would sunset on 31 May 2008, but the minister and the Premier failed to do their homework and the necessary work to ensure that the new regulations were ready to go from 1 June 2008. Therefore we have seen the minister extend the current

regulations, and a rushed process is going on to try to do the consultation that is necessary. People in the industry tell me that they do not believe the minister can possibly meet the new deadline of 31 May 2009, so it will be interesting to watch that process as it develops.

Country Victoria is greatly affected by any water legislation that comes through this house. In the statement the Premier outlined that there will be changes to the Water Act through the Water Amendment (Entitlements) Bill. Some of the changes include clarifying the minister's power to temporarily qualify water rights and to restrict rights to take water from public waterways in times of shortage. On page 41 the statement says the new legislation will:

clarify the minister's powers to temporarily qualify rights to water and to restrict rights to take water from public waterways in times of shortage;

provide more flexibility in moving water between entitlements and facilitate the use of unallocated waters in times of shortage;

further reform ... the procedures for granting and amending bulk water entitlements and environmental entitlements; and

make other improvements to the provisions that come into operation on 1 July 2007 concerning water shares and the water register.

We all know the government needs to improve the legislation that came into being on 1 July 2007, because there have been a number of problems with the implementation of those provisions. They have caused great grief to many of the irrigators, and that is because the government failed to listen when that legislation came through the house. However, what causes me concern is the government saying it wants more flexibility in moving water between entitlements and facilitating the use of unallocated water in times of shortage. This is about bending the rules, because I believe it will allow the government to send more water down the north-south pipeline.

This could give the government the means to take more unused water, such as the 30 gigalitres of the Eildon water quality reserve, and pipe it to Melbourne. The government has already had its greedy little hands on 10 gigalitres of water in the Eildon water quality reserve and has put it aside to pipe to Melbourne in the next three years, so this legislation will give the government greater flexibility in taking more and more water from the Murray-Darling Basin — away from irrigation and production in this state — just so the people of Melbourne can flush their toilets or hose down their driveways and gutters.

The government should be doing a lot more in investing in projects such as recycling and building new dams et cetera to create water for Melbourne's use. I do not believe the government will stop at the 75 gigalitres that it is taking out of the Goulburn River. I believe it will want more and more water from northern Victoria, which puts communities in northern Victoria at great risk.

Unfortunately this plan, as I said, has no reference to new dams or major recycling projects that would help to alleviate the current water crisis and provide for future generations and future growth in Victoria in both population and industry. That is where the government should be going, looking to projects that will provide additional water, not just moving water from one area of the state to another.

Even more pertinent than what is included in this statement of government intentions is what is not included. There is no mention of a plan to tackle the housing affordability crisis, the private rental crisis or the growing public housing waiting list. Housing affordability and the rental crisis have been the subject of much debate over the last 12 months, yet this government has nothing in its statement of government intentions to address this for the entire year and moving into 2009. We see public housing waiting lists growing in this state because of this crisis. The waiting list for December saw 34 872 Victorian families on a waiting list for public housing. This was an increase of 231 families from the September list. The early housing waiting list — those who are most at risk of recurring homelessness, who have a disability or a special housing need — had grown from September by 135 families to reach a total of 7291 families. We are still waiting for the March figures to come out, which will no doubt show an even greater increase in the number of families who have been forced onto the public housing waiting list because of the growing housing affordability and private rental crisis in this state.

There is also no mention of a plan to address the growing public hospital waiting list or the crisis in dental health, to fix the failing ambulance network in rural Victoria or to address the response times in metropolitan Melbourne. There is no plan in education to reverse the reducing number of Victorian students applying to train as teachers. There is no plan to address the literacy and numeracy measures in this state or to resolve the rolling teacher strikes that we see happening at the moment. The government will not sit down and talk with the teachers of Victoria about better remuneration. We see a problem in this state where our teachers are the lowest paid teachers in Australia. There

are TV ads running in my area featuring one of my school principals, Phil Rogers, who is losing teachers across the border into New South Wales where they are paid around \$10 000 more than they are paid in Victoria. It makes it very difficult for Victorian schools to attract the best and brightest teachers in Australia when they are being paid the lowest salaries of any teachers in Australia.

There are no plans to address the increasing level of violence on our streets or the growing crisis in the public transport system in this state. There are no plans to address the failing rail network throughout country Victoria. We were promised rail standardisation by this government in 2002, and it still has not happened. Instead we have seen rail freight rolling stock being transferred interstate and converted to standard gauge, so it will never return to Victoria, where we still operate on broad gauge. This has left Victoria with a shortage of rolling stock. If we have a bumper grain crop in the near future, there is no way it will be possible for that to be efficiently moved, because we just do not have enough locomotives or carriages in this state to ensure that that grain crop could be moved efficiently. Under this government rail lines continue to decline. Many of our country lines have 40-kilometre-per-hour speed limits due to a lack of investment in the rail infrastructure. There are no plans in this statement of government intentions to address that.

We could go on and on about what is not included in the February 2008 annual statement of government intentions, because this document highlights that this government does not have a plan for the future of this state. As this glossy brochure demonstrates, this government is all about spin and appearances, but is very light on detail and foresight.

Ms BROAD (Northern Victoria) — I also wish to make a statement in relation to the motion to take note of the statement of government intentions. On 5 February the Premier presented to the Victorian Parliament the first ever statement, *Delivering for Victoria — February 2008 Annual Statement of Government Intentions*. That statement outlines the government's priorities for the year ahead and the Labor values that guide those priorities, as well as the legislation to be developed to implement Labor's policy agenda. The statement outlines more than 60 new bills and major initiatives to improve children's services, to streamline the planning system, to modernise the governance of universities, to tackle alcohol abuse and to strengthen controls on livestock and plant diseases, as well as many other initiatives. The information contained in the statement for each of these more than 60 new bills and initiatives includes the minister with

prime responsibility, the main elements of each bill, the proposed process for consultation and development for each bill, and the related documents and existing legislation for reference purposes for each and every bill.

The information contained in the statement will certainly give all Victorians many more opportunities to be better informed and to participate in discussions and debates about government policies. It is to be expected that this increased participation will lead to better outcomes for communities as well as a healthier democracy. Another feature of the statement is that it will make the government more accountable, because it sets out the intended legislative priorities for the year ahead.

Anyone who has been involved in developing even a single legislative proposal to cabinet level understands the enormous amount of work involved in achieving a government commitment to implement that single proposal. That work involves policy and research investigations by public servants, government advisers, government departments, ministers, cabinet committees — the whole of cabinet — as well as consultations with stakeholders external to government, including other levels of local and federal government, communities, non-government organisations, business, unions and many others.

That effort, multiplied more than 60 times, has never been attempted before by any Victorian government let alone delivered by any government. The fact that the statement has been dismissed by the opposition — and we have heard this again today in contributions — as simply a cynical stunt or spin says a lot more about the opposition and its lack of capacity for work to develop alternative policies than its criticisms say about the government. It is just too easy for the opposition — and for these purposes in referring to ‘the opposition’ I am referring to the newly formed coalition between the Liberal Party and The Nationals — to be cynical. It is much easier than doing the work to engage with the community, to develop an alternative legislative program or even to do the work to hold the government accountable for the detailed program it has set out for the year ahead.

For example, we heard earlier from Mr Hall in his criticisms of this statement a reference to changes to the adjournment, harking back to the first term of the government and what occurred in the Legislative Council when the opposition had a majority in the chamber in its own right. Supposedly these changes criticised by Mr Hall amounted to some undermining of democracy in the Parliament.

What he omitted to mention in his criticisms was the attempt by the opposition — and I will use the term that Mr Hall used in his contribution — to ‘trash’ the procedures of this house in seeking to turn the adjournment debate not into an adjournment debate at all in the terms of which it is conceived and well understood but to try to turn it into another question time, another period of questions without notice, rather than a legitimate adjournment debate.

That is what in fact occurred. The fact that that is being raised yet again rather than dealing with the more than 60 bills and initiatives outlined in the statement of government legislative intent is a further demonstration of the lack of willingness and capacity to do the work that is necessary to put forward an alternative program or even to hold the government accountable for the work it has done — work that has never been done before, never been delivered before in the Victorian Parliament or in any state Parliament around the country.

I want to put on record my congratulations to the Premier and to all the contributors within government — and there are many public servants, government advisers and government departments who have contributed to this — for their contributions to the 2008 statement of government intentions and for their ongoing efforts to provide new ways for Victorians to engage with their government and with the democratic process.

I certainly fully expect many Victorians in my electorate to relish the opportunities that have been presented by the Brumby Labor government’s statement of government intentions to have their say and to help deliver better outcomes for their communities.

Mr ATKINSON (Eastern Metropolitan) — In the first instance might I extend congratulations to the government for this initiative, because I think this is a worthwhile process and a worthwhile initiative by the Premier. It sets a framework for legislative activity within the Parliament and gives a broad outline of the government’s intentions in terms of legislation. I was somewhat surprised and pleased with the level of detail provided in the statement of intentions. Notwithstanding obviously that bills have not been drafted in a number of areas yet, the point is that the objectives of legislation that might be forthcoming to the Parliament were outlined.

I think this is particularly important because whilst we are obviously involved in the process and have an opportunity to scrutinise legislative proposals and

indeed bills that come before the Parliament, there are many people in the community who are stakeholders in various areas of government activity or are the people who are most affected by public policy positions of the government who do not necessarily have the same alerts on what is forthcoming in the legislative program and are perhaps left with fairly tight time frames in which to contribute their opinions on legislation that comes before the Parliament.

The PRESIDENT — Order! The house will now adjourn until the ringing of the bells. I suggest members follow the normal evacuation procedures.

Sitting suspended 6.03 p.m. until 6.16 p.m.

Mr ATKINSON (Eastern Metropolitan) — President, I am really fired up now!

The PRESIDENT — We are very pleased to hear that.

Mr ATKINSON — It is unusual to be gagged when you are actually complimenting the government. Nonetheless, the point I was making when I was so rudely interrupted was that this initiative by the government will allow a lot more people in the community to understand the legislation that is likely to come before the Parliament, the parameters of some of that legislation in terms of the government policy and, in some cases, some of the documentation and consultation processes that are informing and shaping that policy. To that extent I am quite pleased to see this process. I take it as a genuine process by the government and one that outlines some of its intentions.

I heard from the government speaker who contributed to this debate just before me, Candy Broad, that this program might not all be achieved this year. Obviously it is a statement of intention, but it is quite likely that some of the legislative matters that are outlined in it might well appear next year or indeed be overtaken by quite new proposals, particularly given a change in federal government and some changes in federal-state relationships that may well require a legislative framework to enable them.

Having expressed my congratulations I would have to say, however, that this government has decimated an entire forest of trees with a range of reports over the course of its tenure that have been a triumph in public relations terms but that have not always achieved a great deal in terms of the implementation of the policies and initiatives that were outlined in those documents. It is interesting but somewhat galling from our perspective in opposition, and no doubt from the perspective of many people in the community, to see a

number of initiatives come back time and time again dressed and then redressed in different finery and new reports and trotted out as some sort of initiative. The reality is that the government has been good at the spin doctoring and public relations programs but it has not been quite so good at the implementation of some of the policy initiatives it has brought to public notice and has suggested would be part of a program.

It is interesting to reflect on the Legislative Council's last few weeks in terms of its debates, sitting hours and the available hours that we, as members of Parliament, had diarised for debate of the government's legislative program. On most occasions we have had shorter hours than we diarised, indeed in every one of the sitting weeks to date because the government legislation program had not seen bills, introduced to this house, finalised by the Legislative Assembly. In that regard I wonder if such a significant agenda of bills, as outlined in the statement of intentions, is possible for the government to execute, quite apart from the vagaries of redefined federal-state relations or other matters that might impact on the legislative program in terms of consultations and so forth.

The reality is that this agenda is quite ambitious but the government's attraction in bringing matters before the Parliament has never measured up to anything like this agenda. I believe quite a chunk of these bills might not surface, certainly in 2008.

Notwithstanding that, I welcome some of the directions that have been taken in the statement of intentions. I am particularly attracted to the proposal to start looking at some of the health areas in terms of preventive actions rather than simply reactive policies and areas of treatment after people become unwell. The more that we can do to address some of the issues in our society in minimising harm and minimising health risks and changing people's behaviours is all to the good.

This is a classic example of an area of legislation where it would be possible for the legislation to reflect a wonderful intention of the government in preventive health measures, but it would amount to nothing unless the government was prepared to back with serious dollars the strategy that led to that legislation.

I note the recent physical fitness program that is obviously aimed at the diabetes epidemic. Very clearly it has gotten through to the government that if something is not done in a preventive sense in that area of health, we face an enormous health bill going forward for a range of treatments associated with the implications of that disease. There is no doubt that

preventive health is a good initiative, but it requires serious dollars.

I note the recent Eddington report will no doubt inform some legislation; indeed transport legislation is proposed in this statement of intentions. The Eddington report is in many ways a re-run of a range of initiatives that have been discussed over many years. Some of the initiatives proposed by Sir Rod Eddington could have been carried out by government fairly easily, but have been effectively made more difficult by the policies of this government or previous Labor governments. In my electorate, I refer particularly to the sale of the railway reservation land that might otherwise have made possible a heavy rail connection to Doncaster. Quite a number of those sorts of projects have been frustrated by government policies.

