PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 11 September 2008

(Extract from book 12)

Internet: www.parliament.vic.gov.au/downloadhansard

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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.

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

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

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

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 Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

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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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Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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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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THURSDAY, 11 SEPTEMBER 2008

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Thursday, 11 September 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

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) (496 signatures)

Laid on table.

Mountain Highway–Albert Avenue–Colchester Road, Boronia: upgrade

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the intersection of Mountain Highway, Albert Avenue and Colchester Road needs to be upgraded for pedestrian and traffic safety.

School students and local residents often cross the busy and dangerous intersection to access the Alchester Road shopping precinct, The Basin Primary School, Boronia Heights Primary School and other local services. It has long been recognised as an extremely busy roundabout that is difficult to cross and highly dangerous for pedestrians, many of whom are school-aged children, and traffic.

The petitioners therefore request that the state government of Victoria provide funding for pedestrian safety by way of pedestrian crossings, school crossing supervisors or traffic lights at the intersection to enable increased safety for pedestrians and to alleviate traffic pressures.

By Mr O'DONOHUE (Eastern Victoria) (534 signatures)

Laid on table.

Abortion: legislation

To the Legislative Council of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the Council to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase the thousands of children who die needlessly each year through abortion and will add to the existing social problems in Victoria resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Council of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in the state of Victoria.

By Mr VOGELS (Western Victoria) (122 signatures)

Laid on table.

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) (1333 signatures)

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

Port Phillip Bay: channel deepening

Mr RICH-PHILLIPS (South Eastern Metropolitan) presented report, including appendices, extracts of proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That the Council take note of the report.

This report is the first report of the Standing Committee on Finance and Public Administration and arises from a reference from the Council earlier this year to inquire into and report on the business case for the Port Philip Bay channel deepening project and the legal and financial arrangements between the Port of Melbourne Corporation and Royal Boskalis Westminster NV, the dredging operator.

The committee focused its inquiry on the business case, the benefit-cost analysis, as published in the supplementary environment effects statement (SEES) which was prepared for the channel deepening project and also undertook an analysis of the alliance agreement that was put in place between the Port of Melbourne Corporation and Boskalis. With respect to the benefit-cost analysis, the committee focused its inquiry on the matters and assumptions that underpin the benefit-cost analysis published in the supplementary environment effects statement on the basis that a number of witnesses to the inquiry and a number of written submissions had raised concerns about the nature of the assumptions that underpin the benefit-cost analysis.

Particular reference was made to the discount rate chosen by the consultant that prepared the benefit-cost analysis. There was reference also to the forecast trade growth used in the benefit-cost analysis and there was concern about the exchange rates used in the benefit-cost analysis. The committee undertook consideration of those factors and other factors that were raised as concerns with respect to the way in which the benefit-cost analysis was prepared.

The published benefit-cost analysis of the project reported benefits of $1.936 billion over a time frame from 2007 to 2035 in present-value terms. The project cost over the period from 2007 to 2011 was initially estimated to be $590 million, being net of sunk costs. The benefit-cost ratio at the time that analysis was prepared was estimated at 3.28. Following the completion of the SEES and the approval of the project, a revised cost estimate was prepared that put the net cost of the project at $754 million. This reduced the benefit-cost ratio to a little over 2.5, which was a substantial reduction from when the project was first assessed.

Since that period we have seen further adjustments to the parameters of the benefit-cost analysis of the project. It was on those areas that the committee undertook its investigations. The findings of the committee are that the key assumptions that were embodied in that benefit-cost analysis were reasonable; however, they fell within a range of reasonable assumptions, and alternatives that were put to the committee by witnesses with respect to discount rates and exchange rates were equally reasonable.

What we have in the published benefit-cost analysis is what is in effect a best case scenario, a scenario that paints the project in a positive light in terms of positive net present value and positive benefit-cost ratio; however, that is contingent upon those particular key economic assumptions being achieved. If a slightly higher discount rate and a slightly higher exchange rate forecast, which is more in line with prevailing exchange rates, had been used, the net present value of the project and the benefit-cost ratio (BCR) would have been substantially reduced.

What we have in the published business case is a best case scenario. That is important, because since that benefit-cost analysis was prepared we have seen an increase in the published cost of the project, which has eroded the published benefit-cost ratio and net present value. As I said, the most recent cost update was $754 million in net terms, and inclusive of the sunk costs it was $968 million. If that total cost figure is worked into the benefit-cost ratio and the net present value, we see the net present value at just $1 billion and the benefit-cost ratio reduce to 2. The project is arguably still viable with a benefit-cost ratio of 2 — and we had before the committee evidence that with a project of this nature, where you are looking at the total benefits accruing to a society and an economy, anything over 1 is viable. The fact that these two measures for the viability of the project, net present value and benefit-cost ratio, are very volatile, dependent upon the assumptions used and also very dependent on the escalating costs, gives cause for concern that the BCR has reduced to 2 and is heavily dependent on that cost

estimate not further escalating beyond the level at which it is currently assessed.

The report also contains a minority report, which has been submitted by Mr Barber. One of the aspects Mr Barber raised is the committee's consideration of the benefit-cost analysis as published in the supplementary environment effects statement (SEES), opposed to a strict business case as applied to the Port of Melbourne Corporation. The committee elected to undertake its work on a broader frame, looking at the total benefit cost of this project to the broader community and the broader economy rather than the narrower Port of Melbourne Corporation reference. That approach is consistent with the debate that took place when the reference was given the committee. Certainly the mover of the reference to the committee based her contribution to the debate around the benefit-cost analysis as published in the SEES and the original environment effects statement, and that was the context in which the debate in this chamber took place. On that basis the committee pursued its inquiries about the broader social and economic impact rather than the narrower business case as it applied only to the Port of Melbourne Corporation.

The committee also undertook an analysis of the alliance agreement between Boskalis and the Port of Melbourne Corporation. This is one of the first major projects to be completed under an alliance agreement between a government agency and a contractor. It is a mechanism that has been used to allow pain and gain to be shared between the two parties. Where the project is completed ahead of schedule, and where certain performance and cost targets are met, both parties are to receive a financial return as a consequence. Where the project is outside time lines and does not meet cost targets, both parties are penalised accordingly. This is the first significant time in Victoria that such a mechanism has been used. They have been employed in other states for the delivery of major projects but not in Victoria. The committee will be interested to see the outcome of this alliance agreement once the project is completed.

The report has been an opportunity to cast some light on the way in which this mechanism is structured and the way in which this agreement works, because previously this information has not been available to the Victorian community. Although the government committed in 2000 to publishing all contracts valued at over $10 million, the contract for this project had not been publicly released prior to the committee undertaking this inquiry. While the committee has respected the request of the port and the contractor not to release the contract, it has provided this Parliament and the Victorian community with substantial detail on how this contract operates and what mechanism has been put in place to reward or penalise the parties involved according to their performance.

In closing, this has been a substantial body of work for the Standing Committee on Finance and Public Administration. It has highlighted the lack of resourcing available to a committee such as this to undertake these types of inquiries, certainly in comparison with joint committees such as the Public Accounts and Estimates Committee which are extensively resourced. This inquiry has been completed in the context of the two committee staff also needing at the same time to undertake substantial work on a select committee, which has placed enormous demands on the resources of the Council committee office. On behalf of the committee I would like to thank Richard Willis, the executive officer, and Anthony Walsh, our research officer, for the substantial work they put into this complex inquiry. I would also like to thank the committee members for the cooperative way they worked to conclude this initial inquiry of the standing committee. I look forward to the committee receiving further resources from the Council to undertake similar inquiries in the future. I commend the report to the house.

Mr BARBER (Northern Metropolitan) — That is all very well and good and nice on the part of Gordon Rich-Phillips. I compliment him on his creditable effort in the work of this committee, but it is not really to the point of the original reference. Going back to the debate where we established this reference, which was put forward by the Greens, we wanted to examine the broader economic case. In fact we wanted to look at alternatives to the project and we wanted to look at some of the environmental and economic effects that had not been looked at. However, in order to get our reference through we had to narrow it down considerably. I remember Mr Hall saying that Ms Pennicuik had quite a big wish list when she moved the motion.

We settled in the end on examining the business case for the project, but the committee has not fulfilled that reference. The committee looked at the economic case. It largely looked at information that was in the public domain. While committee members have certainly benefited from the exercise, that information was not particularly new for some of us, and the sorts of realisations and findings that have come up through this report were no surprise to us either. Where an opportunity did arise with this committee was in examining the business case for the project from the point of view of the Port of Melbourne Corporation as

an entity. The economic case looks at possible costs and benefits of the project to Victoria as a whole, but the business case must look at the costs, the revenues and the rate of return internal to the POMC as a commercial entity.

This is not just a matter of semantics. Fundamental to the philosophy behind national competition policy (NCP) is that the best way to maximise economic welfare is to ensure that investments in most sectors of the economy are made on a commercial basis. NCP is set up to expose state-owned enterprises in key economic sectors to commercial discipline. That is how you prevent either overinvestment or underinvestment in a particular sector, which could perhaps occur based on political considerations rather than commercial ones. Even the POMC admits this, because in its pricing policy statement it states:

> Allocative efficiency and the interests of Victorians will be served best by POMC funding most of this program on its balance sheet and recovering its costs, including a commercial return, over the long term through its prices. Competitive forces invariably lead to the efficiency benefits associated with improved port facilities being passed on to ultimate users.

I think I heard a harrumph from Mr Thornley to suggest that he is fully behind that particular economic philosophy. Whether he supports it or not, those are the laws and government policies by which the port is meant to be operating.

It was disappointing to me that the committee did not follow through and obtain the relevant documents and call the relevant witnesses on this specific question. There is no question that those documents exist and that a business case was prepared. My colleague Ms Pennicuik has in fact initiated a freedom of information request because she has been told of the existence of documents such as the 21 August draft POMC business case for the channel deepening project, the presentations by POMC to various Treasury evaluation committees and later versions of the business case. Naturally she has been refused access to all those documents on the grounds that they are cabinet-in-confidence documents, internal working documents, commercial documents, blah, blah, blah — all the usual stuff.

The port authority was established under the Port Services Act. Its objectives are about security, environmental sustainability and efficiency. Section 13(2)(d) says it is to be 'commercially sound'. What does operating in a commercially sound manner mean for the port corporation? Again we go back to the port corporation's own documents, which say:

> The government, through the Department of Treasury and Finance and the Department of Infrastructure, expects that POMC will earn a return on capital … that is at a minimum equal to its weighted average cost of capital. In doing so, POMC will provide a return on capital that is appropriate for the risk profile of the government's investment.

In terms of its prices the port corporation is regulated by the Essential Services Commission. It is a light form of regulation, a sort of price disclosure. It is not held to the same kinds of standards as, say, water retailers are. Clearly if the port corporation is being honest with its price regulator, then the weighted average cost of capital (WACC), as they determine it, is the number we should all be working off. Surely the port corporation would not be telling the regulator, 'Hey, we have got a really high cost of capital. This is the sort of return we need', and then turning around to its shareholder, the Treasurer, and saying, 'You know what? We do not really need to claw that much back. Here is a great project. Invest in it'. Surely the weighted average cost to capital — —

Mr Thornley interjected.

Mr BARBER — Mr Thornley asks, 'What is the cost to public equity?'. In fact he does not need to ask me. The Port of Melbourne Corporation has already told us. I have put in my minority report a section headed 'What is the appropriate rate of return?'. In May 2005 the port corporation determined that its weighted average cost of capital was 8.7 per cent. That was based on the return required by the government on its equity invested and the cost of debt obtained in the open market. In reality, Treasury provides its finance, but it does it at a commercial rate. That is certainly appropriate. I think it targets a debt to equity ratio of around 40 per cent. That was something I was interested in finding out, given that since the initiation of this project and certainly concurrent with the approval of this project there have been quite a few changes in terms of those various risks to debt and equity.

Initially representatives from the port were being pretty coy with the committee on that issue. They said they were not sure that it was on the public record. But then I pointed out to them that it is on the public record, and that the formula for calculating the port's WACC is in its pricing policy statement. It was a five-year pricing policy statement that it put out. We are at the end of that five-year period, so the port is coming up to a new statement. The difference is that at the time of the publishing of the original statement the commonwealth bond rate was about 5.5 per cent; it is now about 6.5 per cent. You have to add to that the debt risk premium, which at that stage was about 1 per cent but is now

more like 2 per cent on triple-B corporate rated bonds. The equity is something you can look at from the point of view of other similar equity derived from the market.

Mr Thornley interjected.

Mr BARBER — Unfortunately, Mr Thornley, Mr Davis is not present, but I am channelling my old corporate finance professor Bob Officer at the moment. He was the treasurer of the Institute of Public Affairs, so he is a reasonably dry individual. I am just bringing forward some of the learning I gained while studying some of these subjects.

Basically what it adds up to is that instead of something like an 8.7 per cent weighted average cost to capital, we are talking more like 11 per cent at the moment, and grudgingly the port admitted that was the case. I would like to see the business case, and I would like to see what it had as the weighted average cost to capital. It would be a simple matter to work out, all other things being equal, what a new required rate of return would do to the promised benefits.

Who pays for the project? The additional fees and revenues that the port must collect come from all ships using the port; it is not just from those large ships that are claimed to benefit. The port acknowledges, and we have certainly got this point clear now, that while 40 per cent of ships may potentially be draught constrained, only about 11 per cent are currently. Therefore, benefits from this project are only going to arise if there is a significant increase in the number of large ships, and they operate while fully laden. Those are the benefits. The revenues arise because the port now puts a fee on every container, and people have to pay it whether or not they like it. That is against the stated policy of the Port of Melbourne Corporation that back in 2005 said:

> … for major capital projects, such as the channel deepening project, recovery may be achieved through specific charges … based on the capability of the port to define a distinct basis for applying such charges and the benefits to classes of port users.

That is not in fact what is happening. What is happening is that it is charging all port users to recover the costs. Not surprisingly those that do not benefit are not too happy about having to pay. We heard the horticultural exporters, who deal with fresh fruit and vegetables and other such items and who largely use refrigerated containers, saying, 'We are not happy about paying it. We do not use big ships. We are in a highly competitive market and by the way, we are already being charged for it when the project has not even been completed'. They also said they had not been consulted in any way about it. Again, that goes against the port's fine words in its stated policy:

> The cost recovery basis for major projects will be decided after consultation on pricing proposals with port users and other stakeholders.

For some reason these people — the horticultural group at least — are too small to be considered as stakeholders. A stakeholder used to be something in a vampire movie, but these days 'stakeholder' means anybody who is big enough to get the government's ear. The rest of us are usually outside a meeting chanting and holding up placards.

The port makes estimates about the number of larger ships that will be in operation. There is no doubt that to this day that is the biggest variable in terms of benefits; it is the biggest unknown. How did the port calculate how many big ships it expects in the future? I asked the chair of the port whether he had some kind of analysis, or whether he monitored which lines are currently building ships. It is kind of hard to keep it a secret that you are building a big new ship; it would be in your accounts once you committed to it. They are fairly large objects, so you cannot exactly hide them away while you are making them. The chair of the port said, 'No, we don't'.

However, when we spoke to Mr Meyrick from Meyrick and Associates, the lead consultant in preparing the economic case, he said, 'We do have a bit of a methodology'. He said that you look at historical trends; you look at the growth of ship sizes in the past; you look at ship sizes on other trade routes and at the trends there and see how long you think it will be until that pattern arises in the Australian specialist South Pacific trade route; and you also look at the order book for new ships, which is around. Then you go out and have a bit of a yak to people in the industry — you sort of zed the model by talking to people — but you have to do that with some caution because people do have agendas, or they have vested interests in pushing a particular line of argument.

There is no doubt that that is the basis on which this project has been conceived, and yet it is one of the biggest variables, along with future growth in trade, that still remains to say whether there is economic benefit in this project. Given that we are talking about big up-front costs and revenues coming in over a 30-year period, those variables become very important in terms of the rate of return.

It turns out, by the way, that 40 per cent of all containers go out of the port empty. The single biggest export in Victoria is air. I do not mean the single

biggest in terms of value, but in terms of quantity. In terms of volume the single biggest export is air, because we have got a lot of stuff coming in in containers but we are not selling much. Those containers have to go back to where they came from and they just keep piling up and up, to the point where when their value becomes sufficient, you can profitably truck them back to where they came from. Our backloading is not really perfect at this stage. We are sending stuff out in bulk ships and we are bringing in a lot of stuff in containers.

It is acknowledged that this trade of repositioning containers is becoming quite significant. It explains why a large number of ships that potentially could be draught constrained do not end up being draught constrained — because people are making their living from repositioning containers. In any case, ships do not just come from one part of the world to Melbourne and then turn around and go back. One person described it to me as being a bit like pushbike couriers: they pick up a few parcels and drop off a few, and then they go on and pick up a few more and drop off a few more — they work their way around the coast and go back to their original source.

In the meantime the costs of the project have continued to escalate. Back in 2001, when the whole thing first got the political green light, a comment made at one stage was, 'The Premier likes it, so it's got legs; we are not so worried about the business case'. But back then it was $200 million to $230 million. By 2004 they said $337 million; in August 2004 the answer was $498 million; another month later it was $545 million; and when the 2007 supplementary environment effects statement was released, the project was estimated to cost $763 million. Now it is $969 million, brushing a billion dollars. We are not going to find out its final cost for a while. It is now in construction phase; it is now subject to the alliance agreement and it will be a long time, if ever, before we find out who paid what.

There is a range of costs that have been excluded from the analysis; they have been externalised to the port. That was one of the major concerns for environment groups and other bay users. The POMC consultants basically admitted that some scenarios of environmental damage, assessed as having low probability but unknown or high impact, had more or less been excluded, and that their analysis does not really deal with those things. Yet that was one of the major concerns for environmental groups. Scientifically, a number of marine scientists were saying that it was a lot worse than that.

Those scientists thought there would be high-impact, high-probability events, but for the purpose of the analysis some of those were excluded. The justification the consultants gave was that the information was just not clear enough. They put those chapters into their cost-benefit analysis, but they did not impact upon the numbers. The consultants said that those sorts of numbers might have overwhelmed the model. Arguably high probability and high impact, and they could overwhelm the model, so they are rated at zero. That might be great for a spreadsheet, but it is not great for the option-value and decision-tree based models we try to deal with these days.

The Australian Conservation Foundation pointed out that there is a better and more modern way of doing it. It was put up by Nobel prize winning economist Kenneth Arrow, who used it in relation to the *Exxon Valdez* incident; it is the contingent valuation model. Under this model you would work out what you think the bay is worth to Victorians and hold that up against the benefits and costs of the project. Related of course to the environmental costs are the impacts on nature-based tourism. Members of the dive industry gave evidence and said they thought the numbers were wrong and they had not been consulted by SKM or any of the other consultants.

That is really where we ended up, with potential costs excluded, the price rising and the stream of benefits uncertain, and because the project is running out to so many years it is subject to large changes as a result of small changes in assumptions. The cost of capital is rising, which for many other commercially focused entities has led to projects being put on hold at the moment. In this case, however, we were dealing in my not-so-humble opinion with what was at the end of day a purely political allocation of capital. The government got itself in, hyped the project up and had everybody gagging for it — got all its barrackers out there — and when the numbers started to go south, it was too late. We just had to keep pushing ahead — and that is a shame.

The other issue where the Greens diverged from the views of the committee is in relation to the alliance project agreement between the Port of Melbourne Corporation and Boskalis. This was a major part of the terms of reference. In my view the committee should have released the so-called alliance agreement document and called for separate public submissions on that. There are a lot of experts out there who would have taken an academic or professional interest in that document and a lot of interested individuals or other interested parties who may have had something to say about it. Alternatively, if the committee did not want to go down that road, we could have done what parliamentary committees have done in the past when

they have had the resources, which is to access expertise. We could have brought in a contracting expert, a marine engineering expert or a risk allocation expert — possibly an academic from a university — and asked them to examine and give a professional opinion on the document. That could certainly have guided the committee's report and could also have guided the committee's line of inquiry and the individual questions we asked of various people. It would possibly have led to the calling of more witnesses — maybe we could have had the Treasurer in and asked him about it.

Those were two courses of action I supported which unfortunately the committee did not take. That is discussed in the minority and chairman's reports. I hope as government policy that document is ultimately released. We will be looking at the annual accounts for the port and interrogating those. I am sure the Auditor-General is also going to have fun with this one — his staff were present throughout the hearings. We are going to be examining this issue for a long time to come.

The Greens have a bit of a history on this. We called the dodgy economics on the Franklin Dam and Lake Pedder. We had a crack at Basslink. We have been a high-profile critic of various pulp mill proposals that have gone south, and when you look back on those you think, 'Well, not only did the Greens call it right on the economics, but they could have saved some shareholders a fair bit of money'. I think on both the economics and on the environmental aspects of this project, the Greens will in time be proven to have been prescient, and it is by no means an issue that we are prepared to let go. There is no book being closed with this report being presented. There are going to be plenty more opportunities for this Parliament to continue scrutinising this project.

Mr VINEY (Eastern Victoria) — Firstly, because I have omitted to do so on previous occasions when I have spoken on reports, I would like to thank all of the members of the committee. I want to thank the committee staff and, in particular, all of the participants who gave evidence and made submissions to the committee on this very important project for Victoria.

Essentially the report finds that the case for channel deepening was economically sound and remains so even when there are a range of sensitivity analysis scenarios placed over the top of the project, such as the discount rate of return and other assessments that need to be done. Where there have been some variations in that, the report has found from the evidence given to the committee that the case still stacks up.

There are, of course, those in the community who are ideologically opposed to this project and who do not want to accept the evidence that has been presented to the committee — overwhelming evidence that all of the analysis was done appropriately and using relevant and internationally defensible analysis. What is interesting is that one of the people who is ideologically opposed to the project and who now does not want to accept the evidence before the committee is Mr Barber, who has just spoken, and we have heard him say so in his opening remarks. In his minority report he makes the comment in a big headline that the committee has failed to fulfil the reference given to it by the Legislative Council. That is not true. The committee called for public submissions, has considered all of the evidence that was put to it, has dealt with it all, and Mr Barber said in his comments just now that we did not hear evidence from the witnesses who could have advised us better on the business case.

Mr Barber was a member of the committee and the committee heard from every witness that Mr Barber or anyone else on the committee asked to be heard from. Mr Barber was a member of the committee and could have asked the committee to have other people give evidence, but he did not. Everyone that he asked to give evidence to the committee came and gave evidence to the committee, except Mr Croft, I think. I do not know that Mr Barber asked for him to come, but Mr Croft missed his hearing; he did not make it.

Ms Pennicuik — He got held up on public transport!

Mr VINEY — To my knowledge I think there were some other problems rather than the public transport problem, but let us get it clear. The committee never once used its numbers to try and prevent Mr Barber from calling a witnesses or bringing someone in.

Mr Barber — You did not have to, did you?

Mr VINEY — I am happy to engage Mr Barber in discussion across the chamber. It is an important point. Who did you ask the committee to hear from who was not allowed to give evidence? Who did you ask?

The PRESIDENT — Order! Mr Viney may be happy to engage in discussion across the chamber, but I am not.

Mr VINEY — Thank you, President, you are quite correct. I shall not be tempted again.

When I had a look at Mr Barber's minority report — it probably says more about him than the issue — the first thing that struck me is that the most quoted person in

the minority report presented by Mr Barber is none other than Mr Barber himself. He quotes himself from the transcript 13 times — and surprisingly, not once is the reference unfavourable. But let me tell the house about one occasion when there was an unfavourable reference to Mr Barber. It was from Mr Meyrick. During the hearing Mr Barber put to Mr Meyrick, 'Why are so many people still opposed to this project?'. Mr Meyrick looked down over his glasses at Mr Barber and said, 'Well, Mr Barber, that is because some people confuse assertion with evidence'. That to me absolutely summed up the position that a number of those ideologically opposed to this project have taken in relation to the economics of it.

It is absolutely correct to analyse a major public infrastructure project on the basis of the social and economic benefit to the community. That is the analysis that has been done on this project, and it overwhelmingly demonstrates that there is an economic and social benefit to the community of Victoria in doing the channel deepening. It is about ensuring that Victoria remains a competitive economy and a competitive state and that we are able to compete not only with other states in Australia but internationally.

There is a whole raft of things in Mr Barber's minority report. One of those — presented as a headline in the report — is the claim that there are doubts about the commercial viability of the channel deepening project. Mr Barber's minority report then lists a small paragraph and five dot points. The small paragraph and five dot points contribute nothing more as evidence that there are doubts about the viability of the channel deepening project business case. His evidence is section 13 of the Port Services Act 1995, which he quotes. As evidence that the viability of a major infrastructure project in this state is in doubt, there is an act of Parliament passed here in Victoria. There is absolutely no evidence whatsoever that there is any doubt about the commercial viability of the channel deepening project.

We have had the nonsense of Mr Barber talking about exporting air in containers that were not full. We have had a series of nonsensical positions put in the debate. Even the evidence given by the Blue Wedges people, as we subsequently heard from Mr Meyrick, was incorrect. They gave evidence that there was no sensitivity analysis of the discount rate. Mr Meyrick said there was, and he gave us the evidence that there was. There were countless examples where the assertion was made that this was an unviable project, but the evidence was different. The evidence was that it was viable, that it was going to contribute to the overall social and economic benefit of the Victorian community, and that is what the report has properly found.

Another example from the transcript is the following quote from Mr Meyrick in response to a question in the hearing from Mr Barber — it was really more a statement from Mr Barber — about these social cost benefits and the issue of a commercial business case. Mr Meyrick's comment was:

> With the greatest of respect, you are confusing two conceptual universes there. It would be much better for clear decision making and public policy if you clearly distinguished between the spheres of the area of interest of the corporation and the way in which the government chooses to manage its corporations and the issue of whether a physical project will yield benefits to society. They are quite different issues. I will maintain until the day I die that they ought to be treated as completely separate issues, and I have the overwhelming weight of authoritative academic opinion on my side.

That is the issue here: that the evidence — —

Mr Barber — Apples and oranges!

Mr VINEY — Indeed Mr Barber, apples and oranges, and Mr Meyrick's absolute point is that you confused them. If you read his quote, you see that is what he is saying. They are separate matters, and the fundamental and most important issue in whether the people of Victoria should invest in a major piece of infrastructure is whether it will benefit the people of Victoria and whether there will be economic and social benefits to Victoria. The overwhelming evidence is that there will.

