

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Wednesday, 10 September 2008
(Extract from book 12)**

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By authority of the Victorian Government Printer

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Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

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

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

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

Joint committees

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

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

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

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

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

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

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

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley.

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

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

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

Rural and Regional Committee — (*Council*) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*) Ms Marshall and Mr Northe.

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr PETER HALL

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Mr DAMIAN DRUM

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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Wednesday, 10 September 2008

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

PETITIONS

Following petitions presented to house:

Monash Freeway: noise barriers

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Victorian government's failure to upgrade sound barriers where required along the Monash Freeway between Warrigal Road and Huntingdale Road as part of the current expansion of the Monash Freeway.

We oppose the upgrade where no systematic provision has been made to reduce the impact of increased traffic volumes and noise on residents whose properties are impacted by the widening of the Monash Freeway.

The petitioners therefore request that the Victorian government take action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state-of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

**By Mr D. DAVIS (Southern Metropolitan)
(156 signatures)**

Laid on table.

Buses: Nunawading

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 failure of the Honourable Lynne Kosky, minister for transport, to consult the local residents of Nunawading and surrounding suburbs on proposed changes to the Nunawading to Chelsea 888/889 SmartBus service that replaces the bus stop at the corner of Station Street and Springvale Road, Nunawading, with a bus stop on the west side of Springvale Road, Nunawading, opposite Station Street, forcing users of this service to cross Springvale Road to access Nunawading railway station.

The petitioners therefore request that Minister Kosky abandon plans to remove or replace the bus stop at the corner of Station Street and Springvale Road, Nunawading, on the Nunawading to Chelsea 888/889 SmartBus service in the interest and safety of local residents, and for the bus service to continue to operate along Station Street, Nunawading, to Mount Pleasant Road, on to Heather Grove and then turn left into Springvale Road, as it has done for the last 35 years.

**By Mr ATKINSON (Eastern Metropolitan)
(134 signatures)**

Laid on table.

Euthanasia: legislative reform

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council serious concerns about the Medical Treatment (Physician Assisted Dying) Bill 2008 and any regime which allows voluntary, active euthanasia and urges:

1. members of the Legislative Council to not proceed with passing laws which allow the taking of life of another;
2. support for ensuring access to palliative care and pain management to all those Victorians who need it;
3. consideration is given to international research which demonstrates that when pain is removed or alleviated, the desire to live is reinstated among those who suffer chronic pain;
4. acknowledgement of cases where even individuals who sign an agreement to voluntary euthanasia do and have changed their minds when faced with death;
5. draw attention to the tragic and illegal 'euthanasing' of hundreds of people including many elderly patients in public hospitals who have never agreed to voluntary euthanasia in jurisdictions which have a voluntary euthanasia regime, such as Holland.

The petitioners call on the members of the Legislative Council of the Victorian Parliament to vote against this bill which will legalise euthanasia in Victoria.

**By Mrs PEULICH (South Eastern Metropolitan)
(421 signatures)**

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Abortion: legislation

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 Abortion Law Reform Bill 2008 which would allow abortion on demand in this state and oversee the deaths of thousands of Victorians before birth annually.

Unborn babies are the most vulnerable and defenceless members of our society and, as such, need the full protection of Victorian law. Abortion kills unborn children and often permanently damages their mothers. The Abortion Law Reform Bill 2008 will allow legalised abortion up to 40 weeks gestation and is a gross violation of the right to life of children before birth. The petitioners therefore request that the Legislative Council rejects the Abortion Law Reform Bill 2008.

**By Mr FINN (Western Metropolitan)
(1111 signatures)**

Laid on table.**Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).****Hampton Park: hoon driving**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council concerns about hoon driving in Hampton Park.

The community of Hampton Park is concerned about the increased amount of hoon driving in our streets and requests that:

1. the state government target Hampton Park hoon hot spots with an increased visible police presence;
2. the state government to impose the same penalties for drunk and drug-affected drivers.

The petitioners call on the state government to combat hoon driving in Hampton Park including, but not limited to: Hallam Road, Willow Drive, Oaktree Drive, Pound Road, Robjant Street, Vanessa Drive, Alma Road, Winnima Avenue, Bride Avenue, Highland Avenue, Deanswood Road, Green Valley Crescent, Village Drive, Somerville Road, Clive Street, Regans Road, Fordholm Road, View Street, Kerrison Drive, The Fairway, Parkland Avenue, Ora Street, Wren Street, Stuart Avenue, Jeffrey Street, David Street, Andrew Street, Campbell Drive, General Joshua Drive, Ivan Crescent, Cairns Road, Warana Drive, Strong Drive, Coral Drive and Huntington Drive.

By Mrs PEULICH (South Eastern Metropolitan) (99 signatures)**Laid on table.****Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).****PAPERS****Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 — Minister's Order of 29 August 2008 giving approval to the granting of lease at Lake Wendouree Reserve.

Duties Act 2000 — Treasurer's reports of exemptions and refunds arising out of corporate consolidations for 2007–08.

Ombudsman's Office — Report, 2007–08.

MEMBERS STATEMENTS**Knox: technical training centre**

Mr LEANE (Eastern Metropolitan) — I would like to congratulate the eastern region of the Department of

Education and Early Childhood Development and the Knox council for organising a forum a week or so ago with the Knox secondary school cluster and members of industry to put forward a proposal to build a state-of-the-art technical training centre. The facility could possibly be located at Swinburne University of Technology's Wantirna campus. It would be available to all secondary schools in the area, including a couple of private schools, so students who were interested in technical studies could attend a purpose-built facility.

Eastern Industry Education Partnership: symposium

Mr LEANE — On another but very similar topic, I recently attended a symposium organised by the Eastern Industry Education Partnership. A lot of industry members and people from schools were talking about how to get young people motivated and into work and how some young kids lose their way. The keynote speaker was Kevin Sheedy. He gave a great address about inspiring young people, as he himself has done over the years. I congratulate the Eastern Industry Education Partnership on putting on that event.

Rail: Portland–Maroona line

Mr KOCH (Western Victoria) — After weeks of rumours it seems trains may eventually be hauling rail freight on the Portland–Maroona rail line. Under a multimillion-dollar deal between Iluka Resources and the new freight operator El Zorro bulk mineral sands are now to be loaded into freight containers at Portland and then railed to Melbourne for export. Resurrecting the Portland–Maroona line will take hundreds of heavy trucks off deteriorating roads and provide a boost to employment, particularly in Portland. This is fantastic news for Western Victoria Region, with a 40-container, 1000-tonne train scheduled to leave Portland next week — the first of what is expected to be two or three such trains departing from Portland for Melbourne each week. It is now time for the Brumby government to act on its repeated claims that it and the federal government will undertake a major upgrade of this strategic railway line.

Farmers and regional industries across the Western Victoria Region and up into the Wimmera and Mallee are sick of waiting for action as they are forced to truck grain and growing volumes of other freight by road, which has resulted in the tearing up of poorly maintained road surfaces that were never designed or built to carry fully laden B-doubles. The Brumby government must fast-track rehabilitation works to increase weight and speed limits on the Portland–Maroona rail line so that the

licensed operator can deliver a viable transport alternative to the ever-increasing number of B-doubles and the likelihood of B-triples rumbling down country roads.

Cypriot community: fundraising

Ms MIKAKOS (Northern Metropolitan) — I recently attended a number of events that reflect the enormous cultural diversity of our community in Victoria. On 6 September I attended a dinner dance organised by the Cypriot community of the northern suburbs. The purpose of the event was to raise funds for the purchase of a bus to be used by the elderly residents of the Grace of Mary hostel in Epping. The event was very well attended and went a significant way towards achieving this objective. I congratulate the club's committee, in particular its president, Mr Panikos Minas, and the many volunteers who helped organised an extremely successful event.

Nepal Festival

Ms MIKAKOS — On 7 September I was honoured to represent the Premier at the Nepal Festival 2008 held at Federation Square. The festival showcased Nepalese culture through musical and dance performances reflecting the various regions of Nepal, food stalls and traditional handicrafts. The Nepalese community is a relatively new but growing community in Australia. The festival provided an excellent opportunity for all Australians to learn more about Nepalese culture. I wish to congratulate the organisers of the Nepal Festival 2008 on organising what was a very successful event.

Crime: Whitehorse

Mr DALLA-RIVA (Eastern Metropolitan) — It is typical of this government that we find that figures on crime are actually higher than what they have been purported to be. Particularly in the local government area of Whitehorse we have seen a continuing growth in some of the more serious crimes. In the last year we have seen a 65 per cent increase in robberies and a 23 per cent increase in residential burglary. These are the types of crimes that directly affect residents in their streets and in their homes, and they represent only the tip of the iceberg — with many crimes being unreported or underreported.

Other statistics in that area are that aggravated burglary is up 66 per cent; property crime is up 3 per cent; weapons offences are up 55 per cent; and assault is up 2 per cent. What I found more staggering was that the local police officer who represents the Whitehorse area

said that this reflected state trends and needed to be kept in perspective. Of more concern was that he said the number of robberies is on the rise but it is only three more per month. That is three more victims per month! The other staggering quote that was reported in the local paper was:

We could always do with more resources, because it would allow us to do more policing ... But what I have got is good enough.

That is the attitude we have: it is good enough. Crime increases around the state, and the police think it is good enough. It is not good enough. More needs to be done.

Skills training: reform

Mr EIDEH (Western Metropolitan) — Victoria and indeed the nation is desperate to find many thousands of skilled persons across a very diverse range of areas. This is a crisis that has been growing for years, and the Brumby Labor government is determined to play its part in resolving this crisis. This is an issue that cannot be ignored or neglected. This government has shown that it is committed to ensuring that Victoria is prepared for the future.

I was present with the Premier, John Brumby, and the Minister for Skills and Workforce Participation, Jacinta Allan, when they launched an exciting new package named Securing Jobs for Your Future — Skills for Victoria at Schiavello's furniture company in Tullamarine, which is in my electorate. This package will deliver for the state by committing to training and skilling Victorians, which will again showcase Victoria as the leading state in the nation. The package includes \$316 million to overhaul and modernise the training sector, providing new places and a solid loans scheme aimed at ensuring that Victoria attracts students into training and skill development. Nine hundred extra teachers will be hired along with 500 other staff, and 172 000 extra places will be made available to ensure that the workforce strengthens and grows and benefits our state and its citizens. There will also be a massive boost to TAFE and adult community education, which is a huge investment in the long-term future of manufacturing, service industries and large and small businesses in Victoria. I was honoured to be present at the launching of this package, and I want to congratulate both the Premier and Minister Allan on this great initiative.

Bushfires: fuel reduction

Mr P. DAVIS (Eastern Victoria) — The inquiry of the parliamentary Environment and Natural Resources

Committee on the impact of land management practices on the Victorian bushfires of the 2003 and 2006–07 summers produced some very significant findings. It established the inadequacy of public land management and found that the current prescribed burning program, under which the target is 130 000 hectares a year, falls far short of what is needed to mitigate the risk and impact of bushfires. It recommended the area of protective burns in the forests be increased threefold to 385 000 hectares a year. In ordinary circumstances the government would have until the end of the year to provide a substantive response to the report, but the situation is much more urgent than that. We have seen 2.25 million hectares of the state devastated by major fires in a period of three years, and the risk remains with us.

A secondary impact was publicly highlighted on 1 May in the ABC's *Catalyst* program, which indicated that extensive fires have a substantial impact on water supply because the subsequent forest regrowth absorbs much of the water that would otherwise run off into storages. This effect lasts for at least 10 years. There are salient lessons to be learnt from the fires, and the committee has done an excellent job in defining them. It is in accord with what the experts were saying on the ABC's *Catalyst* program — that the answer is regular controlled burning, and more of it than is the current practice.

The current program provides for a 100-year rotation of fuel reduction burning on public land, which is clearly inadequate to provide proper management and the most effective protection against wildfire. In evidence and public statements while the committee's inquiry was in progress, the head of the Department of Sustainability and Environment, Peter Harris, acknowledged shortcomings with current management practice. Now, if the government bides its time and maintains the status quo, another fire season will be upon us and we will be no more secure. DSE is soon to hold meetings to outline and seek input — —

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

Nicholson Street, Footscray: pedestrian mall

Mr PAKULA (Western Metropolitan) — Since the last sitting week it has given me great enjoyment to be involved in a number of events and initiatives in my electorate, and I want to mention three of them. Along with the Minister for Planning and Mr Eideh, I attended the opening of the redeveloped Nicholson Street mall in Footscray. The project was warmly welcomed by local councillors, including the mayor: Cr McDonald,

Cr Clarke and Cr Rice. It is a tremendous first step in the renewal project that will transform Footscray.

Mickleham Road, Greenvale: duplication

Mr PAKULA — Accompanied by the member for Yuroke in the other place, Ms Beattie, I was also really pleased to visit again the Mickleham Road duplication at Greenvale to acknowledge the work of BMD Constructions and VicRoads, who have been awarded the 2008 Earth Award for Excellence by the Civil Contractors Federation. The award acknowledges that the Mickleham Road duplication is Victoria's first carbon neutral road construction project with 4500 trees to be planted in north-western Victoria to offset the carbon emissions generated during construction. Ms Beattie, Mr Eideh and I got to plant a tree right there on Mickleham Road.

Yarraville Special Development School: parliamentary representation

Mr PAKULA — Finally, I want to acknowledge the staff, parents and students at the Yarraville Special Development School which I attended last week with Bill Shorten, the federal Parliamentary Secretary for Disabilities and Children's Services. Our discussion ranged over a host of matters including early intervention, respite care and enrolment pressures on the school. The efforts of the school's staff in caring for profoundly disabled children is extraordinary, and the school's community can rest assured that in Mr Shorten and me the school has members of Parliament who will actively take up matters on their behalf.

Essendon Airport: future

Mr FINN (Western Metropolitan) — The pitiful turnout at a recent rally calling for the closure of Essendon Airport is a genuine reflection of community feeling on this particular issue. Despite a very small handful of agitators against the airport the overwhelming majority of local people in the Essendon area and surrounds want Essendon Airport to stay. They recognise the importance of Essendon to the local economy, including the jobs of the many hundreds of those employed there directly and the thousands indirectly employed in the general facility.

They also recognise that it is vital for the future of Melbourne International Airport. Essendon acts as Tullamarine's third runway, and the mere presence of Essendon avoids many of the problems that Sydney Airport has faced for many years. Melbourne Airport has a decided advantage over Sydney Airport purely because of the existence of Essendon Airport. That is

something that local people in the north-west want to keep. Locals note that Essendon Airport is crucial for maintaining a strong aviation industry in Melbourne and indeed in Victoria. We know that to close Essendon Airport would be a monumental act of vandalism on a vital piece of aviation infrastructure. In fact to close Essendon would be to sabotage the Victorian aviation industry. This airport has been open for 90 years. The local community backs Essendon Airport and so do I.

Manningham: parks

Mr TEE (Eastern Metropolitan) — This morning I wish to raise the issue of the 37 small or pocket parks in the Manningham area which have been declared surplus by Manningham council, which means that these parks can be sold, and I understand 31 of the parks have already been sold. My view is that we need to protect Manningham's priceless open space for local families because they are essential for the local community — for fitness, for recreation and for family time — and that they should be disposed of in only the most exceptional circumstances and not as a matter of policy.

I believe the retention of that priceless open space should be beyond politics, so I have written to my fellow MPs in the electorate — the Liberal MPs — asking them to really change a habit of a lifetime and to support the environment on this occasion. I have written to them to ask them to join in providing bipartisan support —

Mr Atkinson interjected.

Mr TEE — You have not got your letter yet?

Mr Atkinson — No.

Mr TEE — I have asked for support to protect the 37 unreserved council parks in Manningham from being sold. This is a once-in-a-generation opportunity to ensure that we retain these parks; otherwise they will be lost for future generations.

Fencing: dispute resolution

Mr ATKINSON (Eastern Metropolitan) — I am waiting for his letter. I have had a constituent from the Bulleen area write to me in regard to a fencing dispute he has with a neighbour. As is the requirement under the Fences Act, to resolve this dispute he needs to go to the courts.

He indicates that in his situation the costs of going to court and the difficulties associated with it — I guess even the fact that he would be in an adversarial

situation with the neighbours — mean it is not really an appropriate way to deal with what is effectively a fairly minor dispute. Whilst the Magistrates Court might have been an appropriate way to settle fencing disputes in the past, he suggests that there ought to be a lower cost alternative in this day and age. He suggested that that may be achieved by surveyors' reports being acceptable documents in terms of establishing the rights of ownership and the alignments of properties.

I do not believe that is an appropriate approach, nor do I believe local government ought to be burdened with this. I wonder whether the minister might have a look at the Fences Act and at opportunities to revise the current practices, maybe with the Victorian Civil and Administrative Appeals Tribunal having an opportunity to provide a no-cost resolution of fencing disputes.

STANDING ORDERS COMMITTEE

Establishment of standing committees

Ms PENNICUIK (Southern Metropolitan) — I would like to move motion no. 1 standing in my name, which is:

That the Standing Orders Committee be required to inquire into and report no later than 30 November 2008 on the establishment of new standing committees for the Legislative Council, including —

- (1) the number, composition, structure and functions of those committees; and
- (2) the staffing and resources required for the effective operation of those committees.

We are now almost halfway through this parliamentary term and it is timely that we look at the establishment of a full and functioning committee system for the Legislative Council. The end date of 30 November for the reference to the Standing Orders Committee would pretty well coincide with the exact halfway date of the term, as it would be just on two years after the election of this Parliament and this new upper house. We are definitely still in the embryonic stages of establishing a functioning committee system on a model similar to those which operate in other states.

We have put in place one standing committee, the Standing Committee on Finance and Public Administration, and without pre-empting the outcome of any deliberations by the Standing Orders Committee and what it might come back to this house with, I think its establishment has been a good start.

As all members know, two select committees have looked into important issues in the public interest, those

being gambling in the state of Victoria and the sale and development of public land in Victoria — the latter committee is about to hand down its final report. Of those two select committees, one has already finished and one is about to finish. The Standing Committee on Finance and Public Administration has just about finished its first reference on the economics of the channel deepening project. Thus, some work has been done in terms of revitalising the committee system in the upper house, but a lot more needs to be done. It would be the role of the Standing Orders Committee in the first instance to have a look at what goes on in the other states of Australia, and I will briefly run through the committee systems in other upper houses around Australia.

The Tasmanian upper house has four types of standing committees, the Legislative Council estimates committees, the government business scrutiny committees, the Privileges Committee and the Standing Orders Committee. Obviously we have those types of standing committees. Tasmania in effect has two working upper house committees that look into issues; it is a small state. Western Australia has six upper house standing committees, and at this present point in time it has two upper house select committees operating. That number changes from time to time; it could be three or four or it could be one or two. New South Wales has 10 upper house committees, and 5 of those are what are called general purpose standing committees that look at general areas of government, covering basically the whole of the government's role and government departments. It also has five other standing committees. The South Australian Parliament has five upper house standing committees, including the Aboriginal Lands Parliamentary Standing Committee, the Legislative Review Committee, the Social Development Committee, the Statutory Authorities Review Committee and the Statutory Officers Committee. The Australian Capital Territory has seven standing committees in the upper house, and the commonwealth Senate has 16 standing committees and, at the moment, 4 select committees — that number too can vary from time to time.

Given that of the two select committees established in this house, one has finished its work and one is about to finish its work, that will leave us with only the Standing Committee on Finance and Public Administration in terms of upper house committees. It is obvious that we need to have a look at how we can establish a functioning committee system for this house so that it operates as a house of review, which is what upper houses are meant to do.

In 2001 the government established the Constitution Commission of Victoria, which looked into the reform of the upper house in terms of electoral reform, and that commission produced a discussion paper called *A House of Review — The Role of the Victorian Legislative Council in the Democratic Process*. On 30 June 2002 the commission released its final report, *A House for Our Future*, which I think is a great title. It is what this reference is about; it is about the Standing Orders Committee of this Council looking at how we can establish a committee structure for this house for the future so that this house can continue on its road towards operating as a house of review and a house that investigates issues of public importance, which is not necessarily the role of the lower house.

It is definitely the role of the upper house, and it is an important role undertaken by the upper house for the people of Victoria. The people of Victoria want this upper house to operate as a house of review, just as the people of Australia want the Senate to look at the legislation that is put up by the government, review it and make recommendations about it and instigate its own inquiries into issues of public interest and public importance.

One of the major recommendations in the report of the constitution commission is that the work of the committees in the Victorian upper house be enhanced. It notes that committee systems of both the Senate and the New South Wales Legislative Council have been strengthened by the diversity achieved through proportional representation, and there is no reason why this should not occur in Victoria as well.

The report states that it is a matter for the new council to consider and develop the composition of the committees in the upper house, and it suggests that in doing so the following issues need to be addressed. One is whether the existing joint committee system should be modified wholly or in part. While that is not part of the reference to this Standing Orders Committee, I suggest that review of the joint committee system might be undertaken further down the track, once we have a functioning upper house committee system.

It is suggested that the council should look at whether all or any of the new committees should have non-government majorities and government chairs; whether there should be a group of general purpose committees, each covering several portfolio areas and together spanning them all; and whether the chair should have a deliberative or casting vote or both. It should consider also the remuneration of chairpersons; the responsibility of ministers and their staff and officers to be available to committees; the

arrangements, limitations and possible sanctions required for that purpose; and the resources required to ensure that the system operates effectively.

That is an important point that I have included in the motion. Having worked for 18 months on the public land committee, I take the opportunity here to pay tribute to the staff of the committees of the upper house. I know the staff of the public land committee have been working on the select committee on gambling and also the Standing Committee on Finance and Public Administration, and their workload has been huge and really unsustainable. So not only does the Standing Orders Committee need to look at the structure, function and roles of a new committee system for the upper house, but it needs to look seriously at how those committees can be resourced in such a way that they can do their work for the benefit of the public and so that it does not put so much stress and pressure on the staff. There are definitely not enough staff and resources for even the small numbers of committees that have been operating now. That is something very important to look at. The upper house committee systems around the country operate with dedicated staff and resources, and that is why I have included it in the motion.

Prior to the debate the government circulated an amendment that foreshadowed adding another point to my motion about reviewing the sessional orders. We will not be supporting that amendment. The idea behind this motion that a reference be given to the Standing Orders Committee was to give that committee three months to investigate the appropriate role or a recommended model of upper house committees in this Legislative Council. Muddying that role with looking at the sessional orders is not appropriate.

It is important that we look at the committee system now, so we can go into the second half of the life of this Parliament with an established committee system to review legislation better and to undertake inquiries and investigations into important matters of public interest. I urge all members of the house to support this motion.

Mr LENDERS (Treasurer) — I rise to support the motion moved by Ms Pennicuik but also to advise that I will be seeking to move an amendment to the motion. From the government's perspective it supports a reference on the functioning of the committees of this house to the Standing Orders Committee. We have no issue with that, and in fact we welcome the fact that Ms Pennicuik has moved it. I would say though that we have not covered ourselves with glory as a chamber since the election in 2006 on this matter. We have had a coalition that actually has imposed on this house

committees that would make Joh Bjelke-Petersen blush, with the gerrymander associated with them, where in a house of 40 members a government — —

Mr Barber interjected.

Mr LENDERS — Yes, I repeat for Mr Barber's benefit: it would make Joh Bjelke-Petersen blush. Not even he would have supported something as outrageous as what the Greens party has supported with The Nationals, Liberals and Democratic Labor Party (DLP) on the issue of committees. I welcome the review of committees because I think the issue needs to be addressed of whether they reflect representation in the house or reflect an alliance that has got together to put a 5-to-2 majority on committees. In fairness to Mr Kavanagh, he has moved away from his original view of supporting this, but the other three parties — the Greens, The Nationals and the Liberal Party — have consistently stuck to a gerrymandered committee that would make Joh Bjelke-Petersen blush. I certainly welcome a review though, and hope this issue can be addressed by the committee, as well as the issues of salaries and other issues that Ms Pennicuik has raised. We would welcome dialogue on any of these issues.

Ms Pennicuik seeks more resources for the committees, and that is something that the government will obviously consider at the appropriate time, but it is worth noting that her erstwhile partner in this, the Liberal Party, with which she has marched lockstep on these matters since this Parliament was elected, was the party which actually slashed resources to the Parliament under the Kennett government, while this government under the Bracks and Brumby leadership has actually increased resources for these issues. I am just stating that for the record.

I now move my amendment:

After paragraph (2) insert “;

and further that the committee also inquire into the efficiency of the current sessional orders as adopted by the Legislative Council during the 56th Parliament.”.

We have always looked to how we can actually improve the arrangements of this place, and there have been I think three lots of sessional orders that have come from planning meetings of the non-government parties, where the Greens party has sat down with the Liberals, The Nationals and the DLP and come up with a series of new rules and then announced them in this place and had a debate on them, and in each case rammed those through. While we accept that that is a political reality — that there have been agreements made and alliances forged and they are reflected in the

21-to-19 votes of this place, we certainly think it is an appropriate time for all of these sessional orders to be looked at together. Some of those which we opposed, I will concede, were not all bad. Some of those have actually added some flexibility to this place. The proposals in the sessional orders have not all been bad. I certainly think they can be tweaked. I think in particular what has happened to Wednesdays in this place is something that needs to be reflected upon. What happened to Wednesdays from one of the iterations of the sessional orders was that the debate on general business could be extended by an hour and another hour and another hour to the point of *carte blanche*, which has meant that now Wednesdays are spent purely on discussing anything other than government business.

If there are items of general business of substance that need to be discussed, we will be the first to say that they should be discussed. We have had some fairly substantive items, including Ms Hartland's private members bill at the moment, which has had many days of discussion in this place. It is an issue of substance and one that should be discussed; it is not the only one but it is certainly an issue of substance. But we have also had some nonsensical items that have been debated — motions condemning willy-nilly, motions that would make an undergraduate on a university campus blush by their inexact science and by their imprecise nature and by their knee-jerk reaction dreamed up by a committee on a Monday morning and thrust into this house for debate on a Wednesday. I must say most of those motions have come from the opposition, and the Greens have actually been embarrassed about most of them. Some of them have actually left the chamber and refused to debate them because they thought they were so bad. That is my interpretation of their behaviour — that they have not spoken about them and have not been here for a decision.

Mr Barber — Spot on!

Mr LENDERS — Mr Barber is nodding. In that environment why are we not referring these special orders to the Standing Orders Committee to actually look at them and find out whether they can be improved. That is the premise of what I am saying.

There is a lot of political history in this issue, and I think I have rebutted some of Ms Pennicuik's assertions, but we support the Standing Orders Committee reviewing the procedures of this place. That is something we support at any juncture. I welcome the opportunity for the committee to consider them, but I say to those opposite that we should look at the whole gamut of things. It is not rocket science; it will not take

a lot of time, but let us formally look at the procedures and say, 'Can we improve the way this show operates?'.

Mr Viney — Like we did in the 54th Parliament.

Mr LENDERS — As Mr Viney said, like we did in the 54th Parliament, and like we did in the 55th Parliament — and certainly we could do it in the 56th Parliament. The government supports the motion moved by Ms Pennicuik but thinks it would be significantly improved if the government amendment were accepted.

Mr D. DAVIS (Southern Metropolitan) — I too rise to support the motion moved by Ms Pennicuik. This is a sensible and timely motion. As Ms Pennicuik said, it is timely as we move towards the halfway mark of this Parliament to actually look at the establishment of new committees, to look at processes and to look at the opportunities that are available for this chamber. There is a need for further standing committees, in my view, and for committees that have an ongoing capacity to look at government departments and government activity in a steady way across the term of a government. That would mirror the situation that is available in other states. In New South Wales there are standing committees that mirror most government activities, and I think there is a need to move in that direction.

The committee will also look at resources. There is a need for resources that will properly provide for the standing committees to enable them to undertake their work. The current resources of the committee secretariat in the Legislative Council are not adequate. I pay tribute to the work those people do, because it is difficult; they have an enormous workload that does not always come in a predictable manner. The need for resources is significant; the establishment of ongoing standing committees that scrutinise government activities in certain areas is also an important reform that this Parliament could undertake.

I take issue with some of the points made by the Leader of the Government about this place and its decisions to set up a number of select committees over recent times. In my view those committees have performed useful work.

Mr Lenders interjected.

Mr D. DAVIS — I am talking about the select committees; I will come to the other matters in a moment. I say on the other matters that the minister generally does not like some of the motions because they reflect on his government and indeed his

performance, and that is unfortunate for him, but it is nonetheless part of the job of opposition and non-government MPs to hold government to account. Motions that on some occasions may be expressed in negative terms are relevant and necessary. The point is that this government has a lot to account for, and the Treasurer himself has a lot to account for.

In terms of the government's amendment to this motion, which seeks to add that the committee inquire into the efficacy of the current sessional orders as adopted by the Legislative Council during the 56th Parliament, there is an argument for reviewing sessional orders. There are obvious omissions and concerns about sessional orders; however, they are not the fundamental substance of this motion and we do not need to complicate this straightforward motion dealing with standing committees.

Mr Lenders — Another deal exists!

Mr D. DAVIS — If the Leader of the Government wants to have a longer debate on sessional orders, that is something the opposition would be very pleased to consider at a future time, and other parties in this place may be pleased to consider it as well. The idea that at the last minute you would throw in sessional orders as an attempt to muddy the waters in relation to this clear-sighted motion is reprehensible.

Mr Pakula interjected.

Mr D. DAVIS — I do. It is a very simple motion.

Mr Pakula interjected.

Mr D. DAVIS — Mr Pakula should direct his remarks through the chair. This motion is about looking at the long-term reform of committee structure in the Legislative Council and looking at the opportunity to put — —

Mr Pakula interjected.

Mr D. DAVIS — I think it is. This motion is a very simple motion, but it is a motion that goes to foundational changes in this chamber. The government has sought to frustrate the motion by trying to throw in some extraneous matters. I do not think that adds to the — —

Honourable members interjecting.

Mr D. DAVIS — I think it is. It is quite a separate point. If the minister wants to make a point about sessional orders, we will look at that at some future point — —

Mr Lenders interjected.

Mr D. DAVIS — I do not think I need to say a lot more on this motion, but I want to indicate — —

Mr Lenders interjected.

Mr D. DAVIS — We will have a longer discussion about sessional orders at some point. There are many things that could be done there. We could, for example, tighten up responses by ministers in the adjournment debate, but that would be just one small matter that I would put on the agenda — —

Mr Viney — We've already done that. That blew up in your face.

Mr D. DAVIS — I am not sure that it blew up in anyone's face, Mr Viney. It has improved the adjournment, and the adjournment can be further improved. Ms Pennicuik's motion is sensible. It is about foundational change to the base of the Legislative Council's standing committees. We need those standing committees to mirror the activities of government.

If you go back to the SARC (Scrutiny of Acts and Regulations Committee) report prior to 2002, you see that it looked at self-referencing committees, it looked at the opportunity for committees that shadowed areas of government and it looked at a series of matters. I would direct the Standing Orders Committee, in the first instance, to that bipartisan SARC report which was issued prior to 2002. There are quite a number of suggestions in that report alone that could be incorporated into standing committee arrangements in this place.

As for the debate that the Leader of the Government tried to lead with regarding the shape of committees, I think it is important that each and every party is represented on committees. There is a need to ensure that the committee structure is representative of the chamber and at least some of these committees should have powers of a self-referencing nature so that they can take on an ongoing watch.

Some thought also needs to be given to the ability of committees to achieve some of their outcomes in terms of documents and materials. I know the Select Committee on Public Land Development — and I know this is the case with other committees as well — has encountered great resistance from government departments and, in some cases, ministers regarding the production of documents — —

Mr Barber — That's the issue.

Mr D. DAVIS — They are both issues. We need to ensure that these committees have adequate capacity to obtain documents and, if necessary, to compel ministers to attend committee hearings. We need to ensure that those committees are not nobbled or restricted unreasonably by a government that seeks to cover up or protect certain interests.

The committees will have a challenge. I look forward to the discussions on the sessional orders. I am very much of the view that these changes will set the foundation required to place these committees on a firm footing in the longer term.

House divided on amendment:

Ayes, 19

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

Noes, 19

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

Pair

Broad, Ms	Guy, Mr
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Amendment negated.

Motion agreed to.

PUBLIC TRANSPORT: DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

That in accordance with sessional order 21, there be tabled in the Council by 4.00 p.m. on 7 October 2008 a copy of the invitation to tender documents prepared by the Department of Transport, provided to those invited to tender for metropolitan rail and tram franchises.

The particular document we are requesting will be of interest to members and the wider public because it deals specifically with what those who are going to be

running our tram and train system are tendering for. The expressions of interest document, which was the subject of an earlier motion of mine and which the government has now released, refers to the invitation to tender (ITT) documentation and states:

The ITT documentation, upon which detailed tender submissions are to be based, will be issued to short-listed respondents. The ITT documentation issued to short-listed respondents may include:

- general information and instructions;
- operational and technical specifications;
- a commercial framework summary;
- an information memorandum;
- the evaluation criteria and response schedules;
- due diligence information; and —

most importantly, this one —

- the draft transaction documents.

These are exactly the sorts of matters that the Parliament regularly reviews and considers. It is commonplace for the government to release these sorts of contracts after they have been signed, and I see no particular reason why this information — which is after all being provided to all the bidders, is accessible to all their contractors, advisers, consultants, lawyers and everybody else associated with their bids and is quite possibly circulating even more widely within the industry — should not be made available to members.

The contracts and structure under which private operators run a system as crucial as the public transport system have always been of great public interest. In March 2005 the government went as far as publishing a very detailed document entitled *Public Transport Partnerships — An Overview of Passenger Rail Franchising in Victoria*, which laid out in detail not only the system of contracts or franchises as they existed then but also the whole history of the way the government made its decision to re-tender them.

In terms of the timing of this motion, the original time line of the government was to release this document to short-listed respondents by September 2008. I do not know if that time line is still on track, but in any case my motion requests the government to provide the information to the Parliament by 7 October 2008. If the government's tender process is more or less on track, the documents will have been finalised and provided to the short-listed bidders, whose names we now know — they have been decided and released.

A little bird told me that the minister, perhaps in a doorstep, has already made a commitment that she will be releasing these documents by the first week of October. If that is true, I welcome that. If that commitment is solid, I have no doubt that the government along with other members will be supporting my motion today.

Mr PAKULA (Western Metropolitan) — I rise to indicate that the government does not plan to oppose the motion, but it is intrigued by it. Yet again there is a motion before the house calling for the production of documents. Far be it for me or anyone on the government side to accuse anyone of being a one-trick pony, but the non-government parties are behaving like a one-trick pony on crack — they have become absolutely addicted to this approach.

Mr Finn interjected.

Mr PAKULA — Given some of Mr Finn's performances in this chamber, I would not be making those sorts of assertions if I were him. I would be interested to know what other avenues —

Mr Finn — On a point of order, Acting President, Mr Pakula has made an inference about me that I find extremely offensive, and I ask him to withdraw.

The ACTING PRESIDENT (Mr Leane) — Order! I ask Mr Pakula to withdraw.

Mr PAKULA — If the member is offended, I withdraw.

I would be interested to know what avenues Mr Barber has availed himself of to try to obtain this document prior to his bringing this motion into the chamber. Did he call the minister's office, write to the minister's office, or approach the minister in any way, even within the confines of this building, prior to bringing this motion before the chamber? I am assuming that on this occasion Mr Barber did check the Department of Transport website before bringing the motion to the chamber, unlike the incident in the house in the last sitting week. The point I am making is it appears that these kinds of motions have morphed from being a measure of last resort into a first port of call for the non-government parties. I reiterate the point I made during the last sitting week: these motions which call for the production of documents are more and more looking suspiciously like a parliamentary tactic rather than a genuine effort to obtain information. That is particularly the case when they become the first port of call for the non-government parties.

It is important to indicate where we are up to in the tender process. Three companies have been invited to bid for the tender to operate the train network. They are Metro Trains Melbourne, or MTM, which is a consortium of UGL Rail, MTR from Hong Kong and John Holland; Veolia Transport, which is the parent company of the current operator, Connex; and KeolisDownerEDI.

Mr D. Davis — The one Hulls had lunch with in Paris!

Mr PAKULA — Mr Davis, the whole purpose of the tender is to ensure that the people of Victoria get the best possible transport operators and access to the best expertise from around the globe. The process of sourcing the best expertise from around the world is currently at a critical juncture. As we speak, we have three companies preparing their tenders to run the network. In every sense of the term this is a live tender process. It could not be more live.

I know I have said this before; I have described this as being a bit like *deja plus*. I think I have had this debate before; it is just that the last time it was better! But I will say it again. It is utterly irresponsible for the Greens, with the full complicity of the opposition, to be seeking documents while we are at this stage of a tender process — at this tender stage of a tender process. The ground keeps shifting. When we had this debate during the discussion about gaming documents there were apparently all of these significant concerns, these grave concerns, about the process and that justified a motion before the Parliament calling for the production of documents during a live tender process. All these terrible, grave concerns being raised by the opposition were at that time the basis for a resolution to bring documents before the house during a live tender process.

We have now moved to a stage where there is not even a pretence of that. There is not even a pretence of a suggestion of any grave concern. It is just the case of the house, or a coalition within it, saying, 'We want to have a Captain Cook'. Members opposite are not asserting or alleging any grave concern, but in the middle of a live tender process a coalition that can scrape together a majority in the house is saying it wants to have a look at the documents. It is another amber light facing companies wanting to do business in Victoria.

We are not going to jeopardise a live tender process. However, as the Minister for Public Transport indicated on 28 August, and as Mr Barber has alluded, the three

chosen companies are in the process of putting their bid teams together. As the minister said on 28 August:

... and then we'll be releasing the invitation to tender document which will be early October. It's being finalised at the moment.

According to the minister's statement, the three companies that are going to be tendering for the network do not yet have the document. If this motion passes, as it surely will, and the document has been released to the tendering companies before 4.00 p.m. on 7 October 2008, the government will consider the motion appropriately and consider supplying the relevant document to the chamber. But it certainly will not be releasing the document to a ruling coalition in the Legislative Council before it has been provided to the three companies involved in the tender.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and support this motion put to the chamber by Mr Barber. All I can say is there is every reason for greater transparency and openness in our public transport system. This request for a copy of the invitation to tender documents prepared by the Department of Transport and provided to those invited to tender for metropolitan rail and tram franchises should in my view go to the heart of what the government is seeking to do with the transport system. It should allow the community to know where the government is heading. We are not asking for the responses; we are asking for documents that ought to get to the key service delivery outputs the government will be seeking and should indeed be demanding.

You would have to say that the public transport system at the moment is a shambles. You would have to say that there is a need to improve it. You would have to say that the current minister and the one before her have been duds. You would have to say that the current Premier and the one before him have been duds when it comes to public transport. Labor has been in power for almost nine years and the service standards have declined. Some say it is privatisation but it is not. The service standards are actually better than they were prior to privatisation. My point here is they have declined in the recent four to five-year period. That is because this government has not kept its eye on what is required. It has not kept its eye on the interests of the community.

I want to pick up something in my electorate and I want to be very simple and straightforward about it. The scheduled and cancelled services document for Connex in June 2008 shows that 13 services were cancelled on the Alamein line. On the Frankston line 30 services were cancelled. On the Glen Waverley line 33 services

were cancelled. On the Lilydale line 46 services were cancelled. On the Sandringham line 40 services were cancelled. I could go on. It is pretty clear to those of us who read the performance measures put out by Connex and others that these services can be massively improved. Any commuter — and I am indeed a commuter on our trains, not infrequently — can vouch for the fact that the service standards can be improved. We want transparent outcomes here. We want to make sure that these operators are held to account as things go forward under this process. Whoever is installed as the new operator must be required to live up to the standards that the community expects. This will require investment by the new operator, but it will also require investment by government. However, it needs monitoring and a focus on the outcomes required.