I also note that there will be legislation on early childhood development, which I welcome. Indeed, members would know that the Liberal Party's policy at the last election was to bring the preschool system into the education system. We recognise that preschool is more about childhood development than learning, but nonetheless there is a real advantage in linking the two systems. We note that there is a discussion paper on this out there at the moment.

One of my concerns about that is that the consultation process is extremely limited. I note that only four forums — only one of them in the metropolitan area, at Dingley — have been arranged by the two ministers to allow discussion on the papers that have been prepared on early childhood development changes. I have written to both ministers, asking them to consider, at the very least, holding a forum in the eastern suburbs — which is an act of advocacy for my area. I have also suggested that they consider holding them in the northern and western suburbs and perhaps some other country areas, because this is an important issue and a foundation of much of the education system.

I also see that there is a range of legislation involving issues such as prostitution, alcohol abuse and gambling, all of which are contributing to the many pressures on families in our society. In each case there are some serious social impacts in those legislative areas. As members would probably expect, I am disappointed that the government has still not chosen to have a look at the classification system for pornographic material, because that is also long overdue for reform. As I have informed the house previously in notices of motion, such reform is supported very strongly by the Victorian Council of Churches, which also believes that reform is well overdue.

I note in relation to prostitution control that the government is resigned to the fact that its enforcement of the current laws is not working. I notice that there is a discussion of exit programs for women — and you do not have to be a woman to be a prostitute, obviously — to get them out of prostitution. I welcome any steps to achieve that. Many illegal brothels seem to employ young Asian women, who need to understand their options in life. I am a great believer in trying to provide them with options and alternatives to a lifestyle that involves prostitution as a means of income, as distinct from simply trying to prosecute them.

There is a range of other things in this legislation program concerning gambling in particular. The current debacle that the government has created in the gaming industry with its announcement this week — an announcement that will not only create enormous uncertainty for business investment but also imperil the position of many community organisations and sporting clubs, rather than empower them, as the minister has suggested — will also go a long way towards increasing pressures in the community regarding problem gambling. This decision goes in an extraordinary direction given the government's stated intention of addressing problem gambling.

Given that the government has put out a statement of government intentions, given that it has been very good at public relations campaigns and issuing so many reports — given that the government has done so many wonderful things! — I have some sympathy for the Premier, his Treasurer and some of the other ministers who must get up every day and be absolutely devastated to see that police services, education services and teachers, the health system and public transport, not to mention water and gambling, are in disarray. There is a long way to go beyond documents and statements of intentions in terms of getting the public policy settings right and the legislation in place.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr LEANE (Eastern Metropolitan) — It is a pleasure to speak on the 2008 annual statement of government intentions. I would like to start by congratulating the Premier on a fantastic speech in Parliament a few months ago in conjunction with this initiative. This document sets out our government's broad agenda for the year ahead. This is a further measure introduced by the Brumby Labor government to increase transparency and openness concerning government intentions with legislation and a lot of what this government stands for. I know it has been a long time since the start of this debate.

In his contribution David Davis said it was arrogant for the Premier to openly flag to the Victorian people the government's legislative intent for the year ahead. For Mr Davis to call that arrogant shows just how confused he is. Being open and transparent is not arrogant; it is far from being arrogant. The statement of government intentions is a great reflection of what this government stands for: delivering improved services to families, particularly in education, health and the needs of the disadvantaged; improving the public transport system; improving community safety; creating jobs through good financial management; investing in skills and economic infrastructure; and addressing the critical challenges of water and climate change. Addressing all these issues is what this Labor government stands for.

I suppose it must be frustrating for a divided opposition to have to try to knock the government's comprehensive legislative agenda when some opposition members admit they do not understand what they stand for themselves. I know Philip Davis, through his chagrin in his report to the party, tried to alert his colleagues to this. He tried to alert them to the fact that they have a problem with what they stand for, but unfortunately the party has been happier to stay divided and live in denial. I am sure a number of opposition members will feel that they need to at least have a go at the government's legislative agenda this year, especially members of the opposition who have recently picked up new titles — titles that range from shadow parliamentary secretary to shadow spokesperson and things like that. For what it is worth, I congratulate them on their new titles. I am sure they will feel a need to try to attack this agenda.

It seems a strange sort of thing that in the last few months the opposition should have gone through the process of giving a lot of people new titles. That seems to be part of the agenda of the Ted Baillieu-David Davis leadership in trying to appease the restive natives — give everyone a title and they will feel good and hopefully stop thinking about rolling their leadership. It is a bit like a school novelty day when you have events like the egg-and-spoon race, the sack race and the three-legged race, which sometimes these days is called 'every kid wins a trophy' day. I think the Liberals recently had their 'everybody gets a new title on their business card' day. You would have to think that David Davis must run a mean sack race, because everyone knows that he did not get his new title through winning the popularity competition. I think we all know that. Once again, he must run a mean sack race.

The Premier, during his contribution to debate in the lower house, spoke of the need to develop a climate

change economy. The Garnaut report, recently presented to the state premiers, emphasises the pressing need for this action, and there will be action from this government on top of what it has already done. I know that the Minister for Environment and Climate Change, who is just leaving the chamber, is very keen to introduce a climate change bill this year.

Mr Jennings — I am about to go and draft it now!

Mr LEANE — It will have further measures to fight climate change. This is something that David Davis, with his new-found environmental concerns, did not mention in his contribution.

The climate change bill, proposed for introduction this year, will help position Victoria within the broader national response to climate change. It is great that there is going to be a national response to climate change. It is great that there is a new federal government that is serious, that can actually say the words 'climate change' and is prepared to take action on it.

As an aside, it is great that there is a new federal government — full stop! The new federal government has set a national target of reducing carbon emissions by 60 per cent by 2050. We need those targets. If you do not have targets, you are not pushing yourself to find ways to reach them.

The first thing the new federal government did as soon as humanly possible was to ratify Kyoto. This was a great sign that this country is moving ahead and finding ways — along with this state which has led the charge in this area — to tackle this most important issue.

The contribution by David Davis very much centred around climate change. It is interesting that before the federal election last year I did not hear him ranting and raving that the Liberal government should have signed Kyoto. I did not hear him rant and rave that the federal Liberal government failed to act on climate change or even acknowledge climate change, which is a problem in itself. Why was he not calling for action then?

Mr D. Davis — I was.

Mr LEANE — I did a search on the state Liberal Party website to see how many times the Victorian Liberal Party featured words like 'global warming' and 'climate change'. If you do a search using the words 'global warming', you get zero results. In its defence I have to say that if you do a search on the words 'climate change' there are over 20 titles, which I thought was very interesting. I had a look at every title because I thought maybe there might be some policies

or some answers spearheaded by David Davis. The only reason there are 20 titles is because they are under the name of the shadow Minister for Environment and Climate Change, who talks about rubbish. It is funny that all of a sudden there is this new-found environmental vigour on the part of David Davis, but you have to ask where he was previously in the debate.

Mr D. Davis — Very active. Have a look at my budget contribution in 1996.

Mr LEANE — Maybe back then he was doing the numbers to gain the leadership, which he has now. It is probably lucky for him that he only had to count to three.

I want to speak further about some of the positive things the government has been doing and has flagged its intention to do with legislation. One of those is road safety legislation. I commend the Premier on his initiative in mandating the installation of electronic stability control (ESC) in new cars by 31 December 2010, and on top of that mandating the installation of side airbag protection in new cars by 31 December 2011. I further commend the Premier for his leadership shown to other states on this issue, and I encourage them to come on board nationwide, an invitation which, I understand, has been accepted.

Last year I attended a road safety forum where the state coroner gave a presentation. He stated that if we were still talking about introducing the mandating of electronic stability control in new cars in five years time, we would have failed everyone on our roads. It is great to see that this government is fair dinkum, and we have not failed anyone on roads. I found the coroner's statement a very powerful one, and I am delighted to see that it has been acted on.

I will keep my contribution short and conclude by saying that since the release of the government's annual statement of intentions, a lot of things have been enacted in the last few months, and that is fantastic. I applaud the Premier and the Brumby Labor government on its initiative in flagging to the Victorian people exactly what it intends to do and in giving them a chance to have some input.

Mrs COOTE (Southern Metropolitan) — If I were a cynic I would suggest that this annual statement of government intentions is nothing but a filibuster. It is designed to sit on the notice paper and to be hauled out when there is no legislative program at all. It is like a wolf in sheep's clothing. We are looking at what the legislation is going to be, but it is a mask for legislation that is not going to happen at all. What are we doing

here tonight? We are discussing this issue because there is no legislative program. The legislative program is so weak that there is nothing for us to debate, so instead of sending everybody home we are staying here until the adjournment later tonight and going through this absolute sham.

If you read this annual statement of government intentions even cursorily, you can see that it touches all the right buttons. It talks about the suffragettes, it talks about open and accountable government, it talks about infrastructure, it talks about renewable energy, it talks about police, and on it goes. The Premier says in this statement:

... this agenda will see us:

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

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

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

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

All too late. This government has been in office for almost nine years, and what is it doing? It has to come out with this rhetoric and spin to try and convince people that it has a huge legislative program when in fact it is very light on. There is a whole lot — in fact I think it is up to 42 — of pieces of legislation that embody policies the Liberal Party took to the last election. They are now being rolled out under this government. Kindergartens are a classic example. As the shadow Minister for Children I took this policy to the 2006 election, and I remind the house that it was very much welcomed by the education unions, and the government was damned, and quite rightly so. Now we see the government rolling out this policy as if it were its own, as if it were something fresh and new. Here is the government telling Victorians about integrating kindergartens into the education program. The debate we put forward at the time was well received by the community and the unions. That is just one of the 42 Liberal policies this government is pretending belong to it. It does not even have the initiative to come up with something fresh.

The Premier says this is about re-engaging the people of Victoria, but is it? Who is left out? I would like to suggest a significant number of Victorians are left out of this statement. Where does it deal with disadvantaged Victorians? What about the people who have a disability? What about aged care? This

disenfranchises people through planning, through lack of police support to deal with violence and through its failure to address issues that are facing Victorians every day. Let me start with the disability sector, which has been completely ignored in this statement. Once again the government is turning its back on the disability sector and is not taking its issues into account. It did not even bother to address them. The Premier did not even make it a priority in this statement to talk about the hundreds of thousands of Victorians who are disadvantaged. Where is the legislation that is going to help and support them?

The Auditor-General's report entitled *Accommodation for People with a Disability* dated March 2008 states on page 7:

In 2003 Victoria had an estimated 992 300 people with a disability. Of these people, 323 300 are considered to have a severe or profound limitation that inhibits their ability to care for themselves, communicate clearly or undertake normal cognitive or motor development tasks. These 323 300 people represent approximately 6.5 per cent of all Victorians under 64 years of age.

You would have thought the fact that 6.5 per cent of people are under 64 would be something the government should have taken into consideration, but this statement by the Premier has completely and utterly ignored their needs, their concerns and their futures. We know there are so many elderly parents in this community who are struggling to look after their children. I recently saw a poignant poster of an elderly mother with a disabled daughter. The poster said, 'When she was born we were so busy looking after her day-to-day needs that we did not think about the future. The future is here now, and with my own death impending I think of nothing else but her future'.

Where does this statement deal with the future of people who are ageing and their ageing disabled children? There should be legislation put into place to deal with this. It was not even mentioned; not even one word. I note the Treasurer is here in the chamber this evening, and we know that he is in the process of getting the budget ready — unlike I might say the federal Treasurer, Wayne Swan, who is swanning around the United States hoping for inspiration. At least the Treasurer in this state is here in the chamber listening to the debate, and I hope in listening to this debate he takes on board the issues of the disabled. I hope we are going to see an enormous injection of funds into the disability sector that will compensate for the lack of direction in what the Premier has said in the statement.

Another issue the Treasurer should be looking at — and it is a great pity and an opportunity not taken that the Premier did not speak about the issue — is the commonwealth state/territory disability agreement (CSTDA). Can I remind the chamber that the CSTDA was mooted by the former federal Minister for Families, Community Services and Indigenous Affairs, Mal Brough. He offered Victoria a very generous dollar-for-dollar funding basis for supported accommodation, but this state was so arrogant that it decided it would not take up this offer, so it lapsed and disabled Victorians were disadvantaged. What has happened as a consequence is that this government has not even addressed this. It has not put it on its priority list and it has not even thought about it. I quote from an email from Margaret Ryan to Mr Lenders, the Treasurer, who is also a member for Southern Metropolitan Region. I was sent a copy of the email. She says:

Dear Mr Lenders,

I am writing to you as both my upper house member and as the Treasurer of Victoria. I am copying this to my other upper house members so that they may also take up my concerns.

She goes on to talk about the COAG (Council of Australian Governments) agreement and the reform of specific purpose payments, of which, she ably points out, the CSTDA is one, and she wants to know what progress is being made, because the current arrangement is an extension to 30 June 2008 of the five-year agreement, which ended on 30 June 2007. It would seem that nothing has been said. We have not even seen it mentioned in this statement of intentions. I once again hope the Treasurer and member for Southern Metropolitan Region does something significant in the budget to address this issue.

Who else was left out of this statement? The aged. Are they not important enough? Do they not have a voice? Are they not to be considered? Why were they not considered? Why were they not even mentioned in this statement? They were not even talked about in this statement of government intentions. I would like to suggest that everybody here has someone in their family or their wider circle and certainly in their community who is ageing and facing the problems and the concerns of an ageing population. Once again there are various issues that the aged-care sector is wanting addressed, and it is a great pity that these were left out of this statement of government intentions.