It is interesting that in his contribution earlier Mr Barber favourably quoted his own words in his minority report 13 times. Mr Barber told us that he and the Greens are not only environmental experts, they are now business experts. They have got all the expertise in business, all the expertise in major infrastructure projects and they are also apparently the great social reform experts — they are the experts on everything. Three members of this chamber are the experts on everything and lecture us about the way things ought to be.

I take my responsibilities as a committee member absolutely seriously. I go to the meetings, I listen to the evidence, I weigh up the evidence and I draw a conclusion. Sometimes my conclusions have been different from what I thought they might be. The classic case was the Environment and Natural Resources Committee's report on bushfires. I came to a different conclusion. I came to a different view, and I changed my mind. I am reminded of John Maynard Keynes — and I urge Mr Barber to research the quote — who said,

in effect, 'When faced with the weight of evidence, I change my mind. What do you do?'. I ask that of Mr Barber. When faced with the weight of evidence before the committee, what about his changing his mind? The weight of evidence was overwhelmingly in favour of this project, so he should change his mind.

Ms BROAD (Northern Victoria) — I rise to add some remarks in speaking to this inaugural report from the Standing Committee on Finance and Public Administration. I commence by thanking all the members of the committee who participated. I would like to express my thanks to my colleague Brian Tee, who participated on the committee for a short period when I was unable to do so due to a death in the family. I appreciated very much that he took up that position. I also thank the staff of the committee for their work as well as all the organisations and individuals who made submissions, both those who appeared before the committee and those who made written submissions — but not so much the repetitious copies that we received by email, which we found a way of dealing with quite efficiently.

The findings of the committee in relation to the business case for the channel deepening project are very welcome from my point of view as a former Minister for Ports who was involved from the outset in discussions about this project and as a member who represents a country electorate where demonstrated benefits will flow from the channel deepening project. The findings of the committee — with the exception of the minority report — on the benefits that will flow from the channel deepening project are very important and very welcome.

Those financial, employment and wider economic benefits are certainly significant. Evidence was presented to the committee by PricewaterhouseCoopers in relation to regional Victoria showing the total impact on employment of more than 2000 jobs. That is just one example of the very substantial benefits to flow from this project, which include the very substantial benefits that will be added to the existing benefits for the port of Melbourne as the largest container port in the nation — benefiting not only Melbourne but Victoria and the nation.

I make those remarks in welcoming and supporting this report on the first inquiry by the Standing Committee on Finance and Public Administration. The evidence presented to the committee was overwhelmingly in support, and Mr Viney has covered the issues very well in terms of the opportunities that all members of the committee had. The committee was very open on time lines, on invitations and on receiving submissions from all points of view, and the fact is, much as Mr Barber may not like to accept it — and the findings are very clear — that in terms of the task this house set for the committee of examining the business case, the business case stands up, the assumptions underlying the business case stand up to scrutiny and the benefits are there for all Victorians to see.

Motion agreed to.

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Final report

Mr D. DAVIS (Southern Metropolitan) presented report, including appendices, extracts of proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

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

That the Council take note of the report.

This is a very important inquiry that has just been completed. The inquiry by the Legislative Council Select Committee on Public Land Development is important because it looks to the future. We have population growth in Victoria and we need to deal with that, manage that, plan for that and undertake steps that are required to preserve the city's structure and livability in a constructive way. Many of the issues raised at the committee hearings by the community relate to the state government's failure to properly plan and put in place the structures of and protection for public land and for public open space statewide. I have to say that as this inquiry went forward, there were many things that started to become clear about the structure of public land management in this state. There is a series of recommendations about that; I will talk about it in a moment.

Firstly, I want to thank the committee staff and the submitters who put so much effort into this inquiry: Richard Willis, Sarah Kerwick, Dr Caroline Williams and Anthony Walsh. Caroline Williams and Sarah Kerwick, the small secretariat of the committee, have each worked as research officers for a part of the inquiry. They have carried a huge burden and a huge load. One of the things that will need to be looked at over the long term is the load that is carried by those staff in ensuring that there are sufficient resources for

Legislative Council committees to do the work that they are instructed to do by the chamber and to do that in a thorough way. Because of the pace that is expected of those committees, there is a need for a re-look at these resources because they are clearly inadequate. That is a point that has come out of this inquiry and other inquiries in the recent period.

I also particularly want to thank the enormous numbers of submitters. There were 310 separate submissions, including 136 written submissions; over 70 different sites were looked at; 142 witnesses gave evidence in the 23 days of hearings at Parliament House and around the state; and there was other significant correspondence. People regularly brought forward further details as the inquiry proceeded.

As the chamber will remember at the time of the establishment, there were a number of key sites that were concerning the community and concerning people in this chamber. The government's management of those sites was an important item for public scrutiny. The Select Committee on Public Land Development undertook that task at the behest of the house.

I want to make some comments about the terms of reference which became a matter of dispute with the Attorney-General and the government generally. It is important to place on record now in this chamber and explain to the house that when the reference was made there was no concern about the terms of reference. The chamber understood completely what it was doing. Numerous members spoke about Kew Cottages, the St Kilda triangle site and a number of other high-profile examples around the state. They understood public land to be the common community definition of community land which means land owned by the public. It is a very simple definition. If you walked down Bourke Street now, spoke to people and asked them, 'What is public land?', they would have a very clear understanding of what you meant by the term. It is land owned by local government, the federal government, state government and other public authorities. They would regard that land as public land. It will surprise the community to know that the government invented a different definition, or seized — more correctly — a different definition.

In an obscure administrative order of 1988 there is a definition of public land that is used in an administrative way — it is the administrative arrangements order of 1988. I have to say I can warrant that perhaps the Minister for Environment and Climate Change would have been the only person in this place who had ever heard of that administrative arrangements order at the time of the establishing motion. We heard about it later as the government submission came in and the Attorney-General corresponded with the committee. The government sought to impose this narrow and obscure definition on that committee and said, 'That is what public land is and our witnesses' — members should note that phraseology — 'government witnesses, ministers, bureaucrats and public servants will only answer evidence within the terms of that narrow definition'.

As this went on we found it amusing in one sense but tragic in another that a government would try to nobble the committee with such a subterfuge. This is a major matter of concern because the longstanding dispute between executives and parliaments that go back hundreds of years is in play in these sorts of disputes. If this chamber, the other chamber and the Parliament is not sovereign and is not able to discharge its duties in a way that is separate from the executive and is not able to hold the executive to account, I think the community has reason for concern. This chamber, the lower house chamber and parliamentary committees have got to be able to get access to documents. They have to be able to get witnesses to answer truthfully and honestly. They have to be in a position where they can discharge their duties as decided by the community.

Unfortunately this is a case where Rob Hulls, the Attorney-General and Deputy Premier, in his correspondence sought to impose that narrow definition. He went further than just writing to the committee. He wrote to all the witnesses; he wrote to departments, and he sought to nobble the activities of the committee. That was deeply unfortunate. We would often in hearings get to a point where the witnesses said they could not say any more because they were under starter's orders from the Attorney-General. It is unfortunate that the first law officer of the state acted in such a way.

The government members of the committee and the Attorney-General sought to argue that it was open to the committee to go back to the chamber for clarification. Let me step through this for the chamber. The Attorney-General at first asked us to clarify our terms of reference. On advice from the Clerk, we understood it was a matter for the committee whether it came back to the chamber to clarify its references, or chose not to clarify its references, or in some way clarified it as a decision of the committee. We chose to adopt a straightforward working definition for 'public land' based on state government documents. It essentially replicated the community view and the view that was held in the chamber at the time of the establishing motion.

The Attorney-General did not like the fact that we had clarified our motion in a way that was suitable to the committee; he demanded that we take it back to the chamber. That was always going to be a difficult thing to do when the committee was halfway through its inquiry. We had taken evidence on one set of terms of reference, and it seemed a bit bizarre to take the rest of the evidence on a separate set of terms of reference — if that is what the Attorney-General was seriously contemplating.

Either way, the idea that the Attorney-General could dictate to a parliamentary committee or a chamber of the Parliament is very concerning of itself. It appears to me to be a breach of the separation of powers; it seems to breach ideas of good practice and good governance. I was determined to resist that, and the committee took its own course and said that the terms of reference were as given to us by the chamber, and it set out the definition it was using. These are perfectly reasonable statements. It was clear to everyone in the community. The Municipal Association of Victoria, many of the councils and many of the submitters made it clear that the terms of reference were of no difficulty to them. They understood perfectly what public land was, and in that process they in effect supported the position that the committee had taken.

The only group which had any concern with the definition of 'public land' was the government, which took that view for some reason. My view and the committee's view was that the government did that so as not to have to provide information, to nobble the inquiry, to slow its progress in terms of seeking documents and information. It was pure and simple obstruction. There is no reason why the committee should have put up with it. The committee's interim report said that. We have seen no evidence since that would indicate the government was any more sincere in its rhetoric beyond simply trying to nobble the inquiry and not provide evidence.

One of the high profile sites that needs to be discussed today is the Kew Residential Services (KRS) site, which was perhaps the most prominent of those that were discussed at the time of the establishing motion, and it has been a major focus for the committee. The committee's ability to investigate the development of the Kew Residential Services site was significantly restricted by the less-than-full cooperation of the government. That is finding 5.1.

Finding 5.2 states:

> The government's assertion that the Kew site could not be considered by the committee under its terms of reference is in conflict with the clear intention of the Legislative Council in establishing the select committee. It is contrary to accepted parliamentary practices that a parliamentary committee may interpret its own terms of reference, and displays contempt for the valuable contributions made by local community groups and local councils on this important issue.

The committee concluded in its finding 5.5 that on balance the redevelopment of the Kew Residential Services site had not been in the broader public interest. That is an important conclusion.

The committee was also concerned about the overriding of planning powers in the city of Boroondara in relation to the KRS. It was concerned about the model being used for the development at the Kew Residential Services site, the model where government ministers are the planning authority and government departments the proponents. The government has also other regulatory roles — for example, on heritage and so forth. The government is also, through the contracts with the contracted developer, a financial beneficiary from the outcome on the site.

There are inherent confusions and potential conflicts in this model. As a minister or a bureaucrat is discharging their regulatory duty, they are having an impact on the financial result that the government will receive. That is not good practice and needs to be closely looked at. This is not the way to go forward, and I think most committee members were equally concerned about that.

On the matter of financial outcomes, it is clear that the financial viability of the site is also an issue. I would have preferred it if the government had released the probity audit on the contract and tender award. I would have much preferred it if the government had been prepared to release the financial model that is tied to the contract. The committee has seen the model, but the committee has no capacity to release that model without at least breaching an undertaking that it gave to Mr Hughes of Walker Corporation. The advice I received from the clerks is that we could have chosen to release it, but in terms of good practice, given that the document was given to us in confidence, we chose not to release it. But that is a different point from the matter of whether the government ought to have released that document. The community should be able to see the profit-sharing arrangements, and the financial issues surrounding the site should be transparent.

The committee was concerned about the involvement of Graham Richardson, and we sought to have him come to Victoria, but there was no cooperation from the former senator for New South Wales. That is unfortunate because he could have dealt with certain points that we needed to make further progress on. What was clear was that he did have a significant

impact. It is worth quoting here what Mr Hughes from the Walker Corporation, under questioning from Mr O'Donohue, said of former Senator Graham Richardson:

> We did not employ him in relation to the expressions of interest nor in relation to winning the — the development and becoming the preferred developer. We did ask for his assistance in the final negotiation of one clause in the development agreement. That related to key personnel provisions.

'Right', Mr O'Donohue said. Let me explain what happened here. The Walker Corporation had a problem with the state government on one clause. It wanted a change. It wanted to crunch it through, and it brought in the powerbroker, Graham Richardson from New South Wales, to crunch it through. We know he met with a number of ministers — Mr Theophanous and others — and the fact that this crunch through occurred is direct evidence that the New South Wales Labor right has had an influence in Victorian land and property developments. Victorians should be very concerned about that involvement.

We also know that Mr Richardson was loaned, as it were, by the Walker Corporation to Mirvac. At a later point in the cycle where Walker was trying, with the support of Mirvac, to transfer from Walker to Mirvac the rights and privileges under the contractual arrangements, Graham Richardson was again employed, not this time by Walker but by Mirvac. It was obviously trying to get Mr Richardson to crunch through on that as well. Precisely what happened there is still a matter of contention. We know that in the Mirvac financial documents the Kew Residential Services site is shown as an asset. It is shown as a site in which Mirvac has an interest, but Walker on the other hand denies that it has ever been transferred. So there is some transference of rights and privileges under the contract and it is still somewhat unclear as to the precise nature and significance of that transference. We must understand that Mirvac has put to the stock exchange documentary financial information about its options and arrangements in relation to Kew Residential Services. At the same time Walker denies that there has been any transference. So we have contradictory stories. We have the involvement of former Senator Graham Richardson trying to crunch through on a second occasion in relation to this site, and he has form: he has been crunching through on key contractual details that have proven to be sticking points.

I want to pay tribute to Mr Kavanagh for his questioning on the day we had Mr Hughes, who was an important witness, giving evidence. Mr Kavanagh sought to establish the nature of the political donations that had been made, the importance of those political donations and what Walker Corporation thought those political donations were buying with the Victorian Labor government. It is clear from the transcript. I invite members of the community to read the transcript and see that Mr Hughes moved around all over the shop as he sought to wriggle out from what he had said in the first part of the discussion. He indicated that political donations did in fact give preference in access, and that that is in part why Walker Corporation made the political donations. He later tried to back-pedal on that, but I have to say that the transcript is persuasive and shows that Mr Kavanagh was successful in making it clear to the Victorian community that at a minimum some favoured access had been bought by the donations.

I quote finding 5.6:

> … the community cannot be confident that the donations made by Walker Corporation to the Australian Labor Party had no improper influence in the tender process.

That is a significant finding. I want to make the point that the committee would have gone further on some of this, but we ran into the brick wall of the state government's obscure definitions of 'public land' and its determination not to release critical information. It is for that reason in part that the committee has said that it wants this process looked at by the Ombudsman. Recommendation 5.3 is:

> That the Victorian Ombudsman investigate the probity of the KRS development tender processes.

Under the Ombudsman Act he has the capacity to accept references from either chamber of the Parliament or parliamentary committees, and he has a significant suite of powers that will enable him to look at a number of these matters. I would welcome him looking at it. I hope he takes up this recommendation.

The government could take steps to clear up some of these matters but has not chosen to do so. In this and other matters that the committee has looked at you can only conclude that, where there is the potential for the involvement of council, political groups and certain property development interests, the only way to deal with these things is through a full and independent commission against corruption. This is an important recommendation by the committee. The community should be concerned that this government seems implacably opposed to introducing a broad-based, independent commission against corruption. I am not sure why it is so resistant. Victoria is now the only mainland state without a broad-based, independent

commission against corruption. We have seen that along certain coastal strips in Western Australia and in Wollongong and elsewhere in New South Wales the Labor governments in power have had cosy relationships with certain development interests and there has been, frankly, corruption. That is a great concern. I do not think that Victoria is well positioned without a broad-based, independent anticorruption commission.

In the case of the St Kilda triangle, another site of great heritage and community significance to not only the City of Port Phillip but the whole community statewide, there is again a concern about the model of development that the government has adopted. Under the Land (St Kilda Triangle) Act this important site was given to the Port Phillip council to develop. There has been a series of issues about the removal of third party appeal rights, and in a sense a combined model of development has been developed for this site. It refers to the social and heritage significance of the site, the unique process under the St Kilda triangle act, the multiple conflicting roles that the council has as proponent, planning authority and committee of management, the lack of transparency in the tender process, the removal of third party appeal rights and the commercialisation of public land. This cluster of things has come together in what can be seen as a new model for public land development. I do not think that model has worked well. The evidence is that it does not have community support and that it does not have support Victoria-wide.

The evidence is that this model is flawed and the community will look for a better approach. The committee is going to ask the Ombudsman to investigate the probity of the St Kilda triangle development process — the processes that were followed by the state government and the Port Phillip council. We look forward to the Ombudsman looking closely at that. We believe this is an important step. There will be more development of land in coming years and that needs to be managed in a way that is in the community interest, where values of open space and heritage and so forth are protected and the probity of development processes is such that the community can have confidence in them. I do not believe it has full confidence at the moment.

I want to say something about what might be described as the open space aspects of our inquiry. As Melbourne's population, Victoria's population and regional populations increase, the importance of public land and the importance of open space will increase. Having more people means that you need a predictable, well-thought-out planning process that preserves the livability of the city and the quality of life and puts in place basic infrastructure — roads, rail, sewerage and so forth.

To make a political comment on the side, the fact is the state government has not done that with Melbourne's population growth — the predictable population growth, the growth where the government got the estimates wrong. The estimate of 1 million additional people by 2030 will very likely be met by 2020. The government knew from a number of sources that those estimates were doubtful at best at the time Melbourne 2030 was being put together. This planning aspect means looking ahead and putting in place the proper processes and support. The support in this case is in part needed to make sure that public land is used wisely, that the community value of that land is maximised and that open space is protected and expanded. As the population grows we need to provide those services.

It is a fundamental role of state governments to make those provisions, to work with councils and communities and put in place the open space and the public land to ensure a high quality of life and to preserve the livability of the city. That quality of life and livability is not only, as it were, a social issue. It is also an economic issue. If you do not have cities that are places where people want to be and want to live, you cannot attract the best and brightest; you cannot make your city a place that people want to invest in and do business in. My point here, and this was in a sense a central point in this inquiry, is that unless we preserve the quality of life in our cities, and unless we preserve those important values of public land and open space, we will not get the outcome in an economic sense either.

The committee has called for an audit to make sure we know how much public land is available in our community and how much open space there is in metropolitan Melbourne, regional centres and so forth. I was surprised that nobody could tell us about the amount of open space in our city. Some councils we saw had very good open space policies, others did not. There is this focus on the patchwork quilt of open space. Open space is a council and local responsibility in one sense, but it is also a broader responsibility. In the longer term the state government needs to work on subregional parks, regional parks and other access to open spaces with local communities and councils to put in place policies that preserve space on the one hand and policies that add open space on the other. As development processes come forward, we need to ensure that open space is a part of them.

There are issues about developers being stung for contributions, but that money is not necessarily reaching the funding of open space as required. That seems to me to be the worst outcome you could design. The cost of property and housing is being pushed up, but the open space is not delivered. We need to have an open space component in developments in the long term. These new estates on the edges of the city and elsewhere and developments closer to the city need to have that component.

One of the most surprising things to me to come out of this inquiry was some of the evidence we heard from the Department of Planning and Community Development. You would have thought that when the government declared the 22 activity districts under Melbourne 2030 it would have looked at the open space in and around each of those districts. Let us understand what activity districts are meant to do under Melbourne 2030. They are meant to be high-intensity, high-rise development areas where the development is focused, in theory, around transport, although there seem to be a number that do not meet that criterion. In theory there are meant to be high-intensity developments near transport. A number of these districts are seeking to put tens of thousands more people into a cluster. If you put them into these clusters, you need to provide the infrastructure and the services. That means the water, the rail, the sewerage and libraries, but it also means open space. Children have to play somewhere. Families have to recreate. There need to be sporting ovals. There need to be parks.

Mrs Peulich — Ones that you can water.

Mr D. DAVIS — Indeed. You cannot have a high quality of life, in my view as an Australian, and perhaps this is a result of my having lived in Melbourne, without have sufficient access to open space and public land in the broad and community sense of that word. That is why this inquiry is so important. At the moment we are at risk of losing a lot of what we have had. We are at risk of seeing Victoria, and Melbourne in particular, densified in an unsophisticated way without the proper support, without the proper infrastructure and without the proper open space as part of it.

It was surprising to find that the activity districts were declared without a focus on the amount of open space. Still to this day development is occurring in these activity districts without any open space plans. People are being asked to live in properties without necessary and thought-through access to local recreational facilities of the type I am outlining.

I also want to thank my fellow committee members on this inquiry. It has been a long inquiry; it has been a tough inquiry in many ways. I think we have all learnt a lot. Even members of the Labor Party would concede that we have developed some points — —

Mr Tee interjected.

Mr D. DAVIS — I am trying to be generous here, Mr Tee. Even though they were not happy about the fact that some of us had concerns about some developments, the conversion of Mr Thornley to the cause of open space and public land — —

Mr Thornley — Conversion?

Mr D. DAVIS — I am being generous here. I am quite prepared to say that Mr Thornley was prepared, with other committee members, to champion this.

Mr Thornley — I did not need converting.

Mr D. DAVIS — You did not want to go to Caulfield. There was resistance to going to Caulfield. When we got to the hearing at Caulfield we were surprised by the attitude of the Melbourne Racing Club and its failure to understand that under the trust deed it has some broader responsibilities. It is a welcome development that where high-density development is occurring there will now be some serious focus on ensuring that public open space is part of those developments. I thank my fellow committee members. We had our moments from time to time, but I think the overall result has been very pleasing. Again I want to reiterate my thanks to the committee staff.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the final report of the Select Committee on Public Land Development. Unfortunately I think the report was very much a wasted opportunity. Looking back to how we ended up with this wasted opportunity, I think the problem occurred at the very beginning and the committee was doomed from the start. When I look at where it all went wrong, I think the fundamental flaw this committee never really recovered from was its lopsided representation. We had a committee whose membership was dominated by opposition parties. The committee never reflected the constitution of this house, and it never really got over this fatal flaw. We had a lopsided representation. What that means is that, despite the best efforts of some, when you read this report the committee's output was underdone at best, it was ill considered and sometimes it was plain pathetic. I think the result could have been very different.

Mrs Peulich — So is there a minority report?

Mr TEE — Indeed there is. The outcome could have been very different. I think we could have had a properly constructed, fully functioning and effective committee. If you look back to the debate in May 2007, you will see that Mr Viney moved an amendment in this house that the terms of reference of this committee be issued to the Outer Suburban/Interface Services and Development Committee. The defeat of Mr Viney's motion had catastrophic consequences. There is no doubt that had that amendment succeeded we would now be discussing a very different final report, which would have made a contribution to a very important debate.

There is no doubt that the debate about public land is an important debate. It is an important debate because of the rapid growth of Victoria. We know that 1200 people per week are moving to not Melbourne but Victoria. The secret is out. Under this government Melbourne is the place to live, work and raise a family. People are moving here. They are voting with their feet. We have got greater growth now than we have had at any time in Victoria's history. It is greater growth than we saw even during the gold rush period.

Accommodating this growth is complex and difficult. It will inevitably put pressure on public open space. Government and the community have the opportunity and responsibility to make sure we have the policy levers in place to manage this growth in a sustainable way. Government, this Parliament and the community need to work together to ensure we have the policies in place to manage the growth in an environmentally sustainable way. We have an opportunity and an obligation to look at today's challenge and the impact of today's growth, but to do that through the eyes of future generations. That is really the opportunity and the obligation that is bestowed on this place, on this Parliament and indeed on this government.

This committee provided an opportunity for the Parliament to work with the government and with the community to protect our environment for future generations. The committee had the perfect platform from which to commence its work. I think the committee supported the principles of both Melbourne 2030 and the green wedges. We have in place the building blocks from which this committee could commence its work. It had those policy levers as its background. The Melbourne 2030 policy was five years old, so there was an opportunity to review and to reconsider how that policy was being managed.

While the committee conceded that Melbourne 2030 has been the right strategy and the government's green wedge policies has been correct, the committee then had that as the basis on which to move forward and to review the policy. The committee had every opportunity to do that good work. We know that there had been 23 days of public hearings, we know that 142 witnesses had given evidence, and we know that the cost of the committee would have been around the $3 million mark.

Mr D. Davis — Nonsense!

Mr TEE — I am surprised in that context that Mr Davis indicated in his contribution that he thought that this committee had inadequate resources when, as I said, we had 23 days of public hearings, 142 witnesses and a substantial cost for the taxpayer. The question then is: what did the taxpayer get for that $3 million investment? When you flick through and read the committee's findings, when you consider the recommendations, I think the return for the taxpayer was pretty poor.

There is not one constructive or positive contribution which goes towards improving Melbourne 2030 or the green wedge policy. There are plenty of calls for reviews; there are plenty of calls for consultation; there are plenty of calls for coordination, but there are not really any alternative policy solutions. Of course the government is happy to support reviews, it is happy to support additional consultation and it is happy to consider how it is going. Those recommendations in relation to consultation, coordination and reviews are important and make a contribution to this debate, and they were unanimously supported, but beyond that, what are the policy ideas — or indeed the policy alternatives — for improving Melbourne 2030 or green wedges? What is the road map provided here for a way forward? Unfortunately there is none.

I should add that while there are plenty of recommendations in relation to additional consultation set out by the committee, there is also plenty of evidence of consultation going on in the community. There is plenty of evidence of government-facilitated meetings. There is plenty of evidence of surveys, of discussion papers and of draft documents and plenty of evidence of communities being part of committees and being consulted. An impressive range of mechanisms was employed by the government out there in the community to engage in that consultation.

I might add that the government's approach to consultation and community involvement is in stark contrast to the approach we had under the previous Liberal government, whose idea for consultation appeared to be to get the planning minister to call in a matter and then do some deal with Liberal Party

insiders. I hope at least the Liberal members of the committee got a sense of the consultation that is going on out there in the community and may even have gained something from the evidence they heard and from the experience of what is going on out in the community.

While members of the Liberal Party might have got a benefit, I am not sure the taxpayers really got value for money for their $3 million contribution. Reading through the report, its findings and recommendations, the evidence of the policy vacuum is most disturbing.

Mrs Peulich — On a point of order, Acting President, the member made a reference to a benefit of $3 million to Liberal Party members. Firstly I think that is possibly a reflection on members, which is disorderly, but secondly I ask him to clarify what he means.

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

Mr TEE — I thank Mrs Peulich for putting the allegation on the record. Where did it all go so terribly wrong? When you read the report it is clear that politics really got in the way here. It is clear that the committee was set up and proceeded to chase the headlines rather than to get to the substance. The work of the committee was always politics over substance. The first attempt at politics over substance was the attempt to tar the government by suggesting it was being uncooperative. The committee wasted days and days and reams and reams of paper on a pointless debate with the government over the committee's terms of reference. The first and second interim reports retold the arguments ad nauseam. Even in this report 10 pages are wasted on that debate. The committee tied itself in knots with strangled arguments about the power of the committee versus the power of the government versus the power of the Parliament.