I am pleased that the government will support this motion. Mr Pakula's reticence about the government being prepared to hand over documents is a concern. I am not sure why the government would be afraid to hand over documents. 'If you have got nothing to hide, you have got nothing to fear', as the Deputy Premier said at one point in the past in a former role that he held. I have to say that this government is very reticent to hand over information. I welcome its decision today to hand over the information.

I am pleased to support this motion. I think this is a very important part of the business of this house. It is a house of review. It is a house that has an important role in scrutinising government. It has a very important role in holding government to account. This is one important step in that, and I congratulate Mr Barber for bringing this important motion to the house. I think that all of the thousands of commuters across the city who want to see the next tender hold the tenderers to account will be saying, 'Good on you, Mr Barber, and good on you, upper house, for holding this government and its shabby and unaccountable transport minister to account'.

Motion agreed to.

HEALTH: REPORTS

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

That, in accordance with sessional order 21, there be tabled in the Council by 4.00 p.m. on 7 October 2008 a copy of the report or reports detailing the outcome of deliverables and key performance indicators as stated in the *2007–08 Statement of Priorities* for Barwon Health and for Melbourne Health as reported to the Minister for Health and the Department of Human Services.

Mr Viney — President, I am not particularly expecting a ruling on this today, but the point of order I raise in relation to this motion is that, if you read sessional order 21, which is the sessional order that this motion uses to require documents to be tabled, it says:

The Council may order documents to be tabled in the Council.

It is the first sentence. My interpretation of that is that in making a request for documents, the documents should be specified. This motion from Mr Davis is a generalised claim for a report or reports, unnamed, about performance indicators. It does not specify which particular document or documents the member is seeking. I think it would be a bad development if the house were to allow resolutions to be so general that, if you like, they become fishing expeditions requiring the government to produce documents that may or may not say things. I think it is incumbent upon members in moving these motions that require documents to be tabled to be quite specific about the document or documents they are seeking.

Mr D. DAVIS — On the mooted point of order — I am not sure what you would call it — I want to be quite clear on this. Recently in this chamber changes were made to the governance of our metropolitan and regional health services. An instrument called a statement of priorities was introduced. Every year the minister agrees in discussion with the health network on a statement of priorities. In doing so, the health network is required to report to the minister and to the Department of Human Services. In doing so, the document has not been specified by title, but there is a clear reporting mechanism with rulings and requirements through the governance arrangements, under which information needs to be handed over in the statement of priorities. What I am seeking very clearly are those documents that are transmitted from the hospital, pursuant to its requirement to report under the statement of priorities governance arrangements to the health minister and the Department of Human Services. It is a very specific class of documents.

Mr Viney interjected.

Mr D. DAVIS — No, they are required to report. They do report. Those reports may be made from time to time, but they may be aggregated.

Mr Jennings — Is this still on the point of order?

Mr D. DAVIS — No, I am making a point of order.

Mr Jennings — It did not sound like you were.

Mr D. DAVIS — I am making it very clear, further to the point of order.

The ACTING PRESIDENT (Mr Leane) — Order! There is nothing in sessional order 21 that specifically says that the member needs to specifically ask for certain documents, but the Chair will take it on notice from Mr Viney.

Mr D. DAVIS — This is an important motion. The governance of health-care networks was changed in a recent period. This new system of requiring a statement of priorities was brought in. These statements are agreed between the government and the department each year, and they are a report against a series of outcome measures. There is a requirement to transmit certain data to the departments and the minister in those statements of priorities. Those documents that are prepared under this requirement are what I seek.

I make the point here that at the time of the change in governance the opposition was concerned that a number of long-established procedures had been weakened by this change. We were not opposed to the idea of requiring a statement of priorities. We are not opposed to agreed arrangements in this way and reporting under them, but we were concerned that on its own this might not be sufficient. I make the point that these reports under the statements of priorities system are not publicly available. I have never sighted one. I have in the past sought one but have not been able to obtain those documents. I believe it would be very much in the public interest for those performance documents provided under the statement of priorities requirements to be available in full to the Victorian community.

Melbourne Health is one of our leading health networks. It not only has important roles for the geographic area in which it is situated but has important statewide roles, given its specialist focus, its trauma involvement and other significant clustered medical activities that it undertakes. Barwon Health also is a significant network, serving as it does Geelong and the Bellarine Peninsula in the south-west of this state.

I believe that these documents would be of great significance to that community as well. I would be very surprised if there is any reason why the government should not make these documents available. It is very clear that from time to time there will be communications between the health networks and the department and/or the minister. In those communications the performance on the statement of priorities will be reported as is required under that statement. My concern is about the successive dumbing

down of data that is reported to the community under the new arrangements that are — —

Mr Viney interjected.

Mr D. DAVIS — The quarterly *Hospital Services Report* was a long way ahead of the *Your Hospitals* report that is put out only half yearly now. Enormous amounts of information are not available in that report, and that was the subject of a long debate in this house at an earlier point. Those who wish to see the data that has been deleted could pick up the tables that were incorporated in *Hansard* with the support of the house at the time. There are enormous amounts of data that are now no longer publicly available but which should be available. Some of these data sets are referred to in the statements of priorities.

The Geelong and regional community would be deeply interested to see the data that relates directly to the performance of Barwon Health. The reporting under the statement of priorities should be made more public than it is, and I think that is a long-term objective. But in this instance I am using this mechanism in the chamber because I believe it is the only sure way to get to that important data which would inform the community, the opposition and the health community.

Mr VINEY (Eastern Victoria) — The first thing I would say in response to Mr Davis's fishing expedition for documents is that I wonder why he and the Greens in the earlier debate feel it necessary to constantly use the mechanisms of this chamber to ask for documents. There are a range of ways they could seek information. They could ask the hospitals; they could put in a freedom of information request; they could get on the eau de cologne to the minister and make a request. They could ask a question about the information in question time, and as we all know, ministers are required to answer those questions. There are a range of ways in which this could be done, but what we are finding is a process of persistently using the chamber as a grandstanding opportunity to raise questions about documents, and in doing so to raise a range of generalised accusations about the government.

Mr Davis talked about — in his view — the dumbing down of data. We do not accept that there has been a dumbing down of data. But there is one thing for sure, and that is that the data is released by this government. Such information was not provided by the Liberal Party when it was last in office. In fact there was no reporting on hospital performance for about 18 months prior to the election in 1999. This government provides far more performance reporting than was ever done in the past. Ministers front the parliamentary Public Accounts

and Estimates Committee, which they did not under the Kennett government. Ministers answer questions on more sitting days in this Parliament than occurred under the Kennett government. They are the processes of accountability, and there is regular reporting.

The information Mr Davis wants apparently relates to the processes which are required to be developed to assess the performance of hospitals to produce the annual report of each hospital, because of course those annual reports have to show performance indicators against their statement of priorities. I am tempted to say to Mr Davis, 'Just hang on', because when the annual report is tabled in the Parliament he will get the information he wants. This government has been very open in delivering information and data not only on hospitals but in all areas of government, because this government is proud of what it does. This government is proud of the achievements it has made in our hospital system.

We have seen massive increases in the budget for Melbourne Health with a \$17 million increase. Since 1999 its operating budget has increased by 90.1 per cent, or more than \$183 million. Interestingly, since then there has been a 36 per cent rise in the number of nurses at Melbourne Health. Just to give Mr Davis some of the data he is seeking, in the last budget Barwon Health had an increase of 5.5 per cent or \$13.2 million, and since 1999 it has had a 116.5 per cent increase in its operating budget, which is a total of \$133 million. The previous government had a record of sacking nurses, but in Barwon Health we have increased the number of nurses by 34 per cent, which is an increase of 369 equivalent full-time nurses.

The government has been investing heavily in our health system. We are treating more patients every year — I think it is 50 000 more patients every year in our hospitals than when we came to government. We are very proud of our record, and we are more than happy to share the performance indicators of our hospital system, not only with the opposition or the Greens but in fact with the whole community. We are happy to share our performance indicators because we are very proud of what we have been doing.

The government has been doing the hard policy work of making our hospitals more effective and making them more efficient, unlike others in the shadow portfolio — and this is not my assessment but the assessment of Mr Russell Hannan, a former state president of the Liberal Party. His assessment of the policy work in the shadow health portfolio between 2003 and 2005 was that none was done. Who was the shadow minister during that period? It was none other

than the current Leader of the Opposition in this house, Mr Davis. There was no policy work when he was the shadow health minister, and that is an assessment by his own people in the Liberal Party; it is not our assessment. Mr Hannan and Mr Kroger both said that unfortunately some shadow ministers, and specifically the former shadow health minister, let down their team. This government has been about putting in the policy work and about being open and accountable and reporting on the information.

The government will not be opposing this request for documents, although it is a broad fishing expedition. We ought be quite specific about the documents the chamber asks for when we use this mechanism for producing documents. What I will say is that the government will look at and consider the request as to whether it meets the criteria for the way that the government releases information — that is, it does not breach matters of executive privilege and those other things. They are not simply working documents being asked for, where you are working through the process of the development of performance indicators against outcomes.

Mr Barber interjected.

Mr VINEY — Mr Barber has obviously had no experience in business life. I spent 10 years as a management consultant and I can tell him that the development of your performance against indicators is not just done quickly and overnight; it is actually a complex process. So to request all documents that might in some way relate to performance indicators of a couple of hospitals — Melbourne Health and Barwon Health — as a massive fishing expedition for all sorts of documents that might relate to performance indicators is just a nonsense. The government is not about to release all of the process documents that hospitals might be going through to report on their statement of priorities. We will report on the statement of priorities in the annual report, and if there are relevant documents that the government is in a position to release in accordance with this request from the house, we will think about it.

Motion agreed to.

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL

Second reading

Debate resumed from 20 August; motion of Ms HARTLAND (Western Metropolitan); and Mr P. DAVIS's amendment:

That all the words after 'That' be omitted with the view of inserting in their place 'standing order 16.06 be suspended to enable the contents of the bill to be referred to the Legislation Committee for inquiry, consideration and report and that the bill not be read a second time until the Council has considered the final report of the committee on the bill' and that —

- (1) standing order 16.14 be suspended to enable the committee to present its final report to the Council no later than 31 March 2009;
- (2) the committee present such interim reports as it deems necessary on the bill to the Council to inform the Council of its progress in the inquiry but that any such reports will not recommend any amendments to the bill;
- (3) standing order 16.16(2) be suspended to enable the chair of the committee, upon the presentation of any interim report, to move without notice, 'That the Council take note of the report';
- (4) standing order 16.11(3) be suspended and that the member in charge of the bill and such other persons nominated by the member or determined by the committee may give evidence to the committee; and
- (5) the committee's inquiry be advertised and written submissions sought on the bill.

Mr FINN (Western Metropolitan) — I cannot help but make the observation, as I resume my speech on this bill, that given the subject under discussion in this house at the moment and the subject under discussion in the other place there is a certain stench of death in this building today. It is a very sad day for the Victorian Parliament that we are heading down this path.

I should also say on behalf of my colleague and very good friend Matthew Guy, who unfortunately will not be able to vote on this legislation, that he very strongly opposes this legislation and was very much looking forward to speaking against it. But as they often do, circumstances have taken him on another route — a much happier route, I might say — and we look forward to him returning to us in the not-too-distant future. I just wanted to put on the record Mr Guy's very strong opposition to this bill.

Before I was interrupted some three weeks ago I was talking about how I believed it was intrinsically wrong for doctors to involve themselves in the deliberate taking of patients' lives. My concern stems out of a

view that doctors are not gods. There is a view in some circles that doctors can do no wrong. But I have known too many doctors over too many years to hold that view. Sure, there are a lot of doctors who are a gift from God — they are wonderful, wonderful men and women and great doctors — but there are other doctors who, quite frankly, you would not want to trust with your life, and that is what this legislation is doing. It is putting the lives of the sick and the elderly into the hands of doctors who may or may not be trustworthy, and that is something that in my view we cannot, under any circumstances, tolerate.

I also mentioned a couple of weeks ago that in the 30 years that Holland has had assisted suicide — euthanasia, et cetera — we have seen it move from assisted suicide to euthanasia; from euthanasia of people who are terminally ill to euthanasia of those who are chronically ill; from euthanasia for physical illness to euthanasia for mental illness; from euthanasia for mental illness to euthanasia for psychological distress or mental suffering; and from voluntary euthanasia to involuntary euthanasia — or, as the Dutch prefer to call it, ‘termination of the patient without explicit request’. What a wonderful euphemism that is!

The bottom line is that once you cross the line into deliberately killing a patient it is very hard to stop — it is very hard to know where to stop; and the Netherlands proves that. We do not want that happening here. As legislators what we do in this place sends a message to the community, and we must at all times be very careful what that message is. If we send a message to the medical community we send a message to the general community that the killing of patients is now acceptable, and we will be moving down a path that we will regret. We must not tell the community that it is okay that some human lives are not worthy to be lived. History tells us that if we go down that path it will engulf more and more of us. If you look at history there is no doubt that that is very much the case, because history often repeats itself and it must not be allowed to claim victims here in Victoria.

Much has been made by proponents of this bill of the situation in the American state of Oregon. For a moment I want to look at what the law in Oregon has done to community attitudes there. Just last month I came across a story from ABC News in the United States and I will read it to the house because it is well worth taking into consideration. It is an article by Susan Donaldson James and it is on the ABC News website from the United States. It begins:

The news from Barbara Wagner’s doctor was bad, but the rejection letter from her insurance company was crushing.

The 64-year-old Oregon woman, whose lung cancer had been in remission, learnt the disease had returned and would likely kill her. Her last hope was a \$4000-a-month drug that her doctor prescribed for her, but the insurance company refused to pay.

What the Oregon Health Plan did agree to cover, however, were drugs for a physician-assisted death. Those drugs would cost about \$50.

‘It was horrible,’ Wagner told ABCNews.com. ‘I got a letter in the mail that basically said if you want to take the pills, we will help you get that from the doctor and we will stand there and watch you die. But we won’t give you the medication to live’.

There we have a fundamental change in attitudes in Oregon as a result of the legislation that is trumpeted by the proponents of the bill we have before the house today. Do we really want that happening in Victoria? Do we really want health insurance companies saying, ‘It’s too expensive to keep you alive, but we are more than happy to kill you; we are more than happy to foot the bill to put you in a coffin’? Is that what we want here in Victoria? I certainly do not, and I do not believe that is what the house wants either.

This bill is flawed. It is legislative Swiss cheese: it has holes in it all over the place. It is bad enough if we make a mistake normally in this place. If we have legislation that we pass that is flawed, that is bad enough under normal circumstances. But in this particular situation if we, as members of this Parliament, muck this up, innocent people will die. I reiterate that point: if we muck this up, innocent people will die. It is not every day that we are called on to vote on legislation that has that sort of impact, and it is of the utmost importance that we take that into consideration.

Suicide is not something we should promote. We should run from assisting suicide, particularly by doctors, at very great pace. Suicide for the sick, the elderly and the disabled will soon filter down to teenagers and young people who will also demand their ‘right’ to die. Suicide, in my view, is never an answer — not for the young, not for the old and not for those of us somewhere in the middle.

I am aware there are a number of people who wish to speak on this legislation, and there are some time constraints. I could go on for some time, but I will not. I would like to say to those who have written to me from both sides of the debate that it is good to see that there is a great deal of interest in this matter. It is also good to see that there are a lot of people who are not prepared to go on with what might be regarded as a common trend of today and who are prepared to stand up against this bill and against euthanasia generally.

Those who see this legislation as some sort of saving beacon I cannot help but feel a little bit sorry for. However, I finish on an optimistic note from a group called Medicine with Morality, a large group of doctors who have written to me and, I think, to other members, and who are opposed to this bill. The doctors said:

... relief from pain and distress is increasingly achievable and obtainable.

...

It is well known that many who wish to die change their minds when they receive good palliative care.

That is the direction in which we should be casting our attention. That is the area we should be discussing and promoting in this Parliament, not suicide, and not death by doctors. As I said earlier, it is my very strong view that where there is life there is hope. Extinguish life and all hope goes with it. I oppose the bill.

Mr DRUM (Northern Victoria) — Speaking on bills such as this is one of the toughest tasks parliamentarians have. I make it clear at the outset that I will be opposing this legislation, but I do so with somewhat of a heavy heart. Over my years in this job I have been contacted about this issue by constituents who have sat across the table from me, including an elderly gentleman on one occasion who implored me to have the laws changed to enable his wife of many years to be let go. I have also had conversations with wives who have had to sit by and watch their husbands go through the last few months of a cancerous death, who have shaken their heads as they described the last few weeks and who asked me to do what I could to not have that problem imposed on other families in the future.

I truly understand both sides of the argument. However, like many others on this issue I have a very strong position — it is my strongest position on this question — that irrespective of religious belief and the Hippocratic oath those in the medical and nursing fraternities swear to, we set the laws. All the time, community expectations go to where these types of laws are at and then they go beyond them. In all of these issues where we are forced to vote on conscience, the community expectation goes to where the laws are at and then exceeds them — in every instance. It seems to be human nature. Now, if we are constantly going to be adjusting the laws to match what we perceive to be community expectations, we are going to embed the role of the slippery slope. We are going to make it certain that society is going to change significantly. It has happened already in my short time in Parliament. It has happened in relation to human embryo cloning, it is happening in here with this bill, and it is happening in relation to the bill being debated in the other house.

We have a set of guidelines and principles that preserve the various forms of life that we enjoy — those forms of life that give us the tremendous security we have in Victoria and Australia. The sense of security that we are able to bring our children up in this country and that we are able to look after our elderly has got to be second to none, as against anywhere in the world. We have to protect and preserve that sense of security. It starts with looking after the unborn, it goes to looking after children and it goes to being substantially harder on child abuse offenders here than in other countries. We protect our children, we protect the frail and we protect the elderly.

I believe this bill, whilst aimed at helping people with incurable diseases going through intolerable pain to take a quicker exit from the world than what may have been in store for them naturally, will inevitably lead to many of the problems that have been experienced in many other parts of the globe. Those problems around the globe cannot be dismissed. They cannot be dismissed as media beat-ups. It cannot be said, 'Well, that did not really happen'. The statistics show that over half of the people in Oregon who are using drugs available to end their lives are suffering from depression. Talk about clouding the issue! People suffering from depression are not in a fit state to make such decisions. We need to be able to treat the depression before starting to talk about such a dire measure as enabling people who are suffering from a totally different illness to take this course of action to end their lives.

There has been overwhelming representation from the constituents to all the members of Parliament on this issue, and the vast majority of them are clear-cut: vote against it; vote for it. But for me the interesting aspect with this one has also been the very strong representation from the medical fraternity to 'please vote against this bill' because of the pressure it will put on medical practitioners, who effectively have their ideals and philosophies instilled in them from a very young age — really from the time in their teenage years when they make the decision that they are going to dedicate their life to medicine. It probably happens in the mid-teenage years, because they have to go after extremely high ENTER scores, and these young boys and girls right around Victoria are setting their sights on a career in medicine at 15, 16 and 17 years of age. They go after those high scores, they attain those high scores and then they push their way through the six or seven years of medicine at universities and then they go on to specialise in whatever their field may be. It is those sorts of letters that we have been inundated with, letters telling us that right from the very beginning the pursuit of a career as a medical practitioner is based on the

concept of the Hippocratic oath and always trying to preserve and enhance life. This bill flies squarely in the face of that.

In contrast to that argument, I think we all understand that a certain amount of euthanasia takes place now and arrangements are come to between concerned families and concerned doctors that enable them to up the dosage of painkillers in a humane manner with the main purpose of eradicating the pain of someone who has an intolerable and chronic illness. I think we have to acknowledge that that currently takes place. It is subject to a very heavy degree of scrutiny within the system and takes place in a carefully regulated and carefully managed situation. Only in those extreme cases does that practice prevail.

As I say, we have been inundated with a very large number of people contacting all of our offices, and we have obviously got different views on the people who have been contacting us. The whole concept that we, all of a sudden, should now empower people to have other people assist in taking their lives goes against everything this great country has been built around. Many elderly people within this state have a genuine desire not to be a burden on their families, their loved ones or their carers, the people who are looking after them. It is not going to happen tomorrow, it is not going to happen next month, it is not going to happen this year or next year, but in 7, 8 or 10 years time when it has become commonplace that there is this other option that people going through the final months and years of their lives are being offered and encouraged to pursue, our elderly citizens will be put in a very difficult position — one of guilt. It is a position of guilt that our elderly do not need to have to deal with.

We need to have a bigger vision: we must protect all the people who cannot protect themselves. That is our duty as able-bodied and free-thinking people. We have to start making all these decisions from an absolute zero point of 'Let's look after those people who cannot look after themselves' not 'Let's look for expedient options that may eradicate the hardship that we are going through in caring'. I just do not know whether we have consulted with the people who are entering that age, and we are going to have to continue to make those decisions on into the future.

As I said from the outset, I respect the other side of this argument because I have had it put to me very clearly, and those constituents are right: it is not my position to judge whether or not a man loves his wife or a wife loves her husband but it is now time to let them go. It is not my position to judge them as to some sort of immorality. All I am saying is that we have to maintain

the status quo, because we need to understand where we will end up in 10 or 20 or 30 years time if we relax the laws at all. It might not be in our lifetime, but we will set the wheels in motion and in 20 or 30 years we will not be in a position where we can sit back and be proud of what we did. We need to hold the line here.

We need to understand that in the most extreme cases people who are going through this intolerable pain are in fact looked after to the best of our current medical ability, and we will improve that. We will continue to improve our care for people in the final stages of their lives, but to simply opt out by using this very convenient and expeditious manner of getting rid of this problem is something that should strike a chord with every MP.

The very first thing every MP who is sent here does, and this applies no matter which side of politics they come from, is to ask themselves what their job is as an MP and what they stand for. The very first thing we stand for is looking after people who cannot look after themselves, and then we get out of the road and let everyone else get on with life and assist them to get on with life, but in effect we are here to help those who cannot help themselves and then get out of the way.

This bill is not about doing that. This bill is about taking people's lives before they are meant to leave this world, and I cannot support it, and I hope other members of the chamber do not support this bill either.

Ms LOVELL (Northern Victoria) — Before this bill came into the house if someone had asked me if I would have voted for a bill that could introduce physician-assisted dying, I probably would have said yes, but having listened to the contributions to this debate I have come to a very different position, and I will be voting against this bill. That is not to say that I do not have some empathy for the thrust of the legislation. I just have concerns about this bill and I think those concerns have been clearly highlighted by a number of members in the chamber.

In particular my concern with this piece of legislation is that we have not consulted widely enough with the community. We have another very contentious piece of legislation in this Parliament at the moment in the abortion bill, and when that was first brought forward as a private members bill it was withdrawn and sent to the Law Reform Committee for greater scrutiny of that procedure and its availability in this state. But the two differ greatly. One is a procedure that is available in this state at the moment, which is covered by Medicare, and we are debating which legislation it would be better regulated under. This particular legislation we are

debating today would introduce a whole new regime into this state.

As I have said, I do not believe that the community has been sufficiently consulted to ensure that it is comfortable with this becoming law in Victoria. Not enough work has been done to ensure there will be no other legal complications created by the bill within Victoria. For those reasons I will not be supporting this bill.

Mr O'DONOHUE (Eastern Victoria) — I am also pleased to rise and make a few comments on this bill. Firstly, I would like to congratulate and thank the parliamentary library for the excellent briefing paper it put together for members. The assistance of the library is invaluable in crystallising some of the key issues. I also acknowledge the sponsors of the bill, Ms Hartland and Mr Ken Smith, the member for Bass in the other place, for bringing this important issue to the attention of the Parliament.

Previous speakers have outlined in detail some of the concerns associated with the bill. Clauses 9, 11, 14 and 15 have caused a number of members some concern. There has been criticism of the lack of clarity around some of the definitions, such as 'terminal illness', 'intolerable suffering' and 'treating doctor'. I accept that many of those concerns enunciated by previous speakers have validity, and that in dealing with an issue such as this it is important to be clear and precise so that there is no room for misunderstanding.

Leaving aside those issues — and I understand that Ms Hartland may be moving some amendments later on, so the final form that this bill may take is yet to be determined by the house — I would like to make some general comments about the concept that brings this bill before us. I support in principle the general concept — that in a very narrow range of circumstances an individual will have the capacity to determine that in his or her opinion suffering has become too much, and the individual will be allowed to end their life. I support the concept that an individual ultimately has the ability to make that decision, as I say, in some very narrow and limited circumstances.

I found a great contradiction in some of the debate, both within the chamber and more broadly within the community and in the correspondence that I have received from people, in that I have heard no criticism from anyone about the Medical Treatment Act 1988. To the best of my understanding the churches all support the Medical Treatment Act 1988, as do the peak bodies, the doctors associations and other bodies. From a theoretical perspective this bill does not

represent a significant change from that position. If I am terminally ill and I refuse medical treatment, that has the direct result of reducing my life. I use a hypothetical example. I have a terminal illness and I have one week left to live, but if I were to take medical treatment, that one week would increase to one month. Currently under law I have the right — which I understand is supported by the position of the churches, the Australian Medical Association and other bodies — to refuse that treatment. That decision takes away my life. It may not do it within 2 minutes or 5 minutes or half an hour, but it takes away my life. That is the current legal position.

These issues are very emotive. Sometimes I think we lose an understanding of the actual legal framework which is in place and which is currently supported. To me there is not a significant change between the position of having one week left to live without medical treatment or one month left with medical treatment, which is currently the legal position, compared with the person who says: 'I no longer wish to live, I no longer wish to put up with the suffering that I am currently putting up with', and then consumes a substance or through some other process ends their life at a time which they determine. I support the concept behind this bill, which is about reducing human suffering — not in the way which some people have described, but again, I respect the positions that have been put.

We have heard from other speakers about palliative care and how better resourcing of palliative care is the answer to this issue. I agree that better resourcing of palliative care is necessary and required, but that in and of itself will not give us an answer to the issues that confront us. Notwithstanding the best resourcing of palliative care, there will always be someone suffering intolerable pain with no known cure, and in my opinion in some very limited circumstances a person should be given choice. For me, choice is one of the great things about our society. It is one of the great things that drives many of the great things about our society. I believe that a person should ultimately have the choice in limited circumstances to end suffering. It should not be for the state to dictate that choice to an individual.

As I said, there are a number of concerns associated with the bill before us which other speakers have spoken on in detail. In that context I will not go over those issues but I endorse the amendment proposed by Mr Philip Davis. I think it is appropriate that before a bill such as this one is passed or potentially passed by this chamber or the other place a more fulsome public debate should occur. It is true that there has been significant representation to members of Parliament about this issue, but I do not believe there has been a

large general community discussion about the issue. With an issue such as this that discussion is warranted and deserved.

With those words, I support the amendment proposed by Mr Davis. It is highly regrettable that the government has taken its position in relation to Mr Davis's amendment — but that is a decision for the government and not for me.

Mr ATKINSON (Eastern Metropolitan) — I have taken a great deal of interest in this bill, as indeed have all members. The quality of this debate establishes to a great extent some of the virtues of this institution. The integrity and sincerity of members demonstrated in the way they have approached a very confronting issue says a lot about this place and the role that parliaments have going forward in dealing with issues that affect people.

I say at the outset that my own personal position is that I would probably be fairly favourably disposed towards passing legislation that allowed people to have an intervention at the end of their life if they felt that was something that would relieve or end their suffering, but I am not sure about this particular legislation. I have canvassed this bill widely, both as a matter of principle and on the technical aspects of the bill. I have the view that when these sorts of issues come before me my personal view ought to be subordinate to the experience, knowledge and to some extent views of a great many other people who are perhaps better qualified than I am to bring to bear decisions on these matters.

Much of this debate has been informed by the personal experience of many people. All of us have been faced with relatives or friends who have had a period of suffering when this sort of issue has been on the table, either directly or indirectly. There have been family discussions about how the quality of life would be maintained if the person was to go forward in that state of suffering, whether there are various ways of alleviating that suffering, be it by palliative care or the drug treatments and so forth that are currently available, or whether it might be better and the wish of the person who is suffering to actually end it. To some extent one comes back to one's own position, and asks, 'What would I want to do? What option would I want available to me if I were in that circumstance and wanted to make a decision? What sort of judgement would I exercise in that circumstance?'

As I said, I canvassed this bill widely. An interesting thing occurred some weeks ago when I hosted a dinner on the second floor in this place for recipients of the

Order of Australia and other similar Australia Day awards. This bill had been introduced and it was the first day of the debate. I explained to the guests what was happening in the Parliament. One of the guests asked, 'What do you think will happen? What is going to be the outcome of this bill? What will be the vote?'. I said I had no idea and that, since it was a conscience vote and members participating in the debate had wide-ranging views, we really had no idea of the outcome of this particular debate. But I said, 'For the sake of a straw poll, let me ask you how you would vote. What do you think we should do?'

There were about 50 people in that room and the view was unanimous that the bill should be passed. Some of those people are involved in palliative care; many of them have earned their awards because of the work they do with the ill, the elderly and the suffering. Their verdict in favour of the bill was unanimous. I was floored and so too was Robert Clark, the member for Box Hill in the Assembly and a passionate opponent of this legislation, who was standing beside me when I posed the question. Robert Clark is, if you like, an audit that my story is correct. The verdict was unanimous.

When I circulated the bill to query community organisations and indeed Liberal Party members to find out what they thought and what guidance they would provide to me about this legislation, there was also very strong support, indeed overwhelming support, for this legislation. Liberal Party members favoured, by a margin of two to one, passing this legislation.

It is interesting to me that the Right to Life organisation has a fairly strong view on euthanasia as indeed it does on abortion, which is currently being debated in the Legislative Assembly. Perhaps my assumption is incorrect, but it was interesting to note, from my point of view, the angst about this bill in this house from the membership and supporter base of that organisation — people who are well organised and very quick to write letters — was very tepid compared to the debate on abortion. In other words, relatively few of their supporters actually wrote to oppose this euthanasia bill.

We in the Liberal Party keep a record of people who have particular issues. When we match them up, we are able to understand what some people's positions are in relation to these issues, which, again, informs my contribution to the debate and my vote. It was interesting that so few people from the Right to Life organisation, people who are so strong and quick in terms of their advocacy regarding the abortion issue, did not sound out their views on the euthanasia issue regarding the dying with dignity bill. As I said, my assumption might be wrong. But to some extent I took

that as saying that many of those people who support the importance of life and believe that life is sacrosanct were basically reaching the conclusion that a child has no say in the matter of an abortion, is totally defenceless and is vulnerable but these people who are faced with the issues that arise from the dying with dignity bill in fact do have a choice and that they, in fact, are making a choice. For some people that might be an unpalatable choice, but it is interesting that there was not the vehemence in this debate from a group that has been very strong in its policy position on this issue.

This is a very difficult issue for many people. Interestingly enough, many of those who wrote to me and suggested that the bill should be passed were actually anticipating a bill that went much further than the bill before Parliament. Many of those people, I think, given the representations that they made to me, would be disappointed that this bill required the dying person to actually instruct someone at the point that they wished to end their life and that they had to be capable of passing on an instruction which had to be a very clear instruction. Many people who wrote to me thought that there were others who were in circumstances where they would not be able to instruct someone, but they should be able to avail themselves of this option particularly if they had indicated at an earlier stage by way of some sort of legal testimony that they wanted to have their life ended if they were in a situation of interminable suffering. Many of the people who wrote to me actually wanted this bill to go further. Had they understood all the provisions, they would not have believed the bill went anywhere far enough in meeting their expectations of this legislation and their understanding of what happens overseas.

Notwithstanding that, as a result of the position of the overwhelming number of people who expressed their opinion by virtue of an objective survey, as distinct from people who simply wrote and sent letters and, in some cases, were a part of a campaign, and the sort of work that I did, today I am not in a position where I can vote for this legislation. The main reason is that — and notwithstanding my personal leaning towards the value of having this option available to people where they can make their own choice in certain circumstances and the representations made to me that were consistent with that personal position that I had in a representative or proportionate sense — I think this legislation is so groundbreaking that it actually needs to be tested, evaluated and examined in more detail.

I regard Colleen Hartland as an extraordinarily courageous person for having brought this legislation to this place. I can only imagine some of the representations — which is a nice way of putting it —

and the comments she would have received because of her courage in bringing this legislation forward. Even those people who would be opponents, and very fierce opponents, of this particular bill ought to acknowledge that it is important that a debate like this is conducted, that decisions are made and that a legal framework is firmly established by our parliaments to ensure that people actually understand what the position of their governments, regulatory authorities, policing, medical professions and so forth is. They ought to know about the parameters governing issues such as this and about conduct, because one of the issues that is essential to whether this bill flounders or passes is that there are so many grey areas associated with it. Members have been prepared to say in this debate that in certain circumstances things already happen, and we do not need this legislation to take another step forward because frankly it will all just be alright. As people who are responsible for public policy, we cannot afford to do that. What sort of a framework does that create?

Many members on the government benches in particular are arguing strongly in regard to the abortion bill in another place that there is a need for certainty in terms of the laws that govern abortion in this state. Yet some of those same members have in this debate said, 'We do not want to go for certainty here. We want to keep the vagueness of all this because it is safer for us'. Others have thought, 'This bill is not a bad idea, but it is not a government bill so we are not going to support it'.

The greatest problem with this debate is that the government has refused to support the amendment moved by my colleague, Mr Philip Davis, who made one of the best speeches I have ever heard from him and one of the best speeches I have heard from any member in this place. It was a very reasoned, very sincere, very comprehensive and very empathetic speech that I think was very significant in the context of this debate. He sought to refer the legislation to the Legislation Committee. Irrespective of whether this legislation might ultimately founder or succeed, the government simply said, 'No, we have got a conscience vote on the bill itself'.

This is a Clayton's conscience vote. This is rubbish, folks, because this is safety zone stuff: 'We are not supporting it because it is not a government bill. If it were a government bill, we would probably look at it because the work would have been done better and we would be more certain of some of the technical aspects of this legislation'. But the amendment proposed by Mr Davis in fact would allow that very work to be done. It would allow more information to be put on the public record as part of the proceedings of the Legislation Committee. It would allow work to be done

in checking what some of the clauses in the bill really mean and whether they could go as far as has been suggested. Mr Drum talked about consequences 7 or 10 years down the track. That is an interesting test to apply to any piece of legislation that comes before this place, and it is not a test we ever apply. I appreciate his sincerity in making those comments and I understand exactly what he is saying, but I am saying that that test is not applied to any other legislation — perhaps it ought to be.

Certainly the Legislation Committee should have had a chance to examine this bill in detail, to look at every clause and to ask the appropriate questions and determine whether the bill would do what the proponents say it would or whether there are some hidden dangers in it — ramifications which might not have been anticipated by the proponents or which people dealing with the bill in a medical or legal context might have addressed. That opportunity will be lost because the government has used its numbers and said, ‘No, we will have a conscience vote on the principle itself and we will not support any process that allows this bill to be tested properly’. I think that is outrageous. The Legislation Committee might well have advanced this issue for all parties — for opponents and for proponents of the legislation — and the public would have had a better basis of information. Public policy makers would have had better basis for information if this bill were allowed to go to the Legislation Committee and be examined properly. That will not be the case, and that opportunity will be lost — I dare say because of a number of people on my side who in their wisdom would prefer to see this bill dealt with immediately and because of the government’s blocking of any aspect of conscience on such a vote.

In my personal position I think it is safer to vote against the bill on this occasion, notwithstanding that my heart would put me in a position where I would want to examine this further and probably give people the option to exercise their right at that point in their life. Indeed, that would be truly consistent with all the representations that were made to me in an objective canvassing of opinion in my electorate.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Financial services industry: government assistance

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Industry

and Trade. According to Deloitte’s review of the Victorian financial services industry dated July 2007, 74 per cent of respondents were not aware of the Victorian government’s 2004 financial services action plan. I ask the minister why the 2004 action plan has failed, with nearly three-quarters of the Victorian financial services industry completely unaware of it.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question as a matter of courtesy, but I must say this is another example of how the opposition loves to talk down Victoria. That is what it does and what it likes to do, and that is what it has done. I am glad the member has asked me a question about the finance industry because it will let me go back just a little to what we faced when we came to power in relation to the finance industry. This is the extent to which the Kennett government was prepared to support the finance industry. The Kennett regime said, ‘We are not really any good at having a finance centre. The finance centre of Australia should be Sydney, so let us do other things instead. Let us leave the finance sector and finance matters up to Sydney’. That is the position the opposition comes from. It comes from a position of having completely abandoned the finance industry.

This is what the current government has done: instead of giving up the finance sector, we introduced a plan and we have worked furiously to bring it about and to re-establish Victoria and Melbourne’s credentials in the financial services industry space. Let me give some examples. Two of the four largest banks have their headquarters in Victoria. If you go to Docklands and have a look, you will see that an enormous building that will house 5000 people is being constructed by the ANZ bank. Its construction is creating thousands of jobs. The National Australia Bank is also at Docklands. If you go there, you will see a range of other financial institutions.

Members should have a think about the fact that Victoria was able to successfully lobby the federal government to get the Future Fund established in Victoria — \$60 billion of investment, and growing all the time, that is being managed from Victoria. Members should think about the fact that we have our own fund, the Victorian fund, which is a \$40 billion fund that has been established in this state and is being run out of Victoria as well.

President, let me tell you that we are proud of what we have been able to achieve in the finance industry space. In fact it is an industry which now employs thousands of Victorians. It is a growing industry. More importantly, I have come into this house many times

before and talked about one specialty area: funds management. Melbourne and the rest of Victoria has been able to garner a space in the Asia Pacific where internationally we are being looked at in terms of our competency in funds management. That is not only something that is good for us here but also something that we can export to the rest of the world. That is how good we are at funds management. Seven of the top 10 funds management organisations are centred in Melbourne.

These are our achievements. We have rebuilt the finance industry from the dark days of the Kennett government, when Jeff Kennett said, 'We're no good in the finance industry. Let Sydney do that, and we'll do something else'. We have come from those days to where we are now seen as a funds management centre.

I might also add that these are decisions of Labor governments. The opposition does not like these decisions, but the fact of the matter is that it took a Labor government to establish compulsory superannuation, which then drove the enormous amount of funds that are now under management. Australia now has the fourth largest quantum of funds under management in the world — \$1.3 trillion! What this government has done and has been very clear on is that we want our fair share of the management of those enormous funds for the benefit of Melburnians and other Victorians.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — According to the same Deloitte's report:

... several leading players noted insufficient and personal contact by government decision-makers and some compared this unfavourably to Sydney and Canberra.

What does this say about the Minister for Industry and Trade's own performance and the performance of the Brumby government more generally in relation to this vital Victorian industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Obviously the member opposite was going to ask his supplementary question irrespective of the answer he got. He obviously was not listening to the answer I gave him about the enormous steps that have been taken by this government to build this very important industry. Whether you look at it in terms of the numbers of jobs, whether you look at it in terms of investment, whether you look at it in terms of new funds management organisations and capability building, whether you look at it in terms of the fact that there is a whole area down at Docklands which is

emerging as a finance centre for Melbourne — whichever one of those variables you want to look at — they have all occurred since the Labor government got in. They were all things that were abandoned under the previous government. That is the position we have. I just find it extraordinary that the opposition would come in here with this report. The Deloitte's report was something I put out publicly because we do not have anything to hide. It has been put out publicly because we welcome debate on these kinds of issues and we are determined to have a vibrant finance industry sector.

We examine what needs to be done. We are happy to receive criticism when it is constructive. This report is based on giving us a direction forward. We have tailored our programs in consideration of that report, but the runs are on the board. The fact of the matter is that whether you look at employment growth, whether you look at investment growth, whether you look at the health of the industry, whether you look at the technology that is being used, whether you look at construction in the industry, whether you look at the opening of branches of banks — on any one of those variables we are happy to put up our record against the record of the Kennett government in this space any time.