The Premier could have taken an opportunity to talk about some of the issues Aged and Community Care Victoria wants to see in the budget — for example, it requests the Victorian to government commit additional

funding in key areas to support aged care and community care for all Victorians in the 2008–09 budget and beyond. It wants \$222 million towards aged care for now and our global future; \$7.7 million for building care safety, quality and capacity in small and isolated Victorian communities; \$3.8 million for ensuring that older Victorians can travel around their communities; \$2.5 million for a Victorian aged-care strategic plan; money for information technology; money for expanding the aged-care land bank program; and money for improving transition care from hospital to a person's home.

When we look at the legislation for this year, as discussed by the Premier, where are any of those issues? They are not addressed; they are not even touched upon. That is a huge indictment of the government and an enormous insult to people in the aged-care sector in our community, and it will have reverberations for this government. However, unlike most of the people on this side of the chamber, I have great faith in this Treasurer and I expect that he will come through with significant funding for aged care and significant funding for the disability sector. I will be watching with interest.

Who else has been left out? Who else has not been catered for in this rhetoric and spin? Most people are finding that they have been disenfranchised by the government. To see that we have to look only at what is becoming a daily occurrence of people demonstrating on the front steps of this building — ordinary Victorians who are being disenfranchised by the government. We can look at the people who have felt disenfranchised arising from the process involving the Blue Wedges coalition, the desalination plant and the north–south pipeline.

More relevant to me in my electorate are the people who have been left out through planning arrangements and who have had to deal with street violence because of some of the patrons of all-day, all-night nightclubs — these draconian planning laws which allow hundreds of these institutions to be available throughout Victoria without any consideration at all of the ramifications for ordinary residents living nearby. We have had people vomiting in the streets; there has been property damage; people have been intimidated; and shopkeepers have not been able to open their shops in the morning because windows have been broken. Why do we have all of these issues? The government is full of rhetoric. It talks about alcohol-fuelled violence and additional police. We all know that the police numbers have been well and truly fudged; they are nothing but a means of shifting people from place to

place and not about addressing the numbers of additional police at all.

In addressing the issue of alcohol-fuelled violence, the government is looking at the issue of health. I agree that there is an issue of health in dealing with alcohol problems, but the government could do something absolutely right now. It could tell the planning minister, wherever he may be, to call a moratorium on additional liquor licences for these inappropriate all-day, all-night nightclubs in suburban Melbourne. It is just not good enough. I say to the government: stop giving out the licences, stop allowing these people to be trading all night in an appropriate way, and then we can start to address the issues at hand, such as the binge drinking by young people, the violence that is fuelled by the alcohol and the drug-related issues. The government should fix the problems before it willy-nilly issues more licences.

It is not just the people in the Southern Metropolitan Region who are concerned about a lack of voice in planning issues. The Macedon Ranges Residents Association recently wrote a letter to the editor and said:

Make no mistake — these residential zones are designed to facilitate development by excluding community objections.

That is in relation to a brand new ploy from the government called new residential zones — in other words, taking away what little rights individuals have. No longer will individuals be able to complain about an inappropriate building; they will not find out about it until it is too late. Already the Victorian Civil and Administrative Tribunal is a voice piece for this government and does exactly what the government tells it to do. These new residential zones are trying to patch up a very inadequate program of Melbourne 2030. Melbourne 2030 does not work. The government is ensuring that the people are disenfranchised right across the state, and in a feeble attempt to try to do something about this it is bringing in what it calls new residential zones. The new residential zones will take away even further rights from ordinary Victorians. But ordinary Victorians are starting to develop their own voices. We are starting to hear them on a regular basis in the newspapers and on the steps of Parliament, and we will be seeing far more of them. People are getting tired of being treated with disrespect.

There is an interesting comment in the *Herald Sun*. It includes a most interesting photograph of Justin Madden above an article about the new residential zones and states:

It is a desperate, last-ditch attempt to shore up its very flawed and much-criticised Melbourne 2030 planning blueprint, aimed at cramming in high-rise and high-density development into our suburbs.

Then it talks about the Yarra City Council — a council not renown for its Liberal sympathies, I might add — and states:

A report last night to Yarra council's planning committee on the draft said that the zones would deliver more cash for developers, while failing to provide better support for more housing diversity and choice.

This is what Victoria has become. The Premier says in his statement of rhetoric and spin that Melbourne is the second most livable city in the world after Vancouver. Under the watch of this government we are fast losing that title. I remind the house that we were ahead of Vancouver, and we are now on even pegging with Vancouver. I suggest that with the traffic snarls, with the violence and with the bad planning, we will be well and truly behind Vancouver next time this survey is done. Melbourne is not the most livable city. Victoria is a difficult, unsafe state to get around in. It is a great deal of disappointment that this annual statement of government intentions is just spin and rhetoric, something that the government is getting to be known for. The statement says far more about what the government has left out and intends to leave out than what it intends to achieve. Shame on the government!

Mr THORNLEY (Southern Metropolitan) — I rise to speak on the annual statement of government intentions. There is a concept in psychology called projection, where people project their feelings about one topic onto another topic, and I think we have just had a profoundly obvious example of that in the speech given by my colleague in Southern Metropolitan Region, Mrs Coote. Clearly she is frustrated with her own side of politics, and that is an understandable frustration at the moment for a whole number of reasons, not the least being the geography of this chamber and where she is sitting. However, that understandable frustration with her own side of politics and its complete confusion about what it stands for and what it is up to was projected into some sort of confected outrage at the government over the annual statement of government intentions, which is a fairly commonplace document that simply seeks to set out which matters of legislative reform the government will bring forward so that people can be fully aware of them.

She started her confected outrage with the notion that the statement of government intentions was a statement about everything the government was going to do and therefore that, if something was not mentioned in the

statement, we did not care about it. Of course that is nonsense. You pull three different levers in this game, and I realise that Mrs Coote has been out of government for a while, so she may have forgotten about them: you change the law, you allocate the money and then you run things. This statement is about where the government intends to change the law. The Treasurer will shortly deliver the budget — which is where we intend to put the money — and on a day-to-day basis, through the executive and the public service, we try to work out the best way that things should be run. You do not make a statement about legislative changes on every matter if it does not need legislative change. You either address matters in terms of their budgetary requirements — —

Mrs Coote — Disability does not need additional support?

Mr THORNLEY — Yes, and that is what a budget is for. It is not just about money; it is about the way you run things, and that does not come through either of those statements. It comes through hard, day-to-day work to try and make things run well. That is where this statement fits in, and the confected outrage about what is not in it is more a psychological projection of other frustrations than it is a realistic criticism of this document.

Let us talk about why we have this document and why it performs a useful function in what the government is doing. Part of the reason the government can put out a document like this that looks out a year is because we have a strategy. We have a view out some distance of what we are trying to achieve. The reason we have a strategy is because we have an enduring set of values which we have been pursuing for a very long time, in and out of government. We believe in the same things that we have always believed in and do not change on. We have understood the threat of climate change. Just before the last election the former Leader of the Opposition was not sure if it was caused by humans, but eventually he got over that hump when the polls told him he needed to.

Labor has always believed in education. We have not shut down a million schools at one time and then come in as the champion of the teachers union for 15 minutes later on. We have always believed in health care. We have not shut down hospitals; we are building them and growing them and servicing 30 per cent more patients than when we got here.

Mrs Coote — What about Albert Park Secondary College? What is happening about that?

Mr THORNLEY — I am glad Mrs Coote has raised the question of Albert Park Secondary College. We are working with that community to make sure that we deliver an outstanding quality school in that region.

Mrs Coote — And nothing has happened.

Mr THORNLEY — No, it is moving along.

Mrs Coote — Fiddlesticks! It is exactly the same as it was — —

Mr THORNLEY — It is moving along, but it is not part of the statement of government intentions, so with the member's forbearance I will return to that topic.

Part of the strategy that we have had for some time to give effect to the values of what we believe in — about investing in people and about designing markets so that they work effectively — has been the national reform agenda. Again, this has not been a 15-minute, short-term, populist grievance-politics stunt, such as those opposite have tried to pull, moving in different directions every 15 minutes. Ours has been a sustained effort to bring about change in the way government works with particular focuses on the things that matter most. This statement of government intentions includes some legislative changes in a number of key areas on which the national reform agenda has been focused for a number of years. We are pursuing these changes through legislation, through COAG (the Council of Australian Governments) and through the day-to-day operations of our government and the budget, and we have been pursuing them consistently. When we say we believe in investing in people, we then get about doing it and doing it consistently for a long period.

At page 5 this document talks about the legislative changes that we will be making in the area of early childhood development. Again, an example was given in the previous speech where the member claimed that the government had somehow stolen the opposition's policy in this area.

Mrs Coote — You did.

Mr THORNLEY — That was not a policy; that was a headline. That was all it was. Free child care for every four-year-old is a worthy aspiration, but where was the policy? There was no policy or comprehensive understanding of what is needed in early childhood education. There was not a clear understanding of how to build integrated children's centres so that parents have all the services they need to support them in the one place. There was not anything that corresponded to an understanding of the complete range of needs of parents and their young children, only a headline.

The government has had a policy and a strategy, and we have been setting about implementing it, not just in Victoria but nationally. Indeed the policy of the new federal government mirrors much of the work that has been done through the national reform agenda here in Victoria.

Similarly, in the area of preventive health care — I refer to page 8 of the statement — we will be making a number of legislative changes to give further effect to the critical priorities we have in preventive health care. Like early childhood, preventive health care is another example of our commitment to investing in people: if you spend and invest the money early in keeping people healthy and developing children to their full potential, that not only has huge benefits in people's lives but also has an economic return for the entire community. That is something we have believed in for as long as this party has existed. We have not always used that language, but we use it now, and for three years now we have been in the national reform agenda and we have been giving it life.

Another thing that we have believed in and have been implementing and which will require quite a good degree of legislative reform has been competition and regulatory reform. Once again this government has led a reduction in red tape. For the first time in the history of the state the government has led a program to harmonise legislation right around all the states so that businesses can operate in a seamless and low-cost way through a range of jurisdictions. As is flagged in the statement of government intentions — on page 50 — we will be implementing legislation in nine areas to enable us to harmonise with our colleagues in other states so that those operations can work more smoothly for businesses.

If I can confess one thing here it is this: we have an enduring set of values, a clear strategy, which we have been pursuing for a long time, but even this document may, in time, be a little out of date, because it lists nine areas in which we are going to harmonise across the states. Coming from the more recent COAG meeting, we agreed on another 18. There are now 27 areas in which Labor will be pursuing regulatory harmonisation across the states — the most significant level of regulatory reform and harmonisation that has yet occurred in the history of this country, and that program has been led by Victoria consistently over a sustained period through the national reform agenda.

Finally, on page 42 we talk about the legislative support that we will be giving to the program that we have to address the critical issue of climate change. This reflects an understanding that we have about the way

you make these things, which is summarised in two words: market design. The way you design an electricity, a carbon, a gas and a water market and the interactions between those markets will determine the quality of the outcome. In the same way as the AFL (Australian Football League) commission changes the rules of the game — it changes the way the game is played — it is the role of government to ensure that the rules in those markets bring about efficient, competitive, full-cost economic outcomes.

Nothing could be more important than climate change, and nothing could be more important than pricing externalities into the market. We have had this huge externalised cost that hitherto has not been dealt with, which is the cost of carbon emissions and the impact that is having on the entire globe, and we are now setting about a process to ensure that those costs are correctly recognised and priced and are able to be traded in a marketplace. For that to be effective we also have to ensure that the corresponding market designs in the adjacent markets — in gas, electricity and water — are also designed correctly so that we can see an efficient movement of capital into the lowest cost, most efficient mechanisms to reduce greenhouse gas emissions. That is the sort of hard work that this government does. It does it through legislation, as symbolised in this document, through where the money is allocated, as the Treasurer will outline in a couple of months, and through the day-to-day work we have operationally and through the public services.

Mrs Coote — It is all about money and not about people.

Mr THORNLEY — That is why this statement is a good signpost of where the government is going legislatively. The budget will be a good signpost of where we are going fiscally. What we do day to day is a good signpost of how we can actually bring about those things.

I will take up Mrs Coote's interjection. She suggests that it is not about people. The statement is all about people. That is what our side of politics has always been about. We have always understood that if you invest and believe in your people, you can improve their lives, and that has a payoff for the entire community and the economy. It is a win-win. The other side of politics has spent 50 years believing it is win-lose and that somehow by attacking people it is going to improve prosperity. Those are not our values; they have never been our values. That is not our strategy; it will never be our strategy. We will continue doing the things we believe in. We will continue pursuing a long-term strategy and doing it consistently.

We will do it through legislation, through the budget and through the way we work hard day to day for the people of Victoria. I commend the statement to the house.

Mr P. DAVIS (Eastern Victoria) — I am pleased to make some comments on the annual statement of government intentions. In so doing I particularly note the comments made by the previous contributor to this debate. Mr Thornley made some points to which I will return momentarily. Firstly, I will make some general remarks. The Premier on behalf of the government introduced this statement in the lower house with an address to a sort of joint sitting of the Parliament. I am not quite sure that it was formally a joint sitting; I have not quite worked out what it actually was. It looked like a bit of theatre to me. Being a bit of a cynic about parliamentary practice sometimes, I wondered if the government was not just trying to create a large audience for a press conference, which might have suited the Premier's purpose. In any event the Premier made a speech. I have studied the speech, and I have studied the document that came with it, and therefore I feel confident that I can make some general comments.