Mrs Peulich interjected.

Mr TEE — Indeed these are very important debates, but it was not an argument the community got any benefit out of from this committee. In this committee that argument was really a frustrating distraction.

The Clerk of this chamber made a welcome contribution by suggesting early on that one option for this committee was to come back to the chamber to clarify or amend its terms of reference.

Mr D. Davis — He also said that another option was not to.

Mr TEE — One option he put forward was for this committee to come back and clarify or amend its terms of reference. This welcome suggestion was complimented by government witnesses, who said time and again — every one of them lined up and said it — 'If we could only fix the terms of reference, then the evidence you are seeking would be made available. If you could only fix your terms of reference; if you could only go back to the Parliament, then your terms of reference could be amended to incorporate the matters you are asking about to give you the answers to the matters you are asking about. But while you are acting outside your terms of reference, and while you are out there on a frolic of your own, this government will not be part of that plan'.

Notwithstanding the pages and pages on this issue, there is no justification. There is no explanation of why the committee did not come back to this house to seek to have its terms of reference clarified or amended. Again what we had was politics over substance. We had an attempt by the committee to grab a cheap headline by trying to tar the government as being uncooperative. There was no justification showing why the resolution of this dispute should not have been referred to Parliament, a dispute which affected members of the community who wanted their concerns properly addressed. They were unable to have them addressed because of the intransigence of this committee. Members of the community who put forward their submissions had no opportunity because of the intransigence of this committee to have those issues investigated. This unnecessary argument bogged down the committee and delayed and frustrated its work.

But there are other examples of the committee getting caught up in politics over substance, and a classic example of that has to be the issues around Mr Graham Richardson. Today in his contribution David Davis repeated the unfounded and often-heard allegations around the involvement of Mr Richardson. We heard the stale old allegations which are repeated again to chase the cheap headline, and again it is politics over substance. If Mr Davis had any serious questions about Mr Richardson's involvement, if there were any allegations that needed to be investigated, he could have explained why Mr Richardson was not summoned to give answers to the committee and why there was never a threat that he would be summoned to appear.

There were never any allegations. We know there was a reason for this. It was because there were never any allegations to answer; there was never any substance with which to respond. Reading through this report — —

Mr D. Davis interjected.

Mr TEE — Through the Chair, there are many opportunities; there may be difficulties in enforcing the summons, but you do not get to first base if you do not issue the summons. You do not assume that the summons will not be responded to; you issue the summons and then you progress it.

Mr D. Davis — We issued requests, two of them.

Mr TEE — Yes, but you never issued the summons to appear. With St Kilda triangle, Kew Cottages and Devilbend, when you read through the report you are struck by the fact that there is nothing new in it. There is a repeat of allegations that have been made, but there is no positive outcome. There is no way forward. There is no suggestion about how these are lessons for managing the growth of Victoria. There is no insight as to how these examples can be used to improve Melbourne 2030. There are suggestions to consult; there are vehicles and mechanisms out there for consultation, and we are happy to consult. But why is there not one positive, constructive way forward?

Perhaps the best example which epitomises the work of this committee is the call for an independent anticorruption commission. This was a last-minute add-on to the report. It is worth looking at the evidence the committee has used to justify the establishment of an ICAC (independent commission against corruption). It is worth putting on record the voluminous evidence — and I say that with the greatest degree of sarcasm because there is no evidence put forward other than this, and I will read the paragraph in full because it is worth repeating. This is the only basis on which the finding for a recommendation about an ICAC was put forward. This is it, at paragraph 216 of the report:

> Evidence received by the committee in submissions and hearings supports the need for the establishment of an independent anticorruption commission.

There is no suggestion of the evidence. Let me go on:

> Such a mechanism would improve public confidence in the public land management and disposal processes. In particular, the committee notes the evidence below from the Kew Cottages Coalition:

There is then an extract, which I propose to read:

> If that is the sort of people we are doing business with here in Victoria, I suggest someone has to have a bit of a closer look, because some of those people are being brought to account in other states that have got stronger regulatory bodies than we have. In Western Australia, in Queensland, in New South Wales they have anticorruption commissions. I suggest that this state would not have allowed that sort of thing to happen if we had that type of regulatory body.

Mr Thornley — That is the evidence?

Mr TEE — That is the evidence. That is the start and the end of the evidence. If I could summarise, what it says is that there is one in other states and so there should be one here. What that finding ignores is that in Victoria we have an Ombudsman who has greater powers than the ICAC in New South Wales and who can investigate allegations of corrupt conduct by public servants or local government officers. Our Ombudsman has similar powers to the New South Wales ICAC, but our Ombudsman's jurisdiction exceeds that of the ICAC in New South Wales. The Ombudsman in Victoria, unlike the ICAC in New South Wales, can investigate improper conduct as well as corrupt conduct. The New South Wales ICAC can investigate only corrupt conduct. In Victoria we have a broader power under the Ombudsman, but that is not recognised or acknowledged or even discussed by this committee. It simply gratuitously throws in a recommendation for an ICAC on the basis of what is non-evidence.

The committee had powers to subpoena witnesses and to subpoena documents. It advertised widely and searched for 12 months looking for evidence, and yet that is the only justification it came up with for its independent anticorruption commission. The committee was then really used as a platform to repeat the Liberal Party position — today's position, which might change — and its support for an anticorruption commission.

Taxpayers are again fronting up by paying for Mr David Davis to put forward the opposition's current policy on an independent anticorruption commission. As I said, if there are any allegations we have the Ombudsman, who has the powers to make investigations.

I conclude by saying that the committee was derailed early on by an objective of pursuing politics over substance. From the start the committee failed, at no small cost to the community. Its failure to the community was in terms of not only dollars but also the lost opportunity for those members of the community who genuinely sought to engage and who genuinely wanted to make a positive contribution to creating a better future and an important legacy with public space for the next generation. I only hope the Parliament learns from this failed experiment.

Mr KAVANAGH (Western Victoria) — My remarks will be brief today because, although I am a member of the Select Committee on Public Land

Development, the report tabled today speaks for itself and I already spoke upon the tabling of the committee's interim reports. However, there are aspects which I believe deserve particular emphasis.

Before going onto those I would like to make a few comments about Mr Tee's words today. Recently I watched the movie *Borat*. What amazed me about that was that the actor was making outrageously audacious, stupid remarks to people and keeping a straight face while he did it. I really do not understand how a person could do such a thing, but I am sure I can find out when I speak to Mr Tee. That was a characteristic he displayed with many of his remarks.

Blaming the select committee for the dispute over the terms of reference is just an astounding interpretation of the events. Particularly, Mr Tee said that the government spent $3 million on this report. Those sandwiches we had must have cost an awful lot more than most sandwiches do, because I just cannot see where $3 million would have come from. I doubt the marginal cost to the Victorian taxpayer was 1 per cent of $3 million.

Mr Tee said the numbers on the committee were dominated by opposition parties. As far as I know, there are two opposition parties in this chamber: the Liberal Party and The Nationals. Four members of the committee, forming a majority, were ALP or Greens members, and I am a member of the Democratic Labor Party. I note that we are here on the crossbench. We are not an opposition party, and I think the Greens would say the same thing, but I will allow its members to speak for themselves.

Mr Tee made a big point about the only evidence for a corruption commission being a particular paragraph from the records of interview. That is not the case either. There was a lot of evidence that came to the committee suggesting the need for a commission against corruption, and it came from many of those who made submissions and gave evidence. They gave evidence of their suspicions. We were not in a position to confirm or deny their suspicions, but people do have suspicions about the way public land is treated in Victoria. The committee recommended the establishment of an anticorruption commission on the basis that justice should be not only done but be seen to be done. It is important that the people of Victoria have confidence in the processes of government. It may well be that they are perfectly clean at present, but they are not always perceived to be so.

I would like to emphasise again how disappointing was the attitude of the government to the committee's work. After the committee's establishment and the receipt of submissions, the government, relying on an obscure administrative order, asserted — and I do not say 'said' but 'asserted' — that 'public land' means 'land that cannot be alienated'. The committee was established by this house to inquire into the sale or alienation of public land, yet the government's position was that public land cannot be alienated. Its position was therefore inherently absurd and clearly contrary to firmly established precedent, which is that it is up to a parliamentary committee to interpret its terms of reference. I do not believe the government believed the case it was putting. It nevertheless influenced many witnesses to refuse to give evidence to the committee. Public servants were put into a difficult situation, and they resolved their dilemma by refusing to answer the committee's questions and in many cases in my view came very close to a contempt of Parliament.

The people of Victoria should be deeply concerned at the actions of the government in this matter. The government used its position and power to avoid scrutiny and did so on very spurious grounds. In acting to frustrate this house in its proper role as a house of review, the government did insult and caused injury to Victoria's body politic. Victorians are entitled to ask in relation to this matter, 'What has the government got to hide?'. The government's behaviour suggests that the answer could be 'Quite a lot'.

In respect of particular case studies we made, I would like to refer in particular to the Kew Residential Services site. What has happened there, of course, is that most of the people who have been at that site for decades — people with disabilities who have been looked after there and who have been provided with a home and refuge — have been moved out. The committee heard from residents or the parents of residents that some of the disabled people who have been moved out no longer have the same degree of access to the specialised services that were provided at that site in previous years. There were also comments to the effect that the previous residents were now more isolated. That suggests to me that the government should reconsider its long-term strategy of integrating disabled people into the community on the basis that it may not be in the interests of those people themselves.

The second aspect of the Kew development that concerned the committee was the influence of donations. The committee heard evidence from Walker Corporation. In particular it heard that while Walker Corporation has made smaller donations to the Liberal Party and the Australian Democrats in the past, the corporation has given a very large amount of money to the ALP. It is a matter of deep concern that the

government should receive a very large amount of money from a party with which it is jointly engaged in the development of a public asset. This is one of the reasons why the committee suggested the establishment of an independent commission against corruption.

Also on the subject of Kew, the committee heard evidence from Dr Lindsay Grayson and Mr Brian Walsh, who argued before the committee that it was not too late to retain an important facility for the disabled on the Kew site. They argued that even with the development that has already happened, there is the potential to retain existing facilities and refurbish them to create a centre of excellence for the care of disabled people on the parts of the Kew site that have not yet been sold off. The committee was extremely impressed by those two witnesses and has put to the government that it should reconsider its plans for the future development of the site.

The committee went to Port Campbell and there saw the headlands adjacent on which a private development is being proposed. As I have mentioned in the house before, there are concerns about the geological stability of the headlands. The members of the committee are not geological or geophysical experts, but most members of the committee were very keen to encourage the government to make sure that geological experts studied the site before the development proceeded to prevent the collapse of the headlands, which would be a disaster for Victoria.

Sprinkled throughout Victoria are publicly owned open space assets that the taxpayer has paid to buy and maintain but from which most taxpayers are locked out. I refer in particular to school grounds. The committee heard some evidence of the potential for school grounds to become community assets outside school hours. These very valuable assets are used for that particular purpose — education — for perhaps 7 hours a day for 180 days a year, but they have the potential to be of great use and benefit to the community for 365 days a year outside school hours. The committee has urged the government to consider rationalising the public use of these facilities, and I would like to emphasise that in this contribution.

In conclusion, the subject matter that the committee dealt with is extremely important. People care about it very passionately, which is shown by 136 submissions — and the submissions were not one or two pages; a lot of them were really detailed, lengthy submissions — and 142 witnesses. I think we know that people are passionate about the proper use of public land and its development in Victoria. Although the members of the committee were not experts in public land development, we heard a lot of evidence and we applied the best wisdom that we could in recommending to the government a lot of measures that could be taken to improve the state of Victoria, the amount of open space and policies that could rationalise the important assets that we have.

In conclusion, I would like to thank all those who made submissions and all those who gave evidence before the committee. I thank Dr Caroline Williams and Ms Sarah Kerwick, who were part-time assistants, and particularly the full-time members of staff, Mr Anthony Walsh and Mr Richard Willis, both of whom were always helpful, courteous, friendly and professional in everything they did for us.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to also rise and make a contribution on the tabling of this report of the select committee of the council on public land development.

It has been an interesting process being a part of this committee and at the outset I also would like to thank very much Mr Richard Willis, Mr Anthony Walsh, Ms Sarah Kerwick and Dr Caroline Williams for being extremely professional and efficient and for their hard work and support of the committee. I know they had other work as well. The work they have done for us is a credit to them and has helped the work of the committee greatly. I would also like to thank all the people and groups who submitted to us and all the groups and people who gave evidence to the committee.

The issue of use of public land is a very important one. Population growth is accelerating faster than the government predicted so that Melbourne 2030 has become Melbourne 2020, in effect, because only a few short years after Melbourne 2030 was introduced in 2002 the government's own predictions have been proven to be completely erroneous.

The issue of population density, which includes urban expansion and how public land and open space fit into addressing it, is critical. Committee members heard a lot of evidence from people who are concerned about open space on public land and how that relates to people's wellbeing, general health and community connectedness. We heard some very interesting evidence about the benefit of pocket parks, local parks and regional parks. I think that was very instructive for all members of the committee, and I hope it comes through in this report that each of those different parcels of open space has a different role to play.

We heard a lot of evidence from councils, particularly in the inner and middle ring areas that under Melbourne 2030 are expected to cope with larger population numbers and higher population densities with the conflicting challenge of providing adequate space and open space for those growing communities within a denser urban environment, and with the associated issue of providing that open space when, because of that population growth, market values for land price councils out of the market. There are recommendations within the report about things that should be examined by the government to more properly provide open space in those areas.

One of the things that came through in the report and from the evidence we received was the lack of a long-term vision. Many of the people who gave evidence spoke about the need to look beyond Melbourne 2030. Already its lifespan has been condensed, in effect, just to the end of the next decade because of that accelerated population growth. There is a need for a long-term strategic vision to identify places of strategic interest and importance for community wellbeing.

Other speakers have spoken about some of the particular sites that committee members looked at. I will not go over that evidence. Many of those sites provide an example of issues that consistently come up in a range of different areas. I hope the government accepts many of the recommendations that were made about those specific sites because they have widespread application.

Just touching on the issue of the Kew Cottages site, all speakers so far have made contributions about that issue. I think it is important to also say a couple of words about the Kew Cottages issue. The state of disability services in Victoria is a disgrace. Every day people with disabilities and their carers struggle to maintain their lives and the lives of their children or dependants. It is very disappointing that the Kew Cottages site has been developed in the way it has. As Mr Kavanagh succinctly said, where there is corruption or inappropriate dealings, that is one thing, but it is important not only that there is transparency but that the community can see that there is transparency. When you have the government as the owner, the joint developer and the planning authority, you cannot have public confidence in the outcome. As has been said, there may be no inappropriate dealings but there is, at the very minimum, a perception of an inappropriate outcome and inappropriate dealings. I think that is very concerning and it gives weight to the need for some sort of independent commission against corruption body to be established here in Victoria. It should be a limb to the review of government. There are many lessons to be learnt from that experience.

I would like to touch also on the terms of reference. Listening to Mr Tee and to contributions made about this previously by government members, this issue can be addressed as simply as the committee deciding to return the terms of reference to the chamber to clarify them and then the committee members can all go off happily into the sunset forever after. The reality is different and much more complex. It goes to the heart of the separation of powers, to the heart of the role of the Parliament versus the role of the executive. Whilst government members may have been happy to sing to the tune of the Attorney-General, I am glad that other members of the committee were not so easily swayed, because committee members have a duty to this chamber. As members of this chamber we have a duty to act in the best interests of the chamber and ultimately the Parliament's, which is supreme over the executive. Therefore the committee did clarify its terms of reference.

The committee represents the chamber, the committee has the power to act with the authority of the chamber and the committee took the trouble to clarify its terms of reference. It gave a common-sense dictionary definition of the term 'public land', but again the Attorney-General refused to accept that definition. He refused to accept, in effect, the will of the Parliament. This is a very serious issue. We have had several debates throughout the life of this Parliament about the role and powers of the chamber. It is understood there is an inherent tension, one that has existed for many years, between the executive and the Parliament. It would have been highly inappropriate and wrong for us as a committee to roll over and do the bidding of the Attorney-General. I am pleased that all members of the committee, save the two government members, had that opinion and stood up to the Attorney-General. The consequence of course was that the work of the committee was compromised and that much of the evidence and material that we would have liked to hear was not heard. But I think that was a small price to pay for standing up in the interests of the Parliament and respecting the will of the Parliament and the supremacy of the Parliament over the executive. That is the ultimate issue in question here, not the issue that Mr Tee has glibly referred to.

I note that Mr Tee has criticised the committee for not doing enough, not subpoenaing here or subpoenaing there or clarifying its terms of reference. I do not recall Mr Tee ever moving a notice of motion in the Parliament to actually debate this issue. If he felt so

strongly about it, why did not he or Mr Thornley move a notice of motion and debate the issue?

Mr Thornley interjected.

Mr O'DONOHUE — They accuse the opposition and the other parties of playing politics. The issue is a very clear one. If Mr Tee felt so strongly about it, if he were so prepared to do the bidding of the Attorney-General, he should have moved a notice of motion in this chamber for the committee to clarify its terms of reference. He did not do so. It is interesting to refer back to the first interim report and the one-and-a-quarter pages put forward by government members in their minority report, in which they say:

> With the house having now created the larger Finance and Public Administration Standing Committee to investigate all aspects of public administration in this state, we recommend that any matters of genuine policy importance yet to be considered by the select committee be referred to this new committee and that further public resources not be wasted by the continued operation of this committee.

The two government members said in the first interim report of December last year, 'This is a waste of time, this is a complete waste of time; let's wrap it up, fold into the other committee if required, and move on'. But then we find in the final interim report that the government members actually agreed with many of the recommendations in the report. Mr Thornley has taken up with some vigour the issue of Caulfield Racecourse as a legitimate issue of community concern.

Mr Thornley interjected.

Mr O'DONOHUE — Government members have taken up the issue of Apollo Bay and other sites with interest and vigour, and that to me demonstrates a complete contradiction of their findings in the first interim report. The government members do not really know where they stand. They support some things, they want the committee wrapped up, but in other areas they believe — —

Mr Thornley interjected.

The ACTING PRESIDENT (Mr Elasmar) — Order!

Mr O'DONOHUE — The government members do not know where they stand. On the one hand they think the committee should be wrapped up, but on the other hand there is an issue of importance here that they acknowledge. They say, 'We should look into this', 'We should close it down', 'It has spent too much money' and 'This is a valid recommendation'. Where are the government members in all this?

Mr Tee has also spoken at length about the lack of material in the report, the lack of information that the committee has produced, the lack of valid recommendations. I think that is insulting to those who submitted to us and I think it is insulting to those who gave us very good evidence. Frankly, I think there are some very good recommendations in the report, and I hope the government takes heed of it.

It is interesting to compare the criticisms of the government members with what they actually came up with themselves. In the first minority report they put together approximately seven or eight paragraphs criticising the committee. In the second minority report they put together about 10 paragraphs of material, and then in the third and final report before us today they have put in a little over two pages. So for over a year's worth of work, as a result of hundreds of hours of hearings and deliberations and reading submissions, the best the government members could come up with on this very important issue of public land in the context of this enormous population growth we are seeing in Victoria is about four pages. The best they could come up with after a year's worth of work is four pages. By Mr Tee's calculations, that is nearly $1 million a page. Of course I do not accept those calculations he put forward. Where he gets that figure from I have no idea.

In summary I would like to again thank the committee staff and those who contributed to the committee. There is a lot of material in the report that I would urge members of the house and members of the community to read. I commend the report to the house.

Ms PENNICUIK (Southern Metropolitan) — I would like to begin my contribution — which I foreshadow will continue after question time and the lunch break, given the little time we have left before question time — by thanking, firstly, the staff of the committee, Mr Richard Willis, the secretary, and Mr Anthony Walsh, the research assistant, for their hard work. They have been with the committee since its inception right through to the tabling of this report. I echo Mr Kavanagh's comments, that in all our dealings with them they have been professional, courteous and extremely hardworking above and beyond the call of duty. I also note that both Mr Willis and Mr Walsh worked on other upper house committees concurrently with this one. Their workload and the expectations and pressures on them have been very high. I thank them for their efforts and their work.

The committee also had two part-time research office staff: Dr Caroline Williams, who helped us from September 2007 to February 2008, and Ms Sarah Kerwick, who helped us from May 2008 until she

finished working on the report yesterday. It went right to the wire. Both Dr Williams and Ms Kerwick, through their research and other efforts made valuable contributions to the work of the committee and to this final report as well as to the interim reports, and I thank them too. The work of the committee and the report we are tabling today could not have been done without the assistance of the staff.

Having said that, it is worth noting that there was a period of three months when the committee had no research staff. Given the breadth, variety and diversity of the issues put to the committee by the community, the number of submissions, the number of witnesses attending at hearings and the importance and passion that was accorded to those issues by members of the public, not having a dedicated full-time committee research assistant somewhat constrained the scope of the report. Had we had those resources we may have been able to expand on some of the research, evidence and suggestions put to us by expert witnesses, such as where we could look for further guidance to improve the management of public land in Victoria. While Dr Williams, Ms Kerwick and the full-time committee staff were able to help to a certain degree, not having a full-time dedicated research assistant for the whole of the inquiry constrained the work and therefore the scope of the report. That is not to say that we have not produced a report that covers the ground presented by the submitters and the witnesses at the hearings, but as I said, it was very wide ranging.

I would also like to echo Mr Kavanagh's thanks to the people who took the time and made the effort to submit written submissions to the committee and to appear at hearings, either as representatives of their local community or their local government, or experts with a particular interest in public land. Those people made thoughtful, at times passionate, and valuable contributions to this important public interest debate.

The report before us starts out with an overview and at page 5 includes a set of common themes that emerged early in the inquiry. I will speak about those themes but preface my comments by saying it was not possible for this report to repeat the issues that were raised in every submission by every witness. That would have had the report running to several large volumes. Members of the committee and the committee staff went to a lot of trouble to read through the submissions and the evidence presented at the hearings to glean the major themes from them.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Essendon Airport: future

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is for the Minister for Industry and Trade. Given the minister's and the government's strong commitment to killing a significant part of the aviation industry by closing Essendon Airport, how many thousands of people and hardworking families will lose their livelihood as a direct result of the minister's decision, and when should these families start looking for other jobs?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — As usual the member opposite comes into the chamber with statements which are either not true, have no foundation or do not refer to anything. He makes up things which are clearly not the case. The Premier was asked about this issue. Our position in relation to Essendon Airport has not changed over many years. We have a short and medium-term view about Essendon Airport and a longer term view about it. There is no secret about that.

The opposition, having failed to put in any kind of submission to national reviews in relation to — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — You asked the question. Having failed miserably to put in any submission in relation to the four important reviews taking place in relation to the manufacturing and industry sector, the opposition has put in one submission on aviation, but it is not interested, for example, in the aviation industry as a whole and how it is being rebuilt in the state. The aviation industry is being rebuilt with the assistance of Melbourne Airport and Avalon, through the fact of getting new flights coming in on a continuing basis and the successes that we have been able to achieve, and I personally have been involved in, in getting new airlines to come here, getting Tiger Airways to establish in this state, getting Korean Air to come in, getting a whole lot of work done as well as that at Avalon Airport.

Let me say something about the amount of work we have done to Avalon Airport in ensuring that it is positioned to move to the next phase, having already positioned itself as a very important low-cost airline service provider, which is international flights. Ted Baillieu, the Leader of the Opposition in the Assembly, tried to jump on the bandwagon. The Victorian government has been supporting Avalon Airport, has been talking to Avalon Airport representatives and has

been doing the hard work with Avalon, but then somebody whispers into the ear of Ted Baillieu and says to him, ' Look, the Victorian government is actually doing something in relation to Avalon Airport, you had better rush out there and try to pretend somehow that you have a new policy in relation to Avalon Airport'.

In the aviation industry, whether you are talking about the maintenance sector or the increased number of flights, we had 120 new jobs created as a result of Tiger Airways alone. John Holland took over the old Ansett maintenance facilities, and it is going from strength to strength creating new jobs. I know this is a dark day for the opposition because the new figures from the Australian Bureau of Statistics regarding jobs came out today. What did the ABS say? The opposition has been going around bagging every single bit of the manufacturing industry and Victorian industry generally. The opposition loves it when there are job losses in that industry, so it will absolutely hate the fact that the latest figures show — guess what? — that 14 600 jobs were created in Australia in August. Guess how many of the 14 600 were created in Victoria? It was 8700, which is more than half — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Yes, my maths is right. More than half of the jobs nationally were created in Victoria. The unemployment rate in Victoria has dropped from 4.6 per cent to 4.3 per cent. I am happy for the opposition to come in here and continue its doomsayer type of approach to the Victorian economy. We take a realistic approach. We get on with the job, and we actually go out and bring jobs in, whether it is Tiger Airways, whether it is John Holland, whether it is all of the new linkages we have established in the aviation industry or whether it is all of the other jobs that have been built up in the finance industry. Yesterday the opposition wanted to try to focus on the finance industry and talk about how the finance industry was not creating jobs — —

Mr Dalla-Riva — You should have answered that yesterday.

Hon. T. C. THEOPHANOUS — Let me give you some news, Mr Dalla-Riva. Because you do not like good news, I will give you a bit more good news.

Mr D. Davis — On a point of order, President, the question was actually specific about the aviation industry. The minister is now seeking to answer about the financial services industry. I put it to you, President, that they are two distinct industries and the minister should confine himself to responding to the question.

The PRESIDENT — Order! In response to David Davis's point of order, the fact is that he is correct. I suggest that the minister, whilst he feels that he has a very good news story to get out, should come back to the relevant part of the question.

Hon. T. C. THEOPHANOUS — I am happy to abide by your ruling, President, and I will leave further remarks for some sensible question that I am sure will come my way over the next little while.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I am concerned that the minister is supposed to be the Minister for Industry and Trade, yet at a time when the manufacturing industry and the financial services industry are under enormous strain because of his inaction, why is he so committed to now putting unnecessary stress on the aviation industry as well by closing Essendon Airport?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank Mr Dalla-Riva for giving me an opening by asking me about the financial services industry, because his colleague — and they should get their act together — took a point of order to try to stop me talking about the financial services industry. I want to thank Mr Dalla-Riva for giving me an opening by asking me about the financial services industry in his supplementary question.