Innovation: stem cell research

Mr THORNLEY (Southern Metropolitan) — My question is for the Minister for Innovation. Could the minister update the house on any recent announcements made in relation to the Victorian-New South Wales stem cell research initiative?

Mr JENNINGS (Minister for Innovation) — I thank Mr Thornley for his question and the opportunity to talk in the chamber today about a very important initiative undertaken by the Victorian and New South Wales governments in collaboration — something which we should herald as a very important piece of public policy in its own right! — to support in both jurisdictions scientific endeavour and research capability in the work of stem cell research that could support the important application of stem cells in dealing with regenerative medicine for some of the medical conditions that bedevil members of not only our community but communities around the globe, ranging from cancers to arthritis and to conditions such as Parkinson's, Alzheimer's and Huntington's diseases. Where there is a capacity for stem cells to play a role in the regenerative capacity of the human condition, we are very keen to support that research. That is why the Victorian and New South Wales governments passed legislation to enable this work to be undertaken and

allocated funding to support that research capability in our jurisdictions.

People in this chamber know that work is being undertaken across the globe around two centres of excellence or consideration in relation to stem cells, which were the subject of legislation we passed last year. Somatic cell nuclear transfer (SCNT) — or embryonic stem cells as they are known — was the subject of legislation that was passed in this chamber, in fact by this Parliament. There is also a development in relation to what is known as induced pluripotent stem cells, or IPS stem cells. Mr Kavanagh in his contribution implored the government not to proceed with SCNT. He drew reference to stem cell research that was based on the grafting of skin, which could then be applied to replicate what might be the conditions for embryonic stem cells.

The funds I released last week in conjunction with those of the New South Wales government repeat our interest in supporting research into the effectiveness and viability of both streams of stem cell research. We were very interested to see the variety of possible stem cell applications both through the research that we announced when Premier Brumby and I were in San Diego earlier this year to support a piece of work coming out of the Australian Stem Cell Centre at Monash University and Sydney IVF, and most recently, last week, when at the Monash Institute of Medical Research I took the opportunity to announce funding of \$455 450 — a very specific amount of money and not an easy number to remember; it would have been better if it were a palindrome, but it is not! Nonetheless it is a worthy investment to support the research being undertaken at the Monash Institute of Medical Research. In this case it is a consortium out of Sydney University and the University of New South Wales led by Professor Bernie Tuch. In Victoria the work is being led by Professor Bryan Williams.

Importantly, attention was drawn last week to the work of Dr Paul Verma which will examine the application of stem cells in the eradication of diabetes and also the potential to deal with conditions such as Parkinson's disease, Alzheimer's disease and Huntington's disease, and his very important work in relation to reproductive health.

We are very keen to support the quality of science coming from these institutions and to support stem cell research in Victoria and New South Wales, and indeed Australia. As members of this chamber would be aware, Victoria is the first jurisdiction around the globe to enter into an agreement with the California Institute of Regenerative Medicine, which is a major fund

established in California to support research and which is very interested in finding jurisdictions to collaborate with. There is \$3 billion worth of investment opportunities available through collaborative efforts. We are very pleased to be the first jurisdiction in the world to sign up to a collaborative arrangement with that institute. I look forward to our scientists being supported in the years to come in dealing with many of these medical conditions and improving the quality of life of not only our citizens but also citizens throughout Australia and around the world.

Financial services industry: government assistance

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is for the Minister for Industry and Trade. In a media release on 5 March 2007 the minister promised a review into Victoria's financial services industry. He stated:

In order to keep Victoria's financial services sector competitive we will need a strategic plan for the future.

Does the minister stand by those comments? If so, where is the strategic plan?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I know Mr Dalla-Riva thinks he is on a roll with this stuff, but the fact of the matter is I have already indicated to the house that we put out a statement in 2006. That statement identified the actions that we would be taking going forward in relation to a range of sectors, including the manufacturing sector, the finance sector, the defence sector and a range of other sectors. We have consistently said that we will be developing a strategy going forward in industry which is based on three elements. Those three elements are the innovation, skills development and industry and manufacturing statements. The innovation statement has been delivered and has provided \$300 million to drive innovation — —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — I might say that when we talk about innovation, it is not merely innovation in the traditional sense that Mr Dalla-Riva might understand it to be; it is innovation in all of our processes and includes innovation in such areas as innovative ways of managing funds, for example, in the finance industry.

We have innovation and skills development. Skills are very important if we are going to drive our industries, so we put out a \$316 million statement in relation to skills development. The third element of that will be the

industry statement. The industry statement will address one of the important enablers for industry, which is also an industry in its own right, and that is the finance industry. I look forward to that statement, along with the two statements that have already been delivered, helping to drive investment, exports and industry in this state.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I note that this plan was promised and many plans have been promised and not delivered. Now we have the announcement yesterday that the ANZ will undertake major job cuts. We heard earlier about some of the concerns from the Deloitte's review. Is this an indication that the financial services sector is sick and tired of the minister's inaction in delivering this strategic plan, which is now running 556 days behind its announcement?

The PRESIDENT — Order! That supplementary question is way too close to asking the minister for an opinion. I will give the member an opportunity to rephrase his question.

Mr DALLA-RIVA — Yesterday we had the announcement that ANZ will slash a number of jobs from its organisation. Is this a direct result of the minister's inaction in delivering this strategic plan, which is now running 556 days behind?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The answer to that supplementary question is an emphatic no. However, I would go on to say that I did not see Mr Dalla-Riva come in here when I announced the creation of 700 new jobs at BankWest, which is establishing itself in Victoria, and congratulated the government for those 700 jobs in the finance sector. He did not come in and ask if I took responsibility for that or whether it was because of my plan that 700 jobs have been created in just one area by BankWest. When Satyam said it would establish 2000 jobs as a result of my negotiations with it the member did not come in here and ask whether that was because I am the minister and I went and did those things. He did not come in here and ask that question. Did he come and ask about the 300 jobs at IBM in Ballarat? He did not ask about those either. He is a nay-sayer; he is a doomsayer. He loves to hear about job cuts. Every time he sees a job lost in this state he loves it. The fact is that this government cares about job losses and about looking after people in those circumstances. That is why we created 52 000 jobs last year while the opposition created absolutely none.

Employment: green-collar jobs

Mr LEANE (Eastern Metropolitan) — My question is for the Minister for Environment and Climate Change. In framing this question I was very mindful of Mr Drum's accusation yesterday that I had plagiarised a question asked by one of my colleagues, Ms Mikakos. I am mindful that this question should be unique, and I hope the house finds it that way. Could the minister outline the ways in which the Brumby Labor government is investing in the development of green-collar jobs to provide the skills base we need for a sustainable economy?

Mr JENNINGS (Minister for Environment and Climate Change) — I congratulate Mr Leane because that is a unique question. Hopefully this will not be a unique opportunity; hopefully there will be a proliferation of opportunities for me to talk about jobs that will be derived from 'green-collar jobs' and then both the member and I will be happy. The government understands this is an important prerequisite to ensure we have the capability to drive jobs and find job opportunities in what will be an economy based on lower carbon emissions. We are pretty keen to achieve that outcome. We are pleased to play a supportive role to make sure we have the skills base to deal with environmental management generally, and so as a community we can adopt environmentally friendly practices and reduce our ecological footprint.

This is not a fly-by-night experience or commitment. As far back as 2006, under the *Our Environment Our Future* document and programs, \$1 million was allocated to start training programs for tradies, and at that time Mr Leane would have been well and truly skilled up. I hope he has not been deskilled during his life as a member of Parliament.

All of us would probably benefit from having a lot of skilled people in our community. Certainly the program we embarked upon then was to make sure that we have the electricians, the plumbers, the engineers — the people who can actually undertake the very important application of environmentally friendly equipment and processes throughout our homes and our businesses. We want to make sure that we have that skill base.

We are not leaving it necessarily within our own jurisdiction. We recognise that this is part of a national momentum. Through Sustainability Victoria we have been participating in the establishment of a national framework for energy efficiency. A working group has been established around trades and professional accreditation that will cover the job classifications I have indicated. Clearly we need people who can

undertake environmental assessments to work out how to improve environmental performance, whether that be in domestic homes, commercial buildings or industrial complexes, and the way in which we can adapt our processes to be more environmentally aware and friendly, to reduce our carbon footprint and to be more efficient in the way we produce our goods. This is the hallmark of the future. We understand that. Our government is committed to doing that.

We are making sure that we drive these accreditation programs through the TAFE sector. As an example of this, there is a course in sustainability assessment that has been undertaken up until now by Holmesglen TAFE. It has been picked up in Western Australia and New South Wales, and I am pleased to say that there are 14 further registered training organisations that will be geared up to be able to provide that course in 2009. Through programs such as this we have seen a proliferation of eco-smart electricians. You will be very pleased to know that sparkies are smart in a variety of areas. We have had more than 300 sparkies go through the training program.

We are trying to make sure that we also go into the painting sector, because there have often been environmental consequences associated with paint. It is not necessarily to do with the carbon footprint, but bad paint jobs with lead-based paints and other forms of pollutants and air contaminants have led to poor quality of life. If we can spread this thinking into painting, then we are very happy to support that. We are doing it in collaboration with the Master Painters Association.

I will conclude by talking about a program that was clearly funded in the budget this year. There were two programs of significance, one with which I was personally associated in terms of making sure that we have training opportunities for plumbers to install solar hot water systems throughout regional Victoria. Part of the \$33 million commitment that we made was \$3 million to make sure that we have trained plumbers and installers. As of last night — I have very contemporary figures — 324 plumbers and 100 installers have been trained throughout regional Victoria to undertake that work. It is a very contemporary piece of advice. I actually did not want to overshoot the mark. There might have been one of two who came through overnight, but there were 324 as of last night.

The other program I want to draw attention to is a green plumbing facility that has been established through the fantastic leadership of the plumbing division of the Communications Electrical Plumbing Union in collaboration with the Master Plumbers and

Mechanical Services Association of Australia, the National Fire Industry Association and the Air Conditioning and Mechanical Contractors Association of Australia. It is a very detailed and inclusive partnership that applies across the plumbing sector and will try to drive green plumbing practices further. We understand we need to match up the skill base with industries of the future. In terms of environmental management there will be many opportunities for us to increase quality jobs in Victoria in the years to come.

Financial services industry: government assistance

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Minister for Industry and Trade. Is the minister aware of Australian Bureau of Statistics data that shows that Victoria's financial services sector has been the slowest growing of all the states and territories since 2004?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. I might say that Mr Rich-Phillips at least looks at some of the data that is around, and I know that he takes an interest in the finance sector. He probably should be the shadow Treasurer really, because the current shadow Treasurer in another place just makes statements that are not based on any kind of data whatsoever.

What I would say to the member is this: the finance industry, as I am sure he is aware, is one which continues, in aggregate, to increase in employment terms. It has added considerably to employment over the last few years. It has grown at a very strong pace in terms of its employment growth. The amount of investment in an industry like the finance industry will always vary. I think the way the government looks at these ABS (Australian Bureau of Statistics) figures is to look at them as indicators of fluctuations that occur from time to time but also to look at the industry in terms of its overall strength and its overall capacity building. Whilst I understand that the opposition might want to pick up a particular figure from the ABS data, the Treasurer outlined some figures yesterday. Some of the information from the ABS indicated that Victoria's is the economy which is driving the nation. That came from such distinguished sources as the *Age*, which I am very pleased to see has accurately reported the contribution of the Victorian economy to Australia.

The finance industry, like all other industries, has its challenges and will go through structural difficulties, but it is also an industry that, I must say, has built itself over the last 10 years in particular. It changed as a result

of a lot of measures that took place in relation to what consumers wanted. Back in the dark days there was a move to close branches of banks and so forth which the Labor Party was not supportive of at the time. But that move has been arrested, and indeed we have seen new banks like BankWest coming in and wanting to establish a network of branches — —

Mr Lenders — Seven hundred jobs!

Hon. T. C. THEOPHANOUS — It is not just the 700 jobs. There is a considerable amount of investment in establishing those branches and so forth. I say to the member opposite that we monitor statistics — Australian Bureau of Statistics statistics among others — and of course they are important. But the important thing is to look at long-term trends. This industry has gone from strength to strength during the time that Labor has been in government.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, and I am happy to talk about the longer term trends that the minister refers to. In 1999 Victoria accounted for 28 per cent of Australia's financial services sector. Can the minister explain why after nine years of this government Victoria's share is now smaller?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Again, I am not sure what statistics the member is referring to, but what I would say to him is that the industry has grown significantly during the last nine years. In fact it has grown exponentially. The industry has grown at a very rapid rate through the whole of Australia. That is true as well. The major reason for the increased growth in the industry has of course been the actions of Labor governments; that is the truth of it. The actions of Labor governments — —

Mr Dalla-Riva — You have done nothing.

Hon. T. C. THEOPHANOUS — You say we have done nothing, but one single action — which I have already referred to — is compulsory superannuation, which was introduced not by the member's side of politics but by ours. Our side of politics introduced it, and as a result of that one initiative we now have in this country one of the largest pools of funds anywhere in the world with \$1.2 trillion or \$1.3 trillion under management. A lot of growth has taken place in the industry, and much of that growth has been captured by Victoria, in particular in building our banking structure, in building a range of other financial institutions such as GE Money and a range of others that have gone from

strength to strength and are employing many thousands more people in 2008 than were being employed in 1999. If you look at that measure and the way in which the industry has developed over the last nine years, and you compare the growth in the industry over the last nine years with the growth during the Kennett years I can say that we are clearly growing this industry because we believe in the industry. The previous government did not.

Skills training: planning

Ms PULFORD (Western Victoria) — My question is to the Minister for Planning. Can the minister advise the house on how the Brumby Labor government is meeting the challenges of the skills shortage, particularly in the area of planning, as we face a population boom of gold rush proportions?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Pulford's question and I welcome her interest in planning matters, because I know it is particularly relevant across the region — as it is across most regions in Victoria where we are seeing extraordinary growth. As Ms Pulford mentioned, the great thing about that growth is that it almost exceeds the growth we saw during the gold rush. It is unprecedented. But it does place demand on skills, particularly in the planning profession. One of the great attractors to Victoria is jobs. There are plenty of jobs and plenty of opportunities, so people are coming here in droves because of the livability, the job growth, the prosperity and the relative affordability of housing when compared to the rest of Australia.

Those demands and the surge put a significant amount of pressure on planning professionals, and so we need more planners right across the system, and particularly at a local level. The vast majority of authorisations in relation to planning applications occur at a local level, so we need more planners at that local level. I have been able to bring together many of the stakeholders across the planning profession to get them to work together to promote that profession. One of the things which is often not appreciated is that while there are a number of fields across the planning profession they have not often been singing together in concert. We have been able to bring them together to make sure they are promoting the profession in a very positive light. Sometimes it is easy to be critical of planners, but they are at the coalface making these significant decisions. That is why we have established a pathways to planning working group. We are seeing key stakeholders from local government, the Municipal Association of Victoria, the Planning Institute of Australia and the university sector establish and

promote planning as a viable and positive career choice. It might seem like a simple thing, but it is the simple things that make all the difference.

Earlier this year my department set up a planning careers stand at the annual Herald Sun Melbourne Career Expo which I understand was attended by over 300 visitors. Hopefully we will be able to secure a few planners from the young people who showed interest in that stand. The message we are conveying to the community and to young people in particular is that planning is a great career.

Mr Drum interjected.

Hon. J. M. MADDEN — No matter what Mr Drum says, it is a great career for people who care about the environment and about the community and who are creative and strategic in their thinking.

We have also updated the department's website to make sure it promotes planning as a profession. As recently as last week the department funded six young professionals from six different local councils to attend the annual Victorian Planning and Environmental Law Association's state planning conference in Creswick. That was a great opportunity for them to network with a variety of planning professionals.

As well as that we have focused on the regions because, as Mr Drum should know, there is a shortage of planners in the regions. Through Regional Development Victoria and in partnership with the planning institute, the Municipal Association of Victoria and La Trobe University in Bendigo we are funding an internship program to promote trainees into the planning profession, particularly in the regions. The list goes on. As well as that I opened the annual National TAFE Building and Construction Conference where I highlighted and discussed the importance of having planners and builders to ensure that we create the environments that we want out there. Right across the board we are investing. We are walking the walk as well as talking the talk when it comes to promoting planning as a profession and putting a very positive light on the planning profession, because these are the people — the young people in particular — who will be making the significant decisions at the coalface in local government. We want to encourage them because these people are the people who will make the decisions about the future. We need more of these people. There is a demand for skills. It is certainly assisting population growth, but these sorts of people also need to assist in managing that population growth as well. We are investing; we are encouraging and we are facilitating the growth in these areas to make sure we continue to

face those challenges that make Victoria the best place to live, work and raise a family.

Pulp and paper industry: emission trading scheme

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Industry and Trade. What steps have the minister and the Brumby government taken to date to ensure that the implementation of the Rudd government's emission trading scheme does not result in the loss of thousands of Victorian jobs in the pulp and paper industry, including the manufacture of toilet tissue?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I think this is the first question David Davis has asked me about toilet tissue.

Mr Jennings — It might not be the last!

Hon. T. C. THEOPHANOUS — It may not be the last, I do not know.

I will try to answer Mr Davis's question in relation to the broader issue that he raises, which is the question about the emission trading scheme and its impact on a range of industries, including the one that he has identified. We are well aware that the outcome of the review and the way in which the emission trading scheme is implemented is going to have a significant impact on industry in Victoria. That is why we have made extensive submissions to the commonwealth in relation to the development of the national emission trading scheme.

I might say that personally I have had a long involvement in this, even going back to my previous responsibilities as Minister for Energy Industries when Victoria led the way in the development of an emission trading scheme and put it up as a national model, because we were mindful that we wanted to be ahead of the game in terms of understanding the impacts of such schemes on our industries.

In relation to the federal government's actions now, we are aware of two facts about emission trading. One fact is that the emission trading scheme will add costs — it will add costs and it will add them right across industry, right across the economy; we understand that, because reducing emissions is something that will obviously require action at all levels. But it also does one other thing. The Treasurer spoke about half-empty and half-full glasses; in this instance this is another example of it.

Mr Lenders interjected.

Hon. T. C. THEOPHANOUS — Take a sip, yes. Another example is that of course there are also opportunities that arise out of the emission trading scheme. These opportunities range right across the economy. They include opportunities in the energy sector in new technology, which is why we developed our energy technology innovation strategy program, known as ETIS, which is a program designed to bring new technology into the energy sector. It is why we have developed a range of other technology sectors. In fact had David Davis read my colleague's innovation statement he would have been well aware of the enormous opportunities that arise if we think innovatively about how to deal with the climate change questions and how to deal with those issues not just in terms of 'this is a problem' but also in terms of 'this is an opportunity' that will be present for business generally.

It is the case, for example, that a significant debate is taking place in relation to such things as: what will be counted as a carbon sink? In particular trees and plantations, access to those plantations, and the price and how they will be treated under the emission trading scheme are all matters for discussion at the moment. We are very mindful of the fact that there is a range of industries — this is not the only one, I say to Mr Davis. I know he wants to focus on toilet paper at the moment, but it is not the only industry that is going to be affected. This is going to affect a range of industries, of which the paper industry, the timber industry, our agricultural industries — all of those industries — will be affected in one way or another.

I think the best way to answer his question is to say that the Victorian government is in there aggressively putting a point of view on behalf of Victoria. I would contrast that with the fact that the opposition has not submitted anything to any of the reviews that are relevant in my portfolio. Opposition members have not submitted anything. They come in here and ask questions, but — —

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — It would be good if they actually put in a submission. The auto industry would be a good one for them to put in a submission — —

Mr P. Davis interjected.

Hon. T. C. THEOPHANOUS — Actually we put in reviews in opposition, Mr Philip Davis. Unlike your opposition right now, we were not lazy. You go back and have a look.

The PRESIDENT — Order! Through the Chair.

Hon. T. C. THEOPHANOUS — I was personally involved in putting in a number of submissions to the Productivity Commission and other reviews that were taking place. The difference between you and us is we are prepared — —

Mr Dalla-Riva interjected.

The PRESIDENT — Order! Mr Dalla-Riva!

Mr Dalla-Riva interjected.

The PRESIDENT — Order! When I call Mr Dalla-Riva's name, I ask him to respect that and respond accordingly.

Hon. T. C. THEOPHANOUS — Unlike the opposition, which has always been policy lazy, has failed to put in a submission on at least four major industry reviews that are taking place — —

Mrs Peulich — On a point of order, President — —

Hon. T. C. THEOPHANOUS — The opposition has failed to put in submissions, unlike — —

The PRESIDENT — Order! Mrs Peulich, on a point of order.

Hon. T. C. THEOPHANOUS — The Labor — —

The PRESIDENT — Order! Minister!

Mrs Peulich — It is inappropriate for the minister to use an answer to a question without notice to aid debate, and secondly, to reflect on a member as he has just done. I would have thought that making a representation in this chamber should be a very effective way of representing a particular point of view.

The PRESIDENT — Order! If there is a member in the chamber who is offended in any way by a remark made by the minister they are free to raise the matter on their own accord. It is not for Mrs Peulich to raise it on their behalf, unless they did not actually hear it. Other than that, there is no point of order.

Mrs Peulich — On a further point of order, President, the unparliamentary remarks provision is not the one that I was elucidating; it was reflecting on a member. The requirement is not on the individual person to necessarily take that point of order; it is for any member to do that.

The PRESIDENT — Order! I am sorry to inform Mrs Peulich, but she is wrong; it is for the individual

member who is in the chamber to take offence and do something about it.

Hon. T. C. THEOPHANOUS — On the innovation review, the auto review, the export review, the textile, clothing and footwear review, what is the opposition's record for how many submissions they made? Zero.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — The minister has indicated the serious impact that the emission trading scheme will have on Victorian industry. In that context does the Brumby government seek changes to the emission trading scheme that is outlined in the commonwealth government's green paper, given its impact on Victorian industries like the pulp and paper industry, where job losses appear certain and manufacturing may move to South Australia or offshore?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Unlike the opposition, again this government makes submissions, has made submissions and continues to make submissions on the emission trading scheme and put Victoria's point of view very strongly. We continue to make those submissions, and the opposition fails to do so.

Skills training: infrastructure projects

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Treasurer. Yesterday the Treasurer touched on the important role that infrastructure plays in making Victoria the best place in the world to live. I ask: what is the Brumby Labor government doing to ensure that people are adequately trained in the skills needed to complete these key infrastructure projects?

Mr LENDERS (Treasurer) — I thank Mr Somyurek for his question and his interest in these matters. The Brumby Labor government is very conscious that the two particular things we need to do to continue to have this economy grow so we can deliver jobs to Victorian working families are the issue of infrastructure, which I mentioned yesterday, and the skills that are required for our industries to move forward. The Premier has announced a boost to funding for skills in Victoria. For those who, like I do, move around the state and talk to the business community, at the moment the single largest item of concern that I get from the business community is a lack of skills. That is the single consistent message coming through from the

business community, for both the long term and the short term. It is skills.

In relation to Mr Somyurek's question about the infrastructure program, the government is investing heavily and deeply in skills as a way forward in this area. The Brumby Labor government has announced a \$316 million skills package from money put aside in the budget to assist in this area, and this will deliver 172 000 extra places. That is what the government is funding: an extra 172 000 government-funded training places to fill this critical skills gap.

Honourable members interjecting.

Mr LENDERS — Mr Drum is not interested in this, but it is no coincidence that across Victoria we have more people — —

The PRESIDENT — Order! Mr Drum and Ms Pulford should go outside if they want to converse.

Mr LENDERS — It is no coincidence that Victoria has the highest year 12 retention rate of any state. It is no coincidence that we train more apprentices than any other state, but more needs to be done.

The skills package has a few features. It will establish a Victorian training guarantee so that a young person in this state, or for that matter any person who wishes to go through the various VET certificate levels, will be guaranteed each of them once — at least once. It is a training guarantee to all Victorians. Secondly, there is the creation of the 172 000 places that I mentioned earlier. Thirdly, we will fund the hiring of an extra 900 teachers and 500 non-teaching staff. That is 1400 jobs that will come out of this package. Not only are we training more people in skills, we are creating 1400 jobs out of this process. Lord Voldemort and his Dementor acolytes opposite do not appreciate good news coming out of Victoria. However, we have 1400 jobs in this particular area.

We are also providing greater student choice. We are financing study in TAFEs and private RTOs (registered training organisations), and we are providing that access for the first time. There is also extraordinary business support for this program.

Mr Somyurek asked a question about what we are doing to facilitate the skills and training necessary for this huge infrastructure program. This skills package assists Victorians in meeting those opportunities that come forward. It is a long-term investment in the state, and it is a critical part of the state. It is also such an important way to make this state an even better place to live, work and raise a family.

Public transport: rolling stock

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Industry and Trade, Mr Theophanous — and I know he has anticipated this day eagerly! The government has a multibillion-dollar program to replace our tram and train rolling stock, which is inevitable due to the age of the vehicles. In terms of those contracts already signed, there has been a fairly disappointing outcome in terms of Australian manufacturing content. In terms of any future orders the government has foreshadowed, what actions has the minister taken to ensure that as much content as possible of future contracts will be manufactured in Australia?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question — and for the coordinated approach of the opposition and the Greens today!

Can I indicate to the member first of all that government purchases in relation to the public transport area are not something I have direct responsibility for. However, I do have responsibility for a government program called the Victorian Industry Participation Policy (VIPP). That policy was strengthened about 12 months ago by the government. The member should not hold me to the exact date, but it was around that time. It was strengthened as part of our ongoing commitment to try to bring in as much local content in government purchases as possible to be able to gear off our own industries, our own local production and so forth. That policy and the changes we looked at mean that when there are such purchases to be made we now look at whole-of-life procurement. We look at the costs involved from a whole-of-life perspective in terms of government purchases rather than simply the product itself. That is taken into consideration during the tender processes.

We have also streamlined the VIPP process. The body involved in implementing VIPP is the industry capability network (ICN), which has responsibility for looking at each individual purchase and making recommendations in relation to those. Obviously in relation to the specific matter the member has raised, the public transport area, this is complex. By the way, I say to Mr Barber that the vast majority of government purchases involve local content that is locally produced. However, in the case he is talking about there are other considerations which we have to take into account such as deliverability. The question is: is there the capacity to provide the product out of Australian or Victorian production? Secondly, can it be produced and delivered in the time lines that are necessary for the product to

meet the program the government is trying to put in place?

We take all of those things into consideration, and we do everything we can to try to deliver local content for local production. The process of considering those issues is done through the VIPP and administered through the ICN.

Supplementary question

Mr BARBER (Northern Metropolitan) — The minister, in answering, raised the question, ‘Is there capacity to deliver this rolling stock in Australia?’, and I think my question was in relation to what his government was doing to foster that capacity. But in terms of the Victorian Industry Participation Policy which he raised in his answer, in relation to the industry stakeholder group that is responsible for reporting to him, what is the current view of how VIPP is working, as reported to him?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — So far as I am aware, and I have regular meetings with Peter Yates, the industry capability network is very effective in delivering VIPP. The ICN is very pleased with the new powers that we gave it when we revamped the VIPP process, and we have also given it additional resources to be able to ensure that it is able to undertake its tasks effectively. So I think the answer to the member’s question is that the ICN is excited about its role to oversee this program and continues to talk to the government about ensuring that we give local producers a fair go in all of our government purchases.

Skills training: information and communications technology

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Information and Communication Technology. Can the minister inform the house of how the Brumby government’s *Securing Jobs for Your Future — Skills for Victoria* statement will assist Victorian industry?

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — In response to the member’s question, the importance of this \$316 million program, *Securing Jobs for Your Future — Skills for Victoria*, I believe has been mentioned, certainly by me and by the Treasurer. This program is important. It has a number of elements to it, which include direct support to industry. It provides \$52 million for skills growth — the workforce development program. That is designed specifically to

assist small to medium-sized businesses to access training for employees, and it offers a customised and independent service that includes access to government-subsidised training places and skills recognition for eligible employees.

The Victorian skills pledge, which was part of the statement, is another new program for rewarding employer commitment to the skilling of their workforces and the promotion of lifelong engagement in skills development. The statement provides for 172 000 training places for Victorians going forward, and, as the Treasurer has also indicated, nearly all the businesses we talk to identify skills as among their no. 1 priorities.

I might also say that when we attract investment into the state, skills and skills development is always an issue. We were able to attract IBM with 300 jobs, so obviously access to skills training through the University of Ballarat for that expansion is critical for IBM, and it is always a discussion that takes place with that company. Similarly, with the 2000 jobs that Satyam is set to take on in Geelong, obviously that is another area where Deakin University will play an enormous role in the supply of those skilled workers going forward. The *Skills for Victoria* statement is an integral part of our strategy to build the Victorian economy and to maintain it as a strong economy for the nation.

QUESTIONS ON NOTICE

Answer

The PRESIDENT — Order! Mr Rich-Phillips has written to me concerning my ruling in relation to an answer to a question on notice provided by the Treasurer. The question sought specific information relating to penalty interest paid by the Department of Treasury and Finance. The answer provided by the Treasurer contained general information relating to this topic; however, it did not provide the specific details requested. I therefore direct that the question be reinstated to the notice paper.

Sitting suspended 1.03 p.m. until 2.15 p.m.

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL

Second reading

Debate resumed.

Mr BARBER (Northern Metropolitan) — I have valued greatly the contributions that other members have made to the debate on this bill. In some ways they have left me with very little to say that has not been said before. I particularly value the position of Mr Philip Davis and the positions expressed as recently as this morning by Mr Atkinson and Mr O'Donohue. Mr O'Donohue's almost deductive approach which has led him to decide to support this legislation most matches my own.

I guess I had quite a long time though to get to that point of view. I do not know how much consideration members have given this over a long time. For various reasons I had the issue in my head for a long time. I guess for as long as 10 or more years I have had the issue mulling in the back of my mind and have been able to pick up and examine different circumstances, different arguments and the ebb and flow of different events that have come forward and to add them to and compare them with my view at that time. That view is, of course, that this bill should be supported.

A number of members here have already declared their position and said they will vote in favour of the bill at the second-reading stage or they will be voting against it, but I have been listening carefully to the contributions from another group, those who seemed to say that they supported the principle and even the general thrust of this bill but had concerns about individual clauses or individual issues thrown up by the legislation. Frequently in listening to the speeches of those members I heard them say, 'I am not sure or I do not know or I do not understand the implications or the actual wording of these particular clauses'.

For example, Mr Viney said it was unfortunate that a bill such as this had not been scrutinised by the Law Reform Committee of the Parliament, and he compared that to the process the Medical Treatment Act went through some number of years ago. Mr Dalla-Riva went through the bill clause by clause and posed a series of queries about how individual provisions would operate and how they would play out in real-world situations. Mr Tee talked about how in his view the law is an additional burden on the dying. For the dying and for those involved with them at that time the law does not necessarily assist the situation. He said that to him the legal consequences of these end-of-life decisions were still unclear in legal terms, and I believe it is correct to say that he described the current situation as untenable. He also said he thought perhaps the Victorian Law Reform Commission was a body that could give the bill some examination. He said in general terms, 'I support people dying with dignity'. Mr Rich-Phillips said that as a member of Parliament

he found it hard to argue that his personal beliefs should override the desire of, for example, a person with a Parkinson's-like condition to, in those circumstances, end their life. Then he went through a number of provisions of the bill and expressed various kinds of doubts about the correctness of those provisions and where they had come from.

The point I am making is that I think all those members would be willing to support another type of process where these questions could be asked, examined and put under a microscope and where various forms of testimony could be brought in and examined. In the case of at least one of the members just mentioned, they seemed to indicate that they support the overall idea. It is unfortunate that from what I hear around the place some of these members will not be voting for the bill to pass the second-reading stage, because my understanding is that after the second reading comes the stage which is exactly where that happens. Members have the option of voting for a bill at the second-reading stage and listening to and participating in a wide-ranging committee stage, and there is the opportunity for the bill to go to the Legislation Committee and so forth and then — as the Greens have done on other bills — for members to vote against the bill at the third-reading stage. That is, as I understand it, the purpose of the various stages, and I say to any member who is uncertain about the operation of a particular clause or where it arises from or about definitional issues that they should still support this bill at the second-reading stage.

Mr Hall broadly said that he thinks Victorian statutes work best when there has been very wide participation in coming to a decision. He made the observation that an all-party committee may have been a more appropriate way for this bill to be dealt with. Mr Thornley said that he had been loosely aware of the issues but that this bill had forced him to consider them in a lot more detail. That is very understandable from a human point of view. If you have never had the opportunity to think about an important issue over a very long time, you should not necessarily be rushed into making a decision. We do have opportunities in and around this Parliament to take time out on this legislation and allow ourselves and others to have more time, not just to interrogate the provisions of the bill and call in expert testimony, but to reflect.

Ms Pulford in her contribution, which was very considered, as all contributions have been, basically said that we need to go back to the policy question and think about in what circumstances it is okay for people to seek assistance to end their lives. Ms Pulford said, 'in what circumstances', and from its context I take it that she believes it is a question of the circumstances and

that for her the threshold issue of whether it should be permissible in some circumstances has already been passed in her mind. Ms Pulford said that developing legislation to match what society believes are the appropriate circumstances was the way to go, but only after a broad community debate and thorough consideration.

I join those members who have said they support the bill in urging all members to vote for this motion or, as an alternative, the proposed amendment to the motion moved by Philip Davis, which involves the bill being examined by the Legislation Committee.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I rise to speak on this important piece of legislation. In so doing, can I first of all say that I understand why some people would want to listen to and act on their loved ones' desire to end their life when they see them suffering and in incredible pain. Before I talk about this bill — because I have thought about it at great length — let me just recount a personal experience.

Some years ago my sister, who I was very close to, suffered from an aneurysm. She was a little bit over 40 years old. She was put on life support. The family came around. We went through a terrible time for a period of probably five days when we talked to doctors and we tried to work out what we were going to do. For a range of reasons the family decided that I should make the decision as to whether to turn off the life support systems. I went to every doctor I could find and got a number of opinions. Tests were carried out and ultimately they all came back and showed that the diagnoses were correct; she was never going to recover. She was effectively brain dead, but she could be kept alive for a considerable period of time.

What one has to do in those circumstances is to consult one's conscience. I asked to be left alone with her. I entered into a conversation with her. Some people would say that it was just me talking to myself, but I do not believe that that was the case. I have my own religious beliefs and yes, I believe that that was a time for me to reflect but to do it in a context where I thought I was having a conversation with her. In the end I decided to turn off the machine. I have made many and varied difficult decisions during my political life, but I can honestly say that was the hardest decision I have ever made.

However, it brings to my mind the difference between turning off the machine and the alternative, which is being suggested in this bill, which is to actively be engaged in ending somebody's life. There is an

important difference in intent here. The Medical Treatment Act 1988 allows for the turning off of support machines in these circumstances. I supported that position because I think if a person is in a coherent state and is not subject to pain or any other influences, and they make a decision, 'If I am in these circumstances, I do not want to be artificially kept alive', then that is an important consideration of their will. However, that consideration of their will is very different to saying that people can, in the same way, say, 'I do not want my own life to be artificially extended, but rather I want assistance to end my life'. There is an important ethical and moral difference between those two statements.

Whilst I understand the suffering of families in these circumstances, in the end it comes down to: what is the intention? When you think about it, if the intention is to end the suffering and to end the pain that a person is subject to, then I would have no difficulty with that intention, because that would then lead you to get those people the best palliative care that was humanly possible. It would lead you to the conclusion that you should administer painkilling and pain management regimes that would completely minimise their pain, because what you are addressing is the pain. If in that circumstance there was a side effect of you addressing the pain of the person dying, then that is something which happened as a result not of you trying to kill the patient but of you trying to end the patient's pain. Again, I have no difficulty with that; it is part of the palliative treatment that we do. We have very good palliative treatment in this state, and we should continue to focus on having excellent palliative treatment.

When I look at this legislation I have to say that there are important contradictions in it. The bill states that the purpose is to recognise the right of a mentally competent adult person who is suffering intolerably from a terminal illness to make a decision to end their life. I want members to think about this. These are the conditions that we are talking about. We are saying that someone who is suffering intolerable pain is going to have the full mental competence to make a decision to end their life. It seems to me that the very beginning of the bill sets up the contradiction between competency on the one hand and extreme pain on the other. How many of us have heard people when they are in excruciating pain for a variety of reasons — they might have been in a car accident or whatever other circumstances — say, 'I just want you to end it. I just want my life to finish because I cannot stand this pain'. Do they really mean that that is what they want forever, or is it an instantaneous decision at the time? I want to come back to that shortly.

When I looked at the legislation I also noted that it tries to define 'intolerable suffering' as the rationale for making that decision or allowing that decision to take place. In defining 'intolerable suffering' it refers to three areas. It means 'profound suffering and/or distress, whether physical, psychological or existential'. It is important to try to understand what that means, because a doctor or another individual in the medical field will have to interpret what this means. For most people physical pain is fairly self-evident. People can understand what physical pain is. Psychological pain is more complex, more difficult, but even that can involve some element of analysis, particularly by a psychologist or a psychiatrist who may be able to establish the psychological factors structured into a particular patient that are causing pain. Let us go to that point, although I am very nervous about agreeing with it.

We then come to this other term 'existential pain'. There are a lot of people here who would want to ask the question: what do we mean by existential? What does this term mean? What is existential pain — not just a little bit of pain but enough so that the person wants to kill themselves? As I have done on a number of other occasions when we have had to deal with these difficult moral and ethical issues, I will go back to sources from my life: firstly, my set of religious views; and secondly, my background in the study of philosophy, which has helped guide some of my opinions over the years.

On this occasion I thought it might be useful in the debate to talk about the term 'existentialism'. The most important exponent of the philosophy of existentialism was Jean-Paul Sartre. He developed the theory of existentialism based on the idea that existence precedes essence. The idea is that if you take the view that God does not exist, then there is no predetermined purpose and human beings must define themselves as a part of their existence. That is why existence precedes essence in the philosophy that he espoused. Sartre's theory is that man creates himself; that is really what it is about. How does he create himself? He creates himself through the choices that he makes, and in those choices he simultaneously affirms the value of the choices and creates an image of what he is. Through his choices he, in effect, defines his own existence, but doing so gives rise to something which he calls anguish. What is that anguish? If we are talking about pain arising from an existential notion, then you are talking about anguish arising out of that existential notion or some way of defining the pain. What Sartre said is that anguish arises when we are confronted with the idea that nothing will objectively validate our choices and our values and our existence.

This is something that many people do their entire lives. You do not have to be in a state of extreme pain to experience that sense of meaninglessness. Many young people feel it. That is why we have suicides. That is why people want to end their lives, because they cannot find meaning in the choices they have made, in their place in society, and in their own lives. I will quote from Sartre:

I emerge alone and in anguish confronting the unique and original project which constitutes my being.

The very nature of existence in existential philosophy entails pain and anguish; it is the very nature of the notion of existentialism. How do you expect a medical practitioner to try and weave their way through this notion of intolerable existential pain? How do you expect this to occur for the ordinary person? I do not consider myself to be a great scholar in philosophy or in Sartre's notion of existentialism, but I know enough about it to know how little I know about it. I dare say there would be many people who would have to make decisions and suffer from the same lack of knowledge or the same incapacity to understand what is meant by this notion of existential pain. I put it to anyone who is listening to this debate that existential pain is part of the human condition. We make choices that cause us anguish. We look at our lives and we cannot see anything at the end of it, so we think our lives do not have any meaning.

But there is one other important element of existentialism in the Sartre model which is important to understand. One of the things Sartre put forward about choice and anguish is that a person's existence changes at every single moment. When you make a choice today that is not the end of the matter; you have to reaffirm the choice tomorrow and the next day and the day after that. To cite a practical example — if I choose today to stop smoking, it is not as simple as saying, 'That is it. I have chosen to stop smoking' and tomorrow everything will be okay; that is not the case at all. Tomorrow I have to choose again not to smoke, and the day after that I have to choose again not to smoke. My choice is an ongoing choice in that sense. At any time I could change my choice and say, 'I am going to take up smoking again'. That is the nature of human freedom — that is what it is.