I note that the Premier in introducing this statement a week or so after President George W. Bush's State of the Union address to Congress presented the idea of a Victorian Premier delivering a State of the State address, with a presidential ring, but that was as far as it went. In my view the government's statement of intention delivered by the Premier in that joint sitting was pretentious, it was hollow, and it left members and visitors in the gallery walking away wondering what the point of it had been.

I did not find any sweeping vision. There was no great plan. There was no sign of change. There was nothing to be excited about, and nothing for Victorians to be excited about for the future. Instead there was division. The focal point of the division was evident in that the Premier's address made only one reference — and this is the text of my address tonight — to regional Victoria, and I will come to the particulars of that momentarily. It came when he referred to the importance of renewable energy for job growth. The Premier said the majority of jobs in the renewable energy sector were in regional Victoria. The statement focused on government accountability and accessibility when recently it has been alleged that the Premier had refused to allow the Auditor-General to release sensitive documents about Victoria's electronic ticketing system for public transport. So much for open and accountable government!

In the image of his federal leader's summit on the economy, the Premier offered a community summit on climate change in Victoria. The statement lacked decisiveness and direction, but in particular it reinforced that the Brumby government has lost touch with the needs of country Victorians. I think it is well remembered by country Victorians that after Mr Brumby became Premier last year he said that one of this seven priorities would be 'delivering services to our farmers'. He promised to deliver by early this year, and I quote:

a major agriculture statement, focusing on actions needed to make our farmers more economically competitive and environmentally sustainable ...

It is pretty clear to country Victorians at least that the government has ignored their interests in this statement and has heavily concentrated on the city, on planning and infrastructure needs particularly in Melbourne. There is very little for country Victorians enduring the worst environmental conditions for a century — drought and, in East Gippsland in particular, a series of torrid environmental events beyond drought, including bushfires, mudslides and floods.

The contrast between what the government says on the one hand and what it does on the other is interesting. The resistance to openness and accountability is strongly evident. The Premier's promise on that count — to put legislation online in advance so people can see what the government is about and discuss it and provide their feedback — is unconvincing, in my view. The Premier has made a great deal of play about information being put online, as if that is the way governments show themselves to be open and accountable — an expression we have heard many times over the past eight months. The Premier is perpetuating the myth that putting information online on the government's own terms answers the commitment to openness. This, from a government whose agenda is framed around slogans, not substance, stretches credibility.

The government remains a censor of what information is put online and therefore in what form. Additionally the multitude of government websites that refer visitors to an endless string of links and ineffective search engines will have them heading to the bathroom for a headache pill before they can find what they are after. It is highly improbable that users will sacrifice their social networks and information feeds for a nebulous list of Victorian government intentions.

I have mentioned the aspect that has concerned me most and which did not rate a mention — that was, country Victoria. There was no recognition of the

impact of national disasters on rural communities and no mention of plans for country infrastructure and economic and community development. I believe this is a significant oversight.

But having said that, let me come to the point that was strongly argued in Mr Thornley's preamble in response to Mrs Coote, when he said that this is simply a statement of legislative intent; it is not supposed to be a statement any broader than that. If that is the case, it fascinates me that the most significant announcement in this document for the rural or agricultural sector is a reannouncement of a government policy commitment which is now two years old in relation to the Biosciences Research Centre in Bundoora. This is, as the statement says, a \$230 million, world-class agricultural facility. That may or may not prove to be the case, but in this document it is only a reannouncement of a budget announcement of two years ago.

I do not think Mr Thornley can closely argue, therefore, that this document is limited to a statement of legislation. It is more than that, but this highlights the problem for country Victorians. There is more to country Victoria than changing the way that beef cattle farmers, undertaking private transactions that are governed by the Livestock Disease Control Act in relation to the payment of stamp duty on those livestock sales, should be required to administer what is a fairly simple revenue measure for government.

That is one of the three specifically mentioned proposals in this document for the agricultural sector. The other, I was stunned to see, was to establish a planning review process in relation to plant disease legislation — not to propose the introduction of any legislation but to establish a planning process for a review of that legislation.

In the livestock disease control legislation area it is proposed not to introduce legislation this year, 2008, which is what this statement of legislative intent is supposed to be about, but from the statement's own type it is clear that the proposals, after the government conducts discussions with the industry, will be proposed for consideration in 2009.

It seems to me that this statement is to a degree simply an effort by the government to produce the appearance of accountability, openness and transparency, but it simply does not achieve it.

What I would like to see from the government is a great deal more openness and accountability. I have had some experience with the freedom of information

process, and I would have to say that at every turn the government has sought to frustrate every request that I have proposed for information which should reasonably be available to members of Parliament. We have seen in this chamber over the last year or so the request for information from a parliamentary committee — from a Legislative Council committee — for documents relating to their inquiry but which has been refused by the government. It seems to me that if the government is to argue a case that this is an important initiative — that is, that an annual statement of government intentions is an important initiative for Parliament and for the people of Victoria — it has to match the rhetoric with its action. To date that has not been forthcoming.

I am unimpressed by this statement. I think it is a very small measure or a very small step. I think my colleague Bruce Atkinson was being overly generous in his remarks earlier today.

An honourable member interjected.

Mr P. DAVIS — I thought he was overly generous in his reflections on the performance of the government in producing this document. My view is that this is conceptually a good idea. I have no difficulty with the proposal that it is a good idea conceptually, but I think that what it turned into was a disappointment in the delivery. It could have been much more.

It was, I think, viewed generally as a pale imitation of a 'state of the state address', a pale imitation of the annual address to the US congress by the President of the USA. For those of us who are avid *West Wing* watchers, I daresay we will be looking forward to repeat performances but hope that the Premier gets a better speechwriter next time.

Therefore, President, without further comment I would urge the government to use the opportunity that is available to it to inform the Parliament to take serious action on providing the information rather than just creating theatre.

Mr EIDEH (Western Metropolitan) — I will be brief as my colleagues have gone through most of the Premier's statement of government intentions. Each of us in this house was elected to serve the people of Victoria. Each of us is here to represent their views, to act on their behalf, to protect their rights and to make Victoria a better place to be.

Each of us, regardless of political parties, is elected to ensure a large range of services for the people of our state, to build roads and to construct new schools, to establish new industries and to create jobs, to improve the health system and to ensure law and order, to fight

discrimination and to ensure equal opportunity and justice for all without fear or favour.

This government — the government led by the Honourable John Brumby — is dedicated to doing just that, and Victorians are happy, as the latest opinion poll most definitely shows.

By sharp contrast the people of Victoria in both elections and in the latest opinion poll show that they have very little faith in the opposition representing their interests in this Parliament. The latest opinion poll comes but a few weeks after the Premier, a man of true leadership and one who deeply cares about the people of Victoria, did something unprecedented, something very different and something fabulous. For the very first time in the history of Victoria, indeed of any state in Australia, the government through its popular Premier has declared its intentions for government over the next 12 months. This is open government, this is consultative government, this is honest government, and this is leadership.

Under the Victorian Labor government of the Honourable John Brumby, Victorians now have a real vision of what the future holds and an absolute right to comment on the future. Victorians will now be told every year exactly what the government intends to achieve on their behalf, what it will strive to do for them and how all of this will be achieved — open government for the people who have a right to know what we stand for and what we seek to produce for them; sincere government that does not act secretly or against the best interests of the people; dedicated government working harder to make the state of Victoria an even better place to be; a government that will act responsibly in terms of the budget and act to ensure that that is significantly reduced, and prosperity is within reach of everyone; fiscal responsibility; professionalism and ethical leadership.

That is why the Premier made his historic speech and why it is so important to the people of Victoria. I hope that other states and territories yet again follow our lead, as they have done so often in the past. Democracy is best served when it involves the people fairly, openly and justly. Democracy grows and strengthens when a government acts responsibly and with the people in mind.

I am sincerely proud to be a member of this great government led by the Honourable John Brumby, a man whom I would call in all honesty the people's Premier.

Mr FINN (Western Metropolitan) — I have to say to the house that when I first heard that the Premier was engaging in this little act of folly — this statement of intention or what has become known throughout this building as the Premier's state of the union address — I had some difficulty believing it. I honestly thought that the person who was telling me about this was having a lend of me. I thought, 'Surely the Premier of this state does not have such an idea of himself that he would get up and present to the Parliament what effectively is, in American terms, a state of the union address'. I thought to myself, 'Yes, if it were the Prime Minister — particularly the new Prime Minister — I could well believe it, but surely not our Premier'.

I hate to say this — as I am sure members opposite in particular would understand — particularly about one of my constituents, but this statement proves one thing, and that is that the Premier of this state has got tickets on himself. The tragedy for him is that this will bring him down. There is nothing surer: it will bring him down.

Honourable members interjecting.

Mr FINN — Members opposite may laugh, but let me tell you, President, it will not be too long before they are laughing on the other side of their mouths, because they are cruisin' for a bruisin', as they say in the classics. This propensity of the Premier to hold himself above all others will bring him down and will bring his government down, and it will not be too far away. What distresses me perhaps more than anything else in this particular document is that for all the fancy words, for all the — —

Mr Thornley — There is no Christine Nixon!

Mr FINN — There is no mention of Christine Nixon, and I am sure there are 11 000 police officers and their families in this state who are profoundly disappointed that there is no mention in it of Christine Nixon. But I will get to her and to the police force, as you might expect I would, in just a moment.

What really disappoints me about this document is that there is no understanding in it of what is going on in the real world. There is no understanding of what good, honest and hardworking family people are going through to survive on a day-to-day basis. There is no understanding of the mum and dad sitting around the kitchen table late at night, wondering how they are going to pay their electricity bill. There is no understanding of those families who are wondering how they are going to send their kid on a school trip.

Mr Thornley — An excursion.

Mr FINN — That is the word I am looking for; I thank Mr Thornley for his help, as always. There is no understanding of these problems that so many hundreds of thousands, if not millions, of Victorians face daily. For a Premier to stand up and to present an address such as this and to have, via this document, a total betrayal of understanding of what real people are going through is, in itself, very sad. It is very sad for the government and very sad for the Parliament, but also there is much greater sadness for the people of Victoria.

There are so many people scattered throughout the state — whether they be in the suburbs, in the regions or in country Victoria — who are doing their best to stay afloat, to pay their taxes and to look after their families, but they have a government here that has no idea of what they are going through and the problems they face. That, as I say, is a tragedy.

There is no commitment in this document to education in this state. We have heard over recent months many words from the Australian Education Union and the teachers. I think it would be safe to say that I, over a period of time, have not had a warm and close relationship with the teachers union, but on this occasion I think it has got a fair point. When we have a situation in this state where our teachers are the lowest paid in Australia, then something is clearly wrong. After almost nine years of Labor government, surely if — as members opposite continue to tell us — education is its no. 1 priority, this is a matter that should have been rectified. Not only has it not been rectified, it has got worse, and indeed it is getting worse to the point where at least some of the people who put this government into power — the Australian Education Union — have turned on this particular government.

Mr Thornley — They love you!

Mr FINN — A lot of people love me. The government's refusal to accept that situation as a problem or as an issue betrays, again, its refusal to accept the realities of life. There is also within this document no commitment to literacy and numeracy.

It might surprise you, President, to learn that last year I was on the joint Education and Training Committee of this Parliament, which held a number of public hearings. In those public hearings, almost without fail, I would ask the various witnesses the same question: how can any child go through 12 or 13 years of formal education — through primary school and through secondary school — and come out semiliterate at best and quite often unable to count as well?

That is a question I think the government must address. It is a question that the witnesses last year were certainly unable to answer, but it is an issue that must be addressed, because if our kids are going through school and coming out unable to read, write or count, you have got to ask the question: what hope have they got? How can we have an education system which allows that to happen? I am not saying it is a recent phenomenon — I think it has been going on for quite some time and for far too long — but it is something that needs to be addressed.

We cannot continue to allow children to go through all their years at school and come out unable to read or write. It is a very basic thing. I just cannot imagine what life would be like for young people who struggle with the very basics of reading and writing and how life would treat them as they grow older. But that is the situation that many of us face in Victoria today, and that is something that this government, via this document, has failed to address in any way whatsoever. Not only has it failed to address the situation, but it has failed to even recognise it, and I think that, too, is a tragedy for this formerly great state of Victoria.

I regret that Mr Thornley has left the chamber, because I know he was looking forward to this part of my contribution. Mr Thornley raised the issue of law and order and policing in this state, and that is something — —

Mr Viney interjected.

Mr FINN — Let the record show that as soon as I mentioned law and order and policing, Mr Viney opposite started to laugh. That is the attitude of the government of this state and its members: when you talk about law and order and when you talk about policing, they laugh. They think it is a great joke. I remind Mr Viney that I do not think it is a great joke, the police of this state do not think it is a great joke, nor do the people of this state think it is a great joke. The people who cannot walk the streets at night or live in their own homes without fear do not think it is a great joke.

I am reminded that last Tuesday, as we waited on the steps of Parliament House for the arrival of the thousands of police who marched on this Parliament for the very first time, a government member of this house, who I will not name, came up to me and said, 'What are you doing out here?'. I said, 'I am waiting for the police to arrive for their rally'. He looked at me, hunched his shoulders, threw his arm in the air, laughed and walked away. That is an example of the attitude towards the police that this government has adopted.

Unfortunately this document proves that fact through and through. This government, this Premier, do not care about police in the state. They do not care about law and order in this state. The fact is that the Attorney-General is actively stacking the judiciary with like-minded types, of which we have seen plenty of evidence in the last 36 hours. I might refer to that in the not-too-distant future. The reality is that this government does not care about law and order, it does not care about police and it would seem that it does not care about justice in this state.