I have already given the latest statistics from the Australian Bureau of Statistics about jobs growth and how the Victorian economy is driving the national economy. More than half of the national jobs growth is in Victoria. In regard to the financial services industry, in 1999 when we came into power, as you, President, will recall, I mentioned that the financial services industry was in a parlous state at that time. It had been given up by the previous government. We should just think about the growth in employment in the finance industry since 1999. Do you, President, know what the growth has been since 1999? It has been 28 per cent. So 28 per cent more people work in the finance industry today than they did in 1999 under the Kennett government. Guess what the growth number is for New South Wales? The opposition loves to try to say that somehow it prefers Sydney to do better than Melbourne; that is its position — —

Hon. J. M. Madden — They should go and live in Sydney!

Hon. T. C. THEOPHANOUS — They should go and live in Sydney — that is a very good point, Mr Madden. We would be very happy for Mr Dalla-Riva to go and live in Sydney. But he might have a bit of trouble getting a job in the finance industry there, because the growth in the finance industry in the same period from 1999 to today in New South Wales is 14 per cent; it is 28 per cent in Victoria. That is the difference. We have performed twice as well as New South Wales in the finance industry, and the latest Australian Bureau of Statistics figures show that we have created more than half of the jobs nationally as well.

Melbourne Recital Centre: construction

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Major Projects. Can the minister update the house on how the new Melbourne Recital Centre will add another drawcard to Melbourne's world-class cultural facilities?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the member for his question. I had the pleasure this morning of going down to the new recital centre with the Premier. The project includes four new arts spaces in two distinct buildings, each with dedicated backstage and public areas. The important thing I would say in relation to this project is that it has reached the milestone of practical completion, and it has achieved that milestone three months ahead of schedule.

Mrs Coote — Did you get the acoustics right?

Hon. T. C. THEOPHANOUS — The acoustics are absolutely fantastic. In fact I have to say that if Mrs Coote had been there, she would have been absolutely stunned by the acoustics. It is certainly going to be the best musical space in Australia and one of the best in the world.

We heard a string quartet playing today, just as a demonstration, in the main recital hall. Let me tell you that you could hear absolutely every last nuance right from the back. It will create enormous emotion for the people who go there to listen. There was no amplification; it was just the quartet playing. We were at the back, and it was just fantastic. This will be a new experience for many people.

Some people have said that we were asked to build a building, but I like to say that we actually built a musical instrument. It is just a fantastic musical space. It is being described by some people as the quietest place in Melbourne. The reason for that is that it is well dampened acoustically. The whole building sits on springs to dampen vibrations and other influences. It has very thick concrete walls, and internally it is lined with timber that was produced for this particular purpose. I would encourage everyone to go down there for the official opening.

Mrs Coote — Have you got a ticket?

Hon. T. C. THEOPHANOUS — I cannot guarantee tickets, Mrs Coote. I am sorry I cannot do that. I am sure that as an arts lover Mrs Coote will be one of the first to purchase one.

On another positive side, this project created 500 jobs during construction. It is another one in the armoury of major projects which have created a significant number of jobs. Twenty-five full-time jobs will be at the centre when it is in its fully functional state. It has created 25 ongoing jobs and 500 jobs during construction. It has been another phenomenal project. When you look at the statistics — as I think the *Age* newspaper reported — you see that part of what is driving the Victorian economy is the creation of jobs in the construction that is being done by the Victorian government. Things like EastLink and channel deepening and a range of other major projects are driving the construction industry in this state. I thank the *Age* for the endorsement at that time, and I am sure the *Age* will absolutely love the recital centre and the people of Victoria — —

An honourable member interjected.

Hon. T. C. THEOPHANOUS — The *Herald Sun* will love it as well, as will its readers. Some of the construction projects done under the major projects portfolio are not out of the ordinary, but as the Minister for Major Projects I am extremely proud of this construction, and I am looking forward to hearing a full concert take place in this exciting new building in Melbourne delivered by the Brumby Labor government.

Planning: Whitten Oval, Footscray

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Planning, Mr Madden, and it is in regard to Whitten Oval, planning amendment C75. In the minister's reasons for intervention, which were signed on 24 July, he said that the intervention was required because of criterion 4 — that is, that the matter is unlikely to be resolved in an expeditious manner by the processes normally available. If the intervention had not occurred, the council process would have been heard next Tuesday,

16 September. I note that the minister has not yet caused a notice in the prescribed form to be laid before the house, as set out in section 38 of the Planning and Environment Act. Since speed was such an important reason for the minister's decision, my question is: why has he delayed so long?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Hartland's question in relation to this. As I mentioned in my previous answers in relation to this project, I do not wish to intervene or seek to intervene as the planning minister if it can be helped. The process should look after itself, and in terms of good governance and good planning that process should deliver the appropriate outcome, whatever that might be.

In this circumstance we had a number of community groups, as I mentioned previously, in a precarious position. Each of the organisations — the council, the Western Bulldogs Football Club and Victoria University — had respective obligations within their own areas of authority, and they all set out to achieve certain results. But a critical situation arose because of certain circumstances, and I do not want to blame it on or accord it to anybody. I make that particularly clear. Circumstances arose where the project and its viability were threatened because of the uncertainty of the time line of the planning system in this instance. That is not a criticism of anybody, but it is a criticism in the sense of trying to get a resolution to the project and to get it delivered.

As I said, it was also a project where the government had committed a significant investment, as had the federal government, and it will be a particularly important project for the region. Hence I announced my intervention in that project to give certainty to each of the parties as to what the result would be. The importance of that is that it was really the circuit breaker in what were unfortunate circumstances. I am pleased that we were able to resolve the situation by acting as a circuit breaker. What was critically important in breaking the circuit in that situation was the declaration of my intention to intervene. I am of the understanding that the matter is in the process of being resolved, and the most important factor in that was the announcement of my intervention.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Considering the council would have dealt with this matter next Tuesday and the processes that the minister's department has dealt with have been much slower than those of the council, will the minister consider handing it back to the council, or can he tell us what the real reason is for the intervention?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question. To cut to the chase, the critical issue in terms of the whole project was the cash flow of a number of the parties involved in it. If the cash flow did not result, then the project would not have been delivered.

The critical issue in this was for Victoria University to have the confidence to enter into arrangements with the Western Bulldogs and the committee of management in relation to the project, and hence for the builder to have confidence and certainty that the project would proceed. It was important for me to intervene to give everybody confidence that that could occur. My understanding is the intervention and the announcement of that intervention have given people assurance and certainty that the project will progress, and hence the project is progressing.

I have met with the Maribyrnong City Council and had conversations with representatives of the council. I have met with the mayor and spoken to her about these issues. I am very keen that we ensure that there is an effective working relationship between the council, Victoria University and the football club to make sure that there are no further issues in relation to this project as it proceeds. Generally there was a breakdown in communication between all these parties. That is not to lay blame on any of these parties at all. Assumptions were made that were not necessarily the assumptions of all the parties involved in this project. We were able to clarify those matters through my intervention. As I have indicated to the mayor, I look forward to working with the Maribyrnong council and all parties involved in this to make sure that the project proceeds as it needs to.

The other element is that we have a very good working relationship with the City of Maribyrnong. I want to compliment it on its work, particularly in the planning area and particularly around the renewal of the Footscray centre. That only comes about with a partnership arrangement. I made it clear in my meeting with the mayor that it is a significant relationship and we do not want to undermine it with what I believe was in many ways an intervention that should not have needed to occur. It did occur, and I look forward to making sure that we improve that relationship and work in close partnership with the council so that we can deliver for the people of the west and particularly the people of Footscray.

IBM: Ballarat information technology services centre

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Information and Communication Technology, Mr Theophanous. I ask the minister if he could inform the house of any new job announcements in regional Victoria.

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — I thank Ms Darveniza for her question. I know Ms Darveniza, unlike the opposition, is interested in job creation in regional Victoria. She does not go around hoping that jobs are lost in regional Victoria. She works with us to try to get more jobs in regional Victoria. I want to answer her question by specifically talking about ICT (information and communications technology) jobs in Ballarat.

I must say that I could talk about ICT jobs in a range of other places around the state. I could talk about the 2000 jobs that have been created at Satyam in Geelong. However, I want to talk about Ballarat in this instance because it is vital that people understand just how important the ICT industry is to regional Victoria and especially to that city, where we are establishing the Ballarat technology park. It is a significant park that employs many people. In fact it has been calculated that the output from that Ballarat technology park equates to about $350 million per annum into the Ballarat region. It adds an enormous amount to the viability of that city. Ballarat is becoming a world-class ICT hub because of the relationship between the University of Ballarat, the providers of those facilities and the local council. That partnership, along with the Victorian government, is providing outcomes.

I want to specifically mention the giant computer company IBM, which opened a $10.8 million IT services centre at Ballarat. This facility was launched by the Premier and me. That centre alone will create 300 new jobs.

Mr Koch — Over five years.

Hon. T. C. THEOPHANOUS — Opposition members want to keep downplaying things; they keep being doomsayers. They want to create a situation of continuously talking down the state. The people of Ballarat have welcomed this announcement. They know it is important. You do not build jobs in one day; you build them over the course of time and through hard work. We built more than 52 000 jobs last year. We built 8700 jobs last month. You can talk about what is built from day to day or you can talk about projects like this one which come to fruition over the course of time.

I am very pleased that we have been successful in this. I want to thank the various players, in particular IBM for its commitment to the project; the University of Ballarat, which has been fantastic to work with in relation to getting this commitment and this project off the ground; and of course the City of Ballarat, which has also been an important player. The Victorian government has contributed $5 million from the Regional Infrastructure Development Fund to support the construction. This will result in a significant new facility in that region. It will employ people in Ballarat for many years to come. I dare say it will solidify Ballarat again as a world-class ICT hub, again delivered by the Brumby government.

Solar energy: central Victorian Solar Cities project

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Minister for Environment and Climate Change. I refer the minister to the central Victorian Solar Cities project and the business case for this project which included $3 million for the University of Ballarat to conduct detailed monitoring and evaluation of the program. Of this $3 million, $1 million was to come from the federal government and $2 million from the Victorian government through Sustainability Victoria. This was agreed to by Sustainability Victoria. And I ask: why has the Victorian government only allocated $1 million to this project, slashing its agreed funding by 50 per cent?

Mr JENNINGS (Minister for Environment and Climate Change) — I think Ms Lovell and probably half the members of the Victorian Parliament, or certainly those who represent the northern part of Victoria, have written to me on this subject, and I have written back to them about this matter.

Ms Lovell interjected.

Mr JENNINGS — I have written and signed a letter to the member in recent times. If she has not received it, then I will be checking on the mail. I have signed off on this issue at great length. The letter goes through the various contributions and commitments made by various parties, including the Victorian government through Sustainability Victoria. It clearly outlines not only the financial support that has been provided by Sustainability Victoria but also the significant in-kind contribution that has been made. Despite the assertion in the question, I am confident on the basis of the advice I have received that we have

satisfied the undertakings and commitments that were made and our obligations to provide funding. If there are any misapprehensions or other views about the level of commitment that may have been suggested at certain times and if people have documentary evidence about that beyond the scope of what I have been advised until now, I would be very happy to look at it.

Supplementary question

Ms LOVELL (Northern Victoria) — There is a great deal of community concern about the $1 million shortfall in Victorian government funding, which will cause considerable difficulties for this project. And I ask: when will the minister address this shortfall in state government funding?

Mr JENNINGS (Minister for Environment and Climate Change) — I do not accept the proposition, as I have already said in my substantive answer to Ms Lovell and as I have written to her and other members of the Parliament about this matter, I do not accept the premise that it is a state government responsibility to ensure that this project goes ahead, as valuable and important as it is. In terms of the inbuilt assumption about our obligations, I think those obligations have been accounted for and acquitted. In fact they contribute significantly to the potential viability of this program. I am happy to explore ways and support those who are interested in making sure this initiative comes to life and delivers on what its intentions are, but I reject the assertion that it is the state's responsibility to absolutely guarantee that all the financial requirements are obliged to be delivered by the state of Victoria.

Environment: black balloons campaign

Mr VINEY (Eastern Victoria) — My question is also for the Minister for Environment and Climate Change. I ask the minister if he could inform the house of the government's plans for the future of the highly successful black balloons advertising campaign.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney for the opportunity to talk about the black balloons campaign, which was introduced by our government in June 2006. It has been very successful for a range of reasons, which I will outline to the house shortly. The campaign has been perceived as a leadership campaign, providing encouragement to citizens to reflect on household energy consumption and how householders can play a positive role in reducing greenhouse gas emissions. So successful has the campaign been that it has been picked up by other jurisdictions across the country. Western Australia, South Australia, the Northern Territory and Queensland have picked up the program. In fact it has been a campaign that has international recognition. It is based upon a simple premise that a black balloon contains 50 grams equivalent of CO_2 emissions. We remind Victorians that Victorian households contribute 240 000 black balloons each and every year. In terms of the gravity of this issue there is quite a lot of work that households can undertake to deliver on a contribution to reduce greenhouse gas emissions.

It provides useful, easy advice about the way in which households can reduce their consumption. The campaign focuses on things like encouraging people in winter to reduce the thermostat on their heating by 2 degrees, which will save significant numbers of black balloons, as will the use of cold water in household washing machines.

Mr D. Davis — Taking cold showers.

Mr JENNINGS — You do not necessarily need to take a cold shower, but that may assist. I will not be too enthusiastic about that interjection. The campaign suggests turning off your appliances at the switch to try to make sure that you do not use a disproportionate amount of energy on stand-by facilities for appliances. What does it mean in terms of what we understand about the effectiveness of this campaign? Over the last few months we have had an independent assessment about the strength of the winter campaign and the strength of the program generally. NWC Research has undertaken that assessment over the period from 1 June to 31 August this year. Its research report indicates a 75 per cent awareness of the campaign among Victorian citizens, so there is a high degree of recognition. In fact 57 per cent of people then went on to say that they had been mobilised and motivated to take action. The extraordinary thing about that is that, whilst they have been motivated through the campaign, a higher number — 70 per cent of them — said they have taken action and that they have reduced their energy consumption during the last year. In fact there is an overwhelming acceptance within those households tested that they can make a positive contribution to climate change initiatives.

In terms of the effectiveness of the message that has been retained, the top score of households that recognised that appliances should be turned off at the switch was 50 per cent. That was the number of people who retained that information and acted upon it, which I think is a fairly successful number. In fact, if I did a market survey at the moment I reckon I would not find that 50 per cent of people in the chamber switched off

their appliances before they left home this morning. We might test that another time. People who changed their light globes and made sure they turned off their lights when they were not in use scored highly in the market research on household recognition.

The survey indicated to us that we needed to take this program on. We have five different versions of this advertising campaign. As we move forward we need to reflect on the fact that we have probably reached a peak in providing advice to people about taking those forms of action. We need to build the campaign, modify it and take it in new directions. We will be exploring those issues for the campaigns we will launch over the summer, as we build on the success of the black balloons campaign.

Human Services: enterprise bargaining agreement

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. Can the Treasurer confirm that additional funding has been provided to government departments and business units to pay for the escalation in wage and salary costs in 2008–09 to cover their enterprise bargaining agreements?

Mr LENDERS (Treasurer) — I thank Mr David Davis for his question. It brings back memories of June where we spent a long day in this place going through the committee stage to the Appropriation (2008/2009) Bill, where I answered his question, and I stand by my answer.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am curious as to which answer, but let me continue. There are reports from around the state that hospitals have asked the Department of Human Services for additional funding because they do not have the cash to cover the hospital's EBA (enterprise bargaining agreements) commitments. How much additional funding has DHS received since the May budget? Can he assure the public that the resources will not be diverted from hospital services to pay for his EBA agreements?

Mr LENDERS (Treasurer) — I can understand why Mr Rich-Phillips will not ask these questions, because he would rightly be embarrassed if the questions committee gave them to him.

Going back to the long, long, long discussion we had when we were in the committee stage on the appropriation bill, the central proposition I recall coming from David Davis at the time was that, firstly, we needed to spend money on X, Y, Z, A, B, C, D, E and F — all the $10 billion worth of splurge-o-meter promises that the Leader of the Opposition and the Leader of The Nationals in the other place and their acolytes have made over a long period. Secondly, it was about how we had to reduce taxes and could not borrow any money. We had to do those things. We had to increase expenditure, reduce income, have a balanced budget and do a number of other things which I do not think anybody in the Western world has found work.

If I recall, I mentioned in the house yesterday that Mr Davis's pin-up boy, George Bush, has $9.7 trillion of debt, so conservative governments do not manage these things very well. That was the premise of the discussion we had at the time. I also recall that Mr Davis's coalition colleague Mr Hall has moved motions in this house urging us to increase wages for government school teachers, to increase wages for Catholic school teachers and to increase wages for TAFE teachers. What we have here is a series of things on which those opposite do not speak with one voice. One part of the chorus says, 'Cut expenditure'. The other part of the chorus says, 'Increase expenditure'. This goes to the quartet Mr Theophanous was talking about. Another part of the chorus says, 'Reduce debt', and another part says, 'Increase debt'. They need to go to the recital hall.

Mr D. Davis — On a point of order, President, after 2 minutes the minister has still not mentioned the Department of Human Services, which was the substance of my question. I would like — —

The PRESIDENT — Order! There is no point of order.

Mr LENDERS — David Davis asked a question on the budget, and I will answer any questions on the budget. It is interesting that the shadow Treasurer is watching the house today, presumably scoring who he needs to be more fearful of — Mr Rich-Phillips or Mr David Davis. I can assure the member for Scoresby in the Assembly that he ought to watch out for Mr Rich-Phillips, not Mr Davis. There is no competition there at all. The central premise here is that the opposition cannot come into this house piously and sanctimoniously backing every single wage bid from every single government employee in this state in one breath while in the next breath crying on every adjournment.

Mr Koch interjected.

Mr LENDERS — Mr Koch is probably the worst offender, and Mrs Petrovich is not far behind. Nor I might add is Bronwyn Bishop, who is on her feet — —

Mrs Peulich — On a point of order, President, under the heading 'Questions seeking information' standing order 8.08 states:

> In answering any such question, the minister or member will not debate the matter to which it refers.

I draw your attention, President, to that standing order and ask that you enforce it.

The PRESIDENT — Order! I am grateful for the assistance of Mrs Peulich, and on this occasion I have to rule that she is correct. I ask the minister to comply with the standing order and not debate the question.

Mr LENDERS — I am truly heartened that we have a Bronwyn Bishop in the Victorian Parliament with her expertise on *May* and standing orders.

The question from David Davis essentially goes to the issue of whether or not the budget estimates are accurate.

Mr D. Davis interjected.

Mr LENDERS — Mr Davis needs to have five goes on this, but I am happy to assist him. As I said in my substantive answer, Mr Davis asked this question during the detailed consideration of the budget bill back in June. He had the answer to the question in June. I responded to his question in June, and if he cannot remember that, it is his problem.

Mr D. Davis — On a point of order, President, the Treasurer indicated that he responded to this point in the chamber in the May budget period. My question was about the period since the May budget, so I ask you to bring him back to relevance.

The PRESIDENT — Order! I remind all members of the house that I have no power to force a minister to answer a question nor to direct how he or she should answer it. The fact is that the minister has answered the question and has completed his answer.

Wind energy: economic benefits

Mr SCHEFFER (Eastern Victoria) — My question is for the Minister for Planning. The minister has previously informed the house of numerous renewable energy projects under way in our state that are assisting Victoria in reaching the Victorian renewable energy target. Those projects and the Brumby Labor government's commitment to and investment in the renewable energy sector will deliver not only environmental benefits but also economic benefits such as jobs. Specifically, I ask the minister to inform the house of how the wind energy sector will contribute to the state's development.

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Scheffer for his question and welcome his interest in these matters. Mr Scheffer is particularly interested because there are many jobs in his region, as well as right across the state, that emanate from these sorts of developments. It is no surprise to anybody in this chamber that the Brumby Labor government is committed to renewable energy and to achieving the targets we have set for ourselves. We do that with a fair and reasonable planning process that has transparency, and critical to that are a number of thresholds.

Two weeks ago I approved two additional wind farms worth $500 million to the state. Both are located in the Moyne shire. They will create nearly 200 jobs for the region. People driving through country regions and seeing some of those wind farms on the landscape should know that not only do they signify renewable energy but they also signify jobs and economic investment and activity in those regions, and that has to be good for those regions.

The permits were lodged by TME Australia, which will invest of the order of $450 million in constructing these projects. I understand they will put $1.5 million into the local economies annually, as well as creating 180 construction jobs and 12 ongoing, full-time jobs. That is particularly important.

Mr Koch interjected.

Hon. J. M. MADDEN — I hear Mr Koch scoff at 12 jobs. This is the difference between the attitude towards jobs of the conservative opposition — the Liberal-Nationals coalition — and our attitude towards jobs, because every job in this state matters. Every single job, and particularly those in regional Victoria, matters to each and every family that is involved. The flow-on affects the food that goes onto the table in the house in which every one of the workers lives. The jobs matter; that is the difference between the conservatives and this government. They see jobs as statistics; we see jobs as adding meaning and value to the lives of each and every individual who obtains a job. That is why these projects are so important.

Not only will the wind farms provide jobs and prosperity across the state but they will also make a contribution of 15 per cent towards Victoria's renewable energy target, and I understand they will generate enough electricity for more than 90 000 Victorian households. No matter which way you look at it, it has to be a good thing. Not only will these

initiatives help to meet the energy targets, ensuring an environmentally sustainable future for Victorians, but they will also make the future a prosperous one across the state, with additional jobs making Victoria the best place to live, work and raise a family.

Brookland Greens estate, Cranbourne: landfill gas

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Planning, Mr Madden. I refer to the plight of 200 residents with properties on the Cranbourne landfill in the Brookland Greens estate and the third incident of leaking gas from the Stevensons Road tip resulting in the current evacuation of affected homes, and I ask: what immediate action will he take as minister to ensure that residents do not continue to be exposed to the risks associated with gas leaking from the landfill?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mrs Peulich's question in relation to this matter, because this is a very, very important issue. I do not want to underestimate how important this issue is, not only in terms of what is occurring on the site but also the impact in relation to each and every householder on the site. It is not a time, because of this significance, to lay blame or point fingers in relation to this. This is a very serious matter, particularly ensuring the safety of every family and their dwellings in this subdivision. I am informed that the EPA (Environment Protection Authority), the CFA (Country Fire Authority) and police are working with the council to make sure that they are dealing with the problem in a responsible and timely manner because we do not want those locals to be disadvantaged or dislocated for any significant period of time, but of course safety, and their safety, is absolutely paramount.

I think I need to give a little bit of background in relation to this matter so members of the chamber understand the circumstances. This is a subdivision near a landfill site. The City of Casey is the responsible authority for planning matters on this site, which include permits, zoning and enforcement of the planning scheme. It is my understanding that the Brookfield Greens estate was rezoned from rural to residential in 2000. A rezoning such as this is required to be adopted by the council before it can occur, but before adopting the amendment the council sought the advice of an independent panel from Planning Panels Victoria. Planning Panels Victoria was not requested to review the entire merits of the proposal; rather, it was asked to look at specific issues.

At the time, Planning Panels Victoria raised the issue of the buffer distance, I understand, between the landfill and the residential land. The issue was investigated in the context of the residential amenity, as opposed to safety. None of the submitters, including the EPA, raised safety issues in the context of buffer distances. Planning Panels Victoria was advised that a legal agreement between the council and the developer would ensure a 200-metre buffer between the landfill and residential areas to protect residential amenity. It is unclear whether the council progressed and implemented the legal agreement to ensure the buffer. Legal agreements are private matters between the council and the developer. I understand that the involvement of the Department of Planning and Community Development was merely to process the amendment documentation as adopted by council.

I am very conscious that we have to ensure that due diligence was followed in relation to what occurred with the planning authority, the local council, and I have written to the council this day and informed it that I would like all information in relation to this matter to give clarity as to how these circumstances occurred. I understand that not only are there question marks in relation to the operation — and implementation, of course — of that development since that time, but there are also issues about the management of what was a former landfill site and the measures that have been undertaken. I am conscious of the fact that the EPA is working very closely with the CFA and police to make sure that these landowners and householders are not disadvantaged any more than they already need to be.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I ask the minister as a supplementary: will he commit to releasing that letter? Also, could he explain why, having known about this now for some days, he has not taken action to avert the need for the evacuation? Again I ask him to answer the question that I asked, which is: what action will he as Minister for Planning take to address the issue of the continued risks to residents of the ongoing gas leakage from the landfill?

The PRESIDENT — Order! Mrs Peulich cannot have two bites of the cherry on that original question. Her supplementary is fine, excluding the re-asking of her original question. Minister, on the supplementary only.

Mr Jennings — On a point of order, President, in relation to the nature of the question, my colleague has been very generous in giving the house, because of the importance of this matter, a description of the

emergency response and the planning history of this matter. In terms of the environmental protection element, I am responsible for this matter, and in relation to the emergency services control, our colleague the Minister for Police and Emergency Services is responsible for taking action in accordance with what goes to the heart of the question. The Minister for Planning's immediate response is to act in collaboration, not in terms of the matters she is referring to. If she sought to ask me the question, I could have given her an answer on the environmental protection elements of the story.

Mrs PEULICH — On the point of order, President, I understand Minister Jennings's interest in this, and clearly he does have a role, and I note the deferring views of the EPA and a number of other state government agencies. But my question is indeed to the Minister for Planning in his role of giving oversight to the planning permit that has been given for the landfill and the continued permits for residences being built without a buffer. I ask him, first of all, whether he will release the letter and what action he is taking to address the issues of the ongoing risks, not the evacuation risks.

The PRESIDENT — Order! In response to the original point of order, the information passed on by Minister Jennings was useful, but Mrs Peulich made it quite clear that she was asking for specific information from the Minister for Planning, and that is fine. But as I said earlier, her original question cannot be re-asked or related to the supplementary. I hope the minister remembers what the supplementary was, because I have forgotten it. Minister, on the supplementary.

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's interest in this matter. It is very important in relation to this matter that people understand the context of this as well — that this was a landfill site that was operated, I understand, by the City of Casey. It may also, I understand, have involved the City of Frankston in relation to operating that landfill site. That landfill site was covered — I understand it was capped — and then a subdivision occurred within close proximity to that site. Because of the operation of that site since, there are issues about the way in which the seepage of gases is emanating from that site into the residential areas nearby, and there are concerns for some of those residents in particularly close proximity to that area. Hence the CFA is concerned about the safety of those residents and has sought to notify residents.