You say to a person, 'Here is a form, fill in this form', and you fill in this form today and you say, 'Yes, I want to die because that is my free choice and that is the choice I have made'. Guess what? Even under the existential philosophy that is somehow meant to be a part of this legislation that person might have a different view tomorrow. It might not matter in the case of smoking but I put it to people that it makes a huge

difference when someone wants to end their life. Today a young person might decide that they want to end their life, and I know some who have made those decisions, but the great hope of human existence is that tomorrow that very same young person will make a different decision and will decide to live their life.

In the same way, who am I to judge when somebody in a state of extreme pain says today, 'I want to end my life' whether that will be the ongoing choice of that person over the rest of their life, however long it might be? I cannot make that judgement. I do not know how anyone can. When you want to put it into legislation that they can make that judgement simply because they can see no hope — in the end that is what existential pain is; it is pain derived from the fact that you can see no hope and therefore you want to end it — I think that is a step too far. It is a step too far for me in this legislation. I know that people want to have another go and fix up the legislation and so forth, but as it is at the moment and based on all the things I have just said, this is a step too far for me and I cannot support the legislation.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the debate on the Medical Treatment (Physician Assisted Dying) Bill 2008. Some incredibly worthy contributions have been made as this debate has proceeded. It is not my intention to make a long speech here but to simply record my thoughts on and reaction to this bill in a very succinct way.

First I want to compliment Ms Hartland on bringing this bill to the chamber. I think she has done this in a way that has captured some mood in the community. There is a need to deal with many of the issues that this bill seeks to address. The correspondence I have received on this bill has been quite varied. Some of it has been very considered and thoughtful. I have had correspondence from medical practitioners and others who have direct connections with many of the aspects that would be involved with the implementation of this measure. I have also had correspondence from people across the community and beyond, Liberal Party members and members of the community much more broadly. I have examined and respected each of those contributions in determining my position on this bill.

I was interested to hear Mr Theophanous speak just now. His contribution reminded me of my philosophy studies at university and the distinctions and understandings of different philosophers and people who bring a thought process to facts in the world and decisions about how we should live life. I was struck by Mr Theophanous's discussion of existentialism. As

somebody who studied contemporary European philosophy, I am aware that many of the points he made about existentialism and the incorporation of those concepts into the bill are true.

I want to make some comment in this contribution about my philosophical reaction to this bill. I find myself in a position where I feel the need to oppose the bill, but at the same time I am very much in sympathy with much that is in the bill. The need to enhance the capacity of people to make their own decisions near the end of life is a very fair aim and one that I share. Decisions that are made towards the end of life are being made now in a perhaps less than ideally regulated framework. I think that if I were in significant pain or discomfort and were near the end of life with an incurable or terminal illness I would want the maximum opportunity for action to reflect my views and to chart my own course. To the extent that this bill seeks to do that, I understand what it is trying to achieve.

I think the difficulty is in translating these concepts into the framework of law. It is not an easy task. I understand the difficulties that confront the drafter of a piece of legislation of this nature. It is that step of moving into the framework of law that leads me to the conclusion that I cannot on this occasion support the bill. As I said, it was a very difficult decision, but it is the right decision for me. I am not of the view that this bill should go to the Legislation Committee, as is provided for in the reasoned amendment moved by Mr Philip Davis. I understand why he would want to send this to a committee and that that is one mechanism for examining the bill. However, if the bill were to go to a committee, I think a broader committee framework would be a much more realistic approach. If the bill were to be examined by a committee it would need to be a committee that could take on board the whole gamut of community view and opinion. If there were to be any realistic movement in the views of those in this Parliament and the development of frameworks that would satisfy members across both chambers, I think the legislation could only sensibly go to a committee which encompassed a much broader group in the Parliament.

However, I think the task of developing frameworks for the aims of this bill is about community involvement. I was struck by the efforts of Mr Atkinson in consulting his community in a very structured and formal way. There is a lot to be said for members of Parliament undertaking that sort of broad consultation. I can understand the views that he put forward on this bill. Going right back to the start of the debate, Mr Rich-Phillips set out a very structured examination of the bill. His contribution at that early point is one reason I am not going through the bill in a

point-by-point approach. He pointed to many of the issues and concerns. Given those contributions, and again stating my enormous sympathy with the aims of the bill, I indicate to the chamber that on this occasion I will not be able to support the bill.

Mr LENDERS (Treasurer) — I also rise to speak on the private members bill moved by Ms Hartland. In opening, I make the comment that as someone of Dutch heritage I have followed these issues for many years. When similar legislation was going through the Northern Territory Parliament some years ago, I had a lot of sympathy for it. At the time, I was very disappointed when the national government disallowed that legislation to go through. However, I have come on a journey. During briefings and the debate on this bill I have actually changed my position.

We have had an interesting discussion in this house. We have had very high-brow and philosophical discussion — and I say that in complimentary terms — from members like Mr Thornley and Mr Theophanous. We have also had extraordinarily passionate contributions from members like Mr Vogels. The concluding parts of his address will stick very strongly in my mind as having been very difficult to make.

However, without reiterating or rehashing a lot of the issues, I think the most persuasive speech in this house and one that I would endorse was the contribution by Mr Pakula, which, clause by clause, went through the legislation and covered a range of issues that he had found. I concur with his views that this is a very difficult piece of legislation for all the tests he put in support of his view. Without going through or reiterating the concepts or the debate further, I will be opposing the second reading.

The PRESIDENT — Order! The reason we are not going to Mr Barber is that I also wish to make a short contribution to the debate on this bill. It is the first time I have done so from this position in the chamber.

I gave great thought as to whether or not I would contribute to the debate on this bill. The reason for that is that I felt a little conflicted because of my role as presiding officer and my responsibility to preside over proceedings in the house in an unbiased, even-handed way. But I am overwhelmed by the other view I have — that this is such a significant bill before the house. Because of the fact that a conscience vote is available to us, I feel free — or unencumbered, if you like — to make a contribution. Consistent with that feeling of being conflicted, I do not intend to go through all my views, feelings, rebuttals and support as I would from a different, distant position in the house,

because I think that could be a little provocative or biased and put me in a slightly difficult position.

There have been some significant, quality contributions. Some have been most eloquently delivered and some, in my view, have been quite controversial, but they have all contained the same ingredient — that is, passion and a very strongly held, passionate view on the issue. I have heard contributions from members who talked about their family histories. I think it is fair to say that a lot of us in this house — when they reach my age anyway — have been there. We have all experienced family passings and the like in different circumstances. Both my mother and my father were the beneficiaries of palliative care for terminal cancer et cetera, so I know exactly what a lot of people are talking about. I am extraordinarily lucky in that I have never had anyone younger or dependent die in such circumstances, and I am grateful for that. A very strong point I would make on the palliative care issue, particularly being with my mother for the last few days of her life, is that I am extraordinarily clear in my mind about one thing: she never on one occasion, for one heartbeat, wanted to go one second earlier than she did. There is a great lesson there.

I have heard people make contributions about the slippery slope and how this could not possibly be such a circumstance. I have heard some contributions from Mrs Kronberg about the movie *Soylent Green*. I remember that movie; it was one of the first things I thought of when this bill was first mooted. I know it may sound quite fanciful to some people, but who knows? We talked about the slippery slope. I remind members that there is a debate in the other place right now about further progressing the issue of abortion. I think exactly the same thing here: once we open this Pandora's box, we have no control and no idea where this is going to go — whether it be in 5, 10 or 50 years time. I know some people may think that is fanciful, but I have been around long enough to know that you do not control these issues and you do not know what will happen with the next generation.

I am a Labor man to my eyeteeth. I believe that, with everything we have, we are here to protect the vulnerable and defend the weak. Therefore I vote no.

Mr BARBER (Northern Metropolitan) — I seek to move by leave, on behalf of my colleague Sue Pennicuik:

That debate be adjourned for a period of nine months.

I would like to briefly explain, if possible, why I am moving the motion.

The PRESIDENT — Order! Leave is granted.

Mr BARBER — A deferral of this bill without calling a vote for nine months would allow a few things to happen. Firstly, it would allow a cooling-off period for people to reflect on and consider the issues, and I mentioned some of those items earlier. Secondly, I am aware that Ms Hartland — and she may have communicated this to various members of the chamber — intends to move a motion that would provide for the Family and Community Development Committee to examine issues relating to this bill and, as part of that, to carry out public consultation and, if it chooses, to specifically consider the issues thrown up by this bill. Thirdly, I am aware that for various reasons some members may not support the proposal for the bill to go to a legislation committee. For that reason I think this offers an opportunity that many members, possibly a majority of the house, are willing to countenance.

In any case it is Ms Hartland's clear intention to move a motion to give a reference to a joint committee, and that will inevitably be brought to a vote through another question shortly. With this motion members have an opportunity simply to keep open all options.

Mr LENDERS (Treasurer) — Mr Barber has moved a procedural motion to adjourn the debate for nine months. I will speak against that and urge the house not to support it for a number of reasons. Mr Barber seeks to have more time. He sees that as being a big issue, and that is absolutely correct. It is a big issue, and it is a big piece of legislation that Ms Hartland has moved.

Ms Hartland moved for the second reading of the bill on 11 June, which is three months ago tomorrow. The bill was foreshadowed for some time before that, and on every sitting Wednesday since 11 June this house has had debate on the bill. While part of the rationale for the adjournment is to provide more time to deal with some potential defects in the bill, if that is a way to describe it, I argue that the house should reject the procedural motion because, firstly, there is a committee process after a second reading, if the second reading is successful, to address any defects that may be in a bill and the house in its wisdom may wish to rectify. But secondly, for three months this bill has been canvassed in the house on every sitting Wednesday. Most members of the house have now spoken on it, and I urge the house to reject this procedural motion so that we can move on to the reasoned amendment and the second reading forthwith.

Mr DRUM (Northern Victoria) — I concur with the Leader of the Government on this issue. We have had

debate on the bill for the last three sitting Wednesdays, and prior to that we had many months to ready ourselves for the debate. I do not think it has been a heated debate in any way, and I do not think there is any need for a cooling-off period for any members. I think the vast majority of members have reached a decision. They know which way they are going to vote on the issue, and they are going to vote on it now, irrespective of what they are going to learn either from the Legislation Committee or by way of a reference to the Family and Community Development Committee.

It is the government's prerogative at any stage in the future to refer an inquiry to that committee; it can do that whenever it feels like it. I do not think debate will be furthered in this chamber if that committee conducts its inquiry over a nine-month period. We have had an opportunity to do our research, and we have had the debate. Now we need the opportunity to vote on the bill.

House divided on Ms Pennicuik's motion:

Ayes, 9

Atkinson, Mr	Hartland, Ms
Barber, Mr (<i>Teller</i>)	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Rich-Phillips, Mr
Hall, Mr (<i>Teller</i>)	

Noes, 30

Broad, Ms	Madden, Mr
Coote, Mrs	Mikakos, Ms
Dalla-Riva, Mr	Pakula, Mr
Darveniza, Ms	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Koch, Mr	Theophanous, Mr
Kronberg, Mrs	Thornley, Mr
Leane, Mr	Tierney, Ms (<i>Teller</i>)
Lenders, Mr	Viney, Mr
Lovell, Ms	Vogels, Mr (<i>Teller</i>)

Motion negatived.

The PRESIDENT — Order! I remind not only the house but the gallery that this debate is being conducted in a dignified manner. We are about to embark on a vote the result of which will be known in the next few minutes. I expect the gallery to respond in exactly the same dignified way.

House divided on amendment:

Ayes, 9

Atkinson, Mr	O'Donohue, Mr
Barber, Mr	Pennicuik, Ms

Coote, Mrs (<i>Teller</i>)	Petrovich, Mrs (<i>Teller</i>)
Davis, Mr P.	Rich-Phillips, Mr
Hartland, Ms	

Noes, 30

Broad, Ms	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	Pakula, Mr
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr (<i>Teller</i>)	Theophanous, Mr
Koch, Mr	Thornley, Mr (<i>Teller</i>)
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Amendment negatived.

The PRESIDENT — Order! The question is that the bill be now read a second time.

House divided on motion:

Ayes, 13

Barber, Mr	Koch, Mr
Broad, Ms (<i>Teller</i>)	Leane, Mr
Coote, Mrs	O'Donohue, Mr
Davis, Mr P. (<i>Teller</i>)	Pennicuik, Ms
Hall, Mr	Scheffer, Mr
Hartland, Ms	Tierney, Ms
Jennings, Mr	

Noes, 25

Atkinson, Mr (<i>Teller</i>)	Pakula, Mr
Dalla-Riva, Mr	Petrovich, Mrs
Davis, Mr D.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Smith, Mr
Finn, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Kronberg, Mrs	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Lovell, Ms	Viney, Mr
Madden, Mr	Vogels, Mr
Mikakos, Ms (<i>Teller</i>)	

Motion negatived.

WATER: DESALINATION PLANT

Mr O'DONOHUE (Eastern Victoria) — I move:

That this house expresses its extreme concern with the process by which the government has identified the potential route for powerlines and connection from the grid to the proposed desalination plant (as one of three options), and notes that —

- (1) the proposed route from or near Tynong North, through Cora Lynn, Catani, Yannathan, Nyora, Woodleigh, Kernot, Almurta, Glen Forbes, Woolamai and Kilcunda travels through some of the most productive farmland in Australia;
- (2) affected landowners and community members have had little or no input into the proposed route and minimal consultation from the state government or its departments;
- (3) the proposed route includes part of the highly productive horticultural preservation zone created by the Shire of Cardinia;
- (4) the proposed route includes many farms that rely on irrigation, and the use of lateral and travelling gun irrigators in the vicinity of the powerlines may not be permitted and consequently may affect the productivity and profitability of the farming community;
- (5) part of the proposed route is within a potato cyst nematode (PCN) area, with strict controls preventing the free flow of vehicles, people, produce and soil, and the construction and maintenance of powerlines will make it more difficult to manage the PCN area;
- (6) the proposed route will reduce visual amenity and affect land values and impact upon local tourism;
- (7) the proposed route may cause disturbance to underground irrigation and drainage piping;
- (8) the farmers of the Bass Coast, West Gippsland and South Gippsland have been struggling over recent years as a result of drought, and their needs and those of their communities have not been adequately considered within planning for the proposed route; and
- (9) the proposed linking of the desalination plant to the brown coal-based grid calls into question the claim by the then Minister for Water in his press release dated 19 June 2007, which states that the desalination plant will be carbon neutral.

This government went to the 2006 state election with a continued policy of demand management for water, a policy it had followed without exception, to the exclusion of all other options, since it was elected in 1999. The Labor Party slogan at the 2006 state election was ‘When it matters — Steve Bracks ...’. The man who mattered at that time, Mr Bracks, criticised desalination as erroneous policy, policy that was energy intensive and expensive. Clearly the Labor government, after being re-elected and securing its third term, realised that the water problem it had on its hands was growing into an ever-worsening crisis.

In June last year, the government announced a complete change in policy. Rather than criticising the concept of desalination, it announced without warning, without consultation, that it would build the largest desalination plant in the Southern Hemisphere near Wonthaggi. The details of the government’s plan for

the desalination plant were and continue to be very sketchy. In the press release announcing the project on 19 June last year, Mr Thwaites, the then water minister, said:

Now that we have chosen a region for the plant, we will be undertaking further environmental assessments.

The release continues:

A decision will be made later this year on the role of the private sector in delivering the plant, consistent with the government’s policy of retaining water services to customers in public hands.

Mr Thwaites said landowners in the area would be contacted ... to discuss how their property could be impacted by the plant.

Mr Thwaites said the state government and Melbourne Water would conduct extensive consultation with the local community, water authorities and council.

‘We will work with all key stakeholders through the planning, design and construction of the new desalination plant and provide regular updates to the community throughout the process,’ he said.

That was in June 2007. For the purposes of the community affected by this proposed overhead powerline route, a further 12 months went by with no consultation and no knowledge even of the proposed powerlines until in mid-June farmers along the proposed route had their doors knocked on by consultants engaged by the project management group in the department to say that they had been identified as being within the 500-metre-wide project study area. They had no prior warning about this, and it caused most of them an enormous amount of concern and surprise.

Shortly afterwards a meeting was arranged in Lang Lang to enable all interested parties to discuss the proposed overhead powerline route that had been identified. A number of community representatives were at that meeting, including four of the five members for Eastern Victoria Region, as well as senior officials responsible for the project. One of the things that became clear at that meeting was that the 500-metre-wide project study area had been identified from a desktop review — not from consultations with people on the ground, not from going and analysing the sites that were proposed and not by discussing with local community representatives or others the best way to potentially put powerlines through an area or indeed whether that was appropriate at all, but via a desktop review. It was done basically by an analysis of different maps and different material that is available from a laptop computer in a government building somewhere like Nicholson Street, Latrobe Street or Collins Street,

which shows a gross lack of engagement with local people. The route that has been chosen clearly reflects that lack of engagement.

The general community in the affected area through West Gippsland, South Gippsland and the Bass Coast has been most concerned about the impact the overhead powerlines may have. A press release from Bass Coast Shire Council, which quotes Mr Luna of the shire, states:

‘Council has consistently requested more information, better community consultation and open dialogue with the state government ...

...

The overhead transmission lines will cut through some of Victoria’s best farmland.

This will have a significant environmental and visual impact. In some cases it would have a direct impact on the landowners’ ability to continue to farm their property.’

Mr Luna said parts of the potential route are protected by a significant landscape overlay in the Bass Coast planning scheme.

‘The council and community are extremely concerned that the state government will override our local planning policies, as happened with the proposed location of the desalination plant,’ said Mr Luna.

‘Council has consistently asked the state government to justify their decisions and to engage in an open dialogue with our community.

To date that has not been forthcoming, despite our best efforts to actively engage in this process,’ Mr Luna concluded.

The Cardinia Shire Council has written in similar terms. By way of letter dated 28 July this year, its chief executive officer, Mr Garry McQuillan, said:

Council strongly opposes the current route of the powerline corridor based on the following grounds:

1. The peat soils of the Koo Wee Rup swamp through which the proposed route passes contain some of the most fertile agricultural soils in Victoria.
2. The uniqueness of the soils in this area has been recognised by successive governments and has been protected through the creation and maintenance of a special use (horticultural preservation) zone over the area.
3. The current zone was approved in the Cardinia planning scheme by successive Labor governments and most recently reaffirmed when the current government reviewed rural zones and retained this zone rather than convert it to a green wedge zone.

He went on:

The current proposed route of the powerline will have a drastic effect on the productivity of this valuable farmland and council requests that the Department of Sustainability and Environment undertake an urgent economic impact assessment to identify the loss of agricultural production, farming income and land values associated with the proposed route prior to any decision being made.

He concluded:

I strongly urge you to reassess the proposed route of this powerline easement and the alternative options available for the supply of power to the desalination plant in order that the valuable agricultural areas along the proposed route are protected for future generations of Victorians.

Finally in this area I want to quote from a letter sent by Mr Ian Anderson, the president of the Cardinia branch of the Victorian Farmers Federation, to the desalination project team on 7 July. He said:

Today agriculture on the swamp —

that is the Koo Wee Rup swamp that may be affected by the overhead powerlines —

has continued to advance with the adoption of more modern and efficient infrastructure. The swing towards centre pivots and lateral move irrigators is aimed at increasing productivity and optimising our most precious resource, water. Efficiencies of scale have now been achieved through rationalisation of infrastructure. These productivity gains have now been put at risk by the restrictions which a powerline would place on the area.

He goes on to say:

Today the world is facing a period of uncertainty with respect to world food production. The rich peat soils of the Koo Wee Rup swamp have in the past, and will continue to be into the future, the food bowl of the Westport region. The unique characteristics of this area cannot be found anywhere else. Climate change will continue to have an adverse effect on Australia’s ability to produce food. The Murray–Darling Basin is not showing any signs of recovering its production capacities in the short to medium term. So why reduce this area’s production capability? It’s too good to be mothballed by transmission lines.

The local councils are opposed to the proposed route, as is the Victorian Farmers Federation. It is clear from the desktop review that the government commissioned that it has a very limited understanding of the productivity of the farmland that is affected. The Koo Wee Rup swamp area in the north through to the dairy country further south and the beef country in South Gippsland and on the Bass Coast is indeed some of the most productive farmland in Victoria — close to markets, so therefore requiring less energy to get to the market and very important with regard to food production.

The government seems to not understand that overhead powerlines that may take only a certain portion of a

farm out of production may in fact close down the full production of the farm by reducing the use of irrigation through reducing the use of overhead and underground sources of water transmission, thus bisecting the farm. When you bisect a farm in effect you create two separate farms, and in doing that you may make a farm unprofitable and it may be lost to food production.

I received some correspondence from John and Wilma Coleman, dairy farmers at Yannathan, who put into their own words the impact the overhead powerline may have on them if it proceeds. They said in a letter dated 4 July:

It is important to be clear that we are absolutely opposed to the construction of high-voltage power pylons across our property. No amount of compensation will be enough to compensate for the loss of connection to a parcel of land that has been in our family since the 19th century. The property has never been sold, and multiple generations have cared for and developed the land. In a sense we are not even the proper owner. We are merely the custodians for future generations. The property, Parklands, as it is called, has borne silent witness to the full spectrum of human emotion, family success and family tragedy. Forebears have been born and died on the property; trees now huge and old were planted to mark significant occasions in people's lives. In many ways the land holds the story of our family, and bisecting it with ugly and high-voltage power pylons devalues and compromises that story.

Other farmers, such as Mr Colin Hobson, Mr Wayne Tymensen and Mr Frank Rovers, have recounted to me the impact the powerlines may have on them. There are also smaller holdings in the South Gippsland area which will be affected, such as that of Mr Geoff Ferrier, with the powerlines going very near to backyards of places where people actually live. The environment effects statement and other communication with the government that have been released are silent on the impact to land values and on people like Mr Ferrier, who are not necessarily full-time farmers with significant quantities of cattle or crops but who nonetheless will be significantly affected if the project proceeds.

The Power Grid Option Group has been formed by a number of concerned landowners in response to the government's proposal. Approximately 180 to 200 landowners may be affected. In a document it has given to me the group says:

Group research reveals that globally, placing high-voltage transmission lines underground is becoming common.

Cutting edge technology allows high-tension, high-capacity powerlines to be placed underground for long distances at the rate of between 1 and 3 kilometres per day.

This group had done a lot of work on potentially placing powerlines underground. Unfortunately the

government's analysis in the environment effects statement (EES) seems to dismiss this as a serious option on the basis of cost. This is one of my great concerns about this whole process. The government says through its EES documentation that undergrounding is too expensive and that avenues for compensation will be available through the normal statutory processes, but the government has not done an analysis of the impact on agriculture for the next generation. If powerlines like those proposed are built along a 75-kilometre route from the Princes Highway in the north to the desalination plant in the south, hundreds of acres will be taken from production in perpetuity. Over the one or two generations that the powerlines will in effect stand, there will be a significant impact on agricultural output, and it is regrettable that the government has failed to properly analyse that long-term impact.

I have written to ministers Madden, Helper, Holding and Jennings about the long-term economic impact of the powerlines. Mr Helper, the Minister for Agriculture, referred my correspondence to the Minister for Water. On 7 July I wrote again to the minister, asking him to take an active interest in the project and to conduct an investigation. Unfortunately he has not yet responded to my correspondence.

The impact of the proposed powerlines is potentially much more extensive than just agricultural loss. The Pakenham racecourse is situated in the central business district (CBD) of Pakenham. For many years it has been seeking to source land, a new greenfield site, in the Pakenham area. Many times it has come close to securing a suitable site that would enable it to build a new track and new facilities for training and for the racecourse. The current track is too small. It cannot attract racehorses because the straight is too narrow and it is not as long as modern tracks. For the racecourse to secure its viability and future it needs to relocate. The relocation of the Pakenham racecourse also fits in with the strategic future plan that the Shire of Cardinia had developed for Pakenham. The Pakenham racecourse is in the heart of Pakenham just over the road from the Pakenham train station. Therefore it provides access to public transport and there is a range of other commercial opportunities for that land.

Recently the Pakenham racecourse purchased a farm just near Tynong. I understand that contract has been executed. All parties concerned were very excited about the future for a new racecourse and the future of the Pakenham CBD when, lo and behold, it was found that the powerlines will go right through the middle of the new site. It is very disappointing that the Minister for Racing, who is also the Deputy Premier, did not have

any input into this process, because he would surely have brought to the attention of the desalination project group the important acquisition just made by the racecourse. The future of the Pakenham racecourse and the Pakenham CBD are both now very much tied into this overhead powerlines issue.

The government has filled our televisions with advertising about black balloons and the need to turn off lights, take shorter showers and reduce our energy consumption, and indeed they are worthy objectives. But it really is hypocrisy in the extreme and of the highest order when the government is proposing to build the largest desalination plant in the Southern Hemisphere and power it by linking it to the Latrobe Valley power stations. The government talks often about the need for new, clean energy — wind power, solar power and other sources of new power. The harsh reality, though, is that just not enough renewable energy can be sourced from the desalination plant area of the Bass Coast to actually power the desalination plant. The government says it is going to offset the energy and therefore the plant will be carbon neutral. I do not accept the proposition that by buying carbon credits, or by buying green energy, somehow you make the brown coal you have just burnt to power the desalination plant magically disappear. It makes no sense. It is spin of the highest order and it flies in the face of all the government's rhetoric about its clean and green credentials and principles.

The environment effects statement — when talking about the need to offset energy — conveniently talks about the amount of renewable power that has been approved. It refers to permits that have been issued and permits that are in the pipeline, but it does not actually analyse the energy required to power the desalination plant and compare that with the actual amount of wind power or alternative energy that is in the grid right now. When that analysis is done you realise there is not enough renewable energy in Victoria to power this desalination plant, which again makes an absolute mockery of the government's claims that it is going to be a green, energy-efficient facility.

In a rush, the government, wishing to find a single solution to Victoria's water crisis, announced a policy U-turn to build the biggest desalination plant in the Southern Hemisphere. After that everything else had to be figured out from that time forward. Only now is the government seriously contemplating the options for powering such an enormous facility. The environment effects statement seems to indicate that the government's preferred option is the overhead powerline route from Tynong North, through Cora Lynn, Catani, Yannathan, Nyora, Woodleigh, Kernot,

Almurta, Glen Forbes, Woolamai and Kilcunda, in preference to a hybrid model which is virtually dismissed in the environment effects statement or in a gas-fired power station linked to the actual desalination plant.

The overhead powerline route is short-sighted, narrow and does not consider the long-term impacts and consequences of taking that productive farmland out of production, particularly given the problems with fruit production north of the Divide as a result of lower rainfalls. It does not take into account the impact on individuals through lost land values. It does not take into account the environmental effect of linking the desalination plant to the brown coal grid. The proposed plan is short-sighted, expedient and lacks proper analysis. I urge all members to support my motion.

Mr SCHEFFER (Eastern Victoria) — I rise to oppose part of Mr O'Donohue's motion. The construction of the desalination plant near Wonthaggi is one of Victoria's biggest infrastructure projects. The planning and consultation involved in its delivery is being undertaken with great care.

Mr Atkinson — Are you going to amend it?

Mr SCHEFFER — No, I am sorry, I am opposing it.

Mr Atkinson — The whole lot?

Mr SCHEFFER — Yes, I am opposing the substance.

As I was saying, Victoria has a long history of successfully delivering infrastructure projects of this size, and I have every confidence that this project will be no exception. The social, historical and political background against which major infrastructure projects are developed has changed considerably. In the early part of Victoria's history and well into the 20th century major infrastructure projects were met with huge public enthusiasm because people were enthralled with modern technology and the notions of the conquest of nature.

People at that time were still largely unaware of the serious environmental consequences that result from the profound disturbance of natural systems. The clearing of forests for farming, the laying of railways, the construction of great reservoirs and the irrigation systems that they fed, the draining of wetlands and the commonwealth government's Snowy Mountains scheme are all examples of major projects that were welcomed by non-indigenous Victorians. But it is a different story today when people can seem to be

sensitive to infrastructure projects. This perception partly derives from the fact that our planning processes are much more consultative than they were. These days proponents — private and public — find that their proposals are vigorously contested by well-informed and organised interest groups, such as residents groups, environment and planning associations and local governments.

This is what is happening with the desalination plant and the proposed power transmission lines. I happen to disagree with the arguments put forward by the Bass Coast groups that oppose the desalination plant, but I value and respect the fact that they are pressuring the government to argue its case. This is what democracy and good planning is all about. The water infrastructure developments that Victoria is putting in place now will be hailed in future times as among the most far-reaching and progressive developments in the state's history.

In saying this I am not suggesting that this is a finished story and that I know what the final outcome will be. We are in the middle of a far-reaching debate that involves water and environmental experts, statutory authorities, government departments, business and industry, including farmers, environment organisations and members of the public. We are all engaged in this debate, and as a community we are all thinking hard. Sure, there is turbulence, but that is par for the course in a robust democracy when a community is working through some complex issues.

This afternoon we are debating Mr O'Donohue's motion which raises a host of serious issues which are clearly factors that need to be considered in delivering power to the desalination plant. But I reject that this Parliament should be expressing its extreme concern over government processes in relation to the provision of power to the desalination plant. This is an extreme exaggeration, to put it mildly. While the details of the plan for powering the desalination plant are not yet finalised, the process for getting us there has integrity. We are in fact in the consultation process now. A vigorous community debate is under way as individuals, community organisations and local governments develop their positions. It is a good thing that we are seeing this level of community engagement. It should not be understood or misunderstood as a lack of due process.

I would like to put on the record the steps the government has taken in the development of the project. Broad public consultation has been an essential component in this developmental process. The government's announcement in June 2007 that a

desalination plant would be constructed near Wonthaggi was a part of the government's water plan, Our Water Our Future, and it is the next stage of the government's water plan which aims to augment Melbourne's water supply as well as other regional supply systems. The decision to construct the plant was informed by the Seawater Desalination Feasibility Study of 2007. The Department of Sustainability and Environment is the proponent on behalf of the Minister for Water. In December 2007 DSE was nominated by an order in council as the facilitating agency under the Project Development and Construction Management Act.

In late December 2007 the Minister for Planning announced that an environment effects statement (EES) should be prepared to document the environment effects of the project. Under the *Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978* of June 2006, there is a wide definition of 'environment'. It includes the physical, biological, heritage, cultural, social, health, safety and economic aspects of human surroundings, including the wider ecological and physical systems within which humans live.

The next step was to identify the scoping requirements for the EES, and the planning minister issued these last May. The EES was placed on public exhibition on 20 August and the exhibition will conclude on 30 September — that is, 30 working days or six weeks. The planning minister will appoint a panel to prepare a report on the public exhibition and consultation process. The planning minister will then prepare an assessment of the project's environmental effects to inform his decision on whether the project as a whole should go ahead and on the conditions that should be imposed, if any, on the development.

Between March and September of this year, 24 information and consultation forums were conducted by the project information office. The breadth and range of these activities are enormous. You can see these on the website: there were community forums, consultant open days, social impact assessment sessions, briefings, school programs, Westfield information stands and the work that the project information office in Wonthaggi also conducted. The community forums included a huge number of groups, everyone from the Inverloch Surf Life Saving Club, the Mornington and Westernport Biosphere Reserve Foundation, Your Water Your Say, Friends of the Bass Coast Rail Trail and Friends of Wonthaggi Heathland and Coastal Reserve. There is a whole list of these groups on the website for everybody to see.

There was work done in May with Wonthaggi Secondary College. The researchers found the event to be a useful opportunity to get direct public feedback to inform their work. There were over 600 people who participated in interviews including commercial, education, health and emergency services representatives. And so it goes on. I will not take the house right through those details, but they are exhaustive and remarkable examples of broad consultation. It is nonsense, even on that basis, to say there was not adequate consultation and that the house should express its extreme concern about it.

I understand that the government and the DSE have met with Bass Coast Shire Council — contrary to what is often reported — around 16 times. I have personally accompanied the Minister for Water, Tim Holding, at meetings with community organisations and local councils on more than one occasion.

In relation to the EES itself, as I said earlier, it was put on exhibition on 20 August. It is, by any measure, an extremely comprehensive document that examines the potential impacts of building and operating the plant as well as the 85-kilometre transfer pipeline, potential power supply options and the purchase of renewable energy.

It is currently on display in 16 venues across the state and 4 of those 16 locations are in the shire council offices of Bass Coast, Cardinia, Casey and South Gippsland. They were provided with copies of all five volumes of the EES, appendices, summary brochures and the CD which is very widely available. These five volumes are also available on the DSE website.

The DSE conducted seven briefing sessions from 29 August to 3 September with each of the four affected councils. They were invited to attend those briefings. The desalination project information office is conducting a mobile distribution program that started on 26 August and will finish on 12 September.

On 22 August, 800 letters were sent to all affected land-holders and community groups. Enclosed with the letter, I understand, was a copy of the EES summary brochure, a list of exhibition locations and the mobile distribution points and a Department of Planning and Community Development fact sheet on how to make an EES submission. Also in August advertisements were placed in the *Herald Sun*. From 26 August to 25 September the EES exhibition locations were advertised weekly in five regional papers; separate advertisements to promote EES mobile distribution points also appeared in these papers. Extensive consultation continues to occur with communities in the

region as well as with councils and other key stakeholders.

Mrs Kronberg — On a point of order, Acting President, Mr Scheffer has been reading entirely from prepared papers throughout his contribution.

The ACTING PRESIDENT (Mr Somyurek) — Order! I thought he was referring to copious notes.

Mr SCHEFFER — On the point of order, Acting President, I was referring to my notes. I was actually referring to documents that are available on the website that detailed exhaustive consultation forums.

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

Mr SCHEFFER — The story I am laying out is that there is unexceptionable consultation. It can always be done better. We can always stand up in the house and say there should be more, it is in the wrong places, but fundamentally it is abundantly clear to everybody that a lot of work has gone into consultation.

In relation to the overhead power transmission lines, which Mr O'Donohue said in his motion is one of the options under consideration — that is true — the process has also clearly factored in community consultation. The other options are the gas-generated and hybrid-renewable and gas options. As members will know, the environment effects statement designates the overhead power transmission lines option as the 'reference project'. My understanding is that that does not mean it is a preferred option, but it is a reference project against which other options are measured and assessed.

While it is true that affected landowners have expressed their deep concern over the impact this option will have on their properties and livelihoods, it is important to recognise that at this point in the process it is one of three options cited in the EES and that we are in the midst of working that through as a community.

Along with Mr O'Donohue, Mr Viney, and Mr Hall, I attended a meeting at Lang Lang on 3 July. The meeting was attended by, I would say, some 250 or 300 —

Mr Hall — Yes, something like that.

Mr SCHEFFER — It was attended by some 300 landowners and their families and other community members who had an interest in this important issue, and by three representatives of Department of Sustainability and Environment who answered a lot of

questions. The landowners were concerned about the impacts that the pylons in the proposed option would have on the agricultural productivity of their land. They talked about the consequent loss of commercial value. They talked about the loss of amenity and about the potential effect the electromagnetic radiation of power transmission lines might have on their families, on human beings and animals in general. They expressed their concerns over the way they were informed by DSE officials, who called at the landowners' houses. I can understand — and anyone can understand — that having news like that delivered to you personally in your home would be a surprising, dismaying and in some cases even a shocking and alarming experience. I understand where people are coming from; I think all of us would.

However, in its defence DSE took the view — and I believe it said this at the meeting — that that was the most direct and honest way to inform landowners of the position and of their rights. I believe they provided people with a bundle of information. Sometimes those first encounters did not work the way everybody would have liked, but I think the intention was to be decent, honest and direct.

Since that meeting at Lang Lang Mr Viney and I have been working with local groups. I have visited some of the farms that may be affected, and like other members we have established a working relationship with the powerline action group to ensure that it has the opportunity to make its views directly known to its parliamentary representatives and the government and also that it is clear on how to put its views through the EES process.

Mr O'Donohue said in his presentation that the proposed route for the power transmission lines was based on a desk study, and he is right. That is exactly what was said at the Lang Lang meeting. But to say it is a desk study and represent it in that way does not mean that it is necessarily a study that has no integrity. It seems to me to be quite a justifiable methodologically to initially do desk research, but that does not mean it does not have any quality.

If we look at volume 5 of the EES statement, and at chapter 12, it is not an extensive section but it is a sufficiently detailed section that describes the agricultural attributes of the proposed route, and a table provides each of the sections going from Powlett River all the way through to Tynong in six, I think, different phases. It describes the landform of each of those particular areas and the land use. That gives a documented basis, and it goes on to talk about agricultural production losses, about the potato cyst

nematode that Mr O'Donohue mentioned in his motion, and about various risk assessments and the effects of easement on the community. So it is part of the EES, and it is the basis upon which members of the community, community organisations and local governments can respond through the EES process.

So overall I think this is a good process — an exemplary process — and one of the most comprehensive EES processes we have seen in Victoria for an extremely sophisticated and complex infrastructure development that will be built on the Bass Coast. I have confidence that the process will work its way through and that a resolution will be worked out. While it may be tough in some ways it is a project that Victoria needs to build in order to supply water not only to the Bass Coast and South Gippsland areas but also for other parts of Victoria including Melbourne. I reject the part of the motion that invites the Parliament to express its extreme concern, but I agree with Mr O'Donohue that these issues need to be dealt with. They are being dealt with.

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity to participate in the debate this afternoon. In commencing my contribution I want to congratulate Mr O'Donohue for moving this motion. The position he has taken in respect of this motion is not something that was dreamt up yesterday. I know Mr O'Donohue has worked hard with the local community around Pakenham and through to the Wonthaggi area which he represents. He is doing an absolutely fine job of representing those people, and that is evidenced by the detailed and impressive contribution he made to the debate today.

Mr Lenders interjected.

Mr HALL — He deserves the congratulations of all members in this chamber, including Mr Lenders.

Mr Scheffer interjected.

Mr HALL — I am happy to work with all my colleagues. As Mr Scheffer just said, Mr O'Donohue, Mr Scheffer, Mr Viney and I attended a community meeting at one stage. Mr O'Donohue and I have been back to another one, and on top of that Mr O'Donohue has met with and spoken to more people than I have on this project. I say well done to Mr O'Donohue on bringing this before the house this afternoon.

I also want to stress right from the outset that I am not a supporter of the desalination project. I have made that very clear in a number of contributions I have made in this house over a period of time. My objection to that project is that environmentally it is a dog of a project,

and cost-wise it is the most expensive option for the government to choose in supplementing Melbourne's water supply. I have frequently argued there are much better environmental and economic options for increasing Melbourne's water supply. I am pleased that the Environment and Natural Resources Committee of the Parliament is now working on some terms of reference given to it by this chamber under a motion I moved. Support came from all members of the chamber for that to take place. I hope the committee works through that process rapidly and perhaps identifies some additional water-harvesting options for Melbourne other than building the desalination plant at Wonthaggi.

In respect of the desalination plant and the motion moved today, we were told when the plant was announced by the government that it would require 90 megawatts of electricity to power the different processes and associated mechanics and that that 90 megawatts would be green energy. It was a very clear statement from the government: 'carbon-neutral, green energy' was the terminology the government used all the time. Yet I can tell members that under the current proposal to hook into the main Melbourne-Latrobe Valley transmission line at Tynong North and run it down to the plant site at Wonthaggi there will be no green energy going in. All of the power that goes from the Latrobe Valley through to Melbourne via the transmission lines, which people will notice at a number of points as they travel along the Princes Highway, is pure brown electricity generated from brown coal in the Latrobe Valley. The 90 megawatts being taken from the Melbourne-Latrobe Valley main transmission line is clearly brown, so again the government is renegeing on what it committed to — that is, to supply green energy to this particular project.