Under the Brumby government, justice has become a thing of the past. That has to change. It has not in any way, shape or form been addressed in this particular document. Not only have the police been subject to a chief commissioner who has no understanding of how to run a police force and is far more interested in her own particular radical social agenda but members of the police force also have a government that just does not care about them. That is obviously not only a tragedy for them but also for the people of Victoria.

Mrs Coote stole my thunder on the next issue, one that is very close to my heart, of people with disabilities — again something that was not in any way, shape or form effectively addressed in this document. Under the Bracks and Brumby governments people with disabilities in this state have become second or maybe even third or fourth-class citizens. They have been thrown onto the scrap heap. Last year I raised in this house the issue of early intervention for children with autism, which is absolutely crucial to giving those children a fair go in life and to ensuring those children have half a chance of a decent life.

At the time the minister at the table, Mr Jennings, sympathised with me and made all the right noises. In fact he went as far as to say that for the first time since I had been in this house he agreed with me. At the time I thought that was quite a big take-in from the minister. What has happened since? Nothing has changed. Children with autism still get nowhere near the early intervention they need. They get nowhere near the support they need for a decent life. What does this government say about it? This government does not say a thing nor does it care.

I know through my own activities with autism schools in this state that they are very much on the backburner, very much a second thought in the education policies of this government. That is disgraceful!

Mr Koch — Fifth.

Mr FINN — Indeed, Mr Koch, fifth; that is probably closer to the mark. That is disgraceful, it is despicable! These children need our support and help. This government will not and does not give it. That is a reality. The fact that there is no mention of it in this document tells me that this government has no plans to improve the situation for children, indeed older people, with disabilities in this state.

Mr Koch — No compassion.

Mr FINN — No compassion indeed. There is one issue we have to revisit. I think Dr Brendan Nelson, the federal opposition leader, raised this earlier today, and I commend his bravery in doing so. I think it is an issue that needs to be addressed. Some years ago during the era of the Kirner regime — God help us if we ever go back to anything like that! — we went through the process of the deinstitutionalisation of those with mental defects and disabilities. What was to happen in theory, and it sounded great, was that those people were to be taken out of those institutions, put in their own homes and looked after. They were going to be treated in the way we would all expect to be treated if we found ourselves in that situation. As always the reality was a long way from the promises.

It is time, given that we are coming close to its being 20 years since the process started and over that 20-year period it has been shown that in many instances it has been a disaster. I well remember just prior to my election to represent the electorate of Tullamarine in another place back in the 1990s that the Caloola institution in Sunbury was closed; literally thousands of disabled people were figuratively thrown on the scrap heap.

Mr Viney interjected.

Mr FINN — Many of them died. Mr Viney tries to make a joke of this — how warped is he? We are talking about mentally disabled people who died as a result of the deinstitutionalisation policies of the Labor Party, and Mr Viney thinks that is funny! How warped is that? How warped is this government?

Hon. J. M. Madden — You're a grub!

Mr FINN — Mr Madden calls me a grub. Is there a word that can describe a member of a government that does what this government does to disabled people? Is there a word that I can use in this Parliament to adequately describe what this government does to people with disabilities? There is not. If I were to use the word, I would be turfed out the door — and rightly so.

Mr Koch — Heartless.

Mr FINN — Heartless is an accurate word, Mr Koch, but it does not quite sum up the depth of my feelings on this particular issue. I say to the government: next time it is having a serious think about what it should do and who it should help, it might like to think about Victorians with disabilities. They are not on the government's agenda, and that must change.

The health issue is something we have heard a great deal about in the last almost nine years. Every time the health issue has been raised, we have heard the refrain from government members, 'We have spent X millions, billions or hundreds of billions of dollars on the health system. We have employed this many nurses, this many doctors', and they throw in statistics until they are figuratively coming out of our ears! The reality is that the health system is going backwards. Waiting lists are longer now than they were nine years ago. We now have waiting lists to get onto waiting lists. We now have ambulance officers ferrying patients between hospitals as they try to find one that will accept their patients.

We have what is described in the hospital system as 'bedlock' in the emergency departments of hospitals, where the beds are pushed into the emergency wards because hospitals are full and that is the only place where they can put them. But there is nothing in this State of the Union address that will deal with that; there is nothing in this document that will solve that. That is something that this government — probably more than anything else — said it would fix.

I am sure we all remember that prior to the 1999 election the then shadow Minister for Health, the Honourable John Thwaites — the man who has since taken the money and run — —

An honourable member — The ambulance chaser!

Mr FINN — He was an ambulance chaser. We all remember that he was on the radio and television every day. He was going to solve the problems of the health system; he was going to fix the health system.

An honourable member — An absolute scumbag.

The ACTING PRESIDENT (Mrs Peulich) — Order!

Mr FINN — I will not repeat that, Acting President; I agree with it, but I will not repeat it.

This crowd opposite, this Labor government, said it would fix the health problems in this state. It lied; it is

as simple as that. Not only has this government not fixed the health system in this state but it has gotten worse. We just have to read some of the stories coming now from the Royal Children's Hospital, because anybody who has ever had the misfortune to have had a child in surgery knows the trauma surrounding it not just for the child, who quite often is stronger than the parents, but also for the parents.

Children are being prepared for surgery, going through the build-up to surgery, only to be turned away at the door of the operating theatre because hospitals do not have the resources, whether it be hospital beds or appropriate nursing staff — whatever it may be. The resources are just not there to carry out the operation.

I was listening to a lady on the radio yesterday who said that had happened to her child 10 times. What a great health system that is! What a despicable government, to allow that to happen to the children of Victoria. What a despicable government, that would not only allow that to happen but not have a plan to stop it. It does not have a plan to make our hospital system better and to look after our children in the hospitals. It is a major defect in this statement; it is yet another issue that has not been addressed at all.

Finally, I turn to something else close to my heart. This document, this State of the Union address from President Brumby —

The ACTING PRESIDENT (Mrs Peulich) —
Order! The member will use the correct title.

Mr FINN — This document does not show any understanding at all of the needs of the people of the western suburbs of Melbourne. That does not surprise me at all, because this government — indeed, the Labor Party in opposition or government — does not show any understanding of the needs of the people of the western suburbs. It will use the people of the western suburbs — it will take their votes — but if they ask for anything back, they can forget it. You are living on cloud-cuckoo-land if you think the Labor Party will give anything back to the people of the western suburbs.

You just have to travel into the city down the West Gate Freeway — any morning will do — to know exactly what I am talking about. I remember only too well travelling down the Tullamarine Freeway onto CityLink. I got off CityLink on Footscray Road and came to a dead halt. I looked up at the Bolte Bridge; it was gridlocked. I looked over a little further at the West Gate Bridge; it was gridlocked. I looked ahead on

Footscray Road; it was gridlocked. These are issues which should have been addressed years ago.

I am pleased to see that the Minister for Planning is in the chamber, because he is the one who allows all the developments to take place in the western suburbs. He is the one who says, 'Yes, build. Move out there. We will take your stamp duty. We will take the developers' money'. But the government does not put that money back into providing the infrastructure that people need for a reasonable standard of living.

Transport is only one problem area. I could go into health, I could go into education, I could go into a whole range of areas, but transport is one that hits everyone every day. The roads in the west are appalling; they are just shocking, and they are getting worse every day. The services are not keeping up with the growth, and there is nothing in this document which gives any indication that the government understands that or that the government intends to do anything about it. Clearly it does not. Clearly the government, the Labor Party, as always, does not care about the west of Melbourne.

I think the people of the west are starting to wake up to that. I was out at a rally last Saturday morning in Yarraville. Both Ms Hartland and I addressed that rally. Interestingly enough, despite the inordinate number of Labor MPs representing that area, there were none present. Those people in Yarraville were protesting about the numbers of trucks that clog their roads, particularly Francis Street and surrounds. I think they have got an extremely good case, and I was very happy to address them. Many of them expressed similar views to those I have just expressed. They are sick of Labor's untruths, they are sick of Labor's false promises and they are ready to do something about it at the next election.

Quite frankly, I say bring it on. Until such time as we get the people of the western suburbs thinking about how they are going to vote and how it is going to benefit them, we are going to get nothing in the west — not from this government. Do not let anybody tell you, Acting President, that members of the Labor Party have the best interests of the western suburbs at heart; they do not. I have said it before and I will say it again and again and again if I have to: the Labor Party uses and abuses the people of the western suburbs at will.

Those who want to fully understand just how bad the transport situation in the west has become under this government only have to go down to Werribee and try to get on a train, go down to Altona and try to get on a train — you cannot! During certain hours of the day

you physically cannot get on the trains. And what has the government said? ‘We are going to buy 10 new trains’, it has said. Ten new trains for the entire system! And when do these arrive? They are years away. What are the people of the western suburbs supposed to do — shanks’s pony?

Mr Viney interjected.

Mr FINN — When was the last time you were on a train, Mr Viney? I would be very interested to know.

The ACTING PRESIDENT (Mrs Peulich) — Order! Through the Chair.

Mr FINN — I would be very interested to know.

Mr Viney — On a point of order, Acting President, I caught the 8.57 this morning.

The ACTING PRESIDENT (Mrs Peulich) — Order! There is no point of order.

Mr FINN — Mr Viney getting onto a train — I cannot think of a better way to clear a carriage — very quickly indeed, I would imagine.

As I was saying, the train system right through the western suburbs, and in fact I understand through the eastern and northern and southern suburbs as well for that matter, is absolutely deplorable, and this government, once again, displays absolutely no interest in solving what is a major headache for many hundreds of thousands of people every day. We should almost send sympathy cards to those people who are forced to use — I was going to call it a system, but a system is functional and this is not a functional system in any way, shape or form.

We saw the attitude of the Minister for Public Transport, Ms Kosky, last year, when she said to her colleagues, ‘Don’t tell me your problems’. She sent out an email saying, ‘Talk to somebody else about it’. ‘I do not want to know’, she said. That is the attitude of the entire government. From this document it is clear that that is the attitude of the entire government: it just does not want to know. It is not good enough. This document is not good enough; it is a major let-down, and if this is the best that we can hope for over the next 12 months or the next two years or the next three years of the Brumby government, we are all in for a major let-down.

Ms TIERNEY (Western Victoria) — I am pleased to rise to make comment on the 2008 annual statement of government intentions delivered by the Victorian Premier, John Brumby, in February 2008. From the

outset I will say that it is a new approach, and many people have asked me questions about the concept. After discussing it with people and putting it into a form that is generally understood, I have found that it has been well received. Many people understand that it provides a framework and a context for the government’s legislative intent. To liken or compare it to the practices in the United States of America is quite laughable. That comparison I think stems from the fact that when something is new sometimes it is much easier to criticise it without understanding it first — to just attack the unknown. But I am actually proud that we do not rely on the traditions of the US Congress or indeed the practices of *West Wing*.

What we have here is a straightforward, simple document that outlines the government’s intentions and the way it wants to legislate over the year 2008. There are no magic mirrors, there are no high performances, and there are no grand press conferences. It is just about getting on with the job.

It is also disheartening to hear criticism from the other side of the chamber about things that the statement has not mentioned. The statement is quite general; it does talk about improvements to the health and education systems and about delivering on the needs of disadvantaged Victorians. It talks about building stronger and more livable communities and focusing on transport planning and community safety. In none of that can I see that somehow people with disabilities or people who are becoming senior citizens are excluded from the government’s legislative framework.

The statement has five key areas. The first deals with taking action in respect of Victorian families; the second relates to taking action in respect of Victorian communities; the third is about taking action in creating jobs; the fourth deals with taking action on water and climate change; and the fifth concerns leadership on reform. I want to particularly comment on taking action on communities and creating jobs.

In respect of communities I take up the point that, I think, Philip Davis raised when he said that there was only one comment in the statement about regional Victoria. That is incorrect. The Premier’s statement says it is believed there will be significant job growth in regional Victoria. It also says on page 5 of *Hansard*:

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

I look forward to that and to seeing what is being built in terms of drought relief and the number of initiatives that are being put in place to deal with the mental and physical health of farmers — and not only farmers but

their family units as well. There are a number of other initiatives that I know are being talked about and that the farming community is being consulted about as we speak. To say that there is nothing in the government's statement of intentions about country and regional Victoria is a complete falsehood. In terms of country and regional Victoria we have a government that is incredibly consultative. It is also about making sure that regional and country communities are empowered and that they have some input and control and can deliver on the priorities they consider to be important to their communities.

I make mention of two such areas. One is the Small Towns Development Fund. Most members in this chamber, if they had an honest conversation with people who live in small towns and local government councillors and officers, would acknowledge that to be a really fantastic initiative this government is involved in — not just in terms of providing monetary allocations but in how it provides capacity building for people to take control of their communities. The community building initiatives (CBIs) again build on that, and there are a number of them in the electorate of Western Victoria. I will not name all of them, but there are a number of CBIs in Portarlington, Lorne, Terang, Warrnambool, Hamilton and Horsham. There are more than that, but for tonight's purposes that gives some idea of how this government makes sure there is the ability for people who live outside of Melbourne to take control of their lives and have a direction and a vision for their own communities.