I understand the City of Casey — which again I want to reinforce is the planning authority in this instance in relation to this matter, as well as having been the previous land-holder or operator of this landfill site — has its responsibilities to comply with. I have written to it to seek any further information that we may not have within our department in relation to these matters, to seek clarification of these matters. Also I have, I understand, officers in attendance at the council chambers at the moment seeking to have that information provided to them at the earliest possibility.

Mrs Peulich interjected.

Hon. J. M. MADDEN — I do not have any problem with people seeing that letter, because that letter is no doubt a public document by the fact that as minister I have written it. It can be acquired in various forms. I am not fazed by who sees it or who reads it, but of course if I sent that letter to the City of Casey, it would be only courteous for me to seek its views on whether I should release that letter or not. I am not guaranteeing I would or I would not, but what I would say is I would have to consult with the City of Casey in relation to that. I am also eager to assure the house that I am eager to provide updates, if they are warranted.

It is also worth noting that there are a number of issues here that have been mentioned by my colleague the Minister for Environment and Climate Change, who has responsibility for the EPA. There are also responsibilities that the Minister for Police and Emergency Services has in relation to the emergency responses to these issues.

What has happened has happened, but what is important is that any information provided to the occupants in these dwellings and how long these people may need to be away from their dwellings is coordinated through the CFA and emergency services in conjunction with the City of Casey, which is well placed to work with them in relation to disseminating information.

I understand that an information tent is being set up in the local area to provide information to residents in the subdivision. I am also of the understanding that there has been a doorknock to advise people in relation to these matters and that information about these issues has been provided to householders. I also understand there was a community meeting last night in relation to this. This has been a situation which no doubt the CFA and the EPA will monitor. They will also monitor the number of people in these dwellings over time to ensure that, whether they stay or go in relation to their dwelling, they are not significantly disadvantaged over time.

I am also informed that emergency assistance grants — I do not know the figure in relation to those grants — are being provided to those householders so they can be relocated for whatever period of time it might be. If that period of time is any greater, I understand that currently work is being done by the CFA, the City of Casey and the EPA in relation to these matters as to what may or may not be required in the future.

Ordered that answer be considered next day on motion of Mr D. DAVIS (Southern Metropolitan).

Skills training: reform

Mr DRUM (Northern Victoria) — My question is to the Treasurer. In relation to the $316 million skills package announced last week which the Treasurer spoke about yesterday, can he inform the house how many police, nurses and high school teachers are going to need to be sacked in order for the government to fund this program?

Mr LENDERS (Treasurer) — Zero.

Supplementary question

Mr DRUM (Northern Victoria) — How is it, then, that when fully costed policy proposals are put forward by the opposition, such as for pay parity within the government school sector or pay parity within the Catholic schools sector, or when the government is asked to review a tax on a tax on a tax — which it is so proud of with the fire services levy and the GST attached to insurance claims — the government claims that those initiatives can only ever be engaged in at a cost to police and nurses or with damage to schools — yet it is somehow able to materialise its funds out of nowhere, without these negative impacts?

Mr LENDERS (Treasurer) — I think that might have been a ministerial statement! What I will say to Mr Drum is that it is a good question he asked, but the answer is very simple and goes to the core of the Westminster system. On 6 May I brought down a budget. The budget forecast expenditure of $37 billion for the next financial year. It actually made provision for an innovation statement, which Mr Jennings made. It actually made provision for a skills statement — a $314 million skills statement — that Minister Allan, the Minister for Skills and Workforce Participation, made. It made provision for employing teachers and nurses, building schools, hospitals and roads and dealing with water — dealing with all those issues. It made provision for it. It dealt with balancing income and expenditure and leaving a surplus at the end. Where that is different to what The Nationals and the Liberal Party do is that it takes responsibility for both sides of the ledger. This government can say our two key priorities are infrastructure investment, $4.4 billion funded in the budget, and the development of human capital skills, the skills statement being a big part of that, funded in the budget, and the innovation statement also being a big part, funded in the budget — unlike what Mr Drum's leader and coalition do, which is to promise all things to all people and take no responsibility.

These are sound financial management proposals. We govern for the long term, make provision in the budget and make the hard decisions to say, 'If we're going to do X, we need to deal with Y'. If we are going to put an environment in place that deals with the 8400 new jobs that Mr Theophanous referred to earlier today, we need to invest in infrastructure and we need to invest in skills. But you have to have the guts to say what you believe in and not be all things to all people, which those opposite have miserably failed on. They are gutless. These policies are what make Victoria a better place to live, work and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 2989, 3046, 3068, 3256, 3555, 3577.

Sitting suspended 1.03 p.m. until 2.07 p.m.

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Final report

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — As I was saying before the lunch break, many people who have made submissions and given evidence to the inquiry will be looking to the report to read about their own particular issue. It has not been possible for this report to cover in detail every single issue that has been put to the committee or to the inquiry, but I would like to assure people who took the time and effort to make a submission or to give evidence that the committee went to the effort of going through all the submissions and evidence, and it looked at the themes that emerged. The committee members formed themselves into small subcommittees to look at issues such as the transfer of

land from state to local government, issues around public land adjoining creeks and rivers, public land along coastal areas, the interests of local government and the themes raised in submissions and evidence.

The report groups together the issues from the different submissions that were put to the committee by people from all around Victoria. When reading the report people might not see their particular issue dealt with in any detail. It might only have a passing mention in the report, but I want to assure them that the committee took every submission seriously and looked at the themes arising from those submissions.

I refer briefly to one of the themes set out at page 5 of the report, that public land and open space are valued by communities who are keenly and actively interested in its preservation. That is a clear theme that has come through most if not all of the submissions that were put to the committee. People are dearly interested in what happens to the public land in their area and also to the public land estate generally. People value land that has been put aside for the public, owned by the public and is for their use and benefit.

There is a high level of community concern regarding inappropriate use and development of public land, including the alienation of public land for private commercial gain and the loss of significant public assets for short-term commercial gains. That is a common theme in a large number of the submissions put to the committee. Even though in some cases the land may stay in public ownership, the uses that it is being put to do not fit with the spirit or the letter of the Crown Land Act, which lists what community benefits public land can be used for.

We are seeing a drift towards commercialising public land and putting facilities and public land to uses which are best suited to private land, particularly retail and commercial operations on private land. Many people who submitted to the committee said — and I agree — they are not the sorts of uses for which we have set aside the public land estate.

Many submitters raised the issue that is set out in the third theme, that the disposal of public land and open space has been biased towards short-term commercial gain to the detriment of existing and/or potential community uses and the environmental, cultural and heritage values. Submitters said that given the pressures on land everywhere, there is a great temptation to sell off the public land estate for short-term commercial gain, so the government feels that it can make some money out of selling some public land.

The processes by which public land is sold — and this comes out in the fourth theme — are mysterious and unknown to the public. Mr Madden might laugh. He probably knows a lot about it because he is the planning minister, but I can assure Mr Madden that the community finds the whole process shrouded in mystery.

The fourth theme emerging from the committee's deliberations is that there exists a lack of transparency and accountability in public land dealings, with government assessments of public land values having little or no public input. There is a lot of detail in the report about that particular issue which took the committee quite a while to get to the bottom of during its inquiry. Government departments or agencies say they have a piece of surplus land. They may regard it as surplus; the local community might regard it as a precious asset. In fact they may have been using it and maintaining it over a long time, but it is state land. The local community and council may have been looking after it, and then the government entity has decided that it does not want it anymore.

The process by which these parcels of land can go through an assessment and come out the other side, having been deemed to have no cultural, heritage, ecological or community significance, even though local government does not have that view, is a huge mystery to people. It needs to be opened up. If public land is going to be disposed of or developed in any way, the processes by which those decisions are made should not be in-house government decisions. They should be open and accessible to the community. They are not at the moment. Despite Mr Tee saying there are no recommendations in the report, there are strong recommendations about opening that process up and about how it can be improved. Nothing but benefit can come from that.

Another common theme that emerged was that there is a lack of meaningful opportunities for local community and local government input in the public land disposal and development processes. Not only is the process mysterious but local councils and communities feel quite locked out of the process. Whether they are invited to participate and provide an input is a matter of discretion for the particular agency or the Department of Sustainability and Environment, which might be making the assessment, so that they may or may not be consulted. Again there are recommendations to tighten that up so that they are always included. I repeat that nothing but benefit can come from that.

Following on from that is another theme. I do not have the specific details of this theme, but one theme which

can be easily identified on reading through the report and through many of the submissions is the state government policy: once these mysterious processes have been gone through, where the government is still determined to put a piece of public land on the market and the local council wants to retain that land for community benefit, it demands that the council pay the full market rate for that parcel of land — land which is already owned by the people.

The government's policy is that that land must be bought again by the people at the highest market rate, despite the local community wanting to use the land for community benefit, not commercial gain. I believe this practice really needs to be stopped. I say it should be stopped, and I note that the Audit Expert Group that looked at the Melbourne 2030 policy also made that recommendation — that the practice of the state government requiring local government to purchase at commercial rates land that is already owned by the public should stop. That is also a recommendation of the report.

The final theme that is outlined in the first part of the report is that there is a need for a long-term, strategic, coordinated approach to the management and disposal of public land by the state government. We have a strategic document, *Melbourne 2030* — which probably should be renamed *Melbourne 2020*. We have the green wedges strategy. They are strategic policies; they have some sort of long-term approach. They mention the preservation of public land and open space. It has been identified by submitters and mentioned throughout the report, however, that the mechanisms for actually preserving and protecting public land and open space, particularly in urban areas and regional towns, are very weak. Government policy and the government land monitor and so forth are strong drivers for selling it on the open market, and with those forces operating it is difficult for public land to be kept in the public estate.

I believe the government should take note of these themes and of the recommendations in the report in the spirit of good faith in which I in particular and I believe every member of the community has put them forward, because the people of Victoria value public land, and the pressures on it are only going to grow — they are not going to go away. We have this report, we have had a lot of submissions from members of the public and we have had a lot of very good suggestions, the details of some of which have not made their way into the text of the report but are in the submissions, which people can refer to. It is timely that the government reassess its policies and procedures with regard to preserving public land and open space for the people of Victoria.

The chair of the committee, Mr David Davis, and Mr O'Donohue and Mr Kavanagh have discussed at length the issue of the government obstruction of the work of the committee, so I will not spend a lot of time speaking about that. I need to say, however, that I share their disappointment at the obstructions that began five months into the inquiry. I do not know for what reason the government decided to try the tactic of declaring that public land is not public land but something else. It used an administrative tool, a bureaucratic tool, to basically redefine the English language. That is not what administrative order 58 is for. Administrative order 58 is a tool to be used by departments. It is not for the redefinition of the term 'public land' in the English lexicon. That is not its purpose, but that is what the government chose to try to do.

I find that very disappointing and very silly, and I agree with other members who have said that it goes to the role of the upper house. I firmly believe, and the people of Victoria believe, the role of the upper house is to review issues of public importance as well as legislation put forward by governments. The government has said that this was a headline-grabbing exercise on the part of the committee and has used all sorts of other pejorative terms.

So far as I am concerned, this committee has conducted an important inquiry. I have taken my work on it very seriously; I have taken the evidence and submissions put to us by the people of Victoria very seriously, and I think the government, in trying to obstruct the work of the committee, has not done that. I can tell the Parliament that people who have come to the hearings and seen how witnesses behaved and how ministers behaved have been appalled. This behaviour has not reflected well on the government. It is very unfortunate that the government went down this road. It seems to have been driven by the fact that it did not want to have any scrutiny of the Kew Residential Services site, but there was much more to this inquiry than that, and I think it behove the government to cooperate with it.

I agree with Mr Kavanagh, and I said as much at the hearings whenever we had a public servant who trotted out the lines that were given to him or her by the Attorney-General regarding our terms of reference; I told them I thought they were in a difficult position and they had been put in a difficult position by the government, not by the committee. Many of them wanted to assist us but felt constrained and compromised and could not do that. The government should be — I hate to use the word 'condemned' but I will — condemned for putting its own public servants in that position.

The report includes the submissions and needs to be read in conjunction with the submissions. If people want to take the time to familiarise themselves with this report — the general public, people in research institutes, people in schools, people all around Victoria — they should read the submissions as well as the report because there is a lot of valuable detail and suggestions put forward by submitters in those submissions. This report will become a valuable resource for all those who are interested in the protection of public land and open space in Victoria.

The report has several sections. There is a section on public land and open space because that became a very strong theme and there are good recommendations and findings in that section which I think the government should take note of. There is a section on green wedges and Melbourne 2030 which goes directly to the terms of reference of the committee. The committee supported green wedges and some elements of Melbourne 2030, but pointed out, along with a lot of the submitters and in line with what the expert audit group said, that there are failures in the implementation of Melbourne 2030.

It is not much good for Mr Tee to say, as he did earlier, 'We have got Melbourne 2030, we have got green wedges, the committee says it supports them' and then it is the end of the sentence as far as Mr Tee sees it. Mr Tee does not go on to say that there are problems. It is best for the government to admit that there are problems with the implementation. The government should take the opportunity of having the expert audit group and having this committee look at the problems and point to some ways forward. Just dismissing it in that way is not good enough.

This report goes into some detail on more high-profile case studies. I do not want to repeat what other speakers have said. I pretty well concur with what the chair of the committee, Mr O'Donohue and Mr Kavanagh have said about the Kew site. The only thing I would add is that from my point of view that site was put aside by the people of Victoria for use by people with an intellectual disability. It is public Crown land put aside for those people who are some of the most vulnerable people in our community. Effectively what has happened is that that public land put aside for those people has been flogged off — a third of it has been flogged off already. It is in an area of Melbourne where it is going to command high prices, so well-off people are going to live there. I have got no problem with well-off people except that the land that has been made available to them was taken away from some of the most vulnerable people in the community.

Dr Grayson gave evidence to the committee just towards the end of our hearings, and he put forward what I think is a fantastic suggestion. He said the government should rethink this whole project. The government could easily do so, it could easily get out of the contract with Walker Corporation, it could stop development going any further, it could reuse the buildings, some of which are only 10 or 12 years old and purpose-built for disability services. It could save what is left of the heritage trees on the site and the heritage buildings. While a whole lot of problems have been raised with the committee by the families of the former Kew residents about the arbitrary way some of them were made to leave the site, 100 were allowed to stay, and whether by the criteria that should actually have been 120 or 110 or 90 did not matter; the figure was 100 and some people suggested to us that that was basically brutally imposed, and the government should rethink this decision and return the land for its original use.

As Mr O'Donohue said, there is a crying need for disability services, and these buildings were purpose-built to provide the services. There is a crying need for respite services and that land could be used for that. I urge the government to rethink that decision and use the land for its original purpose, not sell it off for housing. There is other land for housing. Before a monumental mistake is made on that site, its purpose should be rethought.

In relation to the St Kilda triangle site, members will be very well aware that I have opposed that redevelopment from the beginning. Without going into great detail, I reiterate that basically the findings of the report and the recommendations are that the government renegotiate something better on that site. I go to the unusual circumstances there in which the government created another act of Parliament, the Land (St Kilda Triangle) Act, to hive that parcel of Crown land out of the Crown Land (Reserves) Act. At the same time the previous council — not the present Port Phillip City Council — after going through years of consultation with the local community, in which I was involved, to produce the urban design framework for that area, including the St Kilda triangle site, voted to disallow any third-party appeal rights.

That already makes two departures from the normal process. Then there is a situation where the state government, even though it owns the land, has refused to put any resources towards decontaminating the site or redeveloping the site in any way or to preserve the Palais Theatre. The government then made the incoming council — basically a very large cheer squad for the development — design the tenders, select the

tenders, become the regulatory authority and then become the committee of management.

We have what I call a recipe for disaster on that site. That is why 8000 people have signed petitions and 2000 people have attended council meetings. This issue is a disaster and has been caused by circumstances that have been put in place over a number of years. There are conflicts of interest. The report comes to the conclusion — and I agree — that this sets a dangerous precedent for public land sites all over Victoria. Not only is it a problem for St Kilda but it is a problem anywhere where public land can be handed over to a private consortium for 99 years so that it can build shops, banks, travel agencies and all sorts of things on it — developments that can go anywhere on private land and should not be put on public land.

The government has obstructed the work of the committee by not providing documents, so we will be asking for those documents in the house. Mr Tee said we did not ask for documents but we asked for a range, ream or a raft of documents, or whatever the collective noun is for documents. However, the documents have not appeared and we have not been able to get to the bottom of this issue. Because of the precedent this issue sets, the committee has recommended that issues concerning the Kew site and the St Kilda triangle site be referred to the Ombudsman. They need more investigation than we have been able to get to the bottom of during this inquiry. Mr Tee said nothing was found at the Kew site. We did not find the smoking gun, but there was a lot of smoke around.

I want to refer briefly to the minority report. I cannot believe we have a minority report which covers two and a quarter pages. At the start it says:

> … this committee and the final report is overshadowed by political grandstanding and ill-considered headline chasing.

I refute that because I know that is not what I was about; I know that was not what any other member of the committee was about.

The next paragraph talks about an estimated $3 million spent on the committee. That money was definitely not spent on committee staff; it definitely was not spent on travel because we only travelled out of Melbourne twice to visit Apollo Bay, the Port Campbell headlands area and the Geelong area. It was not spent on our food, because most of the time we did not get any. I am not complaining about that, I am just stating the fact. So I do not know where the $3 million comes into the issue. I challenge Mr Tee and Mr Thornley to come up with where that $3 million comes from. That amount has been put into this minority report but there is no basis for it.

On page 220 the minority report says:

> Despite the reams of pages … there is never any explanation for why the committee did not ask the Legislative Council to clarify or amend its terms of reference …

Mr O'Donohue clarified that issue. There is no need for us to clarify our terms of reference because they are very clear. The only thing that was happening was that the government, to its shame, did not want to cooperate with the inquiry. It should have been cooperating with this important inquiry. There is nothing disappointing or incomprehensible about anything except the behaviour of the Attorney-General and government ministers who followed his line.

The minority report, as Mr Kavanagh pointed out, talks about the opposition as if we are all the opposition. I also take the opportunity to say that the Greens are not the opposition; the Greens are the Greens and we are a part of the crossbench, as it is called in every other Parliament. That is another issue we have with the minority report.

The minority report is a trite report. It is unfortunate that government committee members have chosen to append to every one of our reports these trite documents which do not talk about the issues at all; they do not talk about public land at all. Mr Tee took 24 minutes — I was watching him and the clock — to speak about the community members that made submissions. That was the first time he mentioned the community or the issues that this inquiry is about. He mentioned that 24 minutes into his 26-minute speech, when he finally remembered to talk about the community and public land issues. That is indicative of the government's unfortunate behaviour.

Having said that, I noticed towards the end of the inquiry that both Mr Thornley and Mr Tee admitted there was some good work done by this committee. They put that down to the staff of the committee — and I agree with that — but also the issues that were coming out of the committee process. They found it possible to support a lot of the findings and recommendations, and that is good. It is a pity they did not get there a bit earlier.

The minority report also says that there have been 400 disposals of Crown land in the last six years and that:

> All of these sales were subject to appropriate probity processes, including the government land monitor —

and the Auditor-General. That somehow means that it has all been done well. Nobody is suggesting that there has not been probity. The problem here is that it is all about money. It is not about the environmental, heritage, cultural or other values of the land. What the government has put in its minority report basically supports what we are saying; this issue is all about selling land off for the money and not other values.

Lastly, in their minority report Mr Thornley and Mr Tee said:

> … the only positive changes that have occurred as a result of this committee's work have come from the efforts of government members — the progress towards community consultation in regards to Caulfield Racecourse reserve and the attention of the minister drawn to the public safety concerns at the Port Campbell headland.

I would say that a lot more than that has come out of this process, but I would say also that it is a little bit rich for Mr Tee and Mr Thornley to say that anything good that has come out of the committee inquiry into the Caulfield racecourse and Port Campbell can all be put down to them. I have certainly been very active on both those issues, and I know Mr Kavanagh has been very active on the Port Campbell issue, as have other members of the committee. Anything good has not come about just because of Mr Thornley and Mr Tee.

What they are really saying is that they are the only two issues in which they took any interest — that is actually the truth of the matter. They did not take an interest in anything else, just those two issues. And they did not do it just on their own. It is not right for them to claim that it was all up to them and nothing would have been done if they had not paid any attention to them. That is just amazing. The report is excellent, and I commend it to the house.

Debate interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I wish to draw the house's attention to the fact that we have in the gallery the Honourable Michael Polley. Mr Polley is the current Speaker of the Tasmanian Assembly and has been for a total of 13 years. He is also the member for the seat of Lyons and has been for 36 years. I welcome Mr Polley.

Debate resumed.

Mr THORNLEY (Southern Metropolitan) — I rise to speak on the Select Committee on Public Land Development report. Firstly, as other speakers have done — and I certainly want to add my personal solidarity to those sentiments — I want to thank the staff who served the committee so very well. This was a long inquiry and there was a lot of work. A lot of very late nights were required and sharp deadlines had to be met by the staff. Particularly towards the end, as I guess is often the case, a very substantial body of work was required to be done in a very short time. As other speakers have done, I want to put on the record my gratitude to the tireless service of Mr Richard Willis and Mr Anthony Walsh throughout and to the research work of Dr Williams and Ms Sarah Kerwick, who joined us late in the piece and added a lot more substance to the report than would have in any way occurred without her excellent contribution. I want to add my personal support to the sentiments of all other members of this committee.

Secondly, I want to thank all the community organisations, individuals and others who made contributions, served as witnesses or who were in correspondence with us or both. There is such a range of important issues around public land development that it is always gratifying for us as members of Parliament to see that a large number of active citizens seek to contribute to the debates on these issues, in many cases for no other reason than they care about the society and the community they live in. They care about its long-term future, and they make a contribution to that. I was struck by that sense of public service in the large number of the people who appeared before us and by the thought and work that had gone into many of the submissions.

For example, one witness, Mr Hunt, has devoted the best part of five decades to public service. I told him that it is a great role model for those of us who are young in this business to see people who have long since past making contributions directly in this place still taking an interest in important public issues — indeed in his case, in issues about which they know a great deal and have thought about for a very long time. That was a very gratifying part of this experience for me. I want to thank every one of those community members and organisations and others who have sought to have an impact on public policy in this area by making submissions to this committee.

Having said that, I consider that this committee did not do justice to the efforts of the people who made those submissions. There was a sense that this committee was the only forum where issues around public land development are ever considered and therefore the only place where change could possibly come from. That is not true. A lot of the things that this committee spent quite a bit of time on are certainly important issues, but

they are issues that are already in debate. In many cases they are already the subject of government policy and reform. The incremental contributions made by the findings of this committee are in many cases very little. That is a shame. While there is a lot going on in this space in public policy, I agree with my colleagues of all parties that there is a lot more that needs to be done. At a time of increasing land shortages these issues are of increasing importance. I had hoped that the lengthy deliberations of this committee might lead to raising either new issues that the government had not previously been alerted to, which could then be brought to the fore or new specific policy solutions that would challenge the government — provide a counter-voice to the internal bureaucratic voices and put a reforming challenge on the table that might make a government think hard about whether it is going down the right path.

Committees of this nature can perform an incredibly valuable service if they take that challenge seriously. My disappointment is that this committee failed in large part to do that. I will give some examples in a little while. The reason that occurred is that there was some confusion, particularly for the chair of the committee, about the mission and what was hoped to be achieved with this committee. In practical terms there are only two things you can achieve on a committee like this. You can either bring about specific reforms by putting in front of a government recommendations that are well thought through and compelling, better argued and more responsive to community needs than those brought forward by the bureaucracy that they actually bring about a change of government policy of which you could be proud; or you can make such a compelling case that the government of the day is retrograde in some way that the work of the committee actually leads to a change of government. I can understand either of those missions in the opposition setting up a committee. Unfortunately this committee made no contribution to either of those objectives. Its members spent a lot of their time trying to do the latter, trying to be a vehicle to somehow bring about something that might lead to serious questions about this government. They plainly failed to do so. It was a cheap, headline-grabbing exercise, but its biggest problem is that it did not grab any cheap headlines. So that particular part of the mission failed.

Late in the day, realising that the mission of getting cheap political headlines was failing, there was an effort to try to flick the switch to the other side and say, 'Look, if we are not going to land any blows here politically, let us at least try to come up with some good policy recommendations'. I commend the committee for making that late change in direction and for bringing on board an excellent research officer in Ms Kerwick, who did some fine work and helped bring some coherence to the policy recommendations. As we were going to spend 18 months on this, it would have been good if we had made that decision a lot earlier and dug seriously into the issues before making some recommendations or raised new issues or proposed new and specific solutions.

I will give a couple of examples. One of the things that seemed to occupy Mr O'Donohue was the fact that the government members of the committee agreed with some of the recommendations. He thought that that was therefore evidence of the fact that the work of this committee had been a worthwhile exercise! The point about this is that a lot of the recommendations of the committee are about things which the government is already acting on and they recommend going in the same direction as government policy. The fact that we agreed with the recommendations would hardly be a surprise. We were agreeing with them before this committee existed, we continued to agree with them during the life of this committee and we will no doubt be agreeing with them after this committee ceases to exist. To claim that this is evidence that either the committee somehow created some incremental value in this process or that the government members, simply by agreeing with something which they already believed in, had flip-flopped, is gilding the lily a little bit. Let me take an example.

Mr Pakula — The committee for the reinforcement of the bleeding obvious!

Mr THORNLEY — Exactly. Thank you, Mr Pakula — the committee for the reinforcement of the patently obvious.

Let me take as an example an important public policy issue. Not long after I joined this committee the first interim report was presented. It spent a lot of its time on the Kew Residential Services issues. Strangely enough, the second interim report said exactly the same things, and the third and final report reiterated those things in the hope that, having gotten no attention on the first two occasions, it might on the third. One of the matters I suggested in my first public contribution about the issues that might be raised with this committee related to the really exciting and important notion of schools as community hubs. Mr Kavanagh raised the point, and rightly so, that that is an important issue, that it is an exciting area of public policy and one this committee considered and made some recommendations on.

Mr Pakula — We have been on about that for years.