When the government made that comment I half expected it might build a new gas-fired power plant much closer to where the proposed desalination plant is to sit. The natural gas required to do that is available nearby: around the Lang Lang area there is access to a major gas pipeline, which could well and truly supply sufficient power to generate the electricity for the desalination plant. Or I envisage in my mind an alternative being the expansion of wind energy. We already have six turbines at Wonthaggi; perhaps there could be more. I would have been totally opposed to that, as I have been opposed to wind energy in the past, but I expected the government would have floated about some serious proposals to either build a new gas plant or increase energy from renewable sources such as wind farms. This government has chosen the easy option of hooking into the brown coal energy that goes from Melbourne to Loy Yang or from the Latrobe Valley to Melbourne via the major transmission line. It

has taken the easy option of hooking into that and running brown coal-produced energy down to Wonthaggi.

It is a lazy option too. The government has failed to give any serious consideration to some of other options. Despite Mr Scheffer saying it is only one of the proposals being considered, I can tell members from my observations over many years in this house that the way governments work is that once they have decided to promote a particular way for a project to be completed they do it that way. The government will not listen to the people. It is a fait accompli.

I had to smile when I listened to Mr Scheffer. I pay him the courtesy of not interjecting and interrupting his chain of thought when he makes a presentation in this chamber because he does not do that to us, but I had to smile when he said that the planning processes used on this project are top of the range, that the government is consulting with people, that it is talking through the issues and that you cannot criticise the planning process. For Mr Scheffer's edification I point out that most Victorians now realise that the planning process adopted by the Brumby government is on the basis of 'decide now, consult later'. The government has used that process for a number of projects, and the desalination plant is simply the most recent of these.

I was also a bit amused by the fact that Mr Scheffer indicated the environment effects statement process will give local people a fair opportunity to have input into this project and to express their views. If you are going to give local people fair input into what is a very technical and detailed process, then you have to give them more than six weeks to respond to an EES. The EES documentation — and Mr Scheffer had one of the chapters here today — runs to 1700 pages. How could you give people who are out there busy living their lives, earning an income and looking after families just six weeks to pore over 1700 pages, much of which contains technical data, before making a contribution to the EES process? It is simply not on. There have been calls from local community groups, members of Parliament and community leaders saying that the time should be extended significantly to provide people the opportunity to at least understand the issues in those 1700 pages and then make informed comment about them.

I have always held the view that the EES process needs overhauling and it needs some radical transformations to allow community input into projects. I have suggested before in the chamber that proponents of particular projects should be required to make some resources available to allow communities to compete

with them and present a learned view on those issues. I have been involved in planning processes before and have appeared before planning panels that have been established. I recall the Dollar wind farm proposal of some years ago. I stood there making my submission against noise experts who had been flown over from London to address the noise issues, and various other experts in other fields from all over Australia also appeared before that planning tribunal on behalf of the proponents. We, the opponents, had few resources available to match the skills and expertise presented by the proponents of that project. I dare say the same will happen in this case. Once the panel gets to the submission and hearing stage we will see the government or, if it has chosen one, the proponent for this project flying experts in from all over the world to appear before the planning tribunal to make sure the government gets its way.

So I have to smile when Mr Scheffer talks about the planning process and how it allows people to have a fair say. It does not, and if the government were fair dinkum, that six weeks proposed for consultation would be extended to at least six months so people could at least have the opportunity to digest the enormous amount of information associated with the EES process.

I also want to make the comment that overhead transmission and distribution is very old technology. It has been around since electricity was first produced in Victoria. If, for example, you want to develop a new housing estate, one of the requirements in all planning schemes is that the power to the new residential allotments is undergrounded, and so it should be. We also see a number of towns in country Victoria going back and removing the overhead transmission poles and lines from their streetscapes and putting the power underground. In some cases they are being given government financial support to do that. The new technology is putting power underground. The only thing that stops the undergrounding of a power transmission line, as proposed for this project, is dollars. Let us put this forward clearly: this government is not paying for the desalination plant, and nor will it pay for the overhead transmission lines. It has proposed to allow a private sector company to develop this project. If we have to have a desalination plant, then the best option is undergrounding, so why will the private owners and operators of this facility not meet that cost?

The government can address that in the tender requirements for any contracts it wishes to enter into. As I said, that is what happens with new subdivisions for housing developments — the power is underground. Down the main streets more and more powerlines are being put underground. New infrastructure for the

transmission of power should equally be undergrounded. I think this government is taking the easy option, the cheap option, and that is to the detriment of people who live in the corridor proposed for that overhead powerline.

In his motion and his comments Mr O'Donohue has addressed some of the impacts overhead transmission lines have on communities, particularly where they traverse private properties and cut them in two. There can be issues associated with the ongoing viability of farm operations in those circumstances. Some would laugh at this but I think the visual amenity is an important factor as well. Visually the landscapes in west and south Gippsland are some of the best we have in Victoria. From my point of view putting up artificial structures like wind towers and pylons with transmission lines detracts severely from the visual amenity of those areas.

I note the issue about biological security with some of the crops. When you have got vehicles from other areas of the state or even other areas of Australia coming in, they can transmit disease. I recall when we faced the battle with Basslink several years ago. A similar option was being proposed to transport electricity from Woodside through to the Loy Yang A power station. I was heavily involved with the campaign to make sure that that was undergrounded, but the government did not listen at that time. I know the organic certification of one of the properties along that route was lost because of the powerline going through it. On all these matters the government is prepared to sacrifice and not care about the people in those rural communities. Unfortunately that is becoming a hallmark of this Labor government.

Making a decision now and consulting later is what is happening with the desalination plant and all of the infrastructure associated with it. I say that this government simply does not care. It will plough ahead, no matter what people say or do. It will do it its way. Setting up an information office in Wonthaggi will simply mean providing an area where people can go to find out what the government plans to do. People will not have any input into the proposal; they will just go there, knock on the door and be told what the government is planning to do no matter what they think.

As a demonstration of that, Mr Scheffer mentioned that the Minister for Water, Tim Holding, has been down to Wonthaggi. He and Mr Viney were part of a group that met local councils and local communities in respect of this issue. However, I know for a fact that the member for Bass in the Assembly, Ken Smith, was locked out of

those meetings. If the government was honest about those meetings and if it was open about those meetings — transparent and accountable as it claims to be — why would Mr Smith not be allowed into them? Why would Mr O'Donohue not be allowed into those meetings? Why would any of us whose electorates cover that area not be allowed into those meetings? The government simply does not want that level of consultation or the aggravation that the presence at those meetings of a member of an opposing political party might cause. It is vain and it is arrogant, but unfortunately it is typical of how this government is treating country Victoria. At the end of the day that will be the downfall of this government. This whole process has been absurd. It has been incompetent. It has been incomplete. It does not allow for appropriate input from the community into this project. Eventually this government will suffer the consequences of the way it approaches infrastructure matters like this.

I share Mr O'Donohue's extreme concern about the process that has been followed to date with this desalination plant and associated power transmission lines. The government's contempt for people in that part of Victoria is appalling. It deserves to be condemned for it, and it is by way of this motion this afternoon.

Mr BARBER (Northern Metropolitan) — Mr O'Donohue has raised some very important issues in his motion in terms of at least one of the likely spin-off effects of the desalination plant as it is proposed. But this is no surprise to me, because every techno quick-fix project that I have ever been involved in has ended up creating a whole raft of new problems even as it attempts to solve the problem it was originally created for. Stupid ideas only get stupider as you move along. If these guys had enough money we would probably have a giant pair of sunglasses hanging off lasers being floated off into outer space to attempt to cool the earth. As with any other industrially based perpetual growth machine — pulp mill, bay dredging — the more you get into it, the worse it looks. Unfortunately the more governments get into it, the more committed they become.

Mr O'Donohue's motion, apart from pointing out the obvious deleterious effects, expresses concern with the process. The process in this case is governed by the Environment Effects Act 1978. While many members from the coalition side will get up and talk about how bad and wrong this particular proposal is, the negative effects it is having and the unfair playing field that is being slanted against the community, it is incumbent on coalition members to talk about what better process they are willing to commit to. The government is doing

this because it can. That is what governments do — they get into government and they do whatever they can do, whatever the system, whatever the rules, whatever the policy allows them to do. I have no particular faith that a different government, let us say a Baillieu government, would be automatically more environmentally benign just because its members are good guys. To put it another way, John Adams, the second president of the United States, said the perfect republic would be an empire of laws, not of men — in other words, it is the system that protects us. It is the system of laws that protects us, not just believing that the next politician to take over is going to be better than the last one.

I would really like to hear an alternative from coalition members and what they will do in relation to the Environment Effects Act. It is a 1978 act. It was considered radical and progressive for its time, but it is now 30 years old. We are in a different realm now; the environment itself is now imposing new constraints on us. You would imagine that that environmental legislation and the whole founding philosophy behind it will eventually have to change in a dramatic way.

The objectives of the Environment Effects Act 1978 are pretty modest by today's standards. They remain pretty much unchanged and unlegislated, and they still apply at the discretion of the minister of the day and thereby are open to political manipulation. The act is still project based and its advisory function remains.

If you go back to the origins of the act, you find it was introduced under Liberal Premier Rupert Hamer. He declared his new approach to the environment by asking:

Is it time that our proper concern with growth should be tempered with a greater emphasis on the very essence of the quality and purpose of life itself — of the relationship of man to his environment?

What a great statement of philosophy to have been made right back then! It is one that the Greens espouse strongly to this day. At the time that act was introduced we had developments such as the Newport power station, the West Gate Bridge and new freeways, which were becoming increasingly contentious. The Hamer government introduced its environmental impact regime in 1976. It simply enabled the government to order these full-scale environmental studies to assess projects that caused significant environmental effects, whether they be good or bad and whether they be short or long term. The regime was formalised with an act in 1978.

There are various other pieces of legislation on the statute book that require a project's potential environmental impacts to be considered in the decision-making process — for example, the Environment Protection Act 1970. However, the EPA act includes a clear purpose, a set of defined principles, including principles of intergenerational equity, and the application of the precautionary principle, which the Environment Effects Act currently does not.

In 2006 new ministerial guidelines were published requiring each individual to clearly identify and document other legislation — state, local and commonwealth — regulations, plans and guidelines, and government agreements that apply to the specific project. They also include provisions that clarify the requirement for other approvals to wait until the environment effects statement is concluded. But that does not yet bring in a framework for the decision-making process. It merely sets up the mechanics of interactions with various other bits of legislation.

There have been three formal reviews of the act — in 1984, in 1994 and in 2002. They all led to some legislative amendments, but none of them altered the fundamental model, and they all led to a more prescriptive act. When Mr O'Donohue's constituents face up to this process it is no reason for them to find themselves outgunned. They may have naturally assumed that this was meant to help people decide whether the environmental impacts such as the ones Mr O'Donohue mentioned are acceptable, but they will not find that in the act. Since communities do not usually get two or more of these projects, they usually come to these things for the first time and learn the hard way. It is some other community that is next in line to go through the same learnings.

Pretty much all those reviews offered similar recommendations, which are that the objectives should be incorporated into law; the word 'environment' should be defined; the scope should be expanded to include the application of principles early in the process; and the environmental effects of policies and programs, not just of specific, constructed projects, should be looked at.

Naturally people from the environmental side have put forward considerable criticism of the lack of reform of the Environment Effects Act. Interestingly, when the former minister, John Thwaites, announced his own review of the act in November 2002 his rationale was that 'it no longer reflects leading practice'. He said that the pressure on natural resources and ecosystems required 'a more comprehensive and accountable

system for environment assessment'. But his review did not actually deliver that.

The original objective of the act, going back to the words of the Minister for Conservation who introduced it, was to establish a legislative framework for the obtaining of information and advice on the likely environmental effects of projects by decision-makers and those responsible for undertaking works. If Mr O'Donohue's motion is really about the process, as opposed to just saying, 'Look, I do not care about the process, I just do not like the project, so vote for me and I will dump this project', then he should be aware that that has never been the intention of the Environment Effects Act. It is not there to say what is good and what is bad. It is there simply to shuffle bits of information around.

There is an interesting constitutional question as to what sort of act could take away from decision-makers the responsibility for their own decisions. The worst abuses of this act occur when the government is both the proponent and the decision-maker — witness the bay dredging process. Anybody who is wondering what they are about to go through with the environment effects statement and the panel process should talk to some of the people who did it for bay dredging. It was quite clear and up-front. As the then Minister for Conservation said when he introduced the legislation:

An environment assessment will not necessarily prevent works being undertaken which are harmful to the environment —

that is not the purpose of the Environment Effects Act —

but it should ensure that decisions about these works are taken in the knowledge of their environmental consequences.

By the end of this process Mr O'Donohue can be reasonably confident that we are going to be well aware of the environmental impacts of the proposal, and the government will go ahead and do it anyway.

Sections that should be included in an environment effects statement (EES) include things like a statement of objectives, a justification of need, a description of the proposal, an examination of alternatives, a description of the existing environment and then the environmental effects. What is the betting that some of those chapters are much shorter than others, particularly the ones about justification of need and the examination of alternatives? There will not be an examination of the alternatives. At best, and if the Liberal Party's policy is anything to go by, there will be alternative sites for a desalination plant. It has been left up to the committee

that the Parliament has established to look at the alternatives.

The ministerial guidelines have been merely published by the minister rather than having any great weight in the act. They are the only indicator of the processes you can expect to be applied. There have been seven additions to date, and the current addition, despite being a bit more prescriptive and including a few more principles such as ecologically sustainable development, has been criticised for delivering mechanisms to increase assessment and vesting additional powers to the minister without actually improving the certainty, time lines or efficiency of the process; so better words but nothing getting better from the community's point of view.

We do not really know the exact figures, but there is an estimate that about 180 EESs have been done under the act since 1978, which is roughly six a year. In the last decade 20 or 30 referrals have probably been submitted to the minister each year, but only maybe six of them have gone to an EES. Only about 20 per cent or 30 per cent of projects that trigger the guidelines for referral actually end up having to prepare an EES.

Then along comes climate change and suddenly we realise that it is no longer just about 'How green is my valley'; it is not simply that by doing a particular project we could cause some local environmental impacts, and maybe some smells for the neighbours, or that we start developing regional environmental impacts such as smoke from power stations getting stuck in a valley and causing problems within that valley. Suddenly we realise that the planet is not that big after all, even though it seems like there are not many of us when you are flying in a plane and it looks like there is quite a bit of green stuff in between the cities. But it turns out that the atmosphere is not that big. It is not even as big as the skin of an orange if you scaled down the earth, and all of us with our little cars and our fairly big power stations and our chipping away at the forests have actually had a dramatic impact. It is almost as if we have slammed into a brick wall. For some people at least it seems that overnight we have suddenly realised that we have run out of new valleys and new continents to exploit, and we cannot really stay ahead of our own waste. We are now living more like little goldfish in a goldfish bowl. Everything that comes in and goes out affects what we are swimming in.

The act has never been modified to include a reference to climate change or to greenhouse gas emissions, and it was only in the 2006 guidelines that a greenhouse gas trigger was introduced — and that is non-binding. It is only a criterion used to determine whether something

should be referred to the minister. The guidelines say that these are the types of impacts that might require referral. They identify specifically greenhouse gas emissions as having a type of potential effect on the environment that could be of regional or state significance and therefore require an EES.

Specifically the guidelines set a number for the trigger — that is, 200 000 tonnes of carbon dioxide equivalent per annum directly attributable to the operation of a facility. We are back to talking about facilities now rather than processes or policies or the interlinking nature of everything we do. This becomes important to what I am going to talk about in a minute. Since the inclusion of that criterion only three projects have reported that they will produce greenhouse gas emissions in excess of 200 000 tonnes, and only one of those was subjected to an EES, so the trigger does not really mean anything.

Members who are interested in this because they represent East Gippsland or the Latrobe Valley or eastern Victoria may be aware that the Longford gas conditioning plant would have produced more than 200 000 tonnes of CO₂ per annum, but the minister determined that an EES was not required, in part because the plant would likely be subject to obligations to deal with emissions under a future legislative framework for emission trading. Compare that decision made under the existing framework with the proposition the coalition and local members now seem to be putting forward that this is a serious issue because the plant is going to produce a lot of emissions. So was Longford. It is going to be producing 1 million tonnes a year when it is up and running, but basically the minister gave it a free kick, saying, 'We do not need an EES on that even though it hits the trigger'.

I think the government was hinting that carbon trading will take care of all of that. Let me talk about that. Mr O'Donohue is making a bit of an issue of the fact that the government promised this plant would be carbon neutral and that now it may not be, or that it may be a bit of scam. I am here to tell Mr O'Donohue that the term 'carbon neutral' is about to become completely meaningless, and the sooner we all catch onto that, the better.

Once you get a carbon cap under an emission trading system the government will say, 'For the sectors we are covering' — and it will be stationary energy and probably transport fuels — 'emissions next year will be X', and that's it. If I go carbon neutral, as you call it — if I had purchased green power for my desalination plant or for my house — then all that means is that somebody else can pollute more because there is a fixed

cap with a fixed amount of pollution, and if I pollute less, then Alcoa gets to pollute more until we end up with the cap which is the amount. It is a completely different paradigm. You have to think about it completely differently. Carbon neutral is no longer the point; carbon free might be the point.

If you log a 400-year-old tree and you put some of the wood from that tree into some long-lasting wood product so a tiny percentage of it ends up in furniture or something, then 400 years from now you can be carbon neutral, or maybe at year 399 you will be carbon neutral plus the little bit of carbon stored in the violin made out of the tree; the rest of it went to woodchips and waste and was burned and whatnot. Logging that tree means you have to wait another 400 years and then at best you can be carbon neutral, whereas recycled aluminium made with solar power is in fact carbon free; there were no emissions up-front. The reason this becomes important is that it is no longer good enough to talk about a particular activity, a particular segment or a particular country being carbon neutral; the whole planet has to go carbon neutral, and what that really means is a target of zero emissions.

As I have said many times before in this place, even on the day we go to zero emissions the climate does not, as it were, then suddenly say, 'The pressure's off, I'll repair myself', and go back to that original benign climate that we have evolved under for the past 100 000 years. No. Whatever the new climate is, however scary that is, that is the one we are stuck with until we start working out how to be even better than carbon neutral, until we start working out how to absorb large quantities and get that back out of the atmosphere.

There are two big pools here: fossil fuels, buried away after millions and millions of years of biological activity, going back to a time when the make-up of gases in the atmosphere was radically different from what it is now; and then there is the biocarbon pool. We keep looking at pie charts of where our greenhouse gases come from. They are all about flows and this year's emissions. What they are not about is stocks, how much is stored there now. We have used only a few per cent of all the fossil fuels that are there. Anyone who thinks that we can keep going, releasing all that carbon back into the atmosphere — we will never run out of coal, that is for sure — should be aware that we will run out of atmosphere before we run out of coal. But the biological pool is a very different prospect, and it is important to understand these stocks of carbon if we are going to throw around words like 'carbon neutral'. If we are going to say, 'You said you would be

carbon neutral and now you are not carbon neutral', we have to understand what those terms mean.

The Victorian environmental assessment law, which is fairly useless, as I have painted it to be, works within other frameworks. There is the commonwealth jurisdiction, of course, with the Environment Protection and Biodiversity Conservation (EPBC) Act. It does not have a greenhouse trigger in it. As I said, a trigger may be only a trigger for referral, not necessarily for assessment. Frequently it is the EPBC act that requires the government to do even the minimal assessment, and I have produced the figures on how often that happens. The EPBC act enables the commonwealth to enter into bilateral agreements with state and territory governments which effectively accredits the state environmental assessment process as meeting the commonwealth standard. From my information I do not believe there is one of those agreements with the federal government in place, but it is done on a case-by-case project basis. Certainly we would want to align that legislation, and again I invite the coalition to tell us what its proposals are for federal environmental reform.

What all this adds up to is that the integrity of the act and the credibility of anybody who is talking about the act are increasingly seen as peripheral, because government decisions are announced prior to an EES even being referred, much less delineated, much less prepared, much less considered. We have seen that in an increasingly regular form now, most recently with the Wonthaggi desalination plant.

The minister kind of admits it. He shrugs his shoulders and says, 'Look, mate, I am just the planning minister. We all know these decisions are taken to cabinet. It is going to go ahead. I just administer the act, and the act is just a little bit of informational smoothing and reorganising'. To imagine that somehow the Environment Effects Act would be up to date on the issues, the complexities, the New World order that I am talking about when I start talking about climate change, is quite laughable. While I have great sympathy for the people of this community who have had their lives blown apart, these days I never share the sense of outrage, thinking, 'We haven't got a level playing field throughout the Environment Effects Act', because I am well familiar with that. I am not yet hearing any political party apart from the Greens putting forward a real proposal for reform so that the next project, whatever it is, will not suffer from the sorts of flaws we have here.

Here is an idea, though, and it is a pretty simple one. It would be a pretty simple reform; it would deal with just

this issue of an informational level playing field. Why not have the commissioner for environmental sustainability — who is currently Ian McPhail — as the guy who runs all this process? He could promulgate his own guidelines that would have to comply with a clearly worked out act. When the projects were presented to him he would decide what level of assessment was required. He would be given an unlimited budget, and he would commission the individual studies that are necessary to determine the environmental impacts of proposals. The people undertaking the studies would work for him, not the proponent. He would also decide on alternatives and at what level they would need to be assessed. He could be put in the position of actually making a recommendation, saying, 'Government, do not do this project; do a different one'. Then, if as the process went along there were disputes about how it was being run, he would be the independent umpire. With the channel deepening project it was just devastating how the proponent could bring in new information at the last minute, on the Friday before the hearing closed, and the community or objectors or their representatives had no rights to cross-examine on evidence that was given. It was just a walkover.

When it comes to amending the act, why not put the regime for assessment into the act rather than leaving it merely to the discretion of the minister, who has already been sitting around the cabinet table with all the other ministers who have decided they want to do it? The planning minister should be one of the most powerful ministers in the entire government, should he not? The order should be Treasurer, Premier, planning minister, I would have thought. We could list the objectives, the purpose, the criteria and the process in guidelines or legislation, and those requirements would be challengeable.

If I thought the independent commissioner for sustainability and environmental assessment was not following the act or not properly following guidelines created under the act, I would be able to raise that issue up-front at the threshold and get my level playing field before we even started debating the merits of the project. That would depoliticise the process as well, just like what happens when you go to court, and we would get rid of perceptions of bias and inequity that poison the whole discussion on the project. Sometimes, even from my point of view, those perceptions actually overwhelm the original discussion, which is on whether a desalination plant is a good idea and what are the alternatives. That process would rebuild public confidence and there could be mediation processes within that exercise.

That is still leaving the ultimate decision making on whether a project or policy proceeds with the minister. Unlike what happens in the process we are going through now, where all the really relevant and useful environmental, social, economic and financial information is immediately a cabinet-in-confidence document, all the information would be out there in the open. If government members decided to proceed with the project, it would be on their own heads. Everybody would be well aware of what they were getting us into.

I could go a lot further than that. I wonder why a government, elected for four years but with a temporary majority, gets to make decisions that are often irreversible or that have at the very least long-term environmental effects. How does a government elected for four years get to cut off options through the extinction of species, damage to an entire community or constant heat being put into the planet? How does our system allow a government to come in and close off all those options?

We need a different democratic framework to treat the environment with. It could be something like the way in which trustees are put in charge of superannuation funds. They are constrained and limited in the sorts of things they are allowed to do, because it is understood the thing they are protecting — the long-term interests of public sector employees, if it is a superannuation fund — is their paramount duty. They are not given the latitude to take risky decisions. Until we get to that type of framework, the environment is not going to get very well rated through the parliamentary process, and it will be the community at large that will be left to provide the guardianship.

Having said all that, I would be very interested in any further contributions from members about not just what is wrong with this proposal but how they would like to see the Environment Effects Act and our overall democratic framework changed. The Greens will be supporting the motion.

Mr ATKINSON (Eastern Metropolitan) — I only want to make a few remarks on what is a worthwhile motion that highlights a number of issues of concern to people directly in the Gippsland community and further afield. It also perhaps does pose some of the questions that have been raised by Mr Barber in his much broader contribution on some of the impacts of major projects on our environment. In regard to the transmission lines for this particular project, every time I drive down EastLink — which is not too often these days, because it has tolls on it now — I am mindful of the fact that a former member of this place, Mr Gerald Ashman, and I both campaigned — —

Mr Viney interjected.

Mr ATKINSON — I will take up the interjection despite the fact that it is totally extraneous to what I am talking about. On not one occasion will you ever find that I was opposed to the project or indeed that any of my colleagues were opposed to the project.

Mr Viney — It is a fine nuance.

Mr ATKINSON — There is absolutely no nuance, Mr Viney; there is only spin and deception. What one might actually be taking up is, as I said, that you will not find one of my colleagues on this side who was opposed to that project — indeed, it was our policy going into two elections — whereas it was not Labor policy going into a number of those elections. Labor policy going into the 2002 election was to build the road without tolls; then, not five months later, Labor wanted to put tolls on that road. That level of deception was outrageous, and that is what sticks in the craw of members of the opposition, not the project itself.

Mr Viney interjected.

Mr ATKINSON — Let me take Mr Viney a little bit further on the project, because I think the project is also deficient in terms of its vision in three respects. The first respect is that the bridge is too low; therefore a lot of trucks cannot use EastLink. Secondly, it does not include any public transport facility. I had argued from a very early stage that we ought to have a heavy railway line connecting Ringwood and Dandenong as part of the corridor running along the EastLink freeway. That would have been a more visionary project. The third respect, which I started out to describe earlier in my contribution, is that a former member of this chamber, Gerald Ashman, and I had argued from a very early stage that when EastLink was built, the high power transmission lines ought to have been buried in the ground. That would have made a lot of sense in terms of the health implications sometimes associated with those high-power transmission lines and certainly in terms of the aesthetic issues and maintenance aspects of the lines. It would have been sensible to bury those lines on EastLink at that time.

I return to today's motion and the proposition that has been put about the concerns of residents in Gippsland about those high-power transmission lines in respect of this particular project, which runs over productive farmland and has implications for the use of that land going forward. We again ought to be looking at undergrounding these sorts of lines wherever possible. When projects are being built and planned, undergrounding ought to be on the table at the outset.

As I said, EastLink as a road project was not bad, but there were three opportunities lost in that project, which is sad.

In terms of power for this desalination plant I also make the point that desalinated water is the ultimate energy drink. We hear a lot about energy drinks, but desalinated water is the ultimate energy drink. I remember when the Western Australian Parliament was having a debate about a desalination plant that one of the members, who happened to be from the Liberal Party opposition, held up a glass of water and said, 'What have I got here?'. His colleague said, 'A glass of water', and he said, 'No, I've got a glass of electricity'.

There is some truth to the joke, and the reality is that when we look at projects like this — and I am mindful of some of the issues that Mr Barber canvassed in a fairly broad speech today — I want to put on the table again my thinking in terms of some of these major projects. My concern particularly about the approach of this government is that these projects are foisted upon us as last-minute decisions, as knee-jerk reactions to problems, and they are not thought through, and the real options that might well be considered for the betterment of the community are not able to be pursued simply because we are locked into unrealistic time frames and processes that are designed to achieve a government result, irrespective of the views of a community.

It occurs to me — and I went to a couple of briefings on this desalination plant — that had we had more time, had this government not gone to the last state election, and isn't it interesting that it went to the last state election totally opposed to desalination plants, and within months — —

Mr Thornley interjected.

Mr ATKINSON — Mr Thornley, firstly, is not in his place, and secondly, he is talking rubbish. The reality is that this government went to the last election opposed to desalination plants and again, within months, just as it did with the EastLink project, all of a sudden it turned turtle, did a backflip and decided, 'No, we are in favour of a desalination plant and we are going to put one here'. The reality is that in terms of the options that we are looking at with this desalination plant — —

Honourable members interjecting.

Mr ATKINSON — I ask Mr Thornley to enter the debate.

Mr Thornley — I will. I am back in my chair.

Mr ATKINSON — Mr Thornley should try to confine his remarks to something that is in the context of the debate because what he was saying was —

Mr Thornley interjected.

Mr ATKINSON — Is he saying that his position in the election was that he opposed the desalination plant that was at Werribee?

Mr Thornley interjected.

Mr ATKINSON — Exactly. And he opposed desalination plants completely. Desalination plants were not part of his policy going into the election. He should not contradict me where he is wrong. As I said, this government came late to the table on the opportunity of a desalination plant, as it does with so many projects, and the result of that is then the sense of urgency takes over, the consultation process is concertinaed and there is little opportunity for communities to have genuine input on these issues. But, more importantly, key options have to be left off the investigation process because there simply is not time to go through these processes.

It occurs to me, for instance, that one of the projects that might well have been considered instead of a land-based desalination plant in Gippsland would be a sea-based desalination plant off Gippsland's coast or off some other coast, because the reality is that there are two key problems with desalination plants. One problem is the dispersal of the brine. If the facility were actually out in the ocean, then the dispersal issue becomes a lot less problematic than it is for a land-based facility. The second problem is obviously the energy consumption. If it were possible to incorporate wave power as part of the energy demand for that plant — and some of this technology already exists elsewhere in the world, and certainly the platform technology that operates major installations for drilling and so forth is already available to us — and you were able to have some wave-based power component, you would actually start to reduce some of the environmental impact of this facility and start to get a better result.

I asked questions about that, and I was told by those people who were scientists and so forth looking at this proposal that at least in theory there was nothing wrong with this proposal and indeed there are already boats that are out there as desalination plants producing clean water straight from the ocean. These are obviously not land-based solutions, so it is not a great move to go on and say, 'What else can we do in terms of some of this technology? How can we have a lesser environmental

footprint for the project but actually get some results?'. The pipes from land to plant are going to be the same essentially because the dispersal factor associated with a land-based facility is such that you need pipes out there, anyway, so I think there are other options that could have been canvassed and that ought to have been looked at. Unfortunately it appears that this option has not been fully considered. Is it feasible? I do not know. What is the economic cost compared to the land-based one? I do not know.

I am not going to advance that this is a solution in the context of this debate. All I want to advance is that, frankly, we have to think better. We have to canvass more options in this day and age given the environmental challenges that we have, and given the fact that the sorts of solutions that we have had in the past have really been found wanting in a number of respects, particularly in regard to their environmental footprint. Certainly when we look at this motion today and some of the matters that have been highlighted by the previous speakers in terms of the intrusion of this project — the environmental intrusion and indeed even the economic intrusion — on a number of landowners and communities within the Gippsland area, there is a need for us again as public policy-makers to look wider, to look at other possibilities in terms of technology and to look at better ways of doing things to test the feasibility of other projects.

I think again this is an opportunity lost simply because the government did not decide that it wanted a desalination plant until after the November 2007 election. By then it knew it was in crisis as far as the weather and rainfall patterns were concerned. It knew that its prayers were not being answered with additional rain, so it really did have to get off its tail and do something about infrastructure to try to secure the water for Victoria's future. It came up with a couple of projects which have caused enormous concern right across Victoria, not just within the regions that are directly impacted, and which, as I said, fall short of the mark in terms of what we might have achieved with better planning by this government with a more strategic approach to its responsibilities in relation to the infrastructure, facilities and services that Victorians expect and also, importantly, with a much better consultative process, as has been touched on by this motion.

Mr VINEY (Eastern Victoria) — I want to indicate that the government will not be supporting this motion. As Mr Scheffer also outlined, if you read through this motion from Mr O'Donohue — talk about Captain Blooming Obvious! — it essentially outlines a whole range of issues associated with one of the options —

that is, connecting to the power grid in this way. It identifies essentially all of the issues that have been identified in the environment effects statement process. There are a range of issues in the environment effects statement, if members take the trouble to have a look, that identify pretty much every one of these matters that have been raised in paragraphs (1) to (8) of the motion. Paragraph (9) questions the government's intention. I can assure the house the government's intention is absolutely, as it has always said, to offset the carbon emissions with green energy over and above the targets that the government has already set. That is the stated intention of the government; it is what the government will do and deliver.

Calling into question the need for the desalination plant in the first place is a debate that I guess is going to continue, but the facts are that we are facing a future where there is likely to be less rainfall and certainly less regular rainfall than we have experienced in the last 100 years, and the government is of the view that we need to develop a desalination plant as, if you like, a belt-and-braces approach to securing Victoria's water future. The government is doing a range of things, and the house has had various debates on these things. One of them is the desalination plant. The reason we are constructing a desalination plant is that in a lower rainfall future there are only three things that can be done.

The first is to use less water. We have already seen a 22.5 per cent reduction in the per capita use of water in Melbourne, for example, and the government will be continuing with the water savings policies we have put in place since 1999 that have been so effective. That is the first thing: to use less water. The second thing is to reuse more water. As the Environment and Natural Resources Committee heard in evidence on Monday, Victoria already has the highest level of water reuse in Australia. We actually have the lowest charges for water and the highest rate of reuse and recycling of water.

Mr Dalla-Riva — You seriously believe this, don't you?

Mr VINEY — The third option — —

Mr Dalla-Riva — You cannot be serious!

Mr VINEY — I advise Mr Dalla-Riva that this is thoroughly researched evidence received by the Environment and Natural Resources Committee on Monday, and it was not questioned by anyone in his party or in The Nationals. It was the evidence we got, which was fully accepted. The highest level of reuse of

water in the country occurs in Victoria and the lowest fees for water are in Victoria. The third thing we have to do is create some new water. If it is not going to rain, and we are using less and reusing more, the only other option is to create some new water. There are two major ways in which the government has been creating new water.

Ms Lovell interjected.

Mr VINEY — The first is the — —

Mr Dalla-Riva interjected.

Mr VINEY — You have to create water, and there are two ways in which we are creating water that will be available for human use. One is through the food bowl project in northern Victoria, which has \$2 billion worth of investment from the state and commonwealth governments. At the Environment and Natural Resources Committee meeting on Monday even the Victorian Farmers Federation agreed, when questioned by me, that the savings are there to be made. I asked Mr Ramsay from the VFF why he supported the government investing \$2 billion into the food bowl project, and he agreed that it was because water can be saved. He said that the irrigation systems are a disgrace and that they have not been dealt with for 100 years. The system has not been upgraded for 100 years and the modernisation is long overdue. He welcomed the government's investment in that. He did also say that he did not think the water should come from the north to the south, and I will come to that in a minute.

That is the first way we are creating new water. It is a simple fact the opposition does not want to accept that the amount of water lost every year in the irrigation systems of northern Victoria is almost twice the amount of water that Melbourne consumes every year. That amount of water is lost through evaporation and leakage. This project will capture some of that — I think it is 200 gigalitres. The numbers escape me at the moment, but there are 75 gigalitres coming to Melbourne, so I think it is 225 gigalitres. Of that 775 gigalitres of water lost every year in the northern irrigation system we are saying that 225 gigalitres will be saved through this \$2 billion investment — not all of it but about 225 gigalitres. I think the second stage might save a little bit more than that.

Ms Lovell — No, it saves less than that.

Mr VINEY — Apparently Ms Lovell is more of an expert than the experts. Apparently she knows more about what can be saved and what cannot be saved than the people who go out and do all the thorough research.

That is the first thing. The second way we are going to create some new water is through the desalination plant. There are three strategies, and the desalination plant is a critical element of one of them. Use less, re-use more and create some new water. The desalination plant is absolutely vital to securing Victoria's future water supply, including the water supply for Gippsland. It might surprise members to know that in fact 22 per cent of Melbourne's waste water is already recycled.

The project we are looking at for the production of class A water at the eastern treatment plant will massively boost that amount of water. How that is used is the issue we have to work through. Essentially there are a few options. One of the options is the Latrobe Valley power station option to replace potable water by using that if it is suitable and if it is technically feasible and economically viable. The second option is that it could be returned into the river systems in various ways to add to the environmental flows of the river systems. The third option is to pump purer water out at Gunnamatta than we currently do. Those are the issues being worked through. There is currently a range of much smaller scale options that could be used in parks and gardens and so on. That work is being done.

The desalination project is going through a comprehensive and exhaustive environment effects statement (EES) process. If members bothered to have a look, the documents would probably stand about half my height if you put them on the ground — you would need a trolley! That is how thorough the process of looking at the impacts and the implications of this process has been.

How does the opposition propose to deal with the water crisis facing Victoria — and all of Australia? How does it propose to deal with it? The Nationals and the Victorian Farmers Federation gave evidence on Monday to the effect that they propose to dam the Mitchell River. The Nationals and Mr Ramsay of the VFF have a proposition, which Mr Ramsay disclosed under questioning. Essentially they say, 'We do not need to send the water from the north to the south because we can dam the Mitchell River', but Mr Ramsay would not say where that dam should go, because the moment you start to identify a locality you get a whole lot of people who are not too happy. They were not prepared to say where the dam on the Mitchell River should go.

The question I put to Mr Ramsay was: 'Why do you believe a small portion of water saved out of the upgraded irrigation systems in the north should not be used in Melbourne, which is paying a significant amount of the capital cost?'. To which Mr Ramsay replied it was

because the river system in the Murray–Darling was stressed. My question to Mr Ramsay, which was not answered, remains: is the VFF policy that it considers that the rivers in Gippsland and the Gippsland Lakes are not stressed, because it does not want the water to come from the north to the south but it thinks it is okay for it to come from the east to the west?

It does not matter what option a government of any persuasion looks at in relation to water: there are consequences because we face an uncertain future. We face a very uncertain future in relation to water, and to secure Victoria, to secure what we know in terms of our lifestyle, our economy, jobs and what we enjoy and appreciate in the state, we absolutely have to put in place a water-secure environment. We have to put that in place, and that includes the desalination plant. Of course there are difficulties with the options associated with the desalination plant. A comprehensive process was undertaken to select the site in the first place.

A process is now under way to look at the environmental issues that need to be dealt with and mitigated, and one of those issues is the connection to the power supply for the desalination plant. Mr O'Donohue's motion does not acknowledge that there are in fact three options that have been comprehensively reviewed and evaluated in this process.

Mr O'Donohue — It does!

Mr VINEY — The motion does not do that. It does not recognise that there are three options — and a range of things within those three options, I might say. There are essentially three options. One is connection to the grid in this manner along the proposed route or somewhere closely aligned to it, as part of the EES process. The second one is a gas-fired power station somewhere close to the site. The third option is some sort of hybrid of those things, and it might include a range of other low-emission options like wind power and others.

When the government is looking at these options to discover how it is going to secure Victoria's water supply, we are making sure that the whole process has been dealt with comprehensively and fairly and that everyone affected by the process has had the opportunity to have some input. We have gone to great lengths to make sure that all the councils have been consulted throughout the process. We hear Bass Coast Shire Council complaining that it has not been consulted, but my understanding is that there have been 19 meetings with Bass Coast Shire Council. There is an information office where apparently there have been

over 2500 individual inquiries about the project — all of which have been answered.

The environment effects statement was put on display on 20 August in 16 venues. There have been countless briefings and discussions with local councils and with interest groups such as Alan Fraser's group, the Power Grid Option Group. Mr Scheffer and I have met with those people. We have been to the public meeting. Mr Scheffer detailed the work he and I have been doing.

The one thing we have undertaken to do on each occasion when we have had discussions with the community is to communicate any concerns the community had to the Premier and to the Minister for Water. I can assure the house that we have both done that and have done so on more than one occasion. The community is being given enormous opportunities to make its case directly to the environment effects statement and to make its case to the two members of the government that represent that region, Mr Scheffer and myself, and on their behalf we have made representations. I believe many of those people have also been able to make direct representations to the minister. There are plenty of opportunities for those consultations and for people to express their views and their concerns directly.