In respect of jobs, in question time today in this house and yesterday at Deakin University we witnessed the major announcement that 2000 jobs will be created at Satyam at Deakin University in Geelong, which is about high-technology industries. The government statement also makes mention of alternative energy, and again in the electorate of Western Victoria we have seen a growth of employment in wind farm manufacture and in the area of carbon storage. These will be growing industries, through which additional jobs will be created. Not only that, we also have a government that is saying that it will not forget manufacturing. It understands the importance of manufacturing because it sees it as the cutting edge of making sure that industry by and large has direction. That is why it is playing a key role in the automotive review that is currently being undertaken, and indeed the Victorian government will be releasing its own statement in respect of the automotive industry. The Premier, when asked questions at Deakin University about the future of manufacturing, said that it needs to be finetuned, that this government is committed to manufacturing and that there will be a number of

announcements we can look forward to in the near future. I look forward to hearing those announcements.

To characterise this statement as not providing anything for country Victoria is to say that somehow we must have two pieces of legislation: legislation that covers only country Victoria and legislation that covers only metropolitan Melbourne. That is absolutely ridiculous. At the end of the day we are all Victorians. This government is about governing for all Victorians, but also about making sure that people who have specific needs, people who live in isolated areas, people who are disadvantaged, people who potentially have difficulties in having their voices heard, are heard and taken into account.

I am particularly pleased that the community cabinet will sit in Hamilton on Monday. The Premier and all the ministers will also be in Dunkeld on Tuesday morning for a community round table. We will then go to Halls Gap and follow with consultations with community members in Stawell. From that it is clear that this government is serious about hearing from people, wherever they are geographically located in this state, and making sure that communities away from Melbourne are heard and that their issues are taken up and incorporated into government policy.

The statement of intentions gives us a sense of the practical nature of some of the legislation that will come before us this year. It gives us a sense of how it will be planned and some indication of its content as we await pending legislation. In a practical sense it gives us an idea of the legislation that will cut red tape and streamline acts by eliminating defunct, outdated and cumbersome elements.

In terms of vision it provides for future planning. It is serious about job creation and climate change, as we saw on 23 April when the Premier convened a climate change summit here. I have talked to many people who attended — people who are not necessarily of the Labor ilk — and all have been very positive about the summit and believe that it is a good starting point in making sure that climate change is at the forefront of government policy.

The statement gives us more of an idea about cooperative federalism, and Mr Thornley gave some examples of that. It is about giving us an idea about coordinating reform across states and making sure that we are building a more mature, more sophisticated and caring society. It is about reinforcing equity and ensuring that the disadvantaged are heard. This morning a former Premier, John Cain, talked about a whole range of things which go to the very core of

Labor principles and values. He enunciated and echoed the very core values and principles that the Premier raised in this document, and I wholeheartedly endorse it. Instead of jumping at shadows and criticising what is not there, I suggest that the opposition take off its dark glasses, read the statement for what it is and let us get on with the job.

Debate adjourned on motion of Mr KOCH (Western Victoria).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Consumer affairs: advertising scams

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Consumer Affairs in the other place regarding advertising for psychic services that claim to be able to predict the name of your one true love or confirm if your partner is cheating on you. My request of the minister is that he conduct a review of these advertisements to ensure they comply with advertising laws under the Fair Trading Act in Victoria and that they are not misleading in any way.

I believe they are very misleading. A service that comes to mind is the love calculator, whereby you are asked to text message your name and your partner's name to the mobile number on the television screen with the promise of a short messaging service message back advising if you are love compatible.

Another service promises to determine for you whether your partner is cheating on you. How they can tell that from your texting the word 'kiss', your name and your partner's name is beyond me. Companies charge users of these services about \$5 to receive each message, which information is usually spelt out in minuscule print at the bottom of the screen. The terms and conditions for the YourLoveCalculator service state that:

In providing the service, there is no warranty that the service or the information will meet your requirements, nor does YourLoveCalculator guarantee or make any representations regarding the use or the results of the use of the service with respect to performance, accuracy, reliability or otherwise.

Why offer the service, if it is not accurate or reliable, other than to make money? Section 12 of the Fair Trading Act 1999 states:

A person must not, in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion or advertising ...

make a representation that is false, misleading or deceptive in any material particular.

Because these ads are on TV, viewers would not have enough time to read the fine print disclaimer unless they record the ad and pause the screen. In other words, a written disclaimer is not good enough and really should be read as a voice-over at the end of the commercial.

While it is sad to think that people might actually believe the claims made are possible, I am sure that there are some vulnerable members of the community to whom these services may appear genuine and who may feel that this type of service may offer a solution to their immediate problem. It is unfortunate that many members of the community do not have family or friends who they feel they can discuss these types of issues with, and these people may look to these services to assist them.

Vulnerable members of the community, including young and impressionable people, people suffering from mental illness or even relationship breakdown, must be protected from these kinds of services, and the Victorian government has an obligation to protect those who may be taken in by these advertisements and make important decisions based on the answers they receive. Therefore I urge the minister to conduct a thorough review of these advertisements to ensure they comply with advertising laws under the Fair Trading Act in Victoria and that they are not misleading in any way.

Bannockburn: community hub

Ms TIERNEY (Western Victoria) — I raise a matter for the Minister for Regional and Rural Development in the other place with respect to an application for funding for the Bannockburn community and cultural hub. Golden Plains Shire Council has applied for funding under the Small Towns Development Fund. That fund has proved very successful in Western Victoria Region. In the last eight months the fund has supported projects such as \$100 000 funding for new sporting facilities at Bob Petit Reserve at Jan Juc; \$250 000 for the Ballarat–Skipton rail trail; and \$150 000 for the redevelopment of Camperdown's Theatre Royal.

The Small Towns Development Fund is helping Victoria's smaller towns create jobs, improve community infrastructure and drive economic growth. I recently toured the Golden Plains shire area with the mayor, Des Guinane, and was shown the intricacies of current and future planned works that have been and will be undertaken by the shire. I was duly impressed with the professionalism demonstrated by the Golden Plains shire. Bannockburn is the fastest growing town in the Golden Plains shire, with an annual growth rate of 11 per cent over the past 15 years. Undoubtedly this will continue as Bannockburn is close to the Geelong ring-road.

The project application for the hub includes a major upgrade to the existing Bannockburn Public Hall to create a 200-seat multipurpose facility including capacity for performing arts and cinema. Among other things it will also include a new community learning centre and neighbourhood house to be built at the rear of the existing hall.

I therefore urge the minister to seriously consider this funding application for the Bannockburn community and cultural hub and request that she avail herself of a tour to Bannockburn to see firsthand the need for planned social and physical infrastructure in this major growth area in regional Victoria.

Bushfires: unpaid invoices

Mr P. DAVIS (Eastern Victoria) — In February this year I raised with the Minister for Environment and Climate Change the matter of the Bairnsdale firm Strickland Ridder Pty Ltd for which the Department of Sustainability and Environment (DSE) has denied payment for maintaining firefighting machinery and crews on stand-by at the department's request. I pursue the matter with the minister again this evening.

The matter arose from the firefighting effort in the high country at Dargo during the disastrous Great Dividing Range fires in 2006–07. Minister Jennings responded by letter that the department's only outstanding invoices from that emergency operation were ones that lacked documentation or evidence of the services requested. I have news for the minister: there is more than ample documentation to support the firm's claim. I have copies with me, and I would be prepared to pass them on to the minister, if only he were here.

The operators of the business, Phillip Strickland and Nicole Ridder, kept meticulous daily records of their stand-by time for machinery and crews, which was incurred at the request of the department. Those records date from 22 November 2006 to 23 December 2006.

Phillip Strickland verified and signed the records at the time. Moreover, the Department of Sustainability and Environment representatives verified and signed them day by day. Mr Strickland and Ms Ridder have endured more than a year of denial and ridicule from senior officers of the department. Their business ethics have been called into question, quite unjustly, and at the expense of considerable damage to their reputations and their business.

In the latest episodes of this saga the department agreed to the payment of some \$2000 as reimbursement for the cost of tyres. That amount was incorporated in an invoice of 15 November last year. Still there has been no payment, and a further invoice for an amount of almost \$28 000, including interest charges, was submitted on 14 February this year. The silent wall of denial remains in place within DSE. For the minister's information I have the proof. The claim is entirely justified, and payment should be made promptly.

I raise this matter again and ask him to attend to it. Further, it is clear that this is an unfortunate example showing that there needs to be a shake-up of emergency services management practices within the department. I suggest that in addition to the payment, it would be in order for it to be accompanied by a formal apology.

Francis Street, Yarraville: trucks

Ms HARTLAND (Western Metropolitan) — Last Saturday I was 1 of 500 local residents who attended a community rally in Yarraville to protest against trucks. The event was organised by the Maribymong Truck Action Group (MTAG) in cooperation with Victoria Police. I had the opportunity to speak at the rally along with Mr Michael Clarke from the Maribyrnong council and Mr Finn. Unfortunately no local members from the ALP attended this fantastic occasion. I congratulate MTAG on the peaceful, entertaining and well-organised rally. It was good to see everyone included — all ages, all political parties, all walks of life — and I would have to say, too, that the music was fantastic.

The Eddington report has recognised that trucks using residential streets impact on health and amenity. It recommends moving the truck traffic out of residential streets in Yarraville and Footscray for this reason. We need to make sure, and I said this at the rally, that we do not push these problems into another suburb.

The ACTING PRESIDENT (Mr Finn) — Order! To which minister is Ms Hartland directing this adjournment issue?

Ms HARTLAND — Sorry, Acting President. I direct my matter to the attention of the Minister for Roads and Ports in the other place.

The report says that the level of truck traffic in Melbourne's inner west is unsustainable from a community amenity and safety point of view and alternatives should be sought to address the problem. If the level of truck traffic is unsustainable in Yarraville and Footscray, then it is unsustainable in Tottenham, West Footscray and Maidstone. Freight trucks should not be allowed to use residential streets anywhere to avoid CityLink tolls.

My request is that the minister reassure the community in a public forum that any plan to move trucks out of residential streets in Yarraville will not move them onto residential streets in Tottenham, West Footscray and Maidstone.

Bridges: Yarrowonga–Mulwala

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Roads and Ports in the other place. It concerns a bridge between Yarrowonga and Mulwala. Currently two bridges cross between Yarrowonga and Mulwala. One is the 80-year-old Mulwala bridge across Lake Mulwala — the road crossing — and the other is via the Yarrowonga Weir — the stock crossing.

Goulburn Murray Water proposes to close the Yarrowonga Weir by 2020 due to structural safety risks. The Brumby government has committed to building a new Yarrowonga–Mulwala bridge by 2020. In 2006 a crossings option study was completed as a result of work by both the Moira Shire Council and the Corowa Shire Council of New South Wales, the two state road authorities, VicRoads and the New South Wales RTA (Roads and Traffic Authority), and the water authorities. A number of potential crossing route options were identified. One of those options extends from Irvine Parade, Yarrowonga, and traverses land currently occupied by Victoria Police, which intends to rezone and sell the land to fund a new police station in Yarrowonga.

The action I seek from the minister is for VicRoads to purchase the property owned by Victoria Police at Yarrowonga, to preserve the potential alignment for a new bridge connecting Yarrowonga and Mulwala. An opportunity to purchase the land is available, and the purchase of the land will leave open one of the options that have been identified as a suitable route crossing. I urge the minister to have this land purchased by

VicRoads so that we keep that potential crossing route open as an option.

Drysdale bypass: funding

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Minister for Roads and Ports in the other place concerning congestion at the roundabout at the intersection of Geelong-Portarlington, Jetty, Grubb and Anderson roads near Drysdale on the Bellarine Peninsula. Daily commuters from Clifton Springs, Drysdale, Indented Head, Portarlington and St Leonards must negotiate this roundabout to get to Geelong.

Because of the volume of traffic that is using Geelong-Portarlington Road every day, this roundabout is choked between 8.00 a.m. and 9.00 a.m. with cars, trucks and school buses, which are often banked up for several kilometres. Frustrated motorists describe this intersection as the worst bottleneck on the peninsula and are calling for action to address the morning peak-hour chaos. The fear is that the congestion will become worse when new housing subdivisions are developed for hundreds of homes at Clifton Springs and Portarlington.

Congestion at this major roundabout is already a disgrace, but even before traffic reaches the intersection, motorists are reduced to a crawl, as they have to pass through a school zone then give way at the Murradoc Road roundabout and get through the congested main street of Drysdale before giving way to traffic joining the mayhem at the Eversley Street roundabout, then queuing to pass through the Portarlington, Jetty, Grubb and Anderson roads roundabout. It often takes up to 20 minutes for traffic to negotiate this short stretch of road, a feat endured daily by many residents making their way to work or to drop off their kids at one of several schools in the area.

The only way to get to Geelong from Drysdale or Clifton Springs is through this roundabout, and on school days motorists have to suffer unrelenting traffic chaos. There is limited and poorly timetabled public transport serving Portarlington, Drysdale and Clifton Springs, so residents have no alternative but to tackle the morning traffic snarl. Although the local cabinet minister and member for Bellarine in another place says she is aware of problems with the roundabout and has been working with VicRoads and the local council on instigating options for improving this intersection, locals are telling me that the minister has achieved nothing to date. They are calling for the construction of a bypass, which was planned by VicRoads more than 20 years ago. Taking commuter traffic out of Drysdale

is the only way to ease the congestion and must be resolved before the new subdivisions are developed.

My request is for the minister to relieve congestion at the Portarlington, Jetty, Grubb and Anderson roads intersection by bringing forward the construction of the overdue and earlier planned Drysdale bypass.