Mr THORNLEY — All of that is true but, as Mr Pakula quite rightly points out, we have been on about that for years. When I first was elected to Parliament my colleague the Leader of the Government was appointed the Minister for Education. I asked if I could buy him lunch because I had a few thoughts about schools policy that I had been working on with some folks in a think tank. We sat down and talked at length about schools as community hubs and how that could be advanced. There were already government efforts in that direction. Minister Lenders informed me that he was aware of them and we talked about some of the additional things we could do. We talked about some of the examples. Andrew Leigh from the Australian National University — a very respected academic in this area — talked to me about the Caroline Springs example a year and a half ago, something this report mentions in paragraph 322.

That is not to say that the committee should not have considered those matters. I think that is great. I share the view of the committee that the idea of schools as community hubs is one of the important issues around public land. All I am saying is that this committee did not add anything to that debate. I think that is a shame, because there is a lot that could be added. I know from my discussions with various schools in my electorate there is a range of specific issues around school as community hub that this committee could have addressed. I suggested to the committee in my first speech that this was an area that was fertile for additional policy thinking, and yet in the subsequent 12 months this committee did not do a single thing to advance that cause.

If you talk to the folk at King David School, for example, which has several disparate campuses in different parts of Armadale, they have been seeking to get a single consolidated site. That is an obvious aspiration for any school. Part of what they have been trying to do is find ways of engineering a deal with other landowners, particularly local government or others, where they could have shared facilities which would enable a consolidation into a single site and deliver a good outcome for the school, for the community and for the partner in the land transaction.

If you talk to the folk at Leibler Yavneh College further down in Elsternwick they have specific — —

Mr Pakula — A great school.

Mr THORNLEY — 'A great school', says Mr Pakula, and I agree with that. They have had very specific issues around the impact of planning laws and the fact that a school and its planning applications receive no different treatment to any other land user. I think they have a pretty interesting case to make. They would contend that if we think the idea of schools as community hubs is a public policy priority, then we might want to give some differentiated position to schools, particularly around site consolidation, that allows those things to happen more quickly, that gives some sort of fast-track capacity so that these exciting new things can happen more quickly than they would otherwise. I think that would have been a fertile area for this committee to inquire into, but it did not do that.

Early in my tenure I caught up with the folk at Balwyn North Primary School. They raised issues around possible land transactions between different tiers of government — there being a local government-owned preschool on an adjacent site. This government has been putting forward an idea that others have supported around having a single location point of contact and integrated facilities. The frustration was that while all of these pieces of land were owned by the taxpayers they were controlled by different entities and the transactions between those entities were difficult, fraught and took years to occur. They were raising issues about how we could possibly fast-track those intra-public transactions.

I am sure many other members of the committee have come across many of these issues in their constituent dealings, as has government. My point is this is a very important issue. It is an exciting area of public policy, and an emerging area of public policy. The government is moving on it, but there was a fertile opportunity for us to have more useful and interesting things to say. We could have dug down deep; we could have made specific recommendations about fast-track planning processes. Recommendation 2.13 is a generalised recommendation that there ought to be a process that enables transactions between the three tiers of government to happen more efficiently and effectively — as Mr Pakula said earlier, a statement of the patently obvious. That was a known fact before this committee started; it will be a known fact after this committee is finished. If this committee was going to add any value to that important debate about public land development then it might have made some specific recommendations about what type of process might take place. I have spent quite a bit of time talking about it with colleagues, academics and people inside the bureaucracy. I have some thoughts about it and I am feeding them into the government process, but this committee added nothing to that process.

It seems to me that for the committee to consider its work effective it needs to have had an impact; it needs to have led to some form of useful and positive change. Even if that useful and positive change were simply

political I would be okay with that, I understand the democratic process, but it was not even that. When you have a competition to see how many times you can use the phrase 'former Senator Graham Richardson' in the hope that one day it will cut through more than it did on the previous 17 times you used it, when you have used that phrase before the committee started and you will no doubt use it after it finishes and you reheat the same thing through countless pages and countless interim reports, you do not even achieve a political outcome.

That to me is the shame of this. People in the community thought hard about their submissions to this committee. They wanted to raise issues that they thought were not being listened to. The end result has been pretty diluted in terms of its incremental contribution to public policy in this area. It has been even more diluted in terms of its incremental political impact, if that were the aspiration of those who were running the committee.

The endless tirades about former Senator Graham Richardson and the inferences of impropriety were part of the reason the committee was set up. They were part of the rationale. The only headline that phrase ever got happened before this committee started. The point of having a parliamentary committee was to have a body that could investigate those claims and see if there was any substance to them. It was a body that could interrogate witnesses, that could subpoena witnesses to appear, that could compel those witnesses to testify, that could give witnesses and whistleblowers a forum under parliamentary privilege where they could outline any concerns that they had. After 18 months, nothing — not a single shred of evidence. That case has not been advanced one iota since the first time the chair of the committee stood up in the chamber and used the phrase 'former Senator Graham Richardson'. We did not need a committee to come up with nothing to advance that cause. It would have been a whole lot simpler for David Davis to just keep putting out his press releases and see if anyone was going to pick them up. To set up a process to find evidence only to find no evidence at all and to not be bothered by that and to just keep regurgitating the same unspecified, non-specific claims when there is the opportunity to gather evidence, and then to deliver nothing, is a profound waste of time and money.

Mrs Peulich — Fancy believing in a democratic process when you put Labor in charge.

Mr THORNLEY — I believe in the democratic process, Mrs Peulich, and I thank you for the interjection. Through you, President, what I am commenting on is the effectiveness of how those processes have been used. The point I am making is that after 23 days of hearings all we have is an endless regurgitation of literally the same material — a lot of it cut and pasted from the first interim report to the second interim report to the final report. The Kew Residential Services stuff was all done and dusted before I even joined this committee 14 months ago. Nothing new has been added to it in that period but it has been regurgitated every time we come into this chamber and make a report.

I think that is a shame because the issues around public land development could have been advanced. Real reforms could have been put forward. Really specific changes could have been addressed. Real reforms could have come into government, but we just did not get anything that led to that. That is why we had a short discussion in the minority report about what the committee had and had not achieved. We did not think there was any virtue in the minority report doing a further cut and paste of the recommendations in the main report, which we voted for and agreed to. We were obviously happy to let them stand. Most of them were uncontroversial because they did not say anything new.

That is my disappointment — not that we were addressing these issues, which I think are absolutely profoundly important issues, but that more needs to be done. My disappointment is not the level of community engagement reflecting the importance of these issues. I am certainly not disappointed with the enormous work, goodwill and hard thinking that members of the community put into appearing before this committee and their correspondence with it. And I certainly do not feel disappointed with the hard work of the staff of this committee; they laboured patiently with a very ineffective process to try to generate something that would have real weight. I think the committee succeeded substantially in the last week of that work, and it may not have done so without their good efforts. My disappointment is just that after all that time and effort and all the efforts of those people on these important issues, the committee did not generate any real impact or substantial public policy change — or even any political impact that might have advanced the cause of those who spent so much time pushing this committee to its unfortunately dilute conclusions. On that basis I will finish my contribution.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 9 September 2008 in relation to the 2008 AFL Finals Series.

Office of Police Integrity — Report on Associations that Compromise Victoria Police — Risks and Remedies, September 2008.

Statutory Rules under the following Acts of Parliament:

Gambling Regulation Act 2003 — No. 103.

Liquor Control Reform Act 1998 — No. 102.

Road Safety Act 1986 — No. 104.

Subordinate Legislation Act 1994 — No. 101.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 101.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 104.

MEMBERS STATEMENTS

Boeing Australia Ltd: jobs

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The decision by Boeing Australia to cut 300 jobs at Fishermans Bend further undermines Australia's position as an aircraft manufacturing nation. Credit for the development of Australia's aircraft industry rests with Essington Lewis, who in 1937 identified the need for Australia to develop its own aircraft manufacturing capability. Lewis's leadership brought companies like BHP, GM Holden and ICI Australia to the cause, along with the Lyons government, to form the Commonwealth Aircraft Corporation (CAC) and the Government Aircraft Factories (GAF), both at Fishermans Bend.

These companies built complete aircraft of both local and foreign design throughout the war years and into the 1970s for the Royal Australian Air Force. In the 1960s lawnmower company Victa launched a range of light training aircraft to compete in a global market dominated by United States manufacturers like Cessna. In part due to the apathy of the government of the day, Victa ultimately failed after building 168 aircraft, and production was moved to New Zealand. The apathy of subsequent governments has seen Australia's aircraft manufacturing sector including CAC and GAF reduced to little more than a supplier of components. With the exception of Gippsland Aeronautics in the Latrobe Valley, which is a successful player in a niche market, Australia no longer designs and produces aircraft and is rapidly losing the capability to do so. Small nations like Sweden and poor nations like Brazil have internationally significant, profitable and competitive aircraft manufacturing sectors which put Australia to shame.

Boeing's decision highlights how vulnerable the Australian industry will remain while it continues to be little more than a component vendor rather than an aircraft manufacturer.

South East Fibre Exports: Eden mill

Ms PENNICUIK (Southern Metropolitan) — During the recent parliamentary break I visited South East Fibre Exports (SEFE) Pty Ltd, otherwise known as the Eden chip-mill, with my Greens colleagues Lee Rhiannon, a member of the New South Wales Legislative Council, and Deb Foskey, a member of the Australian Capital Territory Legislative Assembly. We were very appreciative of the tour and the briefing given to us by Mr Peter Mitchell, the general manager, and Mr Peter Rutherford, the forestry manager, even though we do not necessarily agree on issues regarding native forest logging and the woodchip industry.

Around 55 per cent of the wood sourced by SEFE comes from the forests of East Gippsland and 45 per cent from the forests of south-eastern New South Wales. One of the most significant actions we can take to cut Australia's greenhouse gas emissions is to stop native forest logging. Native forests should not be felled for woodchips or electricity generation or to drive the profits of overseas companies. They are of far greater value as a carbon bank than as a shipload of woodchips or a pile of ashes. Along with the threats posed by logging to climate change come immediate devastation to our natural environment, threats to flora and fauna and destruction of water supplies.

Following our visit to South East Fibre Exports we forwarded an invoice to the general manager for the estimated cost of the carbon pollution generated by the logging of East Gippsland and south-eastern New South Wales linked to the Eden chip-mill. The invoice for $181 million was calculated on a conservative figure of $10 per tonne of carbon dioxide and based on the amount of carbon dioxide released by logging in East Gippsland and south-eastern New South Wales.

Outlook Victoria: award

Mr ELASMAR (Northern Metropolitan) — I was recently informed that an organisation called Outlook

Victoria located in Darebin won a national business services excellence award. This marvellous organisation employs people with a disability and was commended for the work of its team of support workers. I understand more than 20 people with a disability are employed at Darebin's resource recovery centre. I extend my sincere congratulations to Outlook Victoria and its hardworking team.

Senior Sergeant Paul Gunning

Mr ELASMAR — On another matter, the 2008 Breavington award has been won again by Senior Sergeant Paul Gunning, a Northcote-based Victoria Police officer. This is the second year in a row Paul Gunning has won the award for dedication to duty, integrity and professionalism. I extend my congratulations to this extraordinary man, who has again demonstrated his commitment to excellence and his dedication to his community.

Roads: Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — Traditionally, there has existed inequity in the provision of infrastructure between urban and rural regions of Victoria. In recent years that has changed. There exists significant inequity in the provision of infrastructure between inner urban and outer urban Melbourne. This was brought home with a report handed down by the Royal Automobile Club of Victoria which highlighted a number of roads that need significant additional infrastructure spending to bring them up to standard. Many of our roads in the outer suburbs that were designed as country roads are now carrying metropolitan traffic levels. This is having a dramatic impact on people's ability to move around, particularly given the lack of public transport in so many of those areas. The people who live in the outer suburbs often pay for their own infrastructure through the imposition of developer contribution schemes through land tax and other taxes that are levied on land, but in return they receive very little or nothing.

Roads in my electorate such as Clyde Road, the Western Port Highway and the duplication of the Koo Wee Rup–Healesville Road between Pakenham and Koo Wee Rup need urgent attention.

Mountain Highway–Albert Avenue–Colchester Road, Boronia: upgrade

Mr O'DONOHUE — On another matter I would like to thank Clare Kohlman for her assistance with the petition for the Mountain Highway, which we ran successfully and which was presented this morning. The government must act to address this dangerous intersection, and unless it does so soon — —

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

East Gippsland: emergency management

Mr HALL (Eastern Victoria) — I want to express a level of disappointment with both the timeliness and substance of a piece of correspondence that I received recently from the Premier. My first correspondence to the Premier in relation to the matter was on 17 January and the receipt of a response to that is dated 4 September and was received only in the last couple of days. It has taken nine months for the Premier to respond, which I think is not timely given the issue is an outcome sought by the East Gippsland Shire Council to the Gippsland flood recovery which members will remember occurred in the middle of 2007.

Mrs Peulich — Nine months to respond!

Mr HALL — Nine months to respond. The issue of substance I wish to express some concern about is the fact that the subject of my correspondence was a general request to support the East Gippsland Shire Council in the future management of emergency situations. We know East Gippsland is particularly prone to bushfire, as evidenced in 2006–07, and by floods, as again evidenced in the middle of 2006–07. The East Gippsland Shire Council sought funding to appoint a permanent flood management person who could work with the community and do as much as is humanly possible to mitigate severe damage when floods or fires occur. I am disappointed that it has taken the Premier nine months to reply to a genuine request which would have been to the great benefit of all in East Gippsland.

Taxis: prepaid fares

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate the Minister for Public Transport on her initiative of introducing prepaid taxi fares from 1 October. This measure will reduce fare evasion and improve driver safety. As a person who has had experience with driving taxis on weekends, I can testify to the fact that fare evasion is the scourge of the taxidriver. Fare evasion costs $1.7 million in lost driver revenue every year, with the average fare lost equalling $20. A fare of $20 may seem to some people to be a small amount, but this is income which taxidrivers have the right to earn and to be paid fairly. It is unacceptable that night after night taxidrivers are left out of pocket because some people decide that it is not convenient to pay for this service.

Fare evasion and violence are very real problems in the taxi industry, and this is a tough measure that will curb the level of confrontation drivers experience when they exercise their right to ask passengers for proof of their ability to pay their fare.

Mordialloc: Creating Better Places grant

Mr SOMYUREK — On another matter I congratulate the Minister for Planning, Mr Madden, on the allocation of $250 000 to a Creating Better Places grant. This funding will see the linking of brighter, safer and more accessible public spaces between the town centre and beach in Mordialloc. This funding follows the recently completed bay to rail project which links the station with Main Street and the beach. The local community now has a public space that is safer, greener — —

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

Fairfax Media: restructure

Mr D. DAVIS (Southern Metropolitan) — My 90-second statement today relates to the Fairfax Media organisation and in particular to the *Age* newspaper, which is a very important Victorian institution. As all members of the chamber will be aware, a restructure is being undertaken by Fairfax Media. No doubt that is in part due to falls in revenues and other difficulties encountered more broadly than just at that media organisation.

This is a significant issue for Victoria where, as I said, the *Age* is a very important institution. For several reasons, the cuts proposed by the firm will, as I understand it, be much more significant in Victoria — proportionately much deeper — than the impact in New South Wales. Firstly, the cuts will be imposed on a smaller base of journalists and editorial staff. Also, the *Age* and the *Sunday Age* have, of course, achieved many synergies between them, and further cuts will begin to have some significant impacts. As I understand it, the *Sydney Morning Herald* has not achieved those sorts of synergies, so the impact on a larger base of staff in New South Wales will be much less.

Media organisations are very important to Victoria. Over time we have seen the government broadcaster, the ABC, concentrate its resources in Sydney. This trend in private organisations is similarly concerning. I want to register my concern for Victorian journalism and Victorian-based information and knowledge industries.

Western District Health Service: award

Ms PULFORD (Western Victoria) — I rise today to congratulate the Western District Health Service on having been recognised last night as the regional health service of the year at the 2008 Victorian Public Healthcare Awards. The Western District Health Service is outstanding and this award recognises the exemplary work being undertaken every day by the more than 500 or so staff of the hospital. The Western District Health Service was commended for a range of programs and initiatives, including: the expansion of the chronic disease management, or hospital admission risk, program; its community transport program, which provides timely access to health services across the Grampians region; the extension of the highly successful sustainable farm families program to over 1200 farm families Australia-wide; and the establishment of the national centre for farmer health.

Since 1999 the Victorian government has increased funding to the Western District Health Service by over 60 per cent. It is great to see this yielding great outcomes for the region. Finally, I congratulate all the staff at Western District Health Service for their hard work and dedication.

Plug the Pipe: poster campaign

Mr THORNLEY (Southern Metropolitan) — Last month the anti-food bowl project group Plug the Pipe had protesters holding photos of Adolph Hitler and the Premier with the slogan 'Can you spot the difference between these two dictators?'. This is simply disgraceful.

Mrs Petrovich interjected.

Mr THORNLEY — Comparing a tyrant who slaughtered 6 million people with the leader of a democratically elected government displays extraordinary ignorance and insensitivity to those many Victorians who are Holocaust survivors and their families. It was rightly condemned by all sides of politics.

Southern Directions Youth Services

Mr THORNLEY — On another matter, I met recently with Tom Gallagher at Southern Directions Youth Services. The work the service does with homeless and jobless youth to get them back into mainstream society is an inspiration, and I look forward to supporting that work through government in the future.

Southern Metropolitan Region: Premier's reading challenge

Mr THORNLEY — On another matter, I congratulate the 13 124 children in my electorate who completed the Premier's reading challenge. It is one of the simple pleasures of this job to be able to attend local schools and see the pride in young kids' faces about their reading achievements and the recognition these awards bring.

Keith Street community house, Hampton East

Mr THORNLEY — On another matter, last week I had the pleasure of attending the opening of the Keith Street community house in Hampton East, run by a fantastic organisation called Southern Family Life. It not only offers a range of support programs to enhance family life among the disadvantaged, but also has an excellent record of training those who have been helped by the service to become helpers of others. I look forward to working closely with its outstanding chief executive officer Jo Cavanagh in the future.

Economy: performance

Mr THORNLEY — On another matter, I read with interest the news that, in the June quarter, Victoria had contributed half the nation's economic growth, bringing four times the contribution of New South Wales. As the *Age* has said, we are the engine room of the national economy.

The PRESIDENT — Order! Mrs Petrovich should correct me if I am wrong, but I thought I heard her refer to the poster mentioned as being one that said, 'Brumby with a pipe in his mouth'.

Mrs Petrovich — No. My apologies — —

The PRESIDENT — Order! If that is correct, I ask her to withdraw; if not, then she might explain.

Mrs Petrovich — My recollection is that I suggested it was Mr Brumby with a plug in his mouth, not a pipe.

The PRESIDENT — Order! That is okay.

Honourable members interjecting.

The PRESIDENT — Order! My concern was the reference to 'Brumby', which was totally inappropriate; 'Mr Brumby' is fine.

Dorris Trainor

Ms TIERNEY (Western Victoria) — As a member of Parliament there are a number of highlights that I am privileged to experience. I experienced one last Monday in Dimboola. I had the great pleasure in being able to congratulate one of the oldest women in Western Victoria Region on her birthday. Dorris Trainor turned the amazing age of 104 years; she is mentally alert, physically capable and continues to love a natter. Dorris is a living testimony of active country living, good care and good company.

I also take this opportunity to thank the residents at the Allambi Elderly People's Home for their hospitality and the conversation which we shared over afternoon tea. I thank Norma Elsom, president of the committee, and the wonderful staff who are so dedicated to the professional care of residents, and the affection that they give each day at the centre and in the wider community. The Allambi Elderly People's Home is very much part and parcel of the daily life in Dimboola. Everyone in town knew it was Dorris's birthday. I join with all those who know Dorris, and I am sure all here in the chamber, in wishing Dorris a healthy and comfortable journey towards her 105th birthday.

Nicholson Street, Footscray: pedestrian mall

Mr EIDEH (Western Metropolitan) — For many people the Nicholson Street mall is the very centre of Footscray and at the centre of the region. This is the place where so many people come to meet and where they buy lunch and sit outside in the very culturally diverse atmosphere. I was present, along with the Minister for Planning, Mr Madden, my colleague Martin Pakula, the mayor of Maribyrnong, Cr MacDonald, and various others at the official ceremony to celebrate and acknowledge this great community hub. This is the oldest pedestrian mall in all of Australia, and the Brumby Labor government has worked with the City of Maribyrnong to significantly improve this great community landmark. This is a part of the government's commitment to the community through the Footscray renewal project, where some $52.1 million is being invested over a three-year-period.

Footscray is being revitalised through this exciting project, and the benefits will all flow back to the community, the people whom I was elected to represent. Without exception every one of the people who were present on the day thanked us for the great project and how much it sincerely meant to them. This government does not neglect its duties, this government

does not neglect its people and this government does not neglect the Western Metropolitan Region.

Women: suffrage centenary

Ms BROAD (Northern Victoria) — The community of Beechworth will celebrate the 100-year anniversary of Victorian women winning the right to vote at the Share a Plate luncheon to be held this Saturday at the La Trobe University campus at Beechworth, which I am very much looking forward to attending after this week in Parliament.

The Beechworth Arts Council received a $4735 centenary of women's suffrage grant from the Brumby Labor government to develop this project, which also included making a banner in the suffrage colours of violet, green and white for the main street in Beechworth and staging an exhibition at Burke Museum. The project will focus on the 154 women from Beechworth and surrounding district who signed the 1891 Women's Suffrage Petition, as well as the area's modern day women.

I congratulate the Beechworth Arts Council and the Beechworth community for getting involved in the celebrations for this important democratic milestone. I believe this event will also help to draw attention to the challenges and barriers which remain there for women to overcome in the modern day.

STATEMENTS ON REPORTS AND PAPERS

Road Safety Committee: vehicle safety

Mr PAKULA (Western Metropolitan) — I rise to make a statement on the Road Safety Committee's report on vehicle safety, which was tabled in August of this year. The parliamentary Road Safety Committee has examined vehicle safety technologies that could reduce the frequency and severity of crashes on Victorian roads. The government has been taking action to improve the safety of our roads in both the suburbs and regional centres. For many years it has been striving to reduce the burdens of road trauma, whether they be financial or emotional, that have been inflicted on the Victorian community.

Since the introduction of the first Arrive Alive package, the road toll has decreased by about a quarter — from 444 in 2001 to 332 last year — and in the last five years we have seen the five lowest road tolls on record. Last year we had the second lowest road toll ever recorded, and per capita it was the lowest since 1925. But the government has not rested on its laurels and has unveiled a range of initiatives to drive the road toll down even further. We have released Arrive Alive 2, which aims to achieve a further 30 per cent reduction in the number of lives lost on our roads by 2017. The strategy focuses on significant investments in building safer roads, promoting safer driving and increasing vehicle safety, which is the subject of the report.

The committee has recognised the government's stance to enhance vehicle safety by mandating electronic stability control (ESC) from 31 December, and has also applauded the decision to mandate head protection technology from 31 December 2011. Earlier this year the Council for Australian Federation supported the Victorian proposal to mandate these safety technologies as a condition of registration in the absence of an equivalent national system being in place. Australian research has found that ESC can lead to a reduction in the risk of single-vehicle crashes by about 30 per cent, and American research has found that side curtain airbags can lead to a reduction in the risk of death in side impact crashes of around 40 per cent. These new technologies have enormous potential to help Victorian road users. The committee has found that safety technologies, which could save lives, are available less in vehicles sold in Australia compared to those sold in other countries. Of even greater concern is the committee's finding that safety technologies are often removed from vehicles which are sold in Australia.

The committee has called for the similar mandating of pre-emptive brake assist in cars and heavy vehicles and anti-lock braking mechanisms in motorbikes. It is good to see the opposition members of the committee advocating for initiatives that could improve motorcycle safety, given that The Nationals and the Liberal Party both went to the last election with a policy to abolish the motorcycle safety levy, because it is an undeniable fact that funds from that levy are reinvested directly into motorcycle safety projects endorsed by the Victorian Motorcycle Advisory Council, on which there is a range of motorcycling representatives. Since the introduction of the levy, motorcycling fatalities in Victoria have fallen by around 20 per cent while the number of registered motorbikes has gone up by 28 per cent, and over the same time motorcycle fatalities across the rest of the country have increased by about 15 per cent.

A range of other measures have been recommended by the committee, including the mapping of Victoria's road system speed limits, third party insurance premium discounts for safer vehicles, the implementation of the Australian new car assessment program Stars on Cars and the targeting of recidivist speeding offenders. The targeting of speeding offenders is an interesting position for the Liberal Party to adopt,

seeing it has advocated increasing speed tolerance levels, notifying drivers of speed tolerance levels, and describing speed cameras as 'nothing more than revenue raisers'. We are happy to see the change of heart and happy to see road safety measures getting a look-in.

Auditor-General: *The New Royal Women's Hospital — A Public Private Partnership*

Mrs KRONBERG (Eastern Metropolitan) — I will speak on the September 2008 report entitled *The New Royal Women's Hospital — A Public Private Partnership*. The Royal Women's Hospital was to become the Southern Hemisphere's leading women's hospital and deliver accessible, effective and high-quality services to Victorian women and their newborn babies.

Using a model based on the Partnerships Victoria framework the redevelopment has been procured through a partnership with a private sector consortium for the design, building, financing and maintenance. Clinical services within the hospital remain in the public sector. Government funding amounted to $250 million, this sum being reliant on $60 million coming from the disposal of the existing Royal Women's Hospital in Carlton and its property assets. Upon the commencement of the operating phase of the hospital the government has contracted to repay over a period of 25 years a sum of $1.073 billion to the private sector project company. The Auditor-General cited the Royal Women's Hospital's own annual report of 2006–07 for the net present value equivalent being $421.5 million as at 30 June 2007.

The Auditor-General's recommendations centre around actions that need to be taken by the Department of Human Services. These include things such as the need to fully document processes designed to manage, monitor and review performance and abatement processes prior to the commencement of the operating phase. In parenthesis, and underscored, since this hospital has been operating there has been a procession of high-profile and well-publicised disasters.

Furthermore the hospital needs to expedite its consideration and approval of the formal establishment of a contract management unit. The Auditor-General stressed the need to adequately resource such a unit to ensure that during the operating phase — the one everyone is suffering through right now — and from here on an effective contract management function is performed.