Mr Hall criticised the planning process. I have just outlined the process, and it is such an easy hit to criticise the process when you are not in a position, as the opposition is not, to actually build a desalination plant in the first place. What I would say to Mr Hall is: where were the planning processes of the Kennett government that he was part of with all the plans and decisions it made in relation to Gippsland? Where was the planning process about closing the train lines, the schools or the hospitals? Where was the planning process about privatising the Latrobe Regional Hospital, which ended up being such a failure that we bought it back for \$1. Where were its planning processes? There were none. That was a government that took absolutely no interest in the process at all. It had a planning minister who literally had the highest record for calling projects in and deciding on them on his own basis, often without appropriate briefing or reference to his own department. In stark contrast, this process of the environment effects statement that the government has put in place has been a comprehensive one with meetings and the displaying of environment effects statement documents at 16 locations as I have just outlined.

Sometimes when you sit here during various debates and discussions, you hear people putting forward

arguments which are inconsistent — like the Victorian Farmers Federation's argument that it put to us during the Environment and Natural Resources Committee hearing on Monday. Its argument was pretty hard to defend. It could not defend its argument of 'it is not okay to bring water out of one stressed system but it is okay to bring it out of another'. That prompted Mr Ingram, the member for Gippsland East in the other place, at the hearing to ask Mr Ramsay of the Victorian Farmers Federation about this inconsistency and about why it was okay to dam the Mitchell River and take water from there to Melbourne, particularly when The Nationals had campaigned so much against Melbourne supposedly stealing Gippsland's water at the last state election. It prompted Mr Ingram to ask Mr Ramsay, 'What is it about Gippsland that makes you think you can take all of this water out? Are we children of a lesser God?'. That is what he asked.

The government believes the community ought to be consulted and it ought to have input. Unlike the Kennett government, we believe that there is a proper process, that we should go through the planning processes, that people should have some input and that the best outcome will be achieved in that process because it will be about securing Victoria's water supply in, as I said before, a belts-and-braces way.

The last thing I want to comment on is Mr Hall waxing lyrical about Mr O'Donohue's motion and what a wonderful member of Parliament he is. I was prompted to think, 'Why would he be doing that, apart from the usual association and cosy relationship between The Nationals and the Liberal Party in Victoria, which is in stark contrast to the Western Australian Nats who are standing up for themselves and being a genuine party for country people?'. That is not the case with the Nats here, who like to cosy up to the Liberals. I was wondering why that would be. Then of course it struck me. Mr Hall has taken the safe seat in his region and now Mr O'Donohue is no. 3 because of the coalition arrangement. So of course he has to wax lyrical about what a great bloke Mr O'Donohue is. He has actually stolen his safe seat.

Mr VOGELS (Western Victoria) — I just want to make a couple of comments on the motion moved by Mr O'Donohue, which I support:

That this house expresses its extreme concern with the process by which the government has identified the potential route for powerlines and connection from the grid to the proposed —

\$3.1 billion —

desalination plant —

at Wonthaggi. We have been advised earlier this year by the Auditor-General that the \$3.1 billion is basically a figure that has been plucked out of the air by a desperate government which has failed to plan for the future. The government has been telling us for about eight or nine years that we should be showering with friends and carrying buckets around to water gardens, which has been great for chiropractors because most of our elderly citizens now have crook backs from carrying water around. A litre of water weighs a kilogram so a bucket of water is very heavy. That is one of the things that annoys me; I have seen lots of people who love their gardens have to let them go because the buckets of water were just too heavy.

Because of the government's reluctance to upset its green friends — I believe — it has not actually planned for the future at all. We did not look at recycling and we did not look at another dam; we basically looked at nothing. All of a sudden after the election, reality set in. The government said, 'Hang on. The years have been dry; there is not much run-off. We are going to run out of water, so we are going to have to do something'.

I think sticking transmission lines some 75 kilometres across local communities and farmland et cetera is absolutely disgraceful. If you look at the opposite situation in my end of the world, we have two gas-fired power stations being built at the moment: one is at Mortlake and the other is at Orford. They both have 50 to 70 kilometres of lines as well, but those companies have decided they are going to put in an underground pipeline. If this plant is to go ahead, they should at least put the powerlines underground as the gas-fired power stations energy companies will. I asked the government why it did not build its gas-fired power station closer to where the gas is at Port Campbell and then send powerlines all the way to the grid, which includes the main Portland line. The government said it was because transmission lines would have had to cross all that countryside and that that would have caused enormous problems with farmers, local communities and planning approvals. So they have gone underground.

The last thing I want to say on this bill is in relation to the desalination plant. As the auditors have told us, a figure of about \$3.1 billion was plucked out of the air about 12 months or so ago. I recently visited a manufacturer in Ararat who makes farm machinery. He told me the price of steel has gone up 80 per cent in the last six months. He showed me some machinery they had built which was to be sold. He said they would still be sold at a good price compared to the next lot of manufacturing on some new disk ploughs they were going to do, because the steel they were buying now

was 80 per cent dearer than it was 12 months ago. I have no doubt there would be an enormous amount of steel used in the building of a desalination plant. I also imagine the transmission towers would be 100 per cent steel, so they would cost an enormous amount of money as well. We can already see that the \$3.1 billion which is expected to be the cost of this desalination plant will blow out to \$5 billion or \$6 billion before we have even started.

The whole project should be shelved. It should be put on the backburner at least until a proper assessment process takes place and all other options are explored.

Mr KAVANAGH (Western Victoria) — I would like to make a few brief comments about Mr O'Donohue's motion and also to congratulate him for moving it. It has long occurred to me that transmission lines, both domestic and commercial, are a blight on the landscape and that putting them underground, although very expensive, has practical and enduring economic benefits. These transmission towers will be around not just for a few years but for decades, perhaps even a century.

I used to regularly walk around the Maribyrnong River between Maribyrnong and Essendon. There is a beautiful pedestrian pathway there. What always interested me a lot was how degraded it was by transmission towers running along the banks of the river. I used to wonder about that all the time. When you look at the transmission towers you see that for some reason they go along one side of the river, cross over and then cross back again, making it a lot worse than seems necessary.

In Australia our politics is very short term. I must say that I admired the New South Wales government about 10 years ago when it announced that over a period of 35 years it would put all street powerlines underground in the cities and towns of New South Wales. Apparently when you do it over a long period and wait until the road is going to be rebuilt anyway, it does not cost very much money. It was quite refreshing to see a government think in 35-year terms. Unfortunately you do not hear that very often in our country.

I have also noticed in another comparable jurisdiction, New Zealand, that in nearly all of its cities and towns the powerlines are already underground. Victoria is far behind comparable jurisdictions. It seems to me this is probably one of the reasons why several cities in New Zealand are now said to be more livable than Melbourne. That is a big change in just a few years. As I have said, it would cost a lot of money to put these transmission lines underground, but the effects would

endure for a long period into the future, and therefore it seems to me to be well worth it.

On the desalination plant, I am yet to be convinced that it is the best solution for our water shortage problems. As I have mentioned in the house before, there are two former water ministers in Victoria who are both urging the government to consider a weir — not even a dam but a weir — in the Otways, for example. That would virtually provide a sufficient water supply for Geelong from water that presently flows into Bass Strait.

I note also that transmission towers inhibit the use of irrigation and sprinklers. It would be a very high price to pay if these transmission lines cost us some of the best farmland in Australia, and it should be considered in the cost-benefit analysis equation. I again congratulate Mr O'Donohue for moving this motion. I will support it.

Mr THORNLEY (Southern Metropolitan) — I rise to oppose the motion, but not because the issues it raises are not important; they are very important issues. The whole tenor of the motion is a cheap grievance. It is a political exercise to try to fit the government up for something it has not yet done. In fact the government is doing precisely the thing that Mr O'Donohue says it should be doing, which is considering all the options, consulting with the relevant communities, stakeholders and bodies, and making sure that it makes the best possible decision about which of the alternative power options will, given all the variables and criteria that you would want to consider, turn out to be the most effective and have the least detrimental side effects. That is all we are dealing with here.

It is a bit of a frustrating debate. It is going to be exactly like Mr Atkinson's outline on EastLink. We will have a whole lot of people parading around saying they oppose the desalination plant, they oppose the way it was done or they oppose something or other until the thing is built, and then when it is built and it gives people water security and the benefits of that security, suddenly you will find that everyone was not really opposed to it after all; they actually thought it was a great idea. Then we will all move on. I understand the politics of that.

People understand why we chose to build a desalination plant; it is because we are experiencing changes in water availability, rainfall and stream run-off. Nobody knows the answers to how those changes will continue. We are clearly suffering the effects of climate change. In a world where there is uncertainty about something as basic as that, this government had to make a responsible decision to ensure that it could guarantee water supply. That is why we chose this option within

that time frame. You have people who on the one hand point to the levels in our water reservoirs, demand that the government take action and accuse it of not acting quickly enough. Then when we do act quickly enough to ensure that those reservoirs do not run dry, we are accused of acting too quickly.

The government has taken the clear cue: if we try to please those opposite, we would by definition never do so. What we need to do is make sure that there is a guaranteed water supply, take the best available options to ensure that that is the case, consult as widely and as effectively as possible to make sure that we build the projects so they will have the least detrimental side effects while recognising there will never be zero side effects, and then move forward and discharge our responsibility to make sure that we deliver water to people.

As has been stated by other speakers, there are a number of different ways the desalination plant may be powered. The government has already given a commitment that this will not lead to any net increase in emissions. There are ridiculous and spurious arguments being put forward as to why a commitment to no net increase in emissions is not a good commitment to make and about why you have to make sure that each electron comes from a green source. We all know what the climate change debate is about: it is about the total number of carbon dioxide atoms that get up there, and the point of this commitment was to ensure that we do not have any more of them as a result of building this desalination plant and its operation. The government has made that commitment, and it sticks by it. We have to ensure that the net impact from the power supply for this plant, along with others, delivers against that promise, and we will.

A range of concerns are raised in Mr O'Donohue's motion. I do not think they are improper concerns to raise. They are valid concerns. I know many of the stakeholders and community groups are making those concerns known through the consultation process that has been outlined by Mr Scheffer, Mr Viney and others who are working hard to work with those communities. However, I just have the slightest suspicion that there might be a little bit of an effort here from Mr O'Donohue and others to try to gee people up into being more frightened about things than they need to be — in the same way the Greens were geeing people up in the western suburbs to think that somehow their houses were going to be repossessed to build tunnel openings and a whole pile of other things. You can throw around all sorts of politics of fear in dealing with these issues, which may make you feel good in the short term, but at the end of the day you are still

confronted with the same reality. When the thing is built, when it delivers the thing that people need — which is a guaranteed water supply — members opposite will all of a sudden decide they are in favour of it.

Let us take one example, and I think it is a good example. An important concern is there is that a range of farmers out there with boom irrigators and other equipment that they are concerned could be interrupted by this. It is an important concern. However, members opposite are making out that this is suddenly something that the government is not concerned about or that it will ride roughshod over people. I do not think that is a very likely outcome. I know in my district we have a bunch of guys with the big boom irrigators out in the Leigh River valley, and we have a whacking great powerline that goes down to Portland. People seemed to figure out a way of doing that which did not seem to cause too much distress. I am sure if the one of several options the government is currently considering that seems to be more exercising Mr O'Donohue now were to go ahead, those issues would be taken into account, and some rational solutions to that concern could be found. It is an important concern, but I hardly think it is one that cannot be overcome. I think it is good that Mr O'Donohue raises these concerns in the Parliament as the people directly affected are raising them through the process. What I think is silly is that he is running around trying to condemn us for listening and for evaluating all of those options.

I cannot let Mr Atkinson's speech go by without putting back on the record the response to the issues he raised. He wanted to bring us back to the 2006 election campaign and who did or did not support which desalination plant. Let me put it back on the record and make sure we are clear about this. The Liberal Party's water policy involved a desalination plant in either Hastings or Werribee and a dam on the Maribyrnong River at Arundel. We opposed both those specific solutions because they were bad policy. I do not see the Liberal Party defending them. I see a few of them occasionally defending the Arundel dam — putting a dam in the wrong place on the wrong river that will only be full when all the other dams are full. But no-one in the Liberal Party is still trying to defend a desalination plant at Werribee, for example. It was a wrong answer. We opposed it at the time because it was a wrong answer. I remember sitting there and listening to the radio as our ministers demolished that idea live to air on the day it was announced by the Liberal Party and for the very reason that Mr Atkinson outlined — that is, the importance of brine dispersal going directly into the ocean flows. That is why Werribee, and for that matter Hastings, was the wrong answer. That is why we

opposed them. We said so within 6 hours of the Liberal Party announcing its policy because anybody who knows anything about this issue knows that was the wrong answer. Even the Liberal Party knows it was the wrong answer because its members are not defending it now. They are not defending the idea that we should destroy either Port Phillip Bay or Western Port Bay with a desalination plant and the brine output that would flow from it.

The second reason we said Werribee was a dumb place to put a desalination plant was because the capillary structure of the pipe network comes from the north-east, and that is where the dams are. The big pipes come out of the dams and then the pipes get smaller as they disperse out to deliver water where it is needed. If you put the big water source, the desalination plant, in Werribee, you have to pump it backwards up all the small pipes to try to get it out into the network. That would be a dumb place to put it. That is why the Hamer government considered a desalination plant in — you guessed it — Wonthaggi.

We are not author proud about this. The opposition tries to claim it invented desalination in the way that Al Gore invented the internet. Everyone knows desalination has been around for 40 years. It is not a new idea. The important thing is that members opposite did not invent desalination — it has been around for 40 years. The Hamer government thought about it and thought about putting a plant in — you guessed it — Wonthaggi. The important thing is that you get the right plant technology in the right location with the right power sources and all the other things you need to get right; it is not about who invented desalination. That is what we are endeavouring to do. That is why this consultation process is going ahead. That is why the Liberals have quietly buried the idea of putting one at Werribee or Hastings — because they were wrong. We said they were wrong at the time, and they are still wrong. They know they are wrong, and even Mr Atkinson effectively admitted it. We will keep consulting with the community, and we will keep trying to get the right answer. I can guarantee we will not please everybody with every element of that, because that is not possible — that is why governments have to make hard decisions — but we will guarantee a water supply to Melbourne. We will do it in the most effective way. We will deliver on our promise not to have a net increase in emissions. For those reasons, I oppose this motion.

Mr O'DONOHUE (Eastern Victoria) — I would like to commence by thanking all speakers and contributors to this debate. It has been quite a wide-ranging debate that has touched on many issues.

Mr Finn — Including Al Gore.

Mr O'DONOHUE — Including Al Gore. It has been an instructive debate. I would like to start by making some comments about the contributions made by the government members who spoke on the motion: Mr Scheffer, Mr Viney and Mr Thornley. All three speakers made comments to the effect that big infrastructure projects put people offside, but once the infrastructure project is completed they get over it. They said that this is a function of government, that this is what happens when you build things and that all infrastructure projects in these modern times generate that sort of coordinated local opposition. Mr Scheffer went into some detail in talking about the history of these projects and how things have changed. I accept that people are more coordinated and educated and have better access to information these days. But I do not accept the principle that large infrastructure projects in and of themselves, because of their very nature, put people offside.

I think of the Pakenham bypass near my electorate office. The Pakenham bypass was welcomed by virtually all people. We have had debate today about what was promised to be the Scoresby freeway and is now EastLink. There has been debate about government promises of no tolls and whether it would be a freeway or a tollway, but the actual issue of the road has been supported by virtually everybody. What the Pakenham bypass, the Scoresby freeway — now the EastLink tollway — and other significant infrastructure projects initiated before the time of this government have in common is that they had long lead times; they were identified a long way out. They were the result of long-term forward planning which identified strategic locations over a significant period of time, which did the investigative work and which did the research and the analysis to get the right project in the right location and with people's consent.

The great difference in this project and the powerlines being proposed in it is that this has been done in haste. I can see in my mind the former Premier and the former Minister for Water, Environment and Climate Change sitting around in a office wondering what to do when they had a crisis on their hands. Their plan for the past seven or eight years was not working. It had not rained, and praying for rain had not worked. They needed to come up with a silver bullet solution, so the desalination project and the other projects Mr Viney outlined became the government's new water initiative. I do not accept the fundamental proposition put forward by government members that the resistance facing the desalination project and the powerlines is the price you pay for large infrastructure projects. It is the price you

pay for large infrastructure projects when they are not properly planned, when they are not properly detailed and when there is no proper analysis and consultation with those affected.

Mr Viney gave his usual speech about the Kennett government, and will no doubt continue to do so. I really think he needs to go home or go back to his electorate office and come up with some new ideas. We have heard it all before. His comments are of little comfort to those we intended to assist by moving this motion.

On the motion I moved, Mr Viney said, 'It's Captain Blooming Obvious', if my notes are correct. If that is so, why has the government not thought about these issues before the last couple of months? There was a 12-month lag between the announcement of the project and when the first affected landowners in this 500-metre, 75-kilometre precinct were notified of the government's intentions. It just reinforces the fact that the government had no plan; it came to a decision quickly and figured out the details at a later time.

Mr Barber and Mr Atkinson gave quite different speeches about the broader policy imperatives. If you feed their contributions in to the point I was making about long-term planning and long-term analysis for future intergenerational infrastructure development, and if you consider their contributions with the point I am making about the contributions of the government members, I think there are some good, broad issues to take away from the debate at that macro level. Unfortunately the contributions from the government members did not give me any satisfaction that they understand the challenges that nearby landowners and affected communities will face as a result of these powerlines being built. It is backward looking, it is yesterday's technology, it is regressive and it is absolutely wrong to propose what the government is proposing with these powerlines. As I said in my contribution, Mr Viney and Mr Scheffer may say it is one of several options being considered, but if you read the environment effects statement documents and talk to people who have been dealing with the project team, you will know that there is only one proposal on the books of this government. I hope the government takes note of the debate that has occurred today.

In summary I would like to again thank all contributors, including the other contributors from the coalition. I thank Mr Hall for his contribution. I urge all members of the house to agree to the motion.

Motion agreed to.

SKILLS TRAINING: REFORM

Mr HALL (Eastern Victoria) — I move:

That, in respect of the recently announced skills reforms, this house calls on the government to explain to the Parliament and the people of Victoria the following —

- (1) the number of Victorian students that missed out on a funded training place last year;
- (2) how increasing student fees will attract more people to participate in vocational training particularly at the diploma and advanced diploma level;
- (3) how much revenue is expected to be raised by increased fees and the purpose to which that revenue will be put;
- (4) whether the \$139 million designated as 'contestable funding' is new money or whether it is a transference of current money already allocated to the delivery of diploma and advanced diploma places;
- (5) how an income-contingent loan system will encourage more students to take up training;
- (6) how the government intends to address the predicted shortfall of 123 000 diploma and advanced diploma qualified workers by 2015;
- (7) how the government expects to find an additional 900 TAFE staff and 500 non-teaching staff when TAFE teaching salaries are almost \$20 000 lower than their counterparts in NSW and well below that of teachers in the schools sector;
- (8) how a competitive training system will work and its impact on training providers;
- (9) why the cost of training is being transferred from the state to the student;
- (10) why the government continues to underfund training in Victoria by 15 per cent compared with the Australian states average;
- (11) why those who have to retrain will be ineligible for a government-funded place;
- (12) why the government is abolishing concessional fees for diploma and advanced diploma courses; and
- (13) how much is being spent on television advertising to promote the reform package.

I am pleased to have the opportunity today to move motion 5 standing in my name. It is a rather lengthy motion, so I will not read it to start with, but I will read every aspect of it as I address its components during my contribution.

The first thing one of my colleagues said when I showed her the wording of this motion was, 'It is a bit different, isn't it?'. It probably is a bit different. I want to make it very clear from the start that this is what I

would regard as a constructive motion which does not condemn the government as opposition motions usually do. In the words in which I have expressed this motion, it does not even get to the point of criticising the government. It is a genuine attempt to seek information so that both the Parliament and the people of Victoria have a better understanding of the government's proposed skills reforms — what they are, how they will work and what impact those reforms will have on the delivery of vocational education in Victoria. That is why I am asking these questions, making these comments and inviting the government to respond in good faith.

Having said that, let me give some background to this particular matter. The motion asks questions and seeks information about a skills development package announced by the government on 26 August. That was preceded by a skills reform discussion paper that was released in late April. Following that, submissions were invited by 10 June. The outcome of that submission process was announced on 26 August, with a claimed \$316 million response by the government. This proposal contains many contentious aspects, including significant increases in student fees and the establishment of an income-contingent loan scheme for TAFE students. It also talks about contestability of training places, among other things. That is the background to it. What I want to do is explore some of those issues and others and seek comment from the government as to exactly what they mean and how they will work in practice.

The first issue I turn to is the first one I have listed in the notice of motion — that is, a report of the number of Victorian students who missed out on a funded training place last year. Each year the government of the day rolls out a press release indicating how many students missed out on a place at university. It will have that knowledge because university applications are all centralised through the Victorian Tertiary Admissions Centre. People can work out how many students applied to get into a university course and missed out. They can also access some TAFE courses through VTAC. There is an opportunity for students leaving school to apply to VTAC for a place in a diploma or advanced diploma course, but only about 15 per cent of those undertaking vocational training actually take that route. The others tend to apply directly to an institution that delivers the course. There is no centralisation of data that allows people to calculate with a degree of accuracy the number of students who have missed out on a training place in any one year.

On page 10 of its discussion paper on this particular matter the government claimed, and I quote:

Approximately 27 000 students missed out on a TAFE place across Australia last year, suggesting that access to government-supported training needs to be expanded and better targeted.

That claim was made about work undertaken by the Australian Bureau of Statistics in a 2007 survey of education and work. If that organisation has predicted that Australia-wide 27 000 students missed out on a place, the question that we should be asking is: how many Victorian students have missed out on a place in vocational education and training in this state?

The answer is that we do not know unless the government produces some figures and an explanation today. What I do know is that I have never come across a student who has applied for a TAFE position in Victoria and missed out on it — not one. Plenty of university students have missed out, but not a single person has ever approached me suggesting they have missed out on a government-funded position in TAFE. This particular assertion by the government that so many have missed out in Australia is important, because if students are getting in and none are missing out it is a completely different story to that portrayed through some of the proposals within the skills reform package.

My first question to the government, and I seek its comment, is to ask it to inform the house of the number of Victorian students who missed out on a funded training place last year. The second and third points of the motion go to the issue of fees. In the second point I simply ask the government:

how increasing student fees will attract more people to participate in vocational training particularly at the diploma and advanced diploma level.

That is what the government is claiming in this discussion paper and all the press releases associated with it. It suggests we need to do things to attract more students into formal training processes, but every other commentator I have spoken to, apart from members of the government, has found it difficult to believe that by increasing student fees you are going to attract more students to undertake training. Yet there are many reports from all around Australia. One of the committees of this Parliament is currently looking at some of the barriers for students trying to access post-secondary education. The biggest single issue that is thrown up in every inquiry on this subject is that the economic barriers are the strongest ones that prevent young people from continuing with a post-secondary education. I do not think TAFE is any different. There is only a certain amount that young people can afford, and by increasing student fees it simply goes against the

odds that that in itself will attract more students into the system.

An honourable member interjected.

Mr HALL — There is no logic there whatsoever. It is clear there will be some significant increases in fees in the skills package the government has presented — for example, at the diploma and advanced diploma level there used to be a minimum fee of \$55 and a maximum fee of \$877. From July next year that maximum fee will increase to \$1500, and from January 2012 it will increase to \$2500. There are also significant increases at the certificate III and IV levels and some minor increases at the certificate I and II levels, but not much change in the foundation level courses. Apprenticeships and traineeships have not increased by a great deal, but beyond 2012 the government has said ‘TBD’ — which is ‘to be decided’.

Mrs Peulich — ‘Ted Baillieu decides’ probably.

Mr HALL — It might be true. And so it is we wait to see what happens in respect of fees paid by people in apprenticeship and traineeship programs.

Those are not the only fees paid by people undertaking vocational courses. There are also students who pay material and service fees on top of those fees, which means that if you undertake a training course at one of your local TAFE colleges, or through a private training provider — and there are something like 1300 training providers in Victoria — you will still pay a student and material fee on top of the tuition fee. The costs are far more significant than are portrayed in the paper. Often those material fees can amount to many hundreds of dollars, which should be factored in when we are talking about whether students can afford vocational training.

The question in relation to this is as I posed in point 2 of my motion, which asks:

how increasing student fees will attract more people to participate in vocational training particularly at the diploma and advanced diploma level.

That is a valid question which is being asked by those people who are interested in these reforms. I would welcome the government’s clarification of why it believes this is good for training in Victoria.

The other issue, which is not addressed in the discussion paper nor in the final package, is how much revenue is expected to be raised by increased fees and the purpose to which that revenue will be put. As I said before, this is a \$316 million package which the

government has put on the table. How it is broken down is also detailed in that package, but it says nothing about revenue collected through the increased fees. The notice of motion calls on the government to give us an explanation about the extent of the fee increases and where the money will be put.

The next item I want to talk about is point 4, which asks:

whether the \$139 million designated as 'contestable funding' is new money or whether it is a transference of current money already allocated to the delivery of diploma and advanced diploma places.

I draw the attention of the house to page 33 of the *Securing Jobs for Your Future — Skills for Victoria* package which outlines the proposals the government has on the table. The table on page 33 indicates a figure of \$139 million for training on demand with contestable funding. The contestable funding proposed is at the diploma and the advanced diploma level. I want to know, and I am sure providers want to know, whether the \$139 million is actually new money and whether it is on top of what is already provided for diploma and advanced diploma programs, or whether it is simply a repeat of exactly what is already there. We want to know whether or not it is new money.

I know from talking recently to the Australian Education Union that this is one of the questions it is vitally interested in. I invite the government to tell us exactly what the \$139 million means, and particularly whether it is new money or whether it is simply double counting in terms of what it already delivers for diploma and advanced diploma programs.

I move on to point 5 of the motion in relation to income-contingent loans. Again I simply ask the question: how will the setting up of income contingent loans — that is, higher education contribution scheme-style loans — for TAFE students encourage more people into those particular training programs?

I could not help but note a submission by the now Premier of Victoria, John Brumby, to the Review of Higher Education Financing and Policy. He wrote the document when he was the Leader of the Opposition, so we are talking about the late 1990s when he made the submission to the federal government. It is titled *Submission to the Review of Higher Education Financing and Policy*. It is a lengthy, 14-page document, but in the third paragraph of the executive summary he says:

A voucher-based system of funding is deeply destabilising, and antithetical to the sustained, efficient and rational development of a high-quality tertiary system.

Up-front tuition fees will damage equality of access to our tertiary institutions.

Further he says:

The recommendations of the review committee must not undermine the viability of regional universities or new institutions.

Back about 10 years the now Premier, Mr Brumby, was very much opposed to the imposition of up-front fees for higher education students. To be consistent with that, the same arguments could apply equally to TAFE students. What we are seeing now is the Premier going directly against what he said in the submission. He is now proposing that we have up-front fees for TAFE students, but moreover increased fees for TAFE students and the imposition of an income-contingent loan scheme here. This proposal seems to be at odds with the Premier's comments less than 10 years ago.

The important question here is how an income-contingent loan system will encourage more students to take up training. My understanding is that this is how the income-contingent loan schemes will work. They will only be applied to diploma and advanced diploma courses. Come 2012, students will be required to pay \$2500 towards that cost, but a diploma or an advanced diploma course might conceivably cost of the order of \$8000 to \$10 000 a year. Certainly the government is claiming that \$2500 is a move to 20 per cent of the cost, so it is not unreasonable to suggest that the total cost of that particular course is \$10 000 per student.

The students will be required to take out an income-contingent loan to cover that figure, unless they pay up-front fees of many thousands of dollars per year. A lot of students would not be able to afford that, and over the course of their four-year diploma or advanced diploma studies they would probably accumulate a debt of the order of at least \$10 000 — or more. It may be more because they may be able to apply for a loan to cover some of the materials and student charges. We will see young people and those who have sought to retrain with an accumulated debt — of I would think a minimum of \$10 000 but in some cases significantly more — hanging over their head.

As I have said, the biggest issue that stops people moving to higher education is the economic barrier. That will simply be perpetuated with the establishment of such fees and loan schemes for TAFE students. I have not met one person within the public or private training sector who suggests that it is a really good idea. They have suggested that it may well deter people from

undertaking those courses because they do not want to finish with a debt hanging over their head.

It was interesting speaking on a radio station in Geelong today and being asked some questions on air on this particular matter. It was suggested that with the current high cost of living many families are struggling, and the incentive of having a \$10 000 debt hanging over your head when you have finished your TAFE course is not attractive to people, particularly those at lower socioeconomic levels. It is simply unaffordable and therefore they will rule it out as an option. I can understand that some may be prepared to take on debt — some may, but equally a number of people will be deterred from undertaking courses because of their wish not to accumulate such a debt. Again I challenge the government to tell us exactly what its line of thinking is on the loan system and how it believes it will greatly increase the number of students wishing to undertake diploma or advanced diploma courses.

Point 6 of the motion calls on the government to explain how it proposes to address the predicted shortfall of 123 000 diploma and advanced diploma qualified workers by 2015. Throughout the discussion paper and its response the government says this figure has been determined by an organisation associated with Monash University. I have no reason to doubt the work that that organisation has done. The government is saying it wants to ensure that by 2015 it will train another 123 000 people at the diploma and advanced diploma levels.

To give some context to what that involves, I refer to a government document entitled *Victoria's Vocational Education and Training Statistics — A Pocket Guide — 2007 Edition*, which is the most recent edition. It shows that in 2006 the number of people who completed a diploma or advanced diploma course was 16 303. That figure is fairly consistent with that in 2005. In 1999 there were a lot fewer; only about 7000 completed such a course. Over the last two years in which records have been kept, 2005 and 2006, around 16 000 people graduated with a diploma or an advanced diploma. If we need another 123 000 diploma and advanced diploma students by 2015, every year another 20 000 will have to complete diploma and advanced diploma courses. That is, the number of students undertaking studies in diploma or advanced diploma courses will have to more than double.

It begs the question: how much will that cost? If you look at doubling the number of people in those courses and the cost of delivery of them, the real cost over that five-year period will be something of the order of \$2 billion or more. I think recently, when she addressed

the presidents of TAFE college councils across Victoria, the minister mentioned that the real cost of this proposal will be more like a \$2 billion figure. That is not referred to in some of these reports, but I think the government quietly admits it. In terms of trying to accommodate 123 000 new diploma and advanced diploma students between now and 2015, if the government keeps its word and does as it proposes in the skills reform package, that will have a significant hit on government budgets.

Again I ask the government to respond to the questions of just how much it will cost and where it will recruit 123 000 students from. It relates to the very first question I posed: where is the unmet demand for a diploma and an advanced diploma? Where will we get the 123 000 new students for those courses, when now only 16 000 graduate per year? I hope the government will respond to that point.

I want to move on to point 7. As part of the announcement on the skills reform package the state government says that it will fund an additional 900 TAFE staff and 500 non-teaching staff. The question I again ask is: where will it get these teachers from? It is rather ironic that the government says it will employ another 900 TAFE teachers, when it refuses to even sit down and talk to TAFE teachers now about salary levels. The government's claim is that it does not directly employ TAFE teachers and that therefore it is for the directors of TAFE institutes to bargain with the teachers union. 'We have nothing to do with it' is a convenient excuse for the minister to stay away from the table. Yet in its document the government claims that it will employ an extra 900 teachers and 500 non-teaching staff in the TAFE sector.

I also ask the question: how does the government expect to attract such teachers when they are paid very poorly in comparison with interstate TAFE teachers and also their colleagues in the schools sector? It is true that Victorian TAFE teachers are the lowest paid of any TAFE teachers across Australia. The difference between the salary of a TAFE teacher and that of an equivalent person working in a secondary school in Victoria is \$13 000 a year. I am sure that for most people who had the choice of teaching in the TAFE system or at secondary school level for an extra \$13 000, the latter would be more appealing than the former. This government will have its hands full if it tries to live up to that prediction of employing another 900 teachers in the TAFE system when it pays them so poorly.

I point out also that TAFE teaching is not attractive in terms of it being a permanent job, with 60 per cent of

the teachers in the TAFE sector being casual teachers. They are employed casually for a short term, with no contracts, no sick leave entitlements, no holidays and no job security from one year to the next. It is not the sort of position I would be jumping up and down to get. This government has made a claim that it will employ another 900 TAFE teachers. It should tell us where and how and at what rate that will be.

I refer to point 8 of the motion, which asks for an explanation of how a competitive training system will work and its impact on training providers. I thought a competitive system would encourage providers to actually tender for the delivery of a suite of programs, but I find out that this is not the case. In respect of the contestability element of this, any student who meets the eligibility criteria will be automatically entitled to certain funding for a course in Victoria. The contestability element is whether that person goes to this, that or another provider to cash in that voucher, if you like, because that is essentially what they will do.

The first comment I make about this relates to regional Victoria. You do not always have a choice of provider in regional Victoria — you might in Melbourne, but even here it is not often that you have a choice. For example, Bairnsdale, near where the Parliament will be sitting soon, has a very good public provider in the East Gippsland Institute of TAFE; a very good group training company, Eastern Victoria Group Training, which provides some of the training programs; some good neighbourhood houses; and a very good adult community education deliverer in that area. Over the years those organisations have worked out where their markets are. They know the types of programs they are going to deliver. If I am a student from Bairnsdale or Lakes Entrance and wish to do a diploma in hospitality, for example, there will probably be only one provider — the East Gippsland Institute of TAFE. There is not much duplication of course provision in that geographic area. I would imagine that the same applies across most regional areas of Victoria. There is not a huge choice of providers to enable students to pick and choose who they wish to undertake their training with. Country students find it difficult to move away from home and to study because of cost barriers, so contestability simply does not ring true. There is no contestability for students who live in regional or country areas.

What the contestability model will do is create a fair bit of uncertainty for the providers of training, because they will not know for sure whether sufficient students will apply to undertake a course. Therefore the funding previously allocated towards programs in TAFE will not necessarily be continuous from one year to the next.

It will be dependent upon the number of students that seek enrolment at that institution.

Thus I think the implications of the contestability model proposed in this discussion paper are pretty dodgy. It is a pretty loose model, and I do not think anybody knows exactly how it is going to work and how it will impact on the provision of training, particularly in regional Victoria. I would welcome some enlightenment on that particular issue from the government this afternoon.

Point 9 of my motion asks why the cost of training is being transferred from the state to the student — which it is. A significant component of that cost is being transferred across under this government's voucher-type system. Again, let this government, which claims education is its no. 1 priority and that it is the champion of education, explain to us why it is transferring the cost of education back onto individual students.

I want to talk quickly about the eligibility components which come from the package proposed in the *Securing Jobs for Your Future — Skills for Victoria* booklet and concern whether or not a student will be eligible for a government-funded place. A student will be — but only once. What this paper says clearly on page 15 is that for the first vocational educational program a student undertakes they will be guaranteed a government-funded position. If you wish to obtain another position — if, say, after having done a certificate IV you want to go back and do a certificate II in another area — you will definitely not be allowed to do that. You will have to pay the full cost of doing it yourself. The eligibility section says that you will only be given funding for the first training program you undertake, unless you want to increase the level of the qualification you hold. If you do a certificate IV and want to upgrade that to a diploma or advanced diploma, there would be funding, but not if you have to retrain.

This is an issue I raised during the questions without notice yesterday. If, for example, somebody with a diploma in business gets retrenched from their workplace, they might want to go back and do a certificate in hospitality. The answer will be 'Bad luck'. If they want to do that, they will have to pay the lot themselves. Although some exemptions are listed on page 16, exemptions which will be considered on a case-by-case basis, there is absolutely no guarantee that if you are a worker in Victoria who has been retrenched, you will be able to go back and be given a guaranteed government-funded place in the system.

I want to talk quickly about concessional fees. I note that concession fees will continue to apply for the lower

level TAFE programs, but no concession fees will apply to the diploma or advanced diploma courses. Students from the northern part of Melbourne were down on the Parliament House steps yesterday, and when I spoke to them they said such things to me as, 'If my fees go up, mum and dad and I cannot afford for me to undertake additional training'. The government's logic for dropping concessions to advanced diploma and diploma courses is that students will be able to borrow more on the never-never, with the new HECS (higher education contribution scheme) style scheme, and pay for it that way. Again I point out that people who do not have a high household income level will not want to accumulate significant debt they will have to pay back in the future. I repeat that the government has erred here in terms of this decision on concession fees. What it has done in this respect will discourage more people from doing training programs.

The last point in my motion, no. 13, is about television advertising. My television was tuned to a commercial television station on Sunday evening, and all of a sudden these advertisements about how good our TAFE system was going to be with all these changes started popping up on the screen on several channels. If this is such a good program, why are we trying to sell increased student fees, income-contingent loans schemes and contestability within the system? If you have to get out there and sell it on commercial TV, then it must not be that good, or the government must be worried that this will not go down well with the public of Victoria. I simply ask the questions: why the television advertising, how much is it going to cost and why are those costs not being put into the training programs to perhaps accommodate more young people in their training needs?

I want to conclude by saying again that the spirit in which this motion has been drafted is one that seeks a genuine response from the government. I hope I do not get a flippant response as I have in the past when I have raised these matters. I have not been overcritical of the government in respect of this. I have passed on some of my own views, which some may regard as criticism, but I can assure the house that it is with a genuine purpose that I raise this matter in the house today. I hope the government responds in the same manner, because this is an important issue. It concerns the future education chances of many young people. I want to make sure, as the government does, that Victoria maintains the best training system in this state — so let the government explain how we can keep that branding of our training system, given the controversial measures contained in this paper. I look forward to the government's response.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Ms PULFORD (Western Victoria) — It gives me great pleasure to speak on Mr Hall's motion because it provides a great opportunity to talk about the action the government is taking to tackle the skills shortage in Victoria, which is one of our great economic challenges. The motion arises in response to the Securing Jobs for Your Future — Skills for Victoria package of initiatives that have been recently outlined by the Minister for Skills and Workplace Participation, Jacinta Allan. This package delivers \$316 million to ensure that Victorians have access to the skills they need to fill the jobs that will keep our economy strong. This is all new money and adds to the \$711 million currently spent by the government on training. The government's skills action plan represents the single biggest investment package ever in Victoria's skills sector, and it is hoped it will create an additional 172 000 training places in Victoria over four years.

Securing Jobs for Your Future will transform the way that training is delivered in Victoria and is designed to be more responsive to the needs of industry and to individuals hoping to improve their skills throughout the state. We believe the reforms will play a key role in driving Victoria's growth as an innovative, productive and internationally competitive economy.

Government members consistently hear — and I am sure that members on the other side of the chamber do too — about the demand for training places. There are currently about 90 000 people in traineeships or apprenticeships in Victoria, but year in and year out demand exceeds funded places, so there is agreement, I think, that between employers, industry peak organisations and government we need to do more in training, that we need to assist Victorians to attain higher levels of skills and that we want to foster in Victoria a culture of lifelong learning. We come here and often talk about early childhood development and the education needs of the noughts to eights, but this relates to the later part of the learning experience for young people and for school leavers, and also for people at every stage in their life.

The \$316 million package breaks down into a few components: \$178 million to build a more responsive system, including the \$139 million that Mr Hall referred to, which will support training on demand for eligible students, and \$39 million to build capacity and support for the implementation of this package. There is \$33 million to strengthen capacity, including \$20 million to expand broadband access for TAFE, \$11 million for adult and community further education providers and \$2 million for workforce development in

TAFE. There is \$97 million to build a system that is more focused on its users, and this includes \$52 million for the skills for growth — the workforce development program, and \$25 million for the apprenticeship and trainee completion bonus, as well as \$10 million for skills for life, which is the Victorian training guarantee eligibility exemptions, and I will come back to them a bit later. There are other parts of this package, but they are some of the key features.