Emergency services: storm damage

Mr LEANE (Eastern Metropolitan) — I raise a matter for the attention of the Minister for Energy and Resources in another place. The recent extreme storms took a hard toll on the state's electrical distribution infrastructure, and as a result the state's linespersons answered the call, as they have done before under similar circumstances, and worked long and hard in extreme conditions until every business and every house was back on line. I have spoken to people in the power industry, and they believe the storm damage that has occurred is as bad as they have ever seen. At the same time the emergency services, including the State Emergency Service, did a great job in attending hundreds of flooding incidents and storm damage issues at peoples' residences.

With the onset of climate change and the potential for possible future extreme weather events such as the one we recently experienced, the action I seek from the minister is to initiate a review that will look at ways to assist the energy industry in repairing this sort of damage and at the coordinating services provided by the energy industry, the emergency services and government departments to ascertain whether there are ways in which they can be better prepared for such harsh weather conditions, which we will face more of in the future due to global warming.

Western Highway: upgrade

Mr VOGELS (Western Victoria) — I raise a matter for the attention of the Minister for Roads and Ports in another place. It concerns promises made prior to the federal election to upgrade sections of the Western Highway.

This week marks six months since the then federal shadow Minister for Transport, Roads and Tourism, Martin Ferguson, accompanied by the federal member for Ballarat, Catherine King, announced that if Labor was elected, then the following funding would flow to upgrade the Western Highway, provided the Brumby government stumped up 20 per cent of the funding. There was \$200 million for the realignment of Anthonys Cutting, with \$160 million from the commonwealth and \$40 million from the state

government; \$505 million for the duplication of the Western Highway to Stawell, with \$404 million coming from the commonwealth and \$101 million from the state government; and \$50 million for additional overtaking lanes and rest areas between Stawell and the South Australian border, with \$40 million from the commonwealth and \$10 million from the state government.

It concerns me that when this announcement was made it was deemed as being urgent by both state and federal Labor MPs, yet since the election — and I have checked *Hansard* — the matter has never been raised by any of Labor's local members for the Ballarat region. I refer to members in the other place — Don Nardella, the member for Melton; Geoff Howard, the member for Ballarat East; Karen Overington, the member for Ballarat West; and Joe Helper, the member for Ripon and Minister for Agriculture — and, in this place, Gayle Tierney and Jaala Pulford. None has raised this issue in the last six months.

According to Labor's federal election promise, 80 per cent of the funding — some \$604 million — is ready to go, and Mr Ferguson has announced that the upgrade to the Western Highway is long overdue. On 3 July 2007 the Victorian government unveiled its document entitled *National Transport Links — Growing Victoria's Economy* and a submission prioritising \$11.5 billion worth of road and rail projects to be funded from the commonwealth government's \$22 billion Auslink Mark 2 program. The national transport links include three priority projects on the Western Highway: realignment of the Melbourne–Bacchus Marsh section through Anthonys Cutting, duplication of the section from Ballarat to Stawell and providing overtaking lanes and installing rest areas along the highways to the South Australian border.

If the project was long overdue before the federal election more than six months ago, it is obviously well overdue now. Fixing Anthonys Cutting is a high priority due to the geography of that area. Anybody who goes to Ballarat will know that the geographic issues are serious, as 28 000 freight and passenger vehicles use the road every day.

The action I seek from the minister is to live up to Labor's election promises and to make the funding — which is only 20 per cent, or \$151 million, of the total cost — available so that this work can go on. It is a priority project, and it should be commenced as soon as possible.

Yarriambiack: sporting facilities

Ms BROAD (Northern Victoria) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs in another place. The action I seek is for him to fund applications from Yarriambiack Shire Council under the Drought Relief for Country Sports program.

The Yarriambiack Shire Council has applied for grants totalling close to \$95 000 for three projects to implement drought-proofing measures. The projects include: upgrading the existing irrigation system at the Minyip Recreation Reserve to benefit football, cricket and bowls clubs; installing an irrigation system at the Murtoa Showgrounds for football and cricket clubs and providing for connection to the Wimmera–Mallee pipeline; and installing a synthetic green surface at the Rupanyup Bowls Club.

Yarriambiack Shire is the heartland of grain production and handling in the Wimmera–Mallee region, and it has been hit hard by the drought. I commend the shire for its actions in supporting communities affected by the drought in partnership with the Brumby government and volunteer organisations, including the appointment of a drought recovery coordinator and support for sporting clubs through the Drought Relief for Country Sports program, which are now before the minister.

I also commend the minister on this program, which recognises the impact of drought on community sport. I urge the minister to fund these applications from Yarriambiack Shire Council.

Clayton Road, Clayton: traffic congestion

Mrs PEULICH (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Ports in another place. The matter concerns the desperate need to do something about the traffic congestion surrounding Clayton railway station, which I think should have been on the 2008 wish list. It should certainly have been in the annual statement of government intentions, as well as on the wish list for traders, public transport commuters and local residents.

In particular I have concerns about the impact on Clayton Road traffic and the railway crossing as a result of any intensification of development and the Minister for Planning's new go-go zones, which are under active consideration. The ever-increasing traffic snarls at Clayton Road railway crossing cause motorists to become extremely frustrated. The gridlock that occurs absolutely every time a single train passes through causes people to remain stationary for quite some time,

even to the extent where I have seen ambulances weave across the road in a desperate bid to get ill patients to local medical facilities.

This stretch of road begins with Middleborough Road and Stephenson's Road in Mount Waverley. Stephenson's Road becomes Clayton Road, which then goes on to Boundary Road. It is a major thoroughfare on the north–south route between Box Hill and Frankston and carries tens of thousands of motorists, trucks and commuters every day. As it enters Clayton, obviously the road is not built to handle that sort of traffic.

Local shopkeepers tell me that their tills are beginning to reflect the increased chaos. Obviously the area is also home to Monash Medical Centre, Jessie McPherson Private Hospital, Sir John Monash Private Hospital, numerous medical practices and suites, Clayton South Primary School plus numerous other schools in the vicinity, many of whose students use Clayton railway station. The area is choking with traffic. The streets are clogged with pedestrians, and of course it is an absolute danger because of the frustration for drivers as the boom gates delay traffic at two major railway crossings — Clayton Road and Centre Road in Clayton — particularly during the daily peak-hour gridlock. Last year's RACV Leader Redspot survey described the railway crossing in Clayton as one of Monash's most frustrating and congested areas.

Clayton Traders Association's president, Bill Pontikis, would like to see some action immediately. He has been taking up the cause on behalf of local traders. It is also causing significant concerns in relation to the environment, as diesel-fuelled heavy vehicles spend most of their time spewing out thick black smoke. I call on the minister to consider including these railway crossings in some sort of grade separation. If the government is planning to increase the density of housing throughout Melbourne, these crossings must be subject to some sort of grade separation at the earliest opportunity and funding must be available.

Rail: Oakleigh

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport in the other place. It is in regard to the issue of increasing funding for public transport services in the Oakleigh electorate. I hope the minister will not disappoint me, as other ministers have in previous adjournments, and avoid answering my question or avoid referring it to the minister from whom I request action, because I think that would be an abuse of democracy.

The people of Oakleigh have recently heard the government speak about changes and additional rail transport in this state. Simply introducing a number of additional trains is not going to alleviate the problem. In fact the government is only tinkering around the edges with timetabling and is not actually looking at the systemic problems involved in our entire public transport system.

To explain why the people in Oakleigh have such a difficult time, the 2007 figures show trains were late as frequently as 18.2 per cent of the time on the Cranbourne line and 25.7 per cent of the time on the Pakenham line. Every moment that someone in Oakleigh is kept from their family is an indictment of this government. People should be able to get onto public transport knowing they can get home in a timely fashion or get on with their private business and not be let down by a system that is creaking and groaning at the seams.

In February 2008 the dire situation continued with the Cranbourne line experiencing 22 cancellations and the Pakenham line experiencing 20 cancellations. Imagine if you were on your way home to Oakleigh and the train was cancelled. It is absolutely appalling that the service is so unreliable. Extra commuting time equals less family time. This is unacceptable. The Brumby government, as we have seen here today, is very good on the rhetoric, but in reality the Oakleigh residents are forced to pay ever-increasing fares to ride dirty, overcrowded, slow public transport. I demand that the government provide adequate funding as a matter of urgency to ensure significant improvements in Oakleigh's public transport services. I would like the Minister for Public Transport, as a matter of urgency, to provide additional funding for the upgrade of public transport services in the Oakleigh electorate.

Roads: Dandenongs intersection upgrades

Mr O'DONOHUE (Eastern Victoria) — My issue this evening is for the Minister for Roads and Ports in the other place. The beautiful towns in the hills rely heavily on the road network. Except for the Belgrave railway line, which is used by some, the local communities, business operators, tourists and residents of the area rely heavily on the regional road network. Those roads, because of the gradient of the land and the often sharp corners, coupled with the often damp climate, can be very dangerous. The corners and width of some of the VicRoads-managed roads in the hills were designed and constructed at a time when the trucks and commercial vehicles that used the roads were, compared to today's vehicles, relatively small.

Many of the trucks that use the main roads in the hills now, in 2008, are much larger than was previously the case. But unfortunately the road network has not been changed and adapted to these larger vehicles. The consequence is that, with trucks that have trailers up to 19 metres long or long tourist buses, which are ubiquitous in the hills, it can be impossible for two vehicles to pass at sharp corners without one of the vehicles either sliding into the gravel on the side of the road or crossing double lines as the trailer swings round the bend.

I have been contacted by several constituents who rely on these roads either to commute to work or for the transportation of goods. They are concerned for their safety. One of those constituents told me that he contacted VicRoads regarding these concerns and was told VicRoads has run out of money. This may well be the case, but it is simply not good enough. The government needs to adequately resource our road authority so that it can attend to dangerous corners and intersections along sections of roads in the hills.

I will briefly mention three of the dangerous corners or intersections. The first one is on Monbulk Road not far out of Belgrave, near the 7-kilometre sign for Monbulk. It is a dangerous intersection where the road desperately needs to be widened. The second is the intersection of Lilydale-Monbulk Road and Monbulk-Seville Road, which requires treatment and expansion to allow trucks to turn safely. The third is the intersection of Monbulk-Seville Road and Wiseman Road, which requires additional sealing to allow trucks to navigate the corner without having to cross the double lines while staying out of the gravel.

The action I seek from the minister therefore is for him to conduct an audit of dangerous VicRoads-managed roads in the hills region and to commit to a program that brings those roads up to a standard that can safely handle the larger trucks, cars and tourist buses that use those roads so frequently, without the need for them to veer off the side of the road or to cross double lines when confronted with oncoming traffic.

Kew Residential Services: site development

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Planning. It concerns the stage 2 development of the Kew Residential Services site. To bring the house and the minister up to speed as to where things sit on this site, stage 1 is largely completed in terms of the residences for the long-term residents of the site and the modest number of houses in that first stage; stage 2 is now proceeding towards development but requires

certain planning approvals which the minister, as the planning authority, is empowered to give.

There have been representations from members of the community and groups who are very concerned about the impact of the government's plan for this site. Already 170 trees on the site have been destroyed, and it is important for the house and the minister to understand that this area of 27 hectares at the old Kew Residential Services site is important in the sense that it is at the end of the Yarra River green wedge. It is contiguous with the large area of vegetation that forms Studley Park. Also the site is heavily vegetated in itself.

The development of stage 2 that the minister is currently looking at would see the destruction, according to a request from Walker Corporation of New South Wales, which, as we have heard at various hearings recently, is closely connected with former Senator Graeme Richardson and others. Walker Corporation is seeking to remove another 70 established trees, effectively continuing the moonscaping of the site — the clearing of the site and the removal of vegetation, including some very old, established trees. There are large river red gums that have been on the site for well over 150 years and a number of other trees. There are also introduced trees on the site — trees of substantial character that in my view deserve the highest levels of protection.

As I said, this site is contiguous with the Studley Park area managed by the Studley Park Trust, and that area — —

Mrs Coote interjected.

Mr D. DAVIS — That is another story. I will come to that another day, Mrs Coote. What I would say about the site is that it is very important, and the minister has its future in his hands as well as the future of the vegetation on the site and the ambience of the area. I ask him to resist the entreaties from New South Wales — from Walker Corporation, and potentially, Graeme Richardson — and to refuse to clear the site. I ask him to step forward and protect the vegetation.

Equine influenza: federal levy

Mrs PETROVICH (Northern Victoria) — My matter on the adjournment is for the Minister for Agriculture in the other place. Like many of my associates in the horse industry, I welcomed the federal government's decision to delay the introduction of a proposed equine influenza (EI) levy until after the Callinan inquiry reported on the outbreak of equine

influenza last year, but alarm bells are still ringing and there are flashing dollar signs.

I have spoken previously about how the outbreak of this disease in Queensland and New South Wales has had a severe impact on the Victorian equine industry. Victoria was incredibly fortunate to remain free of equine influenza, thanks largely to the prompt and professional response of our former federal government, but it came at a huge cost, in particular to the recreational industry, which went into voluntary shutdown until the all clear was given.

Unfortunately, this new federal government has demonstrated its inexperience by jumping the gun with this levy. Despite the current reprieve on the levy, there is still concern amongst Victorian horse owners that they will be made to pay. The proposed charge is unfair on a number of levels. It does not distinguish between the different sectors in the industry — for example, racing and recreational — and when you consider that there are estimated to be more than 1 million horses in the performance and recreational sector compared to the racing industry, which has about 160 000, it is obvious that the performance and recreational sector will be the largest contributors even though they gain little, if any, financial benefit through owning their horses. On the other hand, we know that the racing industry is a multimillion dollar business. That is not to say that we do not support it, either. The levy is an across-the-board fee for all Australian horse owners, even though the recent EI outbreak did not cross the border into Victoria.