The Auditor-General further recommended as a matter of urgency that the Department of Human Services both complete and then endorse the contract administration manual. This is important, as it must be available to supplement the policy and procedures manual prepared by the project company. This is so the people who are wedded for a 25-year period are actually on the same page — literally and figuratively.

The Auditor-General also recommended that the Department of Treasury and Finance undertake a review of the contract management guidance embedded in Partnerships Victoria with a special focus on its contract management plans and contract administration manuals to ensure clarity and lack of ambiguity. If that sounds familiar, it is very much a tone that comes through all Auditor-General reports on government departments. In general this whole thing raises the question of what practices have been tolerated up until this examination by the Auditor-General. What is at stake is the effective management of a 25-year relationship and $1.073 billion over that time. We all know the dangers of relying on organisational memory. What legacy would a government derelict in its oversight of such projects leave to the people of Victoria and a new government?

The Auditor-General further highlighted the fact that the Royal Women's Hospital was designed to have two floors added later. However, the government ignored the impact of the baby boom, which began four years ago, and continued in a straight line. It failed to seize the chance to add more room whilst the hospital was still under construction. Since the business case was approved there has been a 20 per cent increase in demand for maternity services at the Royal Women's Hospital. The Auditor-General said that in light of the increased maternity demand, which became obvious during the construction phase, it would have been prudent for the Department of Human Services and the Department of Treasury and Finance to conduct a cost-benefit analysis of the option to add extra floors during the construction phase. He commented that there was no evidence that this had been even considered.

The government was single-minded about its intention to manage demand for Victoria's maternity services by expanding hospitals in population growth corridors in the north and south-east of Melbourne. Of course the problems experienced since the commissioning of the hospital and its running in this shambolic way are impacting on pregnant women, women who have just delivered and their infants. There is a constellation of problems that range from exhausted and demoralised staff having to cover — —

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

Primary Industries: report 2006–07

Ms BROAD (Northern Victoria) — Today I wish to speak on the Department of Primary Industries annual report for 2006–07. In particular I wish to address my remarks to DPI's actions to support Victoria's primary industries to improve their productivity and sustainability by using world-class science to develop new ideas, technologies and practices.

In 2006–07 Primary Industries Research Victoria (PIRVic), DPI's dedicated research and development division — established to drive innovation across the primary industries sector — provided a combined strength of 826 highly skilled scientific and technical staff in 20 metropolitan and regional research and development centres across the state. The majority of staff — around 53 per cent — are based in regional Victoria and are therefore close to both the issues and the communities they need to be close to in order to address their issues. PIRVic played a critical role in developing and sustaining Victoria's primary industries over the four years to 2006–07, and I would like to place on record my acknowledgement of the achievements of all the scientific and technical staff over that period.

Because times change and in order to deliver reforms and implement the Victorian government's decision, amongst many others, to invest more than $180 million in a biosciences research centre in partnership with La Trobe University, DPI has restructured PIRVic. It is separating the research functions into two divisions. A biosciences research division will include DPI's biosciences and bio-protection research disciplines, and a future farming systems research division will provide a strong focus on the need for farming systems to respond to a range of challenges, such as climate change.

This year the Premier, John Brumby, launched the Victorian government's $205 million Future Farming strategy to boost farming services, to drive growth and innovation in agriculture, and to help the sector respond to new global challenges. I particularly acknowledge that when John Brumby became Premier he said that improving services to farmers would be a key priority for the Victorian Labor government under his leadership. That was followed up with the Future Farming strategy, which sets out some $205 million in new investment built around seven key actions to provide farmers with the tools they need to grow. Those areas include, very importantly, more than $103 million to boost productivity through new technology and changes in farming practices. These include the development of new generations of drought, cold and salt resistant crops, improved plant and animal disease control and new technologies to lift productivity.

This is where the investment in science and technology, research and development really comes into its own. Most recently the DPI has announced a restructure to modernise and improve the delivery of services to Victorian farmers to ensure that the department has the right people in the right places to meet the changing needs of farming. Although the net impact of these changes is a reduction of up to 50 agricultural, science and extension staff, it is very important that this be put in context. That context is that since 1999, under the state Labor government, the number of agricultural staff in DPI has increased by more than 200. I have outlined a whole series of strong investments by the state Labor government in these areas.

In conclusion, I welcome these investments and the strong support under John Brumby's leadership for improving services to farmers right across Victoria, including my electorate of Northern Victoria region.

Drugs and Crime Prevention Committee: misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria

Mrs COOTE (Southern Metropolitan) — It gives me pleasure to rise to speak today on the inquiry into the misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria by the parliamentary Drugs and Crime Prevention Committee. It was a report that was tabled in December last year.

I am now a member of this committee, but I was not involved with this particular report. I put on the record my praise for the professional way in which the report was developed, the issues that it identifies and the excellent research the committee executive did on presenting such a professional report. It is now within the public domain and is an important part of addressing the serious issue of drug abuse in our state.

We think about drug abuse as being the extreme. We think about drug abuse as being about overdoses and a whole range of other issues associated with illicit drugs such as heroin and, these days, ice, speed and amphetamines, but we do not think about it being abuse of pharmaceutical drugs. This is important. Frequently we hear when we turn on our radios that there has been a robbery or someone has been apprehended for abusing the system, but we do not really understand what it means. We do not understand that

pharmaceutical drugs are being misused by people who are desperate because they have an addiction of some sort.

I was interested to read the committee's recommendations, but it was the recommendation about the community that was most important for me, and it is in fact relevant to what my own community is doing at the moment. In the recommendations under the heading 'Community', the recommendation was to:

> Develop a statewide comprehensive public education campaign on benzodiazepines and opioid analgesics, along the lines of the QUIT, TAC or WorkCover campaigns that is based on best practice. This campaign should include information on the:
>
> Risks and harms …
>
> Questions to ask your doctor and pharmacist
>
> Negative effects of sharing medication
>
> Appropriate storage of medicines, use-by dates …
>
> Treatment options and support services
>
> The harms associated with poly drug use.

It will come as no surprise to this chamber that some of the issues are particularly relevant in parts of the Southern Metropolitan Region, in and around St Kilda and Prahran, for example. I was very pleased that on 29 August there was an Overdose Awareness Day sponsored by the City of Port Phillip. It was a day to acknowledge individual loss and grief for people who have suffered, or have family members who have suffered, overdoses. We should remind ourselves that it is not just the individual concerned, but also family members, in many cases children and in other cases parents, who are affected by overdoses.

It is salutary to look at these statistics. From 1999 to 2004 there were 1037 deaths from illicit drugs in Victoria. In 2004 there were 4991 drug-related deaths in Victoria, accounting for 15 per cent of all deaths in Victoria in that year. It is pleasing to see that we have come some way from there, but we still have a long way to go. Having such awareness days and focusing the community's attention on these issues is very important.

The Overdose Awareness Day in Port Phillip was founded by the Salvation Army's Sally Finn. The Salvation Army has held a prominent position within St Kilda. In particular, it has run a service-based facility for a significant time and done some excellent work with the community. Sally Finn said:

> Death from drug overdose often has so many community perceptions surrounding it, as well as sometimes shame, regret, and guilt, that those people affected by the death of a loved one in that way often don't get an opportunity to grieve properly.

It was important that families were able to share their grief in this positive way. I commend the City of Port Phillip for the recognition of the lives lost and I commend the city for acknowledging the pain and suffering felt by the friends and families of overdose victims. Each of these statistics represents a brother, sister, son, daughter, mother, father or friend who has been taken from us. Many families and friends of victims carry the burden of not knowing if they could have done more to have prevented the tragedy from occurring.

This report is about an area which we should be alerting our communities to, just as the City of Port Phillip has with its Overdose Awareness Day. I recommend that other members of this chamber suggest to their local municipalities that they might like to hold a similar occasion and event, but not to forget that in fact it is not just the illicit drugs that are causing problems but others as well.

Road Safety Committee: vehicle safety

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the report of the Road Safety Committee's inquiry into vehicle safety of August 2008. After I read this report I began thinking about how very little has changed over the last decade in Australian automotive technology. There is in my opinion very little difference for ordinary motorists in the standard cars of today than say 10 years ago. When I say 'standard', I am not talking about cars fitted with global positioning systems or Bluetooth. These are optional extras, and as I read in the report, these extras may also include airbags, anti-lock braking systems and anti-theft devices. The safety devices are being bundled together by car dealerships as an optional extras package.

I do not think safety devices should be bundled in with fancy extras. All cars should have an automatic minimum standard of safety, and all vehicles should be fitted and sold with them. Then if the purchaser of a vehicle can afford the extras, it is up to them to buy them. But according to the report there appears to be a decrease in innovation in safety technology compared to our American and European counterparts. We all want our motorists, particularly our young drivers, to be as safe as possible on the road. Many young people today can no longer afford — if they ever could — to buy a brand-new car with lots of safety features and gadgets. The majority of young people buy an older, used vehicle, and parents like me cross their fingers and pray that their children will drive sensibly and that

common sense will prevail. So often we read in the newspaper or see in the media that common sense does not prevail — but that is another issue.

We all know about the dangers of the ever-increasing traffic on our highways and suburban streets. We know that new drivers, mainly teenagers, will show off or be stupid behind the wheel. I know also that we as a Parliament cannot put old heads on young shoulders. However, what the report highlights is that Australia has fallen well behind in its vehicle safety technology. Australian safety standards are lower than those of the United States, Europe and the United Kingdom. The standards of those are all considered by international road safety experts to be far superior. This deficiency will in time affect every driver in Victoria, from the inexperienced driver to the seasoned motorist. The report recognises this fact and has come up with a strategic plan to address these shortcomings.

There are 37 recommendations in the report, and I support them all. I applaud the members of the committee for their hard work and diligence in bringing forward a strategic plan, which, if adopted and implemented, will make our roads and highways safer for all road users. If the government agrees to the installation in the government car fleet of some of the available safety devices featured in the report, we will truly be leading by example.

Family and Community Development Committee: involvement of small and medium size business in corporate social responsibility

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a few remarks in relation to the Family and Community Development Committee's report on the inquiry into the involvement of small and medium size business in corporate social responsibility of August 2008. It is a very new report by a committee that I previously served on for 10 years, so it was with great interest that I delved into this topical report. I want to make some comments in sufficient time for them to be considered by government before it makes its response to the Parliament.

I believe that the terms of reference of this inquiry were deficient. I would encourage the government to consider not only how it encourages corporate social responsibility and the engagement of the business community — in particular the involvement of small and medium enterprises in various philanthropic activities in our community, especially those tackling social disadvantage — but also the increasing activity of business, unions and various levels of government. The government should consider how it regulates these and the manner in which the lines between them have been blurred and responsibilities have been shifted under this state Labor government. I believe these issues need to be addressed, because to not do so would potentially lead to many instances of corruption — an outcome that I think would sell the community short.

I would like to take up some of the points that have emerged as a result of looking at some of the recommendations. Obviously there are benefits. There are many ways that the reverse can also occur — that government can benefit from business. I am looking particularly at the many issues that were touched on in so many ways today in the report tabled by Mr David Davis's committee, along with other issues that have been resolved relating to this cosy relationship between business that wants favourable government policies and outcomes — whether that is tenders or policy direction — and the government, in particular through its vehicle of Progressive Business. Progressive Business is very effectively headed by Phil Staindl, and it has been a very successful fundraising vehicle for the government. These are areas we as Victorians need to look at very closely. We need to look in the direction I alluded to in debate yesterday in terms of the role of various education alliances between unions and businesses in securing government funding to deliver training to the community. We need to look at how those funds are used and what sort of auditing and transparent frameworks are in place to make sure that the community is getting the best value for its dollar.

I would like to focus just briefly on my particular passion, which is the issue of the involvement of business in schools. I was particularly concerned when Premier Brumby recently made the announcement that he wanted to encourage the involvement of business in education. That has been happening for some time, but it appeared he did not believe there was a need for any guidelines. This is of most serious concern. Corporate and business and school partnerships need an ethical framework to be in place before the implementation of the government's blueprint, and they need to be considered in the context of this report that has been tabled in the Parliament.

The buck always stops with the Minister for Education, who needs to make sure that appropriate accountability provisions are put in place before this policy is progressed further. Premier John Brumby and the Minister for Education, Bronwyn Pike, need to ensure that business and corporate arrangements with our schools are not exploitative of students, that they do not compromise teachers, that they do not compromise school councils and above all that educational

objectives are not compromised by these deals, whether well intentioned or otherwise.

My concern is that while there are commendable businesses that wish to engage in these community projects as philanthropic activities, there are many others that may want favours from government in other areas and that the projects may be used as vehicles for earning brownie points. Schools have a duty of care: this is a legal obligation that needs to be fulfilled. If we do not regulate these things properly, there could be litigation further down the track — as a result of, for example, promoting products or businesses that perhaps should not be involved in our education system, such as liquor outlets and manufacturers, gaming companies, cigarette manufacturers, fast food businesses and the like.

I do not want to see any corporation or business compromised by not having an adequate set of ethical guidelines for their involvement. I want to see that sort of access to and favour from the Brumby Labor government involving business not being used as a Trojan Horse to gain access and favour in other areas. I urge the government to develop a proper set of ethical guidelines for the involvement of business in our school communities.

Public Accounts and Estimates Committee: budget estimates 2008–09 (parts 1 and 2)

Mr EIDEH (Western Metropolitan) — I rise to speak on the Public Accounts and Estimates Committee's report on the 2008–09 budget estimates, parts 1 and 2. When I first saw these two volumes I was taken aback by their size and amazed by the professionalism and in-depth coverage of the issues by the members who worked so hard to deliver the report to the Parliament. I therefore begin by congratulating the members of the committee in this house, my electorate colleague Martin Pakula, Greg Barber, Richard Dalla-Riva and Gordon Rich-Phillips.

The Public Accounts and Estimates Committee is responsible for overseeing and investigating reports that affect the financial management of the state of Victoria. In that sense it has the broadest reach of all parliamentary committees and is able to examine almost any area but thus it also has one of the toughest roles. I also express my amazement that such a professional inquiry could cost so relatively little, with the combined cost of both part 1 and part 2 coming in at under $35 000 in total. This shows that the committee was not there to do anything other than undertake a professional examination of the financial state of affairs on behalf of the people of Victoria.

Part 1 covers budget estimates hearings on the portfolios of Education, Children and Early Childhood Development, Community Services, Major Projects, Innovation, Industry and Trade, Regional and Rural Development, Attorney-General, Planning and Community Development, Premier and Cabinet, Primary Industries, Sustainability and the Environment, Treasury, and Finance.

The range of issues, the diversity of questions and the quality of the often in-depth responses from the ministers in the Brumby Labor government and their department heads leaves me feeling good about the state of government in Victoria. Our ministers are competent and capable and have a sound grasp of their departments and the complex issues that confront their diverse portfolios, and not just for today — in reading some of the answers from ministers, I can see that they also have a vision for the future of our state, a vision led by the Premier, which sees Victoria ahead of other states of Australia.

In part 2 the committee furthered its work. Ministers of the government enjoyed the opportunity to present further evidence on just how well the state of Victoria is travelling under the leadership being shown by the Premier: investment in a broad range of essential infrastructure, development of schools, new hospital facilities, new police stations; improvements to roads; new community hubs; increased promotion and incentives that are succeeding in strengthening our rural and regional communities; investments in innovation; analysis of the future needs of our state in such areas as health provision and skills; commitments to tourism and funding for a host of exciting new projects; increased efforts to strengthen trade opportunities for Victorian businesses; dedication to community development projects, a strong and continuing commitment to our diverse multicultural communities; increased attention to safety in the work force; additional commitments to senior Victorians; and commitments to our indigenous population and to the arts community.

The list goes on and on as this government consistently moves towards doing its very best on behalf of the people of Victoria — today, tomorrow and in the years ahead. But the report's two parts and the responses from ministers and their department heads also show that the government is well aware of the challenges ahead and of the need to act. Indeed the government is acting to meet those challenges ahead. That is why we are holding inquiries into senior citizens and into

mental health, amongst other areas — to ensure that the services to be offered in the years ahead are those that the community needs.

To look at these two large documents and read through any part of them is to discover a government that cares about the people of Victoria and acts to make their lives better. I commend the committee on its work and I also commend these two parts of its report to the house.

Parks Victoria: report 2006–07

Mr P. DAVIS (Eastern Victoria) — My statement is on Parks Victoria's annual report 2006–07. In particular I am interested in visitations to parks and note that the report emphasises that, notwithstanding certain environmental difficulties during the period, park visitations actually continued to increase.

It is clear that Victoria is blessed to have a diverse range of geographical features, some of which are contained within our national parks and others in other forms of reserves and also in state forests. Of interest to me is the opportunity that this presents to our rural communities, particularly in Gippsland and eastern Victoria, with respect to tourism. As members in this place would be aware, over the course of the last year I have invested some considerable effort in looking at opportunities to enhance nature-based tourism, in particular walking opportunities. I have talked previously about those opportunities with reference to what is being done in other states, New South Wales and Western Australia in particular, where I have had an opportunity to assess the comparative opportunities.

People initially thinking about walking do not necessarily realise that there is a significant economic benefit in it — and I will come to that in a moment. I note that yesterday the Minister for Tourism and Major Events and the Minister for Environment and Climate Change jointly released a four-year strategy to boost nature-based tourism, which according to the ministers' press release is one of the fastest growing tourism sectors. The release quotes Minister Holding as saying:

> Nature-based tourism is one of our most important tourism markets, with 77 per cent of international visitors and 37 per cent of domestic visitors undertaking at least one nature-based tourism activity during a trip to Victoria.

Those are very significant statistics. It goes on:

> Victoria's national parks attract the highest visitor numbers in Australia, 28.6 million to protected area parks in 2004–05; however, research indicates that Victoria is not perceived as a highly sought after nature-based tourism destination when compared to other Australian states.

That is important because we need to get an economic benefit out of this. The strategy identifies five priority areas including, in my region, Phillip Island, Gippsland and the high country. I want particularly to pick up the Victorian Trails Strategy 2005–2010, which was released in 2004. Its executive summary cites that Victoria has more than 2000 trails with a total length of some 800 kilometres, just to put a framework around this. I note that this government is very late in coming to the party to identify the opportunities in nature-based tourism. On 28 May 1993 a former member of this place, Graeme Stoney, wrote to the then Minister for Conservation and Environment, Mark Birrell, outlining a framework on the future utilisation of unused and recently closed rail line corridors. What we now know as the rail trail program was put into effect and driven principally by Graeme Stoney and some parliamentary colleagues under the auspices subsequently of the minister for tourism. What was established was a statewide coordinating committee, chaired by Graeme Stoney, to deal with tracks and trails right across the state. Interestingly, the work that committee was doing to develop a five-year strategy was under way in 1999 at the change of government, but it took another five years of its strategy to be released by the then Bracks government. Disappointingly for me — —

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

Victorian Environmental Assessment Council: river red gum forests investigation

Mrs PETROVICH (Northern Victoria) — I rise to speak on the *River Red Gum Forests Investigation* final report of July 2008 by the Victorian Environmental Assessment Council (VEAC). The predominant environmental consideration in this report is the need to provide water to sustain natural assets of the floodplains, which relate to a very large area from Mildura right down the Murray River. The premise of this report was the protection of the river red gums and wetlands, but at what cost, and can it deliver its objective? There is no clear demonstration of where this water is to come from. The government figures on water are across the board, as we know, rubbery to say the least. The government has no strategy and has been caught short. I quote from the report:

> This approach differs from that taken in the draft proposals paper which focused on achieving adequate overbank flooding and an estimated required volume (4000 gigalitres every five years; 800 gigalitres annualised). While overbank flooding is the optimal method of delivery for many …

I will just create a visual for this. This is the equivalent of flooding the streets of Echuca 2 feet deep in water,

running the water through the streets of Echuca annually and every five years. Where is this water to come from? We have had 10 years of drought. We know the river red gums are stressed, but we have a significant amount of work to do on defining where that is coming from. The report says:

> The independent social and economic assessment commissioned by VEAC found that VEAC's recommendations would result in a net increase in economic value to Victoria of $37.3 million per year, or $107 million per year (excluding water costs) …

I would have to ask: is this the same as the work that was done and the jobs created through the regional forest agreements in tourism? When we had a similar report on the box-ironbark forests, the recommendation was also made that that the jobs lost would be filled by tourism. I cannot quite see the boys who cut timber in the red gum forests pulling lattes in some little cafe that will be set up there. Those who live and work and raise their families around those forests — the people who we hear so often quoted in this chamber — have been custodians of this land for more than 150 years.

I have spoken many times in this chamber about the bushfire inquiry, as I was a member of the Environment and Natural Resources Committee. We know that snow gums and mountain ash need fire to regenerate, but I can tell you that river red gums will not survive: they do not regenerate through fire.

This government's attitude to national parks has been lackadaisical to say the least. We have seen very little appropriate public land management. If VEAC has got it wrong, and incorrect levels of management are not introduced that at least replicate the care that the communities have taken of these large tracts of land, I can tell you that the river red gum is fire sensitive and it will not regenerate. It does not use fire to regenerate.

I would hope we can look at the management techniques that are raised in this rather inconclusive report. There has been an investigation of the report by members of the community: Craig Cook, the deputy chair of Goulburn-Murray Water; Bob Smith, a VicForests board member; Joan Burns, the chair of the Mallee Catchment Management Authority and dryland farmer; and John McQuilten, former regional upper house MP. I am sure that is a very carefully selected group of people, and I am hoping their review of this report has been done with some vigour. I would hope that as part of this process we will come to the conclusion that the land does need protection — the riparian zones and wetlands do need protection from hard-hooved animals, but a Ramsar protection would be a far more appropriate way of delivering that for those communities.

We also talk about intergenerational poverty in these areas, particularly around Cohuna, Koondrook, Nathalia and Picola. It is likely that they are the most sensitive to the effects of the VEAC recommendations as the jobs that are available in those areas concern timber cutting and furniture making. The tourism and camping opportunities — —

The ACTING PRESIDENT (Mr Leane) — Order! Unfortunately the member's time has expired.

ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL

Second reading

Debate resumed from 21 August; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr KOCH (Western Victoria) — It is a pleasure to lead the debate on the Road Safety Amendment (Fatigue Management) Bill 2008. The purposes of this bill are to amend the Road Legislation Further Amendment Act 2007 and the Road Safety Act 1986 to reflect changes in the fatigue management scheme, to provide for oversight of the scheme by the Australian Transport Council and to make other miscellaneous amendments.

As this is an amending bill to amend the Road Legislation Further Amendment Act 2007 and the Road Safety Act 1986, the opposition will not be opposing the bill, especially as it relates specifically to fatigue management in the road freight industry.

The key elements of the bill before us include new working hour limits and rest-time requirements; flexible driving hours using a three-tiered approach; a risk-based categorisation of offences; a general duty to avoid driver fatigue; enhanced enforcement powers; a chain of responsibility in which a duty is imposed on persons who share with drivers the responsibility of fatigue management; and it strengthens record-keeping requirements of the work diary replacing the former driver's logbook.

Clause 5 of the bill alters the responsibility of loading managers to include nominating a time for drivers to commence the loading and unloading of heavy vehicles. Clause 10 makes it an offence for drivers who fail to comply with the advanced fatigue management

scheme limits on maximum work periods and minimum rest times.

The bill principally requires that changes be made to work and supplementary work diary record-keeping requirements, which all drivers are required to complete. Importantly, where drivers are unable to complete standard record-keeping procedures, such as where work diaries or in-truck technology are full, this amendment will allow the use of other documentation as long as it complies with the information required.

Clause 43 also clarifies and approves sleeper cabins being used on long-haul operations where drivers usually remove themselves from the driver's seat whilst taking formal rest breaks. This is important, as in many cases rest breaks are taken en route and away from other amenity locations used by the general public.

This is a small bill of some 45 pages. The bill contains road safety ramifications in relation to accreditation for fatigue management. More particularly there are ongoing road safety ramifications for the travelling public. Although not opposing the bill, the opposition has proposed amendments which would better reflect the needs of the road haulage industry.

The concerns raised with the opposition by the Livestock Transport Association of Victoria are valid. This body wishes to see the spread of working hours increased from 14 to 16 hours for basic fatigue management accreditation, which has been accepted already in South Australia; and I might add it has also been proposed to be included in Queensland legislation.

This section of the industry is the only one where animal welfare issues might be compromised, especially in long-haul situations which may, on the odd occasion — and I repeat, 'on the odd occasion' — necessitate the unloading and reloading of livestock en route. Although this is not a regular occurrence, drivers are disadvantaged when this takes place. In an earlier time during my career I was a transport operator, particularly in the area of the carriage of livestock, and I can testify that this occurs. As I mentioned earlier, it does not occur on a regular basis, but it occurs. Animal welfare is often beyond the capacity of the driver. From that point of view, as I said earlier, we see that there is some validity in what the Livestock Transport Association of Victoria has put before us.

These operators are seeking an extension to 16 hours under the current basic fatigue management standards, subject to mutually accepted conditions. As I mentioned, this is not dissimilar to the proposed legislation in Queensland that would parallel the current situation in South Australia for the movement of livestock.

Importantly, as legislators it would certainly not be our wish to make criminals of any particular sector of this industry. Some discretion is essential where situations arise that are not within the capacity of those in charge of transport to control, and that is especially so with long-haul transport. On those grounds I certainly hope consideration is given to this matter.

Opposition amendments circulated by Mr KOCH (Western Victoria) pursuant to standing orders.

Mr KOCH — I will raise this matter now, but I imagine I will speak more about it when we go into committee. Operators of livestock transport, especially long haul — and bearing in mind that these transports are carrying a lot of stock these days, especially when they are in a B-double configuration — with the best of intent will go to various properties, abattoirs or other collection spots to load livestock for their trip. They do not have the power to empty the livestock prior to them being put on transports, for instance. Livestock do not travel well on full stomachs and quite obviously should be yarded for between 12 and 24 hours before being loaded onto vehicles for haulage off to abattoirs or agistment or whatever is taking place in other parts of the state or interstate.