The introduction of the Victorian training guarantee is an Australian first, and the government is very proud to be leading the way in this respect. What the training guarantee provides is that from July 2009, wherever there is demand for an eligible Victorian wanting to improve their skills, the government will subsidise that training. This is the fundamental aspect of this package: that training will be delivered where it is needed. That will be the primary driver, and eligibility occurs in a couple of ways. For people up to the age of 20 the Victorian training guarantee will provide a government-subsidised place for training at any qualification level. For Victorians over the age of 20 the guarantee will provide subsidised places for all training at foundation skill level and for any qualification higher than the qualification already held. This package is unapologetically designed to assist people to move through different skill bands. There is a degree of flexibility in there, and there are some exemptions. These will be for people who are seeking training in a specified area of critical skill shortage or who are significantly disadvantaged in the labour market, and that includes workers who perhaps have been made redundant by the closure of their workplace.

We believe the package will encourage more providers and more choices for individuals and for businesses. We believe it will deliver more teachers and more skills. Initiatives exist within the package to encourage industry experts to come into TAFE in a part-time teaching capacity — for example, to take some people with experience and skills in the construction industry, who will come in on a part-time basis and share their knowledge and expertise with students hoping to attain skills in that area. There are initiatives that will make it easier for students to find their way through the skills system and to support directly targeted small and medium size businesses to assist them to identify and access training for their workforces so that they can benefit from the opportunities that this massive investment creates.

As we have heard in the media in recent weeks and in debate in this chamber, Victoria, like all economies in the world, is dealing with some challenging economic times. We have worked hard to secure key investments

and to continue to deliver job opportunities in Victoria. I know Mr Hall is very passionate about opportunities for people in regional Victoria, as I am, and the government has facilitated the investment of \$9.3 billion in regional Victoria, creating 16 500 new jobs. Of course there is always more to do. Media reports about Teson Trims in Euroa this week served to remind us of the need to be ever vigilant in these more challenging times.

Any job loss is regrettable, but an important role that government can play is to ensure that there are appropriate safety nets in place. The last state budget committed \$5.6 million for a further four years to the Skill Up program to assist workers affected by job losses and facilitate new job opportunities and retraining, where appropriate, to ensure that Victorian workers who are in vulnerable industries or in vulnerable parts of the state have opportunities to move into new industries or to take the skills that they have into new workplaces in their existing industries. Securing Jobs for Your Future is a major step forward in providing guaranteed access to government-subsidised training. There is \$10 million allocated for exemptions, as I indicated, for those who are particularly at risk of experiencing disadvantage in the labour force. We believe this is the best possible way to assist workers affected by job loss to secure a new and hopefully even better job.

I note that Antony Thow, the Victorian secretary of the National Union of Workers, my old union, has made some comments about this skills package. This is a union that has a great many members in automotive components. Antony Thow said:

We've got 600 workers at the SPT (Goodyear) tyre plant in Somerton who all lose their jobs this Christmas. Some will find similar work in other factories, but many will need to broaden or improve their skills to be able to find a decent job.

In his support of this training package he goes on to say:

Greater choice and more options in training service provider will also make it easier for workers to take their first step into formal training ...

There has been a bit of commentary about the changes in fees that come with this investment in training. This package is designed to make fees fairer. There is an important distinction to be made between the fee to access education of somebody who is undertaking a certificate II in general education and that of somebody who is studying for an advanced diploma in engineering. There is a bit of a myth about in some quarters that all fees are increasing, but this is not

actually true. Certainly in many cases fees will decrease.

From 1 July 2009 courses will be divided into five categories. For foundation skills, which include literacy, numeracy and language skills, the maximum fee will be \$500. For skills creation courses, which are certificate I and II courses, the maximum fee will be \$875. Both of those categories will cost less than the current fee of \$877. Fees for apprenticeships and traineeships will remain at the 2008 rate; they will be \$903 after the current rate is indexed. The areas which potentially attract a higher fee because the maximum rate has increased are the skills building and skills deepening qualifications. Skills-building courses are certificates III and IV, and skills-deepening courses are diplomas and advanced diplomas. There is a well-demonstrated relationship between these high levels of qualification and a higher income. In response to Mr Hall's question, the revenue that will be generated through this new, fairer fee structure will contribute directly to the creation of additional training places.

Some aspects of this debate remind me of some of those first Young Labor conferences I went to many moons ago, where opponents of HECS — —

Mrs Peulich — We've got photos!

Ms PULFORD — I hope not.

Mrs Peulich — We've got photos of those after parties.

Ms PULFORD — There were no after parties.

Mrs Peulich — It was all one big party.

Ms PULFORD — I thank Mrs Peulich for her assistance.

Moving back to the topic at hand, certainly at those Young Labor conferences — and perhaps the debates were similar on the other side of the political divide; they were certainly occurring on university campuses around the world — we were told that with the introduction of HECS the sky would surely fall in. The sky has not fallen in; there has been a dramatic increase in participation. It is certainly my experience of conversations with people in my electorate that the \$877 up-front fee is an impediment for some students to study, and the opportunity to defer these fees will enable students in a range of circumstances to take up training that would have otherwise been difficult.

Mr Hall commented on the extent to which concessions would apply to these new fee structures. The need for a

concession in a deferred payment scheme becomes a little irrelevant when the concession occurs after the training because the payment is not required until income levels exceed \$40 000. For anyone who never earns that amount, as is the case with higher education contribution schemes (HECS), they do not have to pay it back.

The way in which the changes to the fee structure will bring more people into training relates to the core objective of the skills package. It aims to bring more people into training by creating a better partnership with government, business and people hoping to take up training opportunities to increase their skills. The investment that we are making in this area is certainly substantial and will create a system that is demand driven, where funding will respond to industry demand and student need.

The way the fee structure will work is through a landmark arrangement that has been made with the federal government to take the HECS-style deferred payment scheme and apply it to students in TAFE. This will make training more accessible for those people who cannot meet the up-front cost. I am sure that all members here would agree that costs should never be a barrier to an individual's desire to improve their skills. This is incredibly driven by a commitment to access and to equity. If a student has a greater earning potential because they have completed a certificate IV qualification on a deferred payment scheme and do not have to make any repayments until their income is over \$40 000 a year, that is certainly fair and just, and will assist people in accessing training.

Mr Hall asked how many people had missed out on training places. Nationally almost 30 000 students missed out.

Mr Hall — It was 27 000.

Ms PULFORD — Nationally 27 000 students missed out. The government estimates that between 7000 and 10 000 students are missing out in Victoria, but those figures are collated nationally, so that is an estimate based on what we think is our likely share of that national problem. We believe these reforms will address this problem in Victoria and certainly go some way to dealing with that enormous unmet demand that I referred to earlier. Anybody who is spending any time out of this place or out of their office would be encountering employers who are struggling to find skilled workers. There are 1.6 million Victorians without year 12 or equivalent training. To us this is unacceptable. For Victoria to maintain a strong

economy and a strong competitive edge we certainly need to do more in this area.

Victorian industry and businesses will benefit from a \$52 million initiative that is designed to support businesses in increasing the level of skills within their workforces to help them grow and expand and to meet whatever challenges their industry is facing. Industry and business will be able to take advantage of government-subsidised training for the first time and this is a key feature of this package, rather than previously when catch funding occurred only in predetermined industries. It will certainly create more flexibility in that respect. Industry has shown quite some enthusiasm for these reforms. I will share with members a few of the comments.

The managing director of Abigroup Contractors, Peter Brecht, said:

We are pleased the Victorian government has recognised that a skilled workforce can only be built through the increased investment and leadership of government, working closely with businesses and individuals. This is a major step forward ...

Chief executive officer from Victorian Employers Chamber of Commerce and Industry, Wayne Kayler-Thomson said:

In a 2007 survey of VECCI members seeking —
to identify —
the top ten issues influencing the competitiveness of the Victorian economy over the next —
few —
years, 'Improving Employer Access to a Highly Skilled Workforce' ranked as the —

second most important issue to its members.

Mr Kayler-Thomson said:

This is a travesty when those who want and need TAFE places cannot obtain them — the government's Victorian training guarantee will address this and ensure that everybody will have access to a post-school education.

These changes have also been welcomed by the Australian Industry Group. Its Victorian director, Tim Piper, said:

... AI Group was particularly looking forward to working with the government on the skills for growth initiative which will allow small and medium companies to better understand their future skills needs.

The Victorian Farmers Federation's education committee chairman, Gilbert Fryatt, said that training

was critical to tackling the skills and labour shortages in agriculture. He said:

Being able to train people who are working on farms will give agriculture a stronger and more skilled workforce.

It is a sector that has experienced considerable hardship in recent years and needs all the support we can give it. The TAFE sector in Victoria has led the nation. These changes will give TAFEs unprecedented access to greater government funding and additional support for their IT infrastructure as well as those initiatives that I spoke about earlier that will assist them to tap into the existing skilled workforce to provide teaching staff to meet the demand we expect this program will generate.

TAFEs attract significant funding from government; funding for TAFE teachers is provided by the government. Additional funding through this skills package will be based on government modelling on where growth is expected to occur. There will be scholarships to assist TAFE in attracting industry experts.

Mr Hall made some comments about advertising he had seen recently on evening TV. Advertising is an important task the government must undertake, because it is important to create sufficient awareness throughout the community about these new initiatives, about the opportunities for people to improve their skills and the opportunities for employers to further train their workforce and to take advantage of government funded places. It is a perfectly reasonable thing for government to be promoting, because industry needs skilled workers. Our workforce needs improved skills. This is a substantial investment by the government. It is important that those people who have an opportunity to take advantage of that investment know they can do so.

ACFE (adult community and further education) providers are significant beneficiaries of these reforms, and they will receive a well-deserved and significant funding increase when the new system comes into place on 1 July 2009. ACFE providers will benefit from \$10.8 million over four years in initiatives, which will assist them to strengthen and build capacity to deliver under the new skills system.

Private providers will have the same funding rate for first-timers as ACFE providers. That will include employers who want to take advantage of these initiatives. Private providers will, for the first time, be able to play a much greater role in meeting the demand for skills in our economy.

Mr Hall talked about contestable funding and expressed a concern that this could disadvantage people wanting

to undertake training in regional Victoria, but I would suggest that training ought not to be restricted to places where there is access to an existing TAFE facility and that this new regime will create the flexibility that is needed.

It is my experience in Colac — by way of example — that there is a great demand for skilled workers. There is a mismatch between the labour force and the demand for labour in that region. A variety of organisations seek to provide training in Colac, and all of them struggle to have sufficient student numbers to make the existing systems fit within their capacity to deliver training. Colac strikes me as a particularly good example of where, with the absence of a TAFE, if you took the small parts of demand within different types of training needs and put them together, you would create an environment where a training provider will see an opportunity and get involved in meeting the demand there.

The government has also received support from the education sector. The chief executive officer, Denise O'Brien, of the Centre of Adult Education has said:

CAE looks forward to implementing government funded programs that focus on further education, vocational education and training to adults as part of its ongoing commitment to the continual pursuit of knowledge, learning and self-improvement.

The Australian Council for Private Education and Training, which is the industry association for private education providers, has said:

If Victoria is to secure its future economic prosperity through skills reform then individuals and businesses must be given access to government supported places at a broader range of public, private or community training providers.

Adult and Community Education Victoria has also welcomed funding and typically delivers training to some of the most disadvantaged Victorians. It says:

A learner in an adult community education centre is less likely to have achieved year 10 or its equivalent than a learner in TAFE or private registered training organisations, is more likely to be Koori and almost twice as likely to have a disability. ACE providers are also the main VET providers in many regional and rural communities.

Professor David Battersby, the vice-chancellor of the University of Ballarat, a dual-sector training university and TAFE, shares the passion of many members about delivering accessible training to people in regional communities. He said:

I especially welcome the state government's emphasis in the reform package on the needs and aspirations of regional Victorians.

We believe this package is very sensitive to the needs of people in regional Victoria and has the flexibility to respond. The package goes well above and beyond election commitments that were made in this area in 2006. At that time the government demonstrated a commitment to improving opportunities for skills training by announcing four technical education centres and the driver education centre at Wodonga, as well as more places for higher level training. But these reforms go a lot further and will provide far greater opportunities for all people, including those with low-level qualifications, poor literacy and poor numeracy and those who have found that their jobs have been made redundant and they need to retrain to get back into the workforce.

In 2000 the Labor government reintroduced the regional differential, which is a loading provided to TAFEs to offset the additional costs they face in offering the full range of training services in regional communities. This is paid as a loading on the hourly rate. The government is committed to continuing to provide this because it is committed to access for people in regional communities. There is certainly no intention to change that regional loading, so we will continue to assist TAFEs to provide accessible training to people throughout Victoria. The additional funding provided to our regional TAFEs will assist Victorians in regional communities to ensure that they have access to quality education. They will benefit particularly from the infrastructure upgrades and improved internet access.

The skills package is a fantastic package. It comes at a time when the global economy is experiencing some uncertainty. It will provide an opportunity for Victorian workers to improve their skills and make transitions into parts of the economy that are growing. It will enable industry to meet demand. The extent to which demand is currently unmet has given rise to this substantial package. If the demand were not that great, the response would not have needed to be as comprehensive as this is. This is a spectacular commitment by the government to provide training to industry and to working people in vulnerable parts of the economy and to those who have traditionally missed out on training opportunities.

I am proud to support the government's initiative. I welcome Mr Hall's continuing contribution to the debate. I caution the opposition against some of the scaremongering about the fee structure that is going on and would certainly like to reiterate that a deferred loan scheme for higher end qualifications, whereby someone's debt is not repaid until they are earning \$40 000 a year, can only improve access to training

opportunities for people who are not in a position to stump up the \$800 or \$900 currently required at the outset.

I am advised that if Mr Hall still has questions, the Minister for Skills and Workforce Participation would be happy to meet with him and further discuss his concerns. I hope I have answered many of his concerns during the course of my contribution to the debate and would certainly like to assure members and the training sector that the government has worked very closely with the providers. The minister has been involved in extensive consultation over a period of some months. There have been round tables and over 40 individual briefings, and 150 written submission have already been received — not one from the state opposition but many from other interested parties. I would like to assure members and the sector that the government will continue to work very closely to support them in implementing these significant changes during this period of transition.

Mrs PEULICH (South Eastern Metropolitan) — I would like to make a few remarks in support of Mr Hall's motion, which is intended to probe the intention of the government in relation to its recent announcements on skills reform. Mind you, they come nine years after winning government and after a very — dare I say it — damning track record when it comes to technical and further education on the Labor side of politics.

Before I briefly remind members of the dreadful track record in relation to technical education on the Labor side of politics, let me first commend Ms Pulford on a reasonable presentation of a thoroughly prepared departmental speech — rather than on her really coming to grips with this. It was interesting that the speech generated more questions than it answered. It certainly confirmed in my mind my suspicions about the motives I have attributed to Labor for initiating and bringing forward these reforms and structuring them in the way it has. Before doing so I again commend Mr Hall. He gave a very clear presentation with some simple questions, and I understand very few of those questions have been answered by Ms Pulford — the most notable being that they are putting in some new money rather than just re-channelling or diverting old money.

She castigated Mr Hall for not putting in a submission to a Labor Party review. I want to correct all those who get up there on the Labor side of politics and parrot these lines. Debate in this chamber is the most public submission of the views we have been elected to represent. We have formed these views through

consultation with the stakeholders in whatever portfolios or electorates we work in. Ms Pulford should not come out with that ridiculous tripe about how we should be putting pen to paper and making written submissions to provide the government with the answers that it clearly has not got and has not had for many years in the area of technical education.

First and foremost the government ought to hang its head in shame for what it did to technical schools under former Premier Joan Kirner. The reason there is a skills shortage in Victoria comes back to roost for the Labor Party — because it destroyed technical education in Victoria and denied a generation of young men a livelihood and a purposeful role in life. It ought to hang its head in shame. It is a party that is supposed to represent the underprivileged and the disadvantaged and believe in access to education, social justice and representing the worker. That in my view is probably the greatest travesty — it goes against the ideology and philosophy it claims to uphold and represent.

Subsequently we had Joan Kirner attempting to respond to the need for some form of technical education by creating group 1 and group 2 year 12 subjects. Some of those were delivered in secondary schools as well as in TAFEs. Notwithstanding the best endeavours to ruin the education system, some of our educators came forward and put together some very good group 2 subjects, and I remember teaching some of them. Kids who were never going to go on to year 12 could finish a business course at year 12 and go and get a pretty good job and earn pretty good money while still having the option of pursuing further studies — but Labor killed that off too, because Labor wanted a parity of esteem and it wanted a one-size-fits-all education system, irrespective of what kids were interested in and what their needs were. Of course it failed. It failed because the best system is one that delivers a mixed economy of service provision — a mixed economy, not a jigsaw puzzle as the government is now coming up with. It is a jigsaw puzzle that will be very difficult to audit for quality. It will be even more difficult to centralise in terms of data being kept aboveboard and incorruptible. I think that will be a big challenge.

Ms Pulford answered the question of why this has been introduced. These reforms are intended to siphon money out of the TAFE system, out of the bricks and mortar of those wonderful institutions that serve a very important purpose in our community, and into the union movement and the businesses that Labor has intimidated into forming alliances with it in these training organisations.

All you have to do is get onto the web pages of the major unions and have a look at the courses they are offering. What they want is government funding for them. The hand is out, and it is going to take a whole lot of money out of our TAFE system to fund various union-inspired — obviously RTOs (registered training organisations) — alliances that are designed to meet the needs of those in the workplace. Labor has traded off the school leavers who will be less likely to take up tertiary and further education — TAFE — courses because of the increased fees. It is an absolutely brainless idea to argue that somehow by increasing the fees and putting in place a higher education contribution scheme type of system that is going to burden people with debt, you will increase the number of people taking advantage of the system. That is ridiculous, and members opposite know it. What it might do is inject some funds into workplace courses delivered by unions and those businesses which know how business operates under Labor. They know it is 'You play my ball or we are going to break you'. We saw it in New South Wales where the Labor Party broke the back of the state government. That is how you do it. You are a vindictive bunch and unless people play your game it is no game.

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

Mrs PEULICH — What Labor is trading off is the right of school leavers, particularly those Ms Pulford claims to represent in regional Victoria and many in Labor's marginal seats, to have an accessible education. The government is going to trade these people off and have a proliferation of courses in the workplace — which are needed; as I said, we do need a mixed economy of these. But many of the people doing those courses will already be earning enough money to trigger off the repayments. They will not be carrying the debt; they will be assisting the government's cash flow. The school leavers will have to defer that debt to a future point and the government will not have that money to fund the courses. In addition to the first-time school leavers, women seeking to re-enter the workforce will be denied the opportunity to take up government-funded courses if they are retraining. If, as Mr Hall mentioned, they hold a diploma in a particular course but wish to pursue another, say in hospitality or retail, to gain a second diploma, they will not be entitled to a government-funded place.

How does this sit together? In the 1980s we had Labor destroying the technical school system and the attempt to provide for the same cohort by imposing a 'one year 12 certificate fits all' approach. We now have a VET (vocational education and training) system and the

need for every school to have a VET wing rather than having a concentration of technical expertise and resources in reasonably accessible — maybe regional or subregional — facilities. We know how difficult it is to staff these facilities, to pay for the equipment that is required and to establish the business and industry links required to make them work for young people. At a federal level Labor has destroyed former Prime Minister John Howard's attempts to set up technical colleges. It has heavy-armed the Geelong proposal, because its entire concept of technical education is so ideologically driven that it cannot see the wood for the trees. That is Labor's problem.

How is all this going to pan out? My concern is for this very important sector. Some of the comments made by Ms Pulford were accurate — it is a very important sector. Our earnings from education exports are significant. We have a skills shortage, not the least reason for which is Labor Party policies over a number of years. Members should remember that since the 1980s Labor has formed government in the state of Victoria for many more years than those on this side have — 21 years for the Labor side and 7 years for our side — so the system has been under Labor's stewardship for much of that time.

As I said before, TAFE has been a terribly underfunded system. Ms Pulford provided the answer to Mr Hall's question about where we will find the 900 TAFE teachers we are currently short. The answer is to look at some of the union and RTO web pages. The idea is that somehow through contestability the government is being respectful of market forces when really it is just a mechanism, just a ruse, just a Trojan Horse for getting the money out of the TAFEs and moving it into unions or union-business type alliances.

The Assembly electorate of Mount Waverley is serviced by the Wantirna campus of the Swinburne University of Technology and the Glen Waverley and Chadstone campuses of Holmesglen Institute. Holmesglen in particular is very capitalised. If it loses money because of these courses it now has to contest for and it cannot properly plan for, I imagine that over time it will end up with a lot more space than it requires. The electorate of Gembrook is serviced by the Warragul campus of the Central Gippsland Institute of TAFE and the Berwick campus of the Chisholm Institute of TAFE. It has also invested significant funds in capital works, especially at the Berwick campus. I think recently a further addition to the campus was opened. My suspicion is that its funding future will look bleaker.

The lower house electorates of Forest Hill and Mitcham are serviced by the Croydon, Wantirna and Lilydale campuses of Swinburne. The electorate of South Barwon is serviced by the Gordon Institute of TAFE at Geelong, Victoria University at Werribee and RMIT at Point Cook. The Frankston and Mordialloc electorates are serviced by Chisholm at Frankston, Holmesglen at Moorabbin and Chisholm at Cranbourne. The electorate of Ripon is serviced by the Northern Melbourne Institute of TAFE and Ballarat University at Ararat. The seat of Bendigo East is serviced by the Bendigo regional campus. The seats of Ballarat East and Ballarat West have the Ballarat campus of Ballarat University. The electorate of Seymour has the Seymour campus of the Goulburn Ovens Institute of TAFE.

Each of those TAFEs and communities will be disadvantaged because we know full well that economic barriers are the most significant in the decision whether to pursue further education. The reality is that if the price of a course is increased from \$800 to \$2500, notwithstanding the fact that it is only approximately 20 per cent of the cost of an entire course, people will be less likely to take up those courses. I acknowledge that the scale of price increase varies depending on the level. The greatest impost is being borne by those enrolling in diploma and advanced diploma courses. It is a little less for certificates III and IV, and the new foundation education courses will incur the lowest increase in cost. Nonetheless it makes no sense whatsoever to argue that by increasing the cost, access will be increased. For a particular demographic, that will not be the case. These are the very people Labor has betrayed over 20 years of education policy.

Let us be quite clear about this. There is a proliferation and burgeoning of union training activities in partnership with various training organisations. Ms Pulford is pulling faces, but I visited a number of websites to check this out. I was absolutely astonished by the amount of training that is being provided by the union movement — let me say much of it self-serving and I imagine much of it funded out of the government's pockets. I visited the website of the Electrical Trades Union of Australia. It has a quite significant number of courses. It is a very extensive 2008 training calendar. I invite members to have a look.

Ms Pulford — Its affections for the Labor government are well known!

Mrs PEULICH — At the end of the day Ms Pulford makes a valid point. It is likely that the Electrical Trades Union of Australia will get less funding than the preferred unions. The difficulty with

this scheme — this fragmentation, this jigsaw puzzle — is that it is more susceptible to that sort of dealing. I do not trust the government in this sort of a system, because we know that the Labor Party operates on favours. We have seen how it operates. It is the servant of unions rather than the servant of good policy and the servant of those communities that have elected it to be represented by its members.

There will be a really big need to audit the quality of those programs, to centralise the data and to make sure they are not open to corruption and the misuse of that sort of funding. There will be a need to have some regular auditing of how these reforms are implemented. I am going to forecast that in 10 years time our TAFE system will be in a far worse state than it currently is. I think already we are paying a very heavy price after 20 years of misguided reforms, most of them stemming from the Labor side of politics.

With those few words, I would like to commend Mr Hall for trying to bring some transparency and trying to get us some answers to what these reforms are about. I do not think his request for information has been fully satisfied. I suspect we are going to hear more about this over time, but most importantly we are going to have to keep a very close eye on these TAFEs that over time have invested a lot of money in developing their programs and courses and in developing their teaching personnel, notwithstanding the fact that many of them are on short contracts, because I think the effect will be dramatic. I think it is instructive that Ms Pulford did not refer to the concerns raised by the Australian Education Union. It speaks volumes. I thank Mr Hall for moving this motion. As a former educator I am very concerned that the fate of our school leavers who are not going to university will be less adequately served and fulfilled under these reforms than has previously been the case.

Mr DRUM (Northern Victoria) — I want to commend Mr Hall for bringing this motion to the house today. In typical Mr Hall fashion, he is not condemning anybody; he is not calling on the Parliament to look unfavourably on this package. He is simply stating as a matter of fact that he wants a list of pertinent questions answered by the government.

So far Ms Pulford has in effect read nearly straight out of the government brochure on the skills reform package. I was looking through the questions posed by Mr Hall, and many of those have not been answered by Ms Pulford. It is interesting that she said she hoped people do not go around scaremongering that this increase in fees and this new system of higher education contribution scheme-style payments that are

going to be introduced will scare people away. We do not have to go too far to find people who are going to scare people away. We can go straight to the Australian Education Union and Mary Bluett, a dyed-in-the-wool Labor supporter, who has effectively come out and labelled this announcement as simple cost-shifting on the part of the state government onto the individuals and their families. Something along the lines of 400 000 TAFE students around Victoria are now going to have their fees increased. To deal with this, the government has effectively moved to increase fees. Mary Bluett said:

This policy is a terrible blow to the average Victorian seeking to pursue TAFE training and effectively shifts the responsibility for TAFE funding from the government to the individual.

Ms Bluett goes on to speak about fee increases of up to 42 per cent. Obviously the government does not like one of their own being critical of them. The government does not like to hear it from the union that is so generous with its finances when it comes to election time.

It is interesting that the government does not like to hear one of its own being critical of it. According to the Australian Education Union, this Victorian government has systematically underfunded the TAFE system for many years. That statement is consistent with what I have been hearing when I have visited the local TAFE systems around northern Victoria. Victorian TAFE teachers remain the lowest paid in the country. The Victorian government spends less per student in relation to student contact hours in the TAFE sector than any other state or territory government in Australia. That is simply quoting Mary Bluett from the Australian Education Union.

I do not know if the government has got some rebuttal to Ms Bluett's facts. If Ms Darveniza is going to talk, maybe she will be able to tell me that Victoria does not have the lowest paid teachers in Australia. Maybe Ms Darveniza is going to tell me that the Victorian government has not been underfunding the TAFE sector over the last many years, but I do not think any of those facts are likely to be rebutted by subsequent speakers on this motion.

Another press release has been put out by the National Tertiary Education Union. Matthew McGowan, the Victorian division secretary, raised some interesting points. He said:

The announcement confirms the worst fears of unions and public sector education providers. The skills plan marks a move towards excessive student fees and a significant shift in public policy away from public sector provision of education.

I refer to some numbers. The government document Ms Pulford was quoting from states that the government hopes to create 172 000 places within the training sector; that is its aim. In Victoria we have recognised unmet demand for 8000 places.

Mr Hall — They guess.

Mr DRUM — It is a rough guesstimation. At 8000 places times four years, that makes 32 000. Say we make that 50 000 or 60 000 — —

Ms Pulford interjected.

Mr DRUM — Let us make it 100 000 places. How on earth is that going to equate to 172 000 places when you only have that amount of unmet demand? We are trying to do this in an era of record low levels of unemployment. The government has to be aware that it is going to have to make things very attractive to entice people into the other training sectors and get these positions in place. Again, Mr McGowan from the National Tertiary Education Industry Union questions whether the government can do what it says it is going to do. We will have to wait to see whether his fears are realised.

Victoria has the worst skills shortage that any of us can ever remember. It is exceptionally hard to get any tradesmen to do any work in the domestic market, and it is also exceptionally hard in some of the more troublesome trades, such as of diesel mechanics. The only way we can get workers in that area is to bring them in from overseas.

The government's answer to the skills shortage is to throw the cost of the training places over to the individual, and in some cases to triple the cost of the courses. It is going to be interesting to see how the government can justify the increase in the cost of training places and to see how that will introduce more students into the TAFE sector. Over the last four years Victoria has contributed approximately \$70 million to \$80 million less per year to the TAFE sector than the national average. Again, these figures are backed up by Mary Bluett and by our consultations with the TAFE sector throughout northern Victoria — and I have been involved in those discussions for the last five years.

Going back two years and beyond, I note from many of the discussions I have had that one of the biggest problems which has been identified is that this government is continuing to pursue the productivity dividends. That means the institutions have to get by on 1 per cent less in real terms than they operated on in the previous year. The ongoing effect of the cuts in funding is that building maintenance has been brought to a

standstill. These are some of the issues we see on an everyday basis as we talk to our TAFE colleges. Expecting places like the Bendigo Regional Institute of TAFE to get by with \$20 000 or \$30 000 less in real terms in each subsequent year means that they will hit the wall at some stage and will no longer be able to offer the courses they have been able to offer historically.

Mr Hall's motion asks how the \$316 million is going to be allocated, how much of it is going to be for additional courses and how much of it is going to be for increased wages for teachers. That will have to be addressed. The government has been keen to wipe its hands of the TAFE teachers' pay demands, saying it has got nothing to do with it. It says that salary increases are an issue between the TAFE colleges and the teachers. Everybody knows that TAFE colleges would love to pay their teachers more money, and in particular put them on a par with teachers over the border. They would love to put the teachers on a par with teachers in secondary colleges, but they simply cannot do that because the government has refused to fund TAFEs adequately.

How much of this new package is going to be directed towards fixing up the ridiculous situation where our TAFEs have a \$20 000 net deficit when it comes to teachers salaries compared to teachers salaries interstate? How much of it will be pushed towards maintenance and capital improvements, and how much of it will be put towards additional places in some of the other sectors such as adult and community education providers and also into the private sector? How many additional places will it create within the private sector, which is also doing a fantastic job in attempting to train some of the many students out there?

As for higher education contribution scheme (HECS) fees, I think it is going to be a legacy that the current minister is going to have to wear. She will be the minister who introduced a HECS system for TAFE students, and she will have to wear that badge for a long time to come.

Currently there are over 200 young boys and girls throughout northern Victoria who are employed in apprenticeships but who are unable to start their training courses. That is a damning number, and this government should be ashamed of it. We have 200 boys and girls throughout northern Victoria who have been successful enough and lucky enough to get an apprenticeship, but they are unable to start their carpentry apprenticeship or their bricklaying training, or their training in roof tiling or plastering.

Up until recently the only place available for their training was Holmesglen Institute of TAFE on the southern side of Melbourne, which forced these young Victorians to find their own way down there, find accommodation and then find their way to and from the college. Even that option is no longer available with many of the TAFE colleges saying they no longer have any places for the remainder of this year, forcing those kids who have been on the books now for a number of months to wait for seven to eight months and to work either as untrained apprentices or to opt out of their apprenticeship and become a trades assistant. Many of them are opting to do that because of the prospect of an immediate salary, or they just attempt to work their way through it in the best way they can. The government has to accept responsibility, and I think it is very sad that it is not doing that.

What are these kids going to do? The main response is that the government does not care. The registered training organisations have made many attempts to contact the government and the department to ask for additional training places so they can deliver on-site training, but that simply has not happened. The common response from this government has been that if an employer wants to get their apprentices trained then they must pay. While historically these trades have always been able to offer government-funded training places, now the government is saying that if a tradesman wants to get his apprentices trained then he must pay. It will be user pays all the way through.

It is an interesting system. Hopefully some of Mr Hall's questions will be answered by the remaining government speakers, but to this point Mr Hall is as much in the dark as he was when he came in here. I hope that government speakers who follow me are able to rebut some of the claims that Mary Bluett and Matthew McGowan are making in relation to this skills reform. Otherwise it is a very sad situation when a government sees that its only way out of a training black hole is to cost shift onto individuals and triple the cost of some of the courses at our regional TAFEs.

Ms DARVENIZA (Northern Victoria) — I am delighted to rise to make a contribution to this debate. I will be very pleased to rebut a number of assertions that have been made by Mr Drum, Mr Hall and Mrs Peulich. It is quite timely that Mrs Peulich is in the Chair. She will have to bite her tongue or give that chair away. Mrs Peulich, give it away now!

The ACTING PRESIDENT (Mrs Peulich) — Order!

Ms DARVENIZA — Let me start by picking up on a few of the things that have been said by the opposition. I will start with Mrs Peulich's contribution. Mrs Peulich said that since the government has come to office it has had a damning record and has failed to invest in training and further education. That is simply not the case.

Since 1999 the government has increased funding for further education in the skills sector by some \$1.5 billion — that is \$1.5 billion since we came into office in 1999. Let us take a look at how that compares with the way opposition members behaved towards and treated education, including the TAFE and skills sectors, when in government. We know what they did to our education sector; we know what they did to our schools. They closed our schools, they sacked our teachers, they cut funding by some 30 per cent and they made sure there was inadequate funding to ensure that the fabric of the buildings could be maintained. They slashed funding, which meant that during those seven years of the Kennett government, schools were really bereft of funds and operated under the harshest of circumstances.

The same is true for the skills sector. Look at what opposition members did to the skills sector when they were in government. What did they do? Mr Hall smiles. Mr Hall should not smile, because he has nothing to smile about.

Mr Hall interjected.

Ms DARVENIZA — You were part of that government which cut the skills sector by at least 30 per cent as well. Mrs Peulich stood up here — —

Mr Hall interjected.

Ms DARVENIZA — You do not like this one. Mr Hall does not like it because it is true, he does not like it because he does not like to be reminded of it and he does not like it because he wants people to forget about it. Let me tell Mr Hall that this motion he has brought into the Parliament today along with the sorts of comments his coalition partner Mrs Peulich made about the damning treatment of the skills sector by our government since coming to office leaves it open for us to reiterate and to remind him and the rest of the Parliament just how poorly the opposition treated the whole the education sector.

Mrs Peulich described the government's record as damning. Our record since coming to office is one of increased funding to the skills sector of \$1.5 billion, not to mention the enormous amount of funding that has gone into education broadly, particularly through the

last budget in which the government has made education an absolute priority. Its Securing Jobs for Your Future initiative will deliver \$316 million to ensure that Victorians have access to the skills they need to fill the jobs that will keep Victoria's economy strong and prosperous.

I also want to take up a number of other assertions made by the opposition. Let me pick up a point that was made by Mr Hall as well as Mrs Peulich. Mrs Peulich said the government wants to have one system that fits all — the same thing for everybody. That is far from the case, and I will go through how our system is not one size fits all. Mrs Peulich went on to support Mr Hall's motion. In his contribution Mr Hall said contestability was a really bad thing, but we know contestability opens the system up and enables private providers to provide government-funded courses, as long as those courses meet certain criteria. Those private providers will be able to provide government-funded places. That contestability creates greater choice and more places.

Mr Hall also said that contestability is not good for regional Victoria. I cannot agree with him on that. Contestability is particularly good in regional areas, especially those that do not have a TAFE college, because it means that private providers are able to deliver and provide government-subsidised places for those students who want to do courses but do not have access to a TAFE. Those students will be able to access places that are funded by the government but provided by a private provider. That means contestability is a good thing; it means students will have a range of options for where they will be able to access places and the training they need.

Being a member for Northern Victoria Region, which represents 48 per cent of rural and regional Victoria, I am particularly pleased about that. I know it will be welcomed, particularly in those areas where there is no TAFE institution but even in some of our bigger regional centres where there is a TAFE institution, because it will give people greater choice in where they will be able to access training.

I have to take this up with Mrs Peulich. Truly, from the way she talked about the fee structure she clearly has not looked at the way the fees are structured and does not understand it. She needs to go back and take another look at it. This package is all about making fees fairer. It is not fair for someone who is doing a certificate II course in general education to pay the same rate as someone who is doing an advanced diploma in engineering. Not all fees are increasing; some fees are actually decreasing.

I take up the point Mr Drum was making about fees. I do not think he really understands how the fees are structured, and I think he should go back and have a better look at the document. Not all fees are increasing; some fees are actually decreasing. Courses at the foundation and lower levels will now be cheaper. Fees for apprentices and trainees will remain unchanged, so they are neither increasing nor decreasing. Fees at the diploma and advanced diploma level will increase, as has been pointed out by Ms Pulford, in line with the expected benefits a person will receive by gaining this form of education and the job opportunities that will be open to them along with the wage outcomes that will come with them. The fee increases at the diploma and advanced diploma levels broadly reflect costs in other jurisdictions. Any revenue generated through the new, fairer fee structure will go towards funding more places.

In her contribution Mrs Peulich talked about a woman returning to the workforce. She commented on how unfair it is that a woman wanting to gain additional training to get back into the workforce, either at the level she had been at or an even higher level, will not be entitled to a government-supported place. This is simply not true. Not only a woman returning to work but anybody returning to education and undertaking further education and advancing on the level they have already achieved — gaining a higher qualification — will be entitled to a government-subsidised place. The assertion Mrs Peulich made on the funding is wrong, and the assertion that Mr Drum made in relation to the funding is wrong as well.

I have noted that Mr Hall said he did not know how many students were unable to gain places. I think from the banter across the chamber we have an understanding of that — that is, some 30 000 people have missed out on places nationally, and we estimate around 8000 of those are from Victoria. These reforms are really about addressing that problem — the problem Mr Drum alluded to at the end of his contribution when he talked about students not being able to get places. That was how he closed his address, by saying what a terrible job the government is doing because there are students out there who cannot get places. But that is what this package is all about. Mr Drum said the government did not care at all. He is wrong. We care very much. In fact we care so much that since coming to government in 1999 we have put \$1.5 billion into the skills sector. With the announcement of Securing Jobs for Your Future, we are delivering \$316 million, which will provide an additional 172 training places over four years.

Mr Lenders — It is 172 000 places!

Ms DARVENIZA — I thank the Treasurer; it is 172 000 places.

At the end of his contribution Mr Drum also spoke about the fact that there are people out there who want training places and who want to access them through private providers or, as I understood him, through an apprentice system by which people could do some component of training on the job. He spoke about how there were not enough of these places and how the government had not been providing enough funding for these places. The reforms the government recently announced in Securing Jobs for Your Future addresses that issue. There will be more places, including places that incorporate a component of on-the-job training.

Mr Drum, and I think also Mr Hall, spoke about the students who are missing out. As I said, that is what this package is about. It is about making sure that those students who have missed out get places. Much more than that, the package looks at meeting the unmet demand. We must get more people into training, because there are approximately 1.6 million Victorians without a year 12 or equivalent qualification, and we as a government believe that this is unacceptable. It decreases opportunity for those Victorians as individuals, and it holds back economic growth. These reforms address both the issue of students missing out and the unmet demand. We know there is unmet demand out there. We know that we have skills shortages out there. It does not matter where you go, but you see particularly around rural and regional Victoria that there are a lot of positions out there and a lot of employers and companies that would like to expand their businesses but cannot because they cannot get the skilled workforce. This package addresses that.

I want to talk a little bit about adult, community and further education (ACFE), because it is included in this as well. Many people access ACFE for literacy, numeracy and computer skills. As Mrs Peulich said, often people, particularly women, want to go back to work and brush up on their skills, and they will often access these facilities. They are included in this package of reform. These reforms mean that those who need training the most will have guaranteed access to a government-subsidised place — for example, people with a low level of qualifications, people with poor literacy and numeracy and workers who need to reskill or who have recently become redundant.

I will pick up the issue that Mr Drum raised about the AEU (Amalgamated Education Union), and can I say it warms my heart to see Mr Drum taking up the side of a trade union.

Ms Mikakos — They are doing that regularly lately.

Ms DARVENIZA — They are doing it regularly lately. I do not think I have seen Mr Drum so warm and cuddly about a union in the past. The AEU, with Mary Bluett as secretary, is a very good union, and it does a terrific job. The union is currently in enterprise bargaining negotiations with the Victorian TAFE Association on wages and conditions, and I know it is working hard to get the very best outcome that it can for its members. It is great to see The Nationals recognising the good work of unions and the contributions that they make.