The impact beyond the immediate industry has also been overlooked, although we know it brought many associated businesses to their knees. Nevertheless, under the proposed formula, where EI is classed as category 4, the industry will be forced to pay 80 per cent and the government only 20 per cent. If this disease were classified as category 3, it would be a fifty-fifty split. The category 4 classification is for diseases which have only limited socioeconomic impact and are production loss diseases. It is blatantly clear that the EI outbreak had a huge impact outside the industry and outside the territories where it was discovered.

The action I seek is for the minister to clearly define the Labor government's stance on the proposed EI levy, taking into account, I hope, the sacrifices the Victorian recreational equine industry has already made.

Francis Street, Yarraville: trucks

Mr FINN (Western Metropolitan) — I wish to raise a matter for the Minister for Environment and Climate Change. It follows a meeting I had a few weeks ago in Francis Street, Yarraville, with Mr Peter Knight of the Maribyrnong Truck Action Group and Terry Mulder, the shadow Minister for Transport in the other place. During this meeting the trucks roared past us at a great rate of knots, belting out putrid fumes and quite often forcing us to shout to be heard, and we were standing only metres from each other.

Local residents, as Ms Hartland has already pointed out today, showed their anger last Saturday morning as both Ms Hartland and I addressed a rally in Yarraville on the continuing and worsening truck presence in the area. It was a great day. However, I have to join Ms Hartland in expressing my disappointment that there were no parliamentary representatives of the Australian Labor Party. In particular, it surprised me that Mr Pakula was not there because not only —

Mr D. Davis — He lives in Black Rock.

Mr FINN — I know it is a long way from where he lives to Yarraville, but the situation is that he does not just represent the western suburbs in the Parliament but is also the Parliamentary Secretary for Roads and Ports, so I would have thought he would be able to facilitate a solution to the problems that these good people of Yarraville have been facing for many years.

The minister, I am sure, can imagine the effect on the air quality as thousands of trucks spew foul fumes and smoke into the atmosphere every day. I ask the minister to not just imagine — I ask him to go one step further and to come out to Yarraville and have a sniff. There has been no Environment Protection Authority testing of air quality in the Yarraville area since 2001. There have been repeated requests for such testing, but they have been met with constant and repeated rejection, the reason why being yet to be ascertained. I suppose it is just another inexplicable action of the EPA, as it is indeed quite often an inexplicable organisation.

I ask the minister, in addition to testing the air in person, to direct the EPA to test the air quality in Francis Street and surrounds. This would give us all an accurate picture of how bad the air is, and I am sure the effect it inevitably has on the health and welfare of residents in that area.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Wendy Lovell raised the matter of the text messaging

services like the love calculator. I recognise her concerns with the service and will refer this to the Minister for Consumer Affairs in another place.

Gayle Tierney raised the matter of the Bannockburn community and cultural hub, and no doubt the Minister for Regional and Rural Development in the other house will consider that in the fullness of time. I look forward to any potential announcements around that being made by the minister.

Philip Davis raised the matter of the ongoing issue around a business operating in Bairnsdale and its relationship with the Department of Sustainability and Environment. I am aware that the Minister for Environment and Climate Change would be conscious of this matter because it has been raised on a number of occasions, and I am confident that over the course of discussions with the department and follow-up by not only the department but the individual and their business that this matter can be resolved one way or another.

Colleen Hartland raised the matter of truck movements in residential streets in and around the Yarraville area, and I recognise that she made reference to the Eddington report. The release of the Eddington report has provided an opportunity for members of the community to make comment on the report and the recommendations associated with it, and that may well assist with many of their concerns.

Kaye Darveniza raised a matter concerning the Yarrowonga–Mulwala bridge, the VicRoads alignment and the land purchase to allow for alternate alignments in the future. I am confident that this is a matter that the Minister for Roads and Ports in the other place would be well aware of, and I look forward to his responding to the member in relation to that matter.

Mr Koch raised the matter of the Portarlington roundabout on the Geelong–Portarlington Road. Many of the issues raised tonight relate to roadworks that are in demand by local communities, and I am sure that these matters will be considered by the Minister for Roads and Ports not only in terms of prioritising across the portfolio but also as part of the ongoing considerations of the government budget process.

Shaun Leane raised the matter of stormwater damage following the recent storm incidents. This matter, no doubt, is of particular concern because of the potential for weather incidents of greater extremes, given the occurrence of climate change. No doubt the Minister for Energy and Resources in the other place will be

very conscious of that, and I look forward to his making further announcements in relation to those matters in the future.

John Vogels raised the matter of road funding in conjunction with the federal government for the Western Highway. This is no doubt a matter that would require commitments by both governments at around the same time. We are very close to budget announcements, and no doubt these matters will be considered by the respective governments.

Candy Broad raised the matter of the Yarriambiack Shire Council's drought-proofing projects. I am sure that this is a matter of consideration by the Minister for Sport, Recreation and Youth Affairs in the other place, and I look forward to his making announcements around the granting of funds for projects of this ilk in the future.

Inga Peulich raised the matter of the Clayton — —

Mrs Peulich — It is pronounced 'Powlitch'.

Hon. J. M. MADDEN — I am sorry. Mrs Peulich raised the matter of the Clayton railway station crossing on Clayton Road and associated traffic congestion. Again, we are very conscious of the matters raised tonight by members around either road funding or issues that relate to traffic congestion or traffic management. All these matters are matters of significant consideration.

Ms Hartland — On a point of order, Acting President, I am a bit unclear as to why the minister would not consider that my adjournment matter should be referred to the minister. The Maribyrnong Truck Action Group and a number of community groups have already put submissions to Sir Rod Eddington. That was not what I requested. I requested a meeting where the minister would come to the community and assure its members that if the Eddington report were accepted, traffic would then not be pushed onto the streets in Tottenham, Braybrook and West Footscray.

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order. The member has clarified her request to the minister. Does the minister wish to respond?

Hon. J. M. MADDEN — No, I do not wish to respond, Acting President. I have already responded to that request.

Mr D. Davis — On a point of order, Acting President, the minister is being wilful in his response here. He is determined not to respond properly to a

series of proper adjournment requests to him, and he is attempting to skate around the fact that action has been asked for rather than some mumbled nonsense that he has mouthed about the budget or other matters. I put to you, Acting President, that the minister should respond properly to these adjournment matters and indicate that he will refer them to ministers for the action requested or otherwise, as the case may be.

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order. Does the minister have any further advice to the house in addition to what he has responded presently?

Hon. J. M. MADDEN — I have answered, Acting President, and I believe I have dealt with the matters. They are matters of consideration by the government, particularly in relation to the circumstances around budget considerations. Of course the government is always aware of the demands by the broader community for specific projects of benefit to each section of the community. I believe I have dignified the requests by these members in relation to these projects. They have been noted by Hansard, and no doubt they will be brought to the attention — —

Mrs Coote — On a point of order, Acting President, it sounds like the minister is wrapping up. I have a very important question that I need answered, and he has not even referred to it. I am very, very distressed.

The ACTING PRESIDENT (Mr Vogels) — Order! The minister has not got to the member's answer yet; he has not finished.

Hon. J. M. MADDEN — Again, Acting President, I am not wrapping up. I am trying to provide a point of clarity to the member's point of order. I recognise that these are all local issues. They are on the *Hansard* record. I have referred to the budget process as a means by which these may or may not be funded, and hence I am sure that the relevant ministers will now be very conscious of these matters because they will be brought to the attention of the Parliament through *Hansard*.

If you will bear with me, Acting President, I will locate where I was in the order of proceedings.

Mrs Peulich — I have got it right — raised the matter of the Clayton railway station crossing on Clayton Road and associated traffic congestion issues in and around that precinct. As I have already stated, these are matters of close consideration by government in relation to where funding may or may not be allocated in future years or immediately, given budget priorities. I am sure this issue will be given thorough consideration, and I look forward to the impending budget

announcements around the roads and other issues that have been raised tonight.

Andrea Coote raised the matter of Oakleigh public transport, the services for the broader Oakleigh community and the operation of the public transport system. Mrs Coote raised the matter of delays in the system. No doubt she would be aware that the public transport providers are heavily penalised for delays in any of the services of the public transport system. I am happy to refer this matter to the Minister for Public Transport in the other place.

Mr O'Donohue raised the matter of the beautiful hills area, particularly the roads in and around the Belgrave region, and the need for more analysis in relation to the works that could be undertaken in future years. I am conscious that the Minister for Roads and Ports will be very mindful of many of these matters, this included, and I look forward to announcements about road funding being made as part of the overall budget package. David Davis — —

Mr O'Donohue — On a point of order, Acting President, I am not clear whether the minister is going to give respect to the constituents who have brought this issue to me and actually refer the issue to the minister, or whether he is just dismissing the issue with some sort of vague reference to the budget process.

The ACTING PRESIDENT (Mr Vogels) — Order! I cannot force the minister to respond to matters in any particular way. If the minister wants to expand on his comments, then he can; if he does not want to, he does not have to.

Hon. J. M. MADDEN — I take up the point of order by the member opposite. I am in no way at all blocking any of those responses. The critical issue here is that these members have brought these matters to the attention of Parliament, and they are on the *Hansard* record. I believe, given the answers I have already provided, that I have made it very clear that these projects and their likely funding are matters of budget consideration. Because they have now been brought to the attention of Parliament, they will no doubt be considered accordingly by the relevant ministers.

Ms Hartland — On a point of order, Acting President, the issue I raised was not a budgetary issue and the minister has not wanted to refer that. How does that come to the same thing if the minister is saying that these other matters have not been referred because they are budgetary?

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order. The minister has already referred to Ms Hartland's question.

Hon. J. M. MADDEN — David Davis raised a matter for me about the Kew Residential Services site, particularly in relation to associated works that may have an impact on trees across the site. While I have not seen that paperwork recently, I would expect that with any development of this nature there would be a thorough survey of those trees.

The documentation for that would be sitting with the department, I suspect, but I am happy to visit at the request of the member in relation to the tree survey. There will be, I would expect, work around that survey of trees of great significance either because of their vintage, their location or their particular merit. I look forward to being informed by the department in relation to those matters.

I am aware also that there are elements of the site that are heritage listed. I know members have previously raised issues around damage to trees that has occurred on the site. I understand the impact on those trees was part of the heritage assessment of the site. I also understand Heritage Victoria has previously followed up on that matter with the respective developers. No doubt either existing vegetation or heritage issues would be a matter of great consideration in connection with any further development in and around that site.

While I have not seen the stage 2 plans, if the member's description of the status of the project is correct, I suspect they would be with the department. The department and Heritage Victoria will no doubt provide me with information so that I can make any determinations in relation to that site and any potential development on that site.

Mr D. Davis — On a point of order, Acting President, tonight we have seen another demonstration of a government minister attempting to obfuscate and reduce the contribution in a systematic way. I ask you, Acting President, to rule on this systematic attempt across a number of adjournment matters, not just one or two but a significant number of adjournment matters.

The ACTING PRESIDENT (Mr Vogels) — Order! What is the point of order?

Mr D. Davis — The minister has sought to obfuscate and refuse to respond properly to a number of adjournment matters, not just one.

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order.

Hon. J. M. MADDEN — Mrs Petrovich raised the matter of equine influenza for the Minister for Agriculture in another place, particularly in relation to matters around the recreation sector. I know that in recent articles in newspapers one of the great criticisms of the previous federal government in relation to this matter was the extensive support provided for the horseracing industry but very little support provided to the recreation sector. No doubt that is a matter that factors into any determination going into the future. This is a matter that I am happy to refer to the Minister for Agriculture.

Mr Finn raised the matter of trucks in Yarraville for the Minister for Environment and Climate Change. As I mentioned in the same way to Ms Hartland — no doubt Mrs Petrovich was at the same event on the same morning — these matters relate to the trucks and freight movements in and around the Yarraville precinct. Even Ms Hartland mentioned that the Eddington report is a mechanism by which we can help resolve many of these issues.

I have no doubt there will be further discussion around the Eddington report — I know members of this chamber are trying to pre-empt the results of consultation, discussion and community engagement around that report — but basically the report is out there for the community to comment on, and that will inform the government as to how to proceed.

I would expect that if Mr Finn and Ms Hartland are prepared to publicly and openly discuss these matters with the public, for which I commend them, when the government comes back with a position on these matters, we would in the same way get a uniform position from those two members on their stance on this matter.

Mr Finn — On a point of order, Acting President, the matter that I raised for the Minister for Environment and Climate Change was a serious matter indeed. It in no way referred to the Eddington report. In fact it requested that the Environment Protection Authority do an air check. My point of order is that in no way has the minister referred to the matter I raised. He has batted it away but in no way has he directly referred to the issue I raised.

Hon. J. M. MADDEN — I have written responses to the adjournment matters raised by Ms Hartland on 5 February; Mrs Coote on 5 February; Ms Lovell on 6 February; Mr Tee on 7 February; Ms Pulford on 28 February; Mrs Kronberg on 28 February; Mrs Coote on 28 February; Philip Davis on 12 March; and Philip Davis on 13 March.

The ACTING PRESIDENT (Mr Vogels) — Order! The house now stands adjourned.

House adjourned 10.42 p.m.