There are some key features of the Securing Jobs for Your Future initiative, and I want to run through a couple of them. It is about the introduction of the Victorian training guarantee — an Australian first that will see thousands more people taking up training, and this is what we want to do. We want to get people into training; we want to get them trained up and out there in the workforce. We want to have them filling those skills gaps.

There will be greater government investment to deliver those additional 172 000 training places over the next four years; more providers and more choice for both individuals as well as businesses. Whilst I am for more choices, can I take up Mrs Peulich's comment about the union training organisation. Mrs Peulich has been on the internet looking up the many services that unions provide to their workers by becoming recognised by the registration and qualifications authority as a registered training organisation.

Mrs Peulich interjected.

Ms DARVENIZA — Mrs Peulich cannot just pop up her hand and say — —

Mrs Peulich interjected.

Ms DARVENIZA — Mrs Peulich says, 'What a cosy arrangement'. Let me take up that interjection through the Chair. These are nationally determined standards regarding the registration and qualification authority and the strict criteria set down to become a registered training organisation, and they were nationally determined and recognised by the previous Howard government. Mrs Peulich talks about a cosy arrangement. This arrangement has been in place for many years. It includes very strict criteria that recognise the training organisations so that they can provide recognised training.

I was dealing with a few of the key features about more choice for individuals and businesses when I got a little

sidetracked. The initiative includes more choices, more skills; more teachers, more skills; and new innovations to support the industry experts to come into part-time TAFE teaching. It is a great initiative to make it easier for students to find their way through the new skills system. We want teachers in our system, we want innovation within that system, and of course we want to make it as easy as possible for students to understand and access the system. The Securing Jobs for Your Future initiative delivers on that. It is a direct support for small and medium size businesses to identify and access training for their workforce. Believe me, when we go out there and talk to businesspeople, not many we come across say, 'We have so many skilled workers, we don't need any more'. It is quite the reverse. People are saying they need more skilled workers, particularly in rural and regional Victoria, and that is what this package will deliver.

It is an excellent package. It is a package that I am really proud of. I am proud to be part of the Brumby Labor government, which has a minister of the calibre of Jacinta Allan, the Minister for Regional and Rural Development and the Minister for Skills and Workforce Participation, delivering this package, which is very good for education. It is good for schools, it is good for skills and it is good for education.

Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).

Debate adjourned until Wednesday, 17 September.

SCHOOLS: WALKING BUS PROGRAM

Mrs KRONBERG (Eastern Metropolitan) — I move:

That this house condemns the Brumby state government for its failure to ensure the long-term viability of the walking school bus program in Victoria by —

- (1) steadily reducing funding levels to local councils since 2003–04;
- (2) refusing to fund existing programs beyond June 2008;
- (3) ignoring the appeals from community groups;
- (4) directly impacting on the health and wellbeing of schoolchildren;
- (5) sending conflicting preventive health messages to the community;
- (6) failing to recognise the value of the walking school bus as an important community activity in numerous neighbourhoods;

- (7) failing to take into account the importance of intergenerational encounters which are created by the regular passage of children in their walking school buses, thus alleviating the loneliness of senior citizens;
- (8) failing to support the development of an appreciation of neighbourhood character and the local environment by local children;
- (9) failing to recognise the value of the walking school bus program as an important means of educating children in road and pedestrian safety; and
- (10) placing undue financial pressure on local government with this cynical cost-shifting exercise.

I move to condemn the Brumby state government for its failure to ensure the long-term viability of the walking school bus program in Victoria. I do so because the retention and the subsequent funding of the walking school bus program makes sense, and it is important — —

Mr Lenders — On a point of order, Acting President, I believe Mrs Kronberg is reading from notes, a matter on which she raised a point of order earlier today. I draw your attention to her reading from notes.

Mrs Peulich — On the point of order, Acting President, the minister is being disingenuous. The member has been speaking for 29 seconds. I do not think he can possibly establish whether she has been reading or not. I add that Ms Pulford read her entire speech.

Ms Lovell — On the point of order, Acting President — —

The ACTING PRESIDENT (Mr Somyurek) — Order! I believe Mrs Kronberg was referring to copious notes.

Mrs KRONBERG — Thank you very much, Acting President. It is a very important matter, and as I want to define what the walking school bus program is, I will refer to a printout that I have in front of me which is from the walking school bus program's website. It is a guide for parents and teachers. The benefits of the walking school bus program are couched in the following terms, and they are of benefit not only to children but to the entire community. They describe the benefits as:

- a safe and convenient way for children to travel to school;
- improvement of health and wellbeing through walking and talking;
- an opportunity for children to learn road sense and traffic safety;

reduction of traffic congestion around schools;

contributing to a sustainable environment;

opportunities for students and parents to develop friendships and a sense of place and community involvement in their neighbourhood.

What we do know is that this government has steadily reduced its commitment to councils. The extent of the problem felt by local councils has been imparted to me during formal meetings which are held on a regular basis between local members and councils. The matter was first brought to my attention by the City of Maroondah Council, which raised its concern because it was starved of funding by this government for its walking school bus program, which it had an immense commitment to. As a result of that meeting, I raised this issue during the adjournment on 22 November last year, and at that time I asked the Minister for Health to look into and review the level of funding commitment to the Maroondah council. I was very disappointed, as I often am, with ministerial responses to the matters that I raise in this place. It is really quite interesting, and I think for Mr Lenders's edification I will quote verbatim from the minister's letter of 7 January. It states:

The WSB —

walking school bus —

was developed by VicHealth in 2001 to address the dramatic drop in the number of children walking to school, traffic congestion and safety issues during 'drop-off' and 'pick-up' times at schools, the loss of children's road safety and neighbourhood navigation skills and increased levels of childhood obesity. The proportion of students walking to schools in Melbourne between 1974 and 2003 declined from 45 per cent to 15 per cent, while car travel increased from 23 per cent to 70 per cent.

The minister then goes on to say that the local council involvement and community participation model of this particular program were implemented to assist the walking school bus program to be self-sustaining after an initial period of establishment, support and investment. This is really interesting because in my dialogue on the program with the Whitehorse, Maroondah and Nillumbik councils, they plead ignorance of the fact that their programs were meant to be self-sustaining and that this was to be a sort of pilot program rather than anything that the government had any long-term commitment to. I find that a little bit ironic in light of the government media release of 19 September 2002 about the program, which emanated from the office of John Thwaites, who was the Minister for Health at the time, in combination with the then education minister, Lynne Kosky. In their media release the ministers made no reference whatsoever to the walking school bus program in time becoming

self-sustaining. Rather they referred to VicHealth as the agency administering the funding to councils and individual schools through specific programs in those council areas. The media release states:

VicHealth plans to treble the number of schools taking part with \$350 000 extra funding. The walking school bus program is currently under way in 16 schools.

I am happy to table this document to remind members of the government of the undertaking of two of its ministers and what they actually said about this program. Nowhere in the statement is there mention of cut-off or phasing-out periods.

This program was embraced in a very full-bodied way by municipalities and the community. I will mention the concern that has been caused. The Whitehorse council shared with me the dimensions of the funding shortfall. In the year 2003–04 the council received \$29 430 but in the following year funding plummeted to just \$9000. Councils are concerned because this program is so popular that they have had to pick up the funding themselves. They do not feel that they can say no to the community, which has built up habits and expectations around schoolchildren's participation in these programs. They feel that they have the burden of picking up the funding shortfall. Councils call this cost shifting, and so do I.

I would also like to quote, once again for Mr Lenders's edification, a statement of the state government policy in the 2006 election campaign. Under the banner 'Go for Your Life' the policy states:

A re-elected Bracks government would ... expand ride-to-school programs and walking school buses with the target of doubling the rate that people walk, ride or use public transport to school.

It is part of the general commitment to get people moving, to have them engaged in the community and to get healthy habits by actually walking to school. If we consider the fact that nowadays parents are working longer hours and the cost of petrol is placing an increased burden on household budgets, perhaps taking the kids to school in a car puts further pressure on those budgets if the school is not on the way to a parent's place of work.

VicHealth has a role to play in this. It has provided some form of intercession, and unfortunately probably has to wear the mantle of letting the government off the hook on this. It has gone ahead with what is described as a substitute program, the Streets Ahead program, this year. VicHealth itself actually says it is building on the successes of the walking school bus program. This government has tasted very little by way of success,

especially success that is measurable. I think the point needs to be made that the fact that the success of the walking school bus program is measurable is critical. Any goals you set and any objectives you have need to be achievable, they have to be realistic and they have to be measurable. The walking school bus program meets those criteria, and it contrasts with the program that VicHealth is currently promoting because its program is like trying to pin jelly to the wall. It certainly is not measurable and so it fails in the important respect of being measured in terms of success. It is another one of those areas where the government is seen to be doing something, driving policy through press release, but not actually doing anything that provides any benefit.

What the Streets Ahead program serves to do is remove the major elements that have made the walking school bus program as successful as it is. The walking school bus program has to be administered, and this is where the funding is required, because it maintains a roster system for people who are regularly available at particular collection and pick-up points for the children to gather at, where there will be a responsible adult to head the walking school bus convoy and another responsible adult at the end of it.

The VicHealth opportunity and alternative is actually about cultivating children's independent mobility and that goes against everything that parents in this state are fearful of. People drive their children to school because they are fearful that they might be intercepted by somebody who is going to kidnap them, make sexual advances or take photographs of them that end up on pornographic sites — all those sorts of fears are deeply held by parents and are why they would choose to drive their children to school. To encourage independent mobility just flies in the face of all the social realities that prevail out there today and this program cannot answer that for one moment. In fact it is a very dangerous thing to be promoting and it flies in the face of stranger danger programs that are encouraged in primary schools around the state.

Even the Streets Ahead program operates on only a three-year orbit. If the government perseveres with this program and does not abandon it perhaps at the end of the three years it could overhaul its approach to the walking school bus program. It might well be able to cut this short and say that this is a dangerous alternative and serves no community benefit. If we look at the fact that parents would find it very difficult to support this program, I think they would regard it as an abrogation of the government's responsibility to provide a means of children having access to school in a safe fashion.

We can also say that putting programs like the Streets Ahead program in place makes the purpose of contributing to the reduction of childhood obesity a lot more difficult to achieve and it flies in the face of all the other programs. It is certainly sending conflicting preventive health messages to the community. By promoting a program of unsupervised activity such as this, it is denying children the opportunity of some kind of intergenerational exchange. People in the walking school bus program walk in their caravans down the street on a regular basis, and that helps to alleviate loneliness. It gives them an opportunity to meet with lonely elderly people in the community. If they were in an independent form of mobility program, because those children are told not to speak to strangers that intergenerational dialogue would never occur.

A walking school bus program could also be described as an extended campus because as the children are walking through the streets there is a heightened awareness of the urban landscape, the built environment and the natural environment, so it becomes a mobile classroom. If they see some dog droppings on the street a walking school bus leader has the opportunity to point out the end result of those dog droppings going into the drain and poisoning a nearby watercourse, for instance. They see the way waste is managed in the street and so on. All these real-life experiences are had in the street in a safe environment.

Supervised walking school bus programs are a very powerful and effective way of providing a means of educating children in road safety and pedestrian safety. The government itself promoted that aspect of it. This government has missed the point of the real value of the program in that the program gives a student in grade 6 an opportunity to play a leadership role with more junior pupils in that cohort walking down the street. There are things of inestimable value in this program and this is why it is so popular and such a disappointment that the government has listened to poor advice and been persuaded to cut the small amount of money that reaps enormous community benefit.

At this point it is probably worth reading a letter dated 28 April to the chief executive officer of the Nillumbik Shire Council from the principal of Our Lady Help of Christians Primary School, Eltham, who says:

I write to you as principal of Our Lady Help of Christians Primary School ... Our school has successfully participated in the walking school bus program since its inception.

Last year over 90 children participated in our program, walking four different routes to school. The school community and I have always viewed the program as an excellent initiative in promoting children's health and road safety awareness and are committed to its continuation.

I ... understand that VicHealth funding for this program is to be reduced, leaving a shortfall in the funds required to sustain a walking school bus program.

On behalf of the school community here at Our Lady's I urge you to consider increasing necessary council funding for the program in order that it may continue its wonderful work in future years.

For the information of the Treasurer, another way of dimensioning the success of this that I can draw to his attention is a little newsletter called the *Walking School Bus News*. The newsletter acknowledges children for the numbers of trips they complete: Bridget Hammond won an award for 200 trips; Jackson Riley won an award for 140 trips; and Erin Riley won an award for 20 trips.

Schools all over the state value this program. Everybody is disappointed — councils are disappointed, schools are disappointed, entire communities are disappointed and individuals are disappointed. I ask the government to review this matter and save itself further castigation and criticism on this subject and to have a full-bodied response underpinning something that is so basic. I commend this motion to the house.

Mr VINEY (Eastern Victoria) — What I would say on this matter is this: so much for running this house by agreement as an old gentlemen's club. So much for that, because we got 3 hours notice that the opposition intended to bring this motion on for debate tonight. It stands as an absolute condemnation of the opposition that it decided to bring on another motion during general business so that it can completely avoid any government business on this day. That is where we have got to on Wednesdays through the changes that were put in place with the support of the Greens and Mr Kavanagh. Those changes that were put in place have resulted in the government not being able to have a second, basically, of any government business. Yet during the years I have been in this place, as opposed to the other house, I have heard the opposition say countless times, 'We are all adults here, we can sort it all out, and we can do all these things by agreement'.

We have always had an understanding and an agreement that on significant issues there would be at least a week's notice but certainly at least a day's notice that something is going to be brought on. I have contributed to other debates here today — —

Mr Dalla-Riva — On a point of order, President, regarding the issue of relevance, Mr Viney has been speaking for 1½ minutes so far. There has been nothing said about the motion. The motion has been on the notice paper since 17 April.

The PRESIDENT — Order! There is no point of order. Relevance is not a point of order. Mr Dalla-Riva should know that by now.

Mr VINEY — We should be given at least a day's notice of debate of a policy matter. I and other members have had other matters to participate in and debate today. It is absolutely inappropriate that members in this place are given a few hours notice to prepare for and debate a matter of importance to local communities.

I am not in a position to make any kind of response on behalf of the government to the continuous reading we have heard from Mrs Kronberg about her allegations of what the government might or might not have done in a particular program area. No-one, including me, can be across all the details. I, as the Government Whip, am not coming into this chamber and telling the members on our side, 'Look, you have an hour to go and do some research on this issue'. I have taken responsibility to stand up on behalf of the government and respond to that nonsense. The nonsense is that the opposition has decided to come in here and completely waste and totally wipe out another Wednesday.

We have had 13 bills on the notice paper this week and we have been able to discharge 3 bills. We have spent all these hours today not dealing with the other 10 bills — not for a single moment have we dealt with the other 10 bills that are before the house. It is an absolute disgrace and it absolutely blows up once and for all, in my mind, that the opposition can be trusted on this so-called gentlemen's agreement to run the place by cooperation. This is not cooperation. It is an absolute disgrace that this motion has been brought on to waste another Wednesday, to prevent us from addressing any government business again and to come in and make a whole raft of allegations about what the government might or might not have done without enough time for anyone to research the matter.

RULING BY THE CHAIR

Adjournment matter: six-month rule

The PRESIDENT — Order! Last evening Mr David Davis raised a matter for the consideration of the Minister for Roads and Ports relating to the issue of Monash Freeway noise in the municipalities of Boroondara, Stonnington and Monash.

At the time I was concerned that the matter may have been raised within the previous six months and therefore be in contravention of standing order 4.11. I

indicated that I would allow it and have a closer look at the matter. I have established that Mr Davis previously raised the matter on 31 July 2008 when he asked the Minister for Environment and Climate Change to investigate the matter and ensure that the Environment Protection Authority enforces fair standards that mean that no-one in the community is disadvantaged or suffers excessively.

Yesterday Mr Davis raised the matter for the consideration of a different minister — that is, the Minister for Roads and Ports — and asked the minister to put into place proper noise abatement barriers as a matter of urgency.

Although the matters raised relate to the same issue, I am satisfied that they are sufficiently different and therefore do not infringe the provisions of standing order 4.11, given the different responsibilities of the two ministers concerned. On the one hand the Environment Protection Authority has responsibility for the investigation of freeway noise levels, but on the other hand VicRoads has responsibility for the construction of freeway noise barriers. Therefore my instinctive ruling stands.

ADJOURNMENT

Mr LENDERS (Treasurer) — Order! The question is:

That the house do now adjourn.

Sustainability and Environment: water register database

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Water, and it is in regard to the way in which Victorian water register allocation bank statements are addressed. I request that the minister ensures that the Department of Sustainability and Environment (DSE) alter its Victorian water register database to make sure that allocation bank account statements in the next mail-out are addressed to all allocation bank account holders.

The Victorian water register allocation bank account statement is a run-down of the allocations, water use and trade in a financial year for water account holders. The DSE's website advises water account holders that their 'statement includes all the information they will need to complete an allocation trade form' and advises them to 'please keep it in a safe place'. The statement is obviously an important document, similar to a monetary bank statement. Even though the statement is important, the DSE seems to believe it is acceptable to

send statements addressed to one allocation account holder and simply allude to the other account holders as 'others'. For example, if Mr and Mrs John and June Citizen were joint allocation bank account holders, the logical way would be to address them as Mr and Mrs J. Citizen. Unfortunately in this example the DSE would address them as John Citizen and others, because it says it would not be able to fit all the names in the window of the envelope.

This may seem like a trivial issue. However, I have been contacted by disgruntled constituents in my electorate who believe this is far from trivial. They believe it is insulting, bad practice and just another illustration of the arrogance and disdainful attitude of the Brumby government toward country Victorians. One constituent even went so far as to say that government MPs would probably not be impressed if their important mail were addressed to their spouses and referred to them as 'others'. I call on the minister to make sure that the DSE alter its Victorian water register database to ensure that the next mail-out of allocation bank statements is addressed to all allocation bank account holders.

Bayside: planning scheme amendment

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Planning, Mr Madden. Bayside City Council has proposed a water-saving initiative, amendment C44, which it referred to the planning minister for approval in July 2005. It wrote to the minister in February and May 2007 and again in August 2008, but three years later we are still awaiting a decision. I raised the issue in Parliament as an adjournment matter on 19 July 2007. The minister's response to my adjournment matter dated 19 October 2007 congratulates Bayside on its initiative in the environmental sustainability area, particularly its approach to improving stormwater quality, and requests that the Department of Planning and Community Development meet with Bayside council officers to finalise a way forward on amendment C44 to achieve a resolution. That meeting occurred in November 2007.

Amendment C44 seeks to enshrine water-saving measures within the Bayside planning scheme and is a pilot for other bayside councils that wish to employ similar initiatives. It is supported by the 10 bayside councils that cover almost 3000 square kilometres abutting Port Phillip Bay. The intent of amendment C44 is to reduce stormwater run-off and improve the quality of water that is washed into the bay through the stormwater system. It would reduce sediment loads, nitrogen and phosphorus levels, litter

and stormwater run-off into Port Phillip Bay by 65 per cent.

Amendment C44 is in accordance with the government's stated goals of water-sensitive urban design using guidelines from the CSIRO, Melbourne Water and the Institution of Engineers, Australia, to promote the use of initiatives such as porous pavements, rain gardens and other design measures that reduce the run-off of rainwater from hard surfaces. Crucially the amendment also promotes the reuse of stormwater in gardens, laundries and toilets.

Bayside council has advised the government that it is prepared to include a sunset clause overriding amendment C44 if and when the government's 5-star standard reform program is enacted. There has now been a three-year period of inaction or delay on this matter. There were no objections to amendment C44 during its exhibition for comment, and it was supported by the all key stakeholders. My request to the minister is that he urgently approve amendment C44 or immediately expedite the government's 5-star standard reform program.

Dartmoor sawmill: closure

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is in relation to the township of Dartmoor and is directed to the Minister for Regional Development, who is also the Minister for Skills and Workforce Participation. The decision taken by Carter Holt Harvey to close the Dartmoor mill is extremely disappointing and is life-changing for a whole range of people, obviously for the workers but also for the township as a whole. I had an opportunity to go to Dartmoor and speak to a group of employees from the mill and then later in the day attend a community meeting and a further community meeting which followed in the Dartmoor hall on the evening of 25 August. Those meetings were important in that they provided a lot of information to the workers and residents of Dartmoor on how to go forward. The informal discussions between and after the meetings were also rich in history, information and hope.

Fortunately the south-west is seeing unprecedented growth, and increased substantial growth is planned. We have also had recent announcements of investments in Portland, Heywood and the Moyne shire. So there will be jobs available in the south-west, albeit many of them will be of a different type. I ask the minister to provide me with an update on the exercise that has taken place to identify the skills and training gaps — an audit has been undertaken — so that we can get training under way for Dartmoor workers to be job ready as

soon as possible. I also ask him to provide a general update on what Regional Development Victoria has been doing in relation to working with the community to make new opportunities available for the township.

Buses: Hamilton

Mr KOCH (Western Victoria) — My matter is for the Minister for Public Transport and concerns the ongoing success of the Hamilton town bus service. The Hamilton town bus began in November 2006 with an initial timetable operating across three different routes servicing seven 90-minute trips each weekday and three trips on Saturday mornings. The bus was introduced to provide regular public transport connections by linking the community to work and educational facilities, the hospital, medical practices, the health and community centre, shops, a cinema, an indoor sports centre and the V/Line coach service. At the time the government's pre-election rhetoric boasted that the route and timetable were developed in consultation with the community and that the frequency and coverage of the service was designed to encourage residents, particularly young people and those who do not own a car, to use the service and that it would be reviewed to ensure it was meeting the needs of users.

Whilst the introduction of the town bus was generally welcomed throughout the community, lack of consultation with the local taxi service has meant the heavily subsidised bus has threatened the long-term viability of Hamilton's small rural taxi service. In its first year of operation it was reported that over 16 600 passengers used the Hamilton town bus, and following a public consultation meeting some minor changes were made to improve the service, which included route alterations and an extended timetable. The failed Labor candidate for Lowan, Paul Battista, said the service would be there for the long haul, meet the needs of the community and bring extra growth to the region. Mr Battista claimed that, 'people will see there is a transport service, they won't need their car to get around, and they will be able to interconnect with Melbourne'. But, alas, timetables are now being slashed, and within two years residents have become wary that the introduction of this bus was no more than a Labor stunt in the lead-up to the 2006 state election. Those who regularly use the Hamilton town bus are rightfully sceptical of the government's lack of genuine commitment to support rural communities.

The Brumby government clearly built community user expectation for this well-run and supported service. Further cost shifting back to ratepayers is not an alternative; this government must deliver on its commitments. My request is for the minister to clarify

what most residents now suspect. Is this reduced service a result of Hamilton's usage and specific funding or are we to going to see these cuts statewide, particularly in regional Victoria?

Metropolitan Ambulance Service: staffing

Ms HARTLAND (Western Metropolitan) — My adjournment matter is addressed to the Minister for Health. Last week I was contacted by an ambulance officer who informed me that 8, and possibly as many as 10, ambulances were unstaffed on the night of Saturday, 30 August. The Metropolitan Ambulance Service was unable to fill the shifts. The person who contacted me worked on the Sunday and reported that the night shift staff were exhausted. He noted that it was not the quiet branches that were not staffed but that locations like Chapel Street in Windsor, Waverley and Ferntree Gully did not operate. The Metropolitan Ambulance Service sent out a message early in the shift to all night shift crews apologising and saying that it would try to give breaks but it would be difficult. This would have happened because a number of crews would have called in sick after working an extremely busy Friday evening. That Saturday night was a clear example of why paramedics need 10-hour rest breaks.

The ambulance officer said he is at the end of five months on the road and is exhausted on the days he is not working. In the past month he has been averaging 30 hours overtime a fortnight, much of which is incidental or at late notice. He is still relatively new to the role with just over three years experience and cannot see himself making it to 10 years service, especially if their conditions and pay are not improved this year. I share his concern about community safety and the fact that the welfare of ambulance staff is being compromised.

For some time now I have been aware of the deteriorating working conditions of ambulance officers. How can we have a Transport Accident Commission campaign about the dangers of driving while fatigued for the general public yet condone ambulance drivers being so fatigued behind the wheel that they endanger not only their lives but those of other road users and their patients? I quote from the ambulance officers campaign website, where a paramedic is reported as saying:

I wouldn't like to say I'm a danger to the public.

But I've no doubt we're reaching those points where ... I'm having a microsleep on the Calder Highway on the way home to Sunbury branch ...

I call on Minister Andrews to provide details of this incidence of understaffing and to state whether this is related to paramedic fatigue and the lack of appropriate rest breaks.

Altona Primary School: bike shed

Mr PAKULA (Western Metropolitan) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs. It is in reference to the bike shed seeding grant program launched last year by the minister. As members who have had schools take advantage of the program would know, it is designed to provide schools with \$5000 grants to construct bike storage facilities on school sites. It is a really important government program. The anecdotal evidence since the program's inception last year is that the schools which have had bike sheds constructed have reported substantial increases in the number of children riding bikes to school. When one considers that about half of all Victorian schoolkids these days are overweight and many of them are on the way to full-blown obesity, this becomes all the more important.

Statistics show, and my memory confirms, that when I went to primary school in the 1970s about 80 per cent of kids travelled to school using one active transport mode or another. They walked to school with their friends, they rode their bikes, they took their scooters, they took their skateboards — —

Mr Vogels — Horses!

Mr PAKULA — Mr Vogels says, 'Horses'. That is not quite as active, and it was not quite so common in Ormond! But about 80 per cent of kids used an active transport mode to go to school. That figure is now down to about 20 per cent. It is important for the health of children that we get that number back up.

Altona Primary School in my electorate has put in an application for a \$5000 grant for a Go for Your Life bike shed. The school believes that this will lead to a significant rise in the number of its students who ride bikes to schools. On that basis I support the application. I ask the minister to do likewise by making this grant to the Altona Primary School.

Princes Freeway, Beaconsfield–Old Princes Highway: traffic control

Mr O'DONOHUE (Eastern Victoria) — I raise an issue this evening for the attention of the Minister for Roads and Ports. It concerns the intersection of the Old Princes Highway and the Princes Freeway in Beaconsfield. For the edification of the minister, this

intersection currently does not have a right-hand turn lane from Beaconsfield towards the Pakenham bypass. In the original plans for the Pakenham bypass it was contemplated that such an intersection would exist and that the intersection would be signalised to allow safe access to the Pakenham bypass heading to Melbourne. Unfortunately at some stage in the design process the intersection was removed. Beaconsfield residents need to either access the Princes Freeway and make a U-turn further down the highway at Brunt Road or travel through Berwick and access the Hallam bypass in other locations. This adds traffic to the Berwick township which is already suffering from significant traffic problems, and is a less direct way for Beaconsfield residents to travel.

With the opening of the Pakenham bypass the level of traffic travelling through this intersection has been greatly reduced but with population growth it is only a matter of time before traffic loads return to pre-Pakenham bypass levels. This is a great time for this project to be completed because of the reduced traffic loads. The Beaconsfield community needs better access to the Pakenham bypass and Monash Freeway, and taking traffic out of Berwick is a good thing. The Shire of Cardinia has been making representations on this issue for several years. I call on the minister to work with the Cardinia shire to expedite the construction of access to the Pakenham bypass from the intersection of Old Princes Highway and Princes Freeway in Beaconsfield.

Schools: walking bus program

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Health. It concerns the decision by VicHealth to cease funding the walking school bus programs. It is interesting that just a minute ago Mr Pakula was talking about us being much healthier when we walked to school and seeking funding for programs like this when VicHealth is scrapping this program. The cessation of funding places this entire program in jeopardy. It is a classic example of the government cost-shifting to local government. The Brumby government, under the imprimatur of VicHealth, sets up a program like the walking school bus program, it is very successful and popular and then, bingo, the local council is forced to pick up the tab.

According to the Warrnambool City Council this program strengthened links between council and the community and provided a valuable community service. The funding was used to buy incentives for students participating in the program such as fruit, breakfast and prizes. The overall strategic objectives of the service are to increase health, reduce childhood

obesity and provide active transport with healthy food choices — healthy breakfasts are promoted as an incentive. This was an extremely important program for the health and wellbeing of primary school-aged children within Victoria. The cessation of the program will have a long-term impact on health. The minor amount of funding would be offset many times over as healthy lifestyles and eating programs and exercise are continued into adulthood. The program had the support of local agencies and businesses, which provided assistance and support in other ways. It was a win-win situation. It also reduced the number of cars sitting around schools at peak hours when parents were dropping off and picking up kids et cetera.

The action I seek from the minister is for the Brumby government and VicHealth to continue to support and fund this valuable community service right across Victoria but especially in the local government regions I represent. My office has spoken with Anne Parry, who coordinates the walking school bus program in Central Goldfields shire for Carisbrook Primary School, Maryborough Education Centre and St Augustine's Primary School in Maryborough. I congratulate Anne Parry for her enthusiastic leadership of this program in the Central Goldfields community over the last five years. The same can be said for the coordinators of the Colac Otway Shire Council, Greater Geelong City council, Grampians Pyrenees, Horsham Rural City Council, Macedon Ranges Shire Council, Melton Shire Council, Surf Coast Shire Council and Warrnambool City Council, which all have excellent programs.

It is interesting that the state government's policy before the 2006 election said a re-elected Bracks government would:

Expand ride-to-school programs and walking school buses with the target of doubling the rate that people walk, ride or use public transport to school.

Weeds: control

Mr DRUM (Northern Victoria) — My adjournment matter this evening is for the Minister for Agriculture, Joe Helper. It has to do with roadside weeds and the fact that up until recently under the 1994 Land Protection Act responsibility for roadside weeds was shared between the state and local governments and adjoining landowners.

It was announced on 23 April that local government was going to take this responsibility on board and that the state government was going to provide funding. Unfortunately the funding that has been outlined by the government amounts to only \$20-odd million over four

years. If you extrapolate that over each of the councils over four years, it turns out to be about \$75 000 per council over four years. A number of councils have contacted my office to say this is not going to be anywhere near enough money to take on board this responsibility and effectively they are not going to be anywhere near able to control the weed problem with the funding they are going to be receiving from the Brumby Labor government. Local councils are highlighting the dangers of having a weed problem right around the country roads network that is totally out of control. They have been effectively unable to do anything about it.

Currently this is a VicRoads responsibility, but everyone would acknowledge that VicRoads has not been able to keep this problem under control. There is a growing anger within the agricultural sector, and now that anger has also spilled over into local government because they realise they are going to be expected to keep these weeds under control when clearly they do not have the expertise, they do not have the machinery nor the skills and now it is very obvious they are not going to have the finances.

I am calling on the minister to review the Catchment and Land Protection Act of 1994 with a view to amending that act in order to take responsibility away from local government or provide it with an adequate set of resources to enable it to give this responsibility to the appropriate group and then ensure that whatever group that is allocated the responsibility for roadside weed management is properly funded so these weeds can effectively be kept under control and we do not end up with an environmental biodiversity disaster, which is seemingly on the cards at the moment if this problem continues.

Clearways: Stonnington and Port Phillip

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Small Business. It is about job losses as a consequence of the extension of clearway times in and around the cities of Stonnington and Port Phillip. It is very concerning that these clearways are going to have a huge impact upon the businesses there. Many of the traders have said to me they fear for their businesses.

Mr Lenders — That sounds like a ministerial paper!

Mrs COOTE — I have just been elevated! The High Street Armadale Business Association did an employment survey which found that High Street businesses currently employ 16 000 full-time employees and 1960 part-time employees. In this

survey it came to light that 35 to 50 per cent are at risk of losing their jobs under the clearways policy. This equates to up to 800 full-time employees and 980 part-time employees. The Toorak Road South Yarra Business Association also did a similar survey which found that potential sales of up to \$189 000 per week were going to be lost, with approximately \$9 million being lost each year thereafter. It calculated this at the rate of each retail spot outside a shop being worth \$75 to that shop. These amounts equate to a conservative 30 per cent decrease in sales.

We know already from listening in this chamber at question time and reading the newspapers on a daily basis that in Victoria nearly 5000 jobs have been lost this year. Twelve per cent of Victorian small businesses have cut their workforces in the last quarter, and 7 in 10 Victorian small businesses are now suffering a negative impact from the present economic conditions. The number of unemployed Victorians has risen to nearly 9 per cent, from 117 700 in July 2007 to the current level of 128 200.

These no-park zones mean no-purchase zones. The government must come clean with the figures so it can reveal exactly how much business is being lost and how many jobs are going to be lost. The action I am seeking is for the minister as a matter of urgency to conduct a detailed analysis to determine how many jobs are actually going to be lost as a consequence of clearway implementation in the cities of Stonnington and Port Phillip.

Employment: regional and rural Victoria

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Industry and Trade, Mr Theophanous. Alarm bells are ringing in country Victoria as communities still struggling to overcome the drought are bracing themselves for the next economic shock and a wave of unemployment. As I travel around my electorate I am hearing concerns that the impact of the economic downturn is going to hit regional Victoria the hardest. These are concerns for which Mr Brumby and his merry band of ministers have once again failed to implement any long-term planning to secure the state's economic viability. This blinkered approach to managing the state is getting worse, not better. As a result many livelihoods are being threatened.

The government itself has led the charge with the loss of 70 regional Department of Primary Industries jobs, which is another breathtaking example of this government's lack of foresight as it cuts off the department's research arm. With the communities of

Kyabram, Walpeup, Toolangi, Rutherglen, Werribee, Snobs Creek, Rainbow, Sea Lake, Charlton and Stawell all affected, I hope the government is heeding calls to rethink the decision.

In the meantime major job cuts have also been announced in major regional centres including 20 QantasLink jobs in Mildura, 360 Excelsior call centre jobs in Bendigo and another 60 production jobs — on top of the 50 middle management jobs announced earlier this year — at SPC Ardmona in Shepparton. In addition there are a number of small businesses that have either had to downsize or shut their doors altogether. I invite the minister to step outside his city comfort zone and take a walk with me along any main street in any country town to see firsthand the number of vacant shops.

Victoria has an unenviable record of being the only state to have a net loss of full-time jobs over the last six months, losing more than 16 000 jobs when the rest of Australia has gained in excess of 90 000 jobs. The forecast for employment has put Victoria alongside Tasmania at the bottom of the ladder, and with our unemployment rate already well above the national average of 4.1 per cent there are dire predictions that it will only get worse. Businesses are making it clear that they have lost confidence in this government and are moving out.

I ask the minister to reveal his government's forecasts for job losses in country Victoria over the coming 12 months, and I ask what measures he has in place to protect workers.

Moorabbin Airport: future

Mrs PEULICH (South Eastern Metropolitan) — Thank you, Acting President.

The PRESIDENT — Order! President!

Mrs PEULICH — I have not seen much of you in the Chair today.

The PRESIDENT — Order! That is even worse!

Mrs PEULICH — But I am delighted you are here because I seek your guidance. The matter I wish to raise is in relation to — —

Mr Lenders — Do you want to be like Bronwyn Bishop?

Mrs PEULICH — When I grow up? No, Sarah Palin is probably a more suitable role model — and I do wear lipstick.

The matter I wish to raise is, I think, for the attention of the Minister for Planning. It is in relation to Moorabbin Airport. Obviously it is a federal matter, but specific reference is made to Moorabbin Airport in the Melbourne 2030 strategy and on the web page for which the minister has responsibility. There will be a public meeting on Sunday organised by the community in response to a number of concerns.

Mr Lenders — On a point of order, President, I seek your guidance. I recall a ruling you made before the change of federal government. When members on this side referred to industrial relations issues you ruled that they were part of the commonwealth jurisdiction. Mrs Peulich made the comment about there being a specific reference in a document to an airport, and therefore she had an opportunity to raise an adjournment matter here with the Minister for Planning. I ask you to rule on whether a reference in a document means it is actually a Victorian ministerial responsibility or whether it is the same as references to industrial relations which were referred to last year.

Mrs PEULICH — On the point of order, President, there is more than a reference. There is a segment on aviation and in particular on Moorabbin Airport. The Premier has also been fairly vocal about a number of aviation issues. I have sought your guidance, but there are a number of issues that pertain to state government administration in relation to this airport, and I ask for your permission to complete the item before you make your decision.

The PRESIDENT — Order! In relation to the point of order I refer to the guidelines for the adjournment, which state:

The matter raised must relate strictly to Victorian government administration. However, where federal and state jurisdictions overlap, a matter may be directed to the state minister as it specifically relates to their area of responsibility. Any matter falling within the administration of the federal government will be out of order.

I will give Mrs Peulich an opportunity to comply with that ruling. I remind her that she admitted in the opening of her adjournment matter that she was not quite sure whether or not it was the responsibility of the minister.

Mrs PEULICH — I accept your ruling, President, and the advice provided by the Clerk. The matter I raise is specifically in relation to the foreshadowed closure of Essendon Airport and the likely impact of that on Moorabbin Airport and the plan to increase its aviation capacity in view of the fact that the Minister for Planning — obviously in conjunction with the planning authority, being the Kingston City Council — has

allowed significant housing development to occur in close proximity to the airport. Significant concerns have been raised, highlighted recently by the very unfortunate and sad event of the death of a young man — —

The PRESIDENT — Order! Mrs Peulich is now debating — —

Mrs PEULICH — No, I am not debating.

The PRESIDENT — Order! Mrs Peulich is not convincing me about which minister has — —

Mrs PEULICH — The Minister for Planning.

The PRESIDENT — Order! The member is not convincing me — —

Mrs PEULICH — Why don't you let me conclude, and then you can strike it out?

The PRESIDENT — Order! Mrs Peulich is getting it on the record. At the moment I am not convinced that she is in order because she is not demonstrating to me — —

Mrs PEULICH — It is about the intersect of residential development abutting the airport and the concerns of the community in relation to its safety and in relation to the future plans for the airport. I ask the minister to consider this and to take it up with the federal minister responsible for aviation to make sure that the concerns about safety as well as planning issues under the jurisdiction of the minister are adequately resolved as part of that aviation review. Basically it is a matter for the — —

The PRESIDENT — Order! Mr Davis.

Genoa River: weed control

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change. I draw his attention to the degradation that has occurred along the 27-kilometre heritage-listed reach of the Genoa River, from the New South Wales border to the boundary of farmland in the Wangarabell district. In accord with its heritage listing, this stretch of the river falls within the management protocols of the Heritage Rivers Act. But on the evidence of landowners in that area in the far east of Gippsland, Parks Victoria has never complied with the act.

A sweep was made to remove willows along the Genoa River, but it was not completed and re-infestation is now occurring. A limited attempt was made to control blackberry infestations, but it was so poorly managed

that there is now a risk of herbicide-resistant blackberries taking over. In the course of looking into this matter, I have heard strong criticism of Parks Victoria — again. Its management lacks knowledge of the Genoa River and its ongoing degradation. I am told that rangers, upon whom regional and state management of Parks Victoria rely for local knowledge, are tending to provide no more than a view from the window of their four-wheel drives, and that they no longer get out in the rough and walk into these bushland areas to inspect their condition. The scale of the weed problem is not being assessed thoroughly, with the result that funding is not being provided to manage and preserve the heritage section of the river.

Mrs Coote interjected.

Mr P. DAVIS — They appointed him! The view of local landowners, people who know the situation, is that a methodical, ongoing plan is needed to manage the weeds. The problem also extends beyond the heritage area into a stretch of approximately 12 kilometres of river that is under the management of the Department of Sustainability and Environment. Yet it would appear DSE has never implemented weed control on its area of the Genoa River. I therefore ask the minister for action to initiate a planned ongoing weed control program coordinated between Parks Victoria and DSE to preserve and protect the Genoa River.

Responses

Mr LENDERS (Treasurer) — There were 13 adjournment matters raised, many workshopped by those opposite, and I will refer them all to the relevant ministers.

I have a written response to the adjournment matter raised by Mr Koch on 31 July.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.37 p.m.