Other causes of concern for drivers in the livestock transport industry occur especially in the high country, where they do not travel along straight, flat roads. Livestock are moved around a lot in the back of these transports on mountain roads where there are a lot of corners. The transports move up and down hills with various gear changes and what have you, and the livestock unwittingly tend to lose their balance. We must understand that on many occasions, even with the best endeavours of drivers, in these situations there is often a need for livestock to be unloaded on a regular basis. They are usually unloaded and left off the truck for about half an hour and then put back on to continue on the journey. Heat also affects livestock terribly, especially in the hot summer months of February and March. Consideration must be given for the need for drivers to unload and reload stock en route. Depending on the conditions, this can take between 1 and 3 hours, and that is not taken into account in relation to the hours for which these fellows operate.

Those who watched *Four Corners* a fortnight ago would have seen what is taking place in the industry. In the broadcast we saw the collusion of our supermarkets. Supermarkets are now using transports as warehouses on wheels. We have got drivers who are on call for

various periods of time, and it can take up to 6 hours before the transports are unloaded. Under the accreditation regime those hours fall outside the time of a normal rest period because the drivers are, correctly, still on duty. I see that falling into a completely different area. There are not necessarily animal welfare issues involved here. Certainly there may be perishable goods, but on most occasions they are in some form of refrigeration and will not go off. I ask that consideration be given by the chamber to the concerns the Australian Livestock Transport Association has raised with us.

It is important to reflect on this from a road safety point of view. We are all very conscious of the time drivers, especially transport drivers, spend in their trucks. We are critical on some occasions and say that they should only have the opportunity to do a maximum of 14 hours in any one period. There are many in business, particularly in the hire car business, that do not have imposed on them the same hourly limitations as our transport operators have. Personally I have to say that I have often found myself behind the wheel of my motor car for periods of more than 15 hours — not continuously, but without dedicated rest periods.

Mr Pakula interjected.

Mr KOCH — We can smile and laugh about it. There are other members here who represent large areas of regional Victoria. In some cases, members like myself are guilty, not on a regular basis but on some occasions, of being intermittently on the road for too long — they may have a break, although not a registered break in many cases. We may attend meetings, get back in our cars and go on and complete other parts of our daily schedule. We also have a responsibility. We squeeze the edges of these time limits on the odd occasion in doing the duties of this house.

Another area that came up is the area of training and accreditation as it relates to the basic fatigue and advanced fatigue management programs, which come into play, as we are all aware, at the end of September this year. To date this training has not been easily accessed. The accreditation providers are thin on the ground and in many cases have an expectation that those seeking training have the capacity to drop everything they are doing to meet the demands of the training providers — whether for initial training or to upgrade current certification. It is important to recognise that our transport industry is going through tough times. When we look at these training providers we need to ensure flexibility. There is a demand for this extra training, and it is terribly important for there to be a recognition of this and an extension of the time line of the end of September this year — which I have to add is right now. I appreciate the consultations and the briefings given to the opposition. I certainly put that on the table.

The government has not been responsible in considering the time frames needed to introduce these training times and opportunities. As I have said, the time lines are insufficient to enable compliance. Unfortunately this is at a time when in many ways road users are confronted with the possibility of the government proposing further scheduling of road routes and introducing larger transports — unfortunately including B-triples — and allowing them to invade our road network. Local government continues to be confronted as this government pushes at the edges, especially in relation to a lot of our unfunded state and local road networks around the state. If the government spent as much time and resources in bringing our rail infrastructure back to the same standard or better than it was in 1999 so that road users could handle the freight movements a little bit better, we would all benefit.

I also received correspondence, as others may have, from Brian Nye, the chief executive officer of the Australasian Railway Association, flagging a similar position where the association has concerns about the further introduction of larger and larger transports on our roads, denying the movement of heavy freight on our rail system. With far more consideration and resources we could limit those increasing movements on the road.

We all have some concerns in relation to these larger transports coming into play. We are constantly looking at road safety and road safety measures. With the current price of fuel we are looking at smaller, less powerful cars. I think those vehicles will struggle further when negotiating their way around these larger transports on our roads, specifically in poor weather conditions. We know it is already difficult to get past B-doubles — without putting another trailer on them.

From the opposition's point of view we recognise that road safety and heavy transport will continue to play a pivotal role in Victoria's future. Hopefully the circulated amendment will be given consideration. This will go some way towards ensuring that the government gets more runs on the board from our general road freight users, our travelling public and all those who require these services statewide.

For the reasons I have explained, the opposition is supportive of putting in place a fatigue management regime for the road transport industry. However, we continue to stress the importance of a whole-of-industry

freight and logistics strategy, which regrettably the Victorian industry and the public have not been fortunate enough to see tabled in this house to date. We have now been waiting for some seven or eight years for this government to deliver on that. With those few words, and I think there are many speakers to come, I will conclude my contribution. I will speak more about the amendment in the committee debate.

Mr PAKULA (Western Metropolitan) — I rise in support of the Road Safety Amendment (Fatigue Management) Bill 2008. As Mr Koch indicated, this is a bill that amends the Road Legislation Further Amendment Act 2007.

I would like to start by saying this is another piece of what has been, in my opinion, a proud and impressive record of this government in promoting road safety in Victoria. If one looks at the three years between 1999 and 2001, which were the three years immediately prior to the implementation of the Arrive Alive package, and uses them as a baseline, there has been a 20 per cent reduction in fatalities on Victorian roads in that time. It is worth remembering that as recently as 2001, 444 Victorians died on our roads. Last year that figure was 332. A range of factors have led to that, but it has been in no small measure due to the government's road safety record.

Mrs Peulich — How about the drought?

Mr PAKULA — I will take up the interjection. In a really snide aside Mrs Peulich suggests that the reason for the reduction in the road toll is the drought. What Mrs Peulich fails to recognise is that the road toll has been on a consistent downward curve since the early 1970s. It is not a one-off or a two or three-year phenomenon due to the drought. It is due to a range of road safety measures implemented by successive governments over a period of time as well as safer cars, better roads, better enforcement of drink-driving laws, better enforcement of speed limits and better enforcement of drug-driving laws.

To suggest that the drought is the reason for the reduction in the road toll is an insult to all those who have spent their lives trying to reduce the road toll — from the police force to governments, ministers and all those who have been part of that bipartisan effort over many years. Work has been done on a whole range of levels — on reducing drink-driving, on reducing the number of people driving on drugs, on reducing speed more generally, on reducing speed around school zones and on enhancing bicycle safety, motorcycle safety and, as part of this package, heavy vehicle safety.

Members might recall that last year this Parliament passed the Road Legislation Further Amendment Act 2007. That piece of legislation came about as a result of the National Transport Commission review into fatigue among drivers of heavy vehicles. As members may recall, that act provides for a range of measures to regulate and ameliorate fatigue among those people who do the very important job of heavy vehicle haulage, not just across Victoria but across the nation. It brought in work hours limits, and it brought in new rest time requirements and flexible driving hours using a three-tiered approach based on standard hours, basic fatigue management and advanced fatigue management. It introduced a graduating scale in terms of the number of hours that could be driven depending on how much effort the carrier was prepared to put into fatigue management. It also brought in enhanced enforcement provisions and strengthened requirements for record keeping.

The piece of legislation before the house today, like the previous bill, has come about as a result of consultation with the Australian Transport Council. Importantly these are nationally agreed amendments. The bill makes primarily minor technical amendments and minor drafting amendments to the principal act. It also makes a number of clarifying amendments which have been sought principally by the industry. These are designed to make life somewhat easier for those engaged in the industry. For instance, the bill clarifies the definition of a short rest break so it can be taken in the vehicle. It puts some extra requirements on inspectors. It strengthens the record-keeping requirements and some of the accreditation requirements.

As I said, these are nationally agreed amendments to the national framework. They have been the subject of extensive consultation, not just in Victoria but around the country. They are supported vigorously by the principal participants in the industry, being the Victorian Transport Association, which is representative of the industry, and the Transport Workers Union (TWU), which is representative of a huge proportion of the drivers in the industry.

Mr Drum interjected.

Mr PAKULA — Yesterday you were the union's friend, Mr Drum.

Mr Drum — They are not behind you.

Mr PAKULA — The TWU is absolutely behind it, Mr Drum. I take up the interjection from Mr Drum. I have personally spoken with the leadership of the

Transport Workers Union, and it is absolutely behind it with the state secretary — —

Mr Drum — Who?

Mr PAKULA — Bill Noonan, the state secretary of the union.

In relation to the amendment circulated by the Liberals, the government did not support the amendment in the Legislative Assembly, and it does not support it in the Council. We say that for a number of reasons. Firstly, we have an issue with using an amendment to a bill designed to make some minor technical amendments to the principal act as a vehicle to make substantive amendments to the principal act. It should be indicated that this is not an amendment that was moved by the Liberal Party at the time when the principal act was brought into this chamber in 2007.

It purports to provide additional flexibility for the livestock industry, supposedly for the benefit of the livestock. I should say a couple of things about that — and no doubt, as Mr Koch has indicated, this will be looked at further when the bill goes into committee. The principal act is already not a one-size-fits-all piece of legislation. It provides a flexible regime up to 15 hours, as I said, depending on which option is adopted and depending on how much detail carriers are prepared to go into in their fatigue management plans.

I would suggest that with the best will in the world it is ambitious to suggest that if an exemption to the 15-hour limit is provided to the livestock industry, it will not be clamoured for by the rest of the industry, who could also develop arguments about why they should be allowed to go beyond 15 hours in their circumstances. Those circumstances could be as varied as the mind could imagine.

We know how fatigued we feel when we drive out of here at 11.00 p.m. or 11.30 p.m. after three sitting nights in the Parliament, and we have not been behind the wheel of a heavy vehicle for 15 hours seeking to go for another 1 or 2 hours. We have been sitting in here, and we have not had our eyes on the white line for 15 hours solid. These are enormous vehicles. I would suggest that the safety and welfare of animals is not enhanced in any way if these vehicles run off the road or hit a tree because the driver simply cannot keep his or her eyes open any more. I would suggest in response to the matters raised by Mr Koch that if a 15-hour stretch for a driver is not long enough because of some of these intervening events that may occur, such as having to unload animals, that eventuality should be factored into the schedule to allow that to occur if necessary within the 15 hours without having to extend the driver's day to 16 or 17 hours.

In my role as parliamentary secretary I have received correspondence from the livestock industry complaining about these provisions. I have to say that the welfare of the animals has not been a matter that the correspondence has focused on. It has been about the difficulties for the industry and the difficulties for the company that runs the transporter, not the welfare of the animals.

The arguments that were advanced in the lower house and were also touched on by Mr Koch suggest that the amendment is designed to parallel amendments in South Australia, but it does not do that either. The South Australian amendment is sunsetted. It is a transitional provision. This is not designed to be a transitional provision. It has no end date at all. It also does not have some of the safeguards which are contained in the South Australian amendment.

In any case the amendment is not part of the nationally consistent, agreed amendments. It is not supported by the Victorian Transport Association, it is not supported by the Transport Workers Union and it is not supported by the government. This piece of legislation has the potential to be fatally wounded if this amendment is passed, and that would be a real shame. It would ultimately be to the detriment of the industry which in many respects is the major beneficiary of these amendments. These amendments have been nationally agreed. They benefit the industry, and neither the industry nor the drivers will benefit if this piece of legislation fails as a result of being amended in this way. The government supports the bill being passed unamended. I commend it to the house.

Ms PENNICUIK (Southern Metropolitan) — I would like to start my contribution to the debate by referring to the Victorian road safety strategy, which is available for all to see on the VicRoads Arrive Alive website. It is pertinent to remind the chamber that fatigue is estimated to be a factor in 20 per cent of driver deaths. I am pretty sure that is an underestimation, because it is very difficult to definitively establish that fatigue is a factor. That estimation is probably at the lower end of the true role that fatigue plays in death and injury on our roads, which we know has been a concern to the community, to governments, to the police and to people who work in hospitals for a number of years.

As Mr Pakula said, it has been the efforts of governments and regulators, VicRoads, the police — —

Mrs Peulich — Educators.

Ms PENNICUIK — Yes, educators, trauma surgeons and others over that 30 years have tried to bring the road toll down in Victoria. Victoria is known as a world leader. I personally pay tribute to all those people who over the last 30 years have worked and continue to work to bring down the road toll.

It is hard to believe but I remember a slogan when I was growing up which said, 'Declare war on 1034', indicating that around 1000 people were being killed on our roads every year. The fact that it has come down to 334 people, as Mr Pakula said, is great, but in another way it is not great. It is still too high. The VicRoads safety strategy also says that fatigue-related crashes are significantly more prevalent on country roads compared to metropolitan Melbourne. Obviously that is because of issues such as people driving longer distances and, I would suggest, because there are more issues of speed and fatigue and heavy vehicles.

The strategy says it is more difficult to deter fatigue driving in passenger vehicles. That is an area where the road safety community has to make more inroads. As Mr Pakula said, we have made inroads into drink driving, into the wearing of seatbelts and to some extent into speeding, although I think there is still a lot of work to be done there. But we need to do more work in the area of fatigue for ordinary drivers.

According to the VicRoads website heavy vehicles are estimated to be involved in twice as many fatigue-related crashes as other vehicles. That does not necessarily mean that a truck driver is always fatigued, but it identifies drivers of heavy vehicles as a target for this area. It is an important area of work, and this is an important bill. The bill is a result of work that was done before and since the commonwealth Parliament's report *Burning the Midnight Oil — Managing Fatigue in Transport*, which was released in 1999 and to which I made a contribution on behalf of the Australian Council of Trade Unions on the issue of fatigue. I drew the attention of that parliamentary committee to the fact that fatigue was not just an issue in the road transport industry but indeed is an issue across all industries. This is a burgeoning occupational health and safety issue. I said it then and I think it is still the case now.

My colleague Ms Hartland referred in the Parliament to the issue of ambulance drivers and fatigue in that industry caused by substandard rostering, which really needs to be looked at. But shiftwork rostering across all industries remains a very big issue, not just causing accidents in the workplace but also causing health problems amongst shiftworkers. As we move towards a 24/7 type of economy we need to keep in mind that while that might be what business wants it is not necessarily best for the community or for workers. We do it without due regard to rosters and particularly to people working nights and long spans of hours without rest breaks.

This is a good bill. Since we amended road legislation last year more national model legislation has been developed for adoption by the states. Hence we have this bill before us now which Mr Pakula outlined in some detail. It is about bringing into the regulatory framework standard hours, basic fatigue management and advanced fatigue management, and importantly the chain of responsibility provisions that allow for other contractual parties to be cited in offences with the defence of reasonable steps for all parties with the exception of operators and drivers where strict liability applies.

I do not intend to go through the bill clause by clause, but it makes quite a lot of technical amendments to allow the standard hours, basic fatigue management, advanced fatigue management, accreditation of operators and all of that to come into being. I understand this needs to be done so it can start operating by 29 or 30 September.

I wish to thank the department for the good briefing I was given on the bill earlier this week. Its officers were very helpful. It is good that this whole regime is coming into road transport because, as I mentioned before, heavy vehicles are involved in a lot of fatigue-related accidents.

Heavy vehicles on the roads are a great concern to the public of Victoria. In my earlier contribution I think I said a heavy vehicle either running off the road or smashing into another car or a pedestrian does so much damage because of the weight and power that is involved. Heavy vehicles need to be brought into line. The chain of responsibility is important so it is not just the driver, who is at the end of the power chain, who cops the flak from the police for speeding or for driving while fatigued, because it is part of a whole chain. It comes back to us as consumers. We want everything overnight, or we want everything yesterday and that puts pressure on the whole industry. As consumers we need to be careful of that. Operators, suppliers, retail chains and industry all need to play a role in making sure that when they are transporting their goods from A to B they factor in the issue of fatigue.

At the briefing the officers told me about the bill and we were talking about the whole issue of truck safety. I asked them when we are going to do something about

speeding heavy vehicles. One of the officers pointed me to part of the chain of responsibility framework and said, 'We have looked at mass, dimension and load restraint'. That is an area where the regulatory regime has been tightened up and the chain of responsibility has been brought in, as well as vehicle standards and the issue of fatigue. The other area they are now going to look at is speeding heavy vehicles. I am very happy to hear that because there is a lot of concern in the community about speeding heavy vehicles, and whenever it comes up drivers are on the radio saying they do not speed and that they obey the law. I think anybody who goes on the roads knows that is not the case.

Just recently I was on the road in the far east of Victoria and got caught between two speeding heavy vehicles. I was on a winding part of the road where the speed limit is 100 kilometres an hour, although it is not necessarily safe to be doing anywhere near that speed on some of the winding parts. I was in a vehicle travelling at about 90 or 95 kilometres an hour. A truck came up behind me and was very intimidating and it then whizzed past me, I would say at about 110-plus kilometres an hour.

Mr Vogels — They are going at the speed limit, aren't they?

Ms PENNICUIK — Obviously not, Mr Vogels. Then another one passed me, both in very unsafe conditions and only about 3 kilometres outside the town of Cann River where they could have passed me at any stage. There is all this dangerous and intimidating behaviour going on. It happened to me and it has happened to many people before that. It is about the fine line between making a mistake and causing a head-on collision or going off the road and swiping something and causing a major disaster. The line is so fine that it does not bear thinking about. We know there are large vehicles involved in these incidents on the road, and it causes a lot of grief to the people who are involved with them. I am very happy to hear that VicRoads and the government will start looking at speeding heavy vehicles. As well as the speeding of all vehicles, that needs to be looked at.

When I hear members of Parliament saying to the media that speeding fines are all about revenue raising, I get very, very annoyed. Revenue raising might be an offshoot or an added bonus of catching speeding people, but there really is no excuse for speeding on the roads, because the consequences are so bad. People who drive at speed should be viewed the same as people who drive when they have been drinking. I get very disappointed when I hear any parliamentarian saying that out in public. That is the speeding issue.

I also want to talk a bit about reports in the media that the government is increasing the number of B-doubles and B-triples on our roads. I have to say, 'Wrong way, go back, wrong way, go back'. We need less trucks on the roads, whether they be B-doubles, B-triples, just ordinary heavy vehicles or even other trucks. My personal view is that B-triples should be completely phased out altogether. I spent a long time in Western Australia, where they are all up and down the roads there. If you see one of those in the distance heading for you on a not-so-good bit of road on the Western Australian coast, discretion is the better part of valour. You just get off the road. The last carriage sways in the breeze and the truck driver has absolutely no control over it. If it hits a scruffy bit of road or something it can do so much damage to an ongoing car or wipe it off the road. The fact that we are going to start putting these into suburban streets is just unthinkable; it should not even be thought about.

The other thing is: how does that fit with the government's plan to move freight onto rail? We have the 30 per cent target for freight to rail, which I have mentioned in this chamber a number of times. That 30 per cent target is now under 20 per cent and falling, as far as I can see. There is no evidence at all that we are advancing towards that 30 per cent target. That is what the government should be concentrating on: getting freight off the road onto rail. It should not be looking at introducing B-doubles and B-triples, which will just chew up the road and only contribute to road trauma, congestion and pollution. There is nothing good to be seen in any of that.

On the one hand I am pleased about the fatigue management regime that is being brought in. I am probably a bit more hardline. I cannot see why anybody should be driving a heavy vehicle for 15 hours. Fifteen hours is way too long; 12 hours is even too long. When I was working at the Australian Council of Trade Unions I was against 12-hour shifts, particularly 12-hour night shifts, because concentration, particularly between the hours of 2.00 a.m. and 4.00 a.m., is very low. People cannot help it; they have sleep hormones circulating in their body and they cannot do anything about it. As I mentioned in a speech last year, breathing is the bodily function over which we have the least control. If we go to the unconscious stage, we keep breathing. It is a good thing that it takes over.

The other function we have the least control over is falling asleep. Once you are in a state of being too fatigued it is very difficult to stop yourself falling asleep and, as we all know, you nod off. It is a very difficult thing to override and stop. You have got to keep trying to override it, but the more you keep trying

to override it, the harder it gets. We all know this. We have all been there, have we not? — falling asleep and trying not to fall asleep. That is because the body is saying that it needs to sleep and it is overriding your will to stay awake. The body is trying to override that by falling asleep. That is when we get microsleeps. We do not want truck drivers in charge of heavy vehicles, including — heaven forbid — B-doubles and B-triples, going into microsleeps. From my point of view I would say this regime is not strong enough, but I am happy to support it because it is better than what has been there. We are moving in the right direction and it is what the community wants.

Far be it for me to say, but Mr Pakula stole my thunder in responding to the amendments put forward by the Liberal Party. I am as concerned about animal welfare as anyone. In fact I think the best way to look after the welfare of animals on trucks is to not have them there in the first place. We should not be eating meat, but hey, that is just my point of view. I agree very much with what Mr Pakula said. The last thing I want to see is animals on trucks for extended periods of time, going to 17 and 18 hours. He also made a very good point, which I was going to make myself but will repeat, that the driver will be even more fatigued, having driven 15, 16 or 17 hours, and if he has an accident and runs off the road, how will that help animal welfare?

I looked at this seriously because I am concerned about animal welfare. I am concerned about animals on trucks and the suffering they go through, and I do not want to put them through any more of that. But I do believe — and I agree with Mr Pakula — that people who are transporting livestock need to factor all that in. They need to factor in contingencies for things that might happen and plan for their driver to be on the road for significantly less than 15 hours so that if there is a hold-up it only gets to 15 hours. That is what they should be doing. The chain of responsibility is about re-educating the industries that are involved in transporting all sorts of freight, including live animals.

I am not very sympathetic to the industry saying, 'Oh well, we have not got enough time to transition'. This whole idea about fatigue management in road transport has been going on for 10 years; it is not a new thing. The industry needs to get with it. For those reasons we will not be supporting the Liberal amendments and we will be supporting the bill.

Mr DRUM (Northern Victoria) — I do not quite know what to make of the previous speech. Some areas had some merit, but to suggest that the whole live transport industry can somehow or other be wound back or done away with would mean that the entire agricultural sector would be wiped off the face of the earth.

Ms Pennicuik — It was said tongue-in-cheek.

Mr Barber — We could go back to droving.

Mr DRUM — Yes, we could go back to droving, Mr Barber. I am sure it would be a very workable aspect of agriculture to drove the cattle into market. I am sure that would work — maybe not.

The intent of this bill cannot be questioned. For years we have been bemoaning the fact that drivers can be driving legally in South Australia, slip into the corner of Victoria and be driving illegally, and then go back into New South Wales and be driving legally again. They can be legal in Victoria with certain weight restrictions, speed limits and so forth, but if they go into New South Wales they can be illegal. It is quite confusing. The intent of the bill, to come up with a nationally agreed regime, is something that we have been calling for for many years, and it is something that we strongly support. To be able to then bring that together in a manner such that it will become workable is where the challenge with this bill is.

I do not want to be standing up here for long, but I want to put the views of many truck drivers I have been talking to over the last few months. They are going through a very tough period at the moment in relation to fuel costs. Fuel costs are such a primary part of their business, and at one stage they had jumped up about 40 per cent in six months, so owner-operators, drivers and businesses were trying to honour existing contracts while the primary cost of their business had increased by an inordinate amount. A large portion of those drivers and operators were simply not able to pass those costs on and were effectively forced to wear much of that increased cost in fuel themselves. It was driving many of them to the wall or to the absolute bare bones of profit, making it extremely difficult for them just to make a living. Roughly when fuel costs were reaching their peak, three weeks ago, all of a sudden these same drivers saw that these new legislative provisions were coming in, which were going to increase the costs of infringements tenfold for some offences.

Thus they were certainly looking at the worthiness, sustainability and profitability of their industry in a very matter-of-fact manner, and they certainly had some serious concerns. It says in the bill's explanatory memorandum that this bill is going to come up with more effective enforcement of measures, with targeted offences and a wider range of sanctions. That might be true, but what is really happening is that under these

provisions the penalty for doing something wrong is going to be doubled, tripled and in some cases increased tenfold. If those provisions regarding fines and offences against these new laws were black and white, there would be very little sympathy coming from my quarter. However, when you go through this new regime of fatigue management for drivers, you see that it is in fact quite complex.

A very basic model has existed for many years. All drivers know they can drive X amount of time without a break and that they then have to have a break for a further Y amount of time. They know they can drive X number of hours in any 24-hour period. They know that, and they do not need to be Rhodes scholars — get it? — to work out whether or not they are driving legally or illegally. It was a very simple and basic system that has now been superseded by a very much more complex system that is in many cases extremely confusing. I understand these new options have been put in place to allow more flexibility for drivers and enable them to get home or get to that next truck stop so they can have a sleep in a proper off-road shelter, as opposed to simply pulling up on the side of the road, where in many cases their trucks are likely to tip over if it happens to have rained on the soft edges of the road.

I was made aware of this problem only when I met a whole raft of truck drivers and owner-operators in Bendigo in May. They came to the Bendigo RSL to hear a presentation from a Queensland chap who was trying to rally opposition to these reforms. They were of the belief that the reforms were going to be detrimental to the industry. I sat there in a room of about 200 drivers, many of whom had not been quite sure what to expect when they turned up to the meeting. They listened to a range of people who understood the new regulations coming into the industry and what they were going to mean in a practical sense and who were able to explain that to the drivers.

The mood on that day was such that about 80 per cent believed they were going to be in serious trouble if we adopted these laws. They believed the only way out was for them to be part of a national shutdown, which I think was scheduled for about 4 July, in which they tried to push their point to Canberra and to state governments and parliaments. Their point was that these laws were going to catch innocent, well-meaning and law-abiding drivers or drivers who were attempting to be law abiding but simply could not quite understand this new regime. Some 80 per cent of those 200 drivers were prepared — even though they were going through very tough times with the cost of fuel and operating in what is in any case a very competitive industry — to put themselves through even more financial hardship by taking their rigs off the road indefinitely as of 4 July.

That made me sit up and realise how desperate many of these drivers were. I cannot remember all the issues they talked about, but one was that so far they have been able to count waiting time as down time, meaning they could have a snooze while they were in a queue and could count that as non-driving time. We now find that that is not going to be the case going forward. The period while a driver is in a queue and waiting for their truck to be unloaded is going to be counted as driving time. That is going to make it difficult for drivers to be able to come in from regional Victoria, because after lining up at the market and waiting to finally get their produce unloaded, they may find then that they have not got enough driving hours left to get themselves back home, especially if that happens in the midnight to 6.00 a.m. period, which counts as double time over a period of a month.

You can only rack up a certain amount of those dangerous hours in any one month, and that is something that again we need to be very aware of. People who have been driving safely and in a law-abiding manner for a number of years are now in real danger of being caught out. I know that Paul Weller and Peter Walsh, the members for Rodney and Swan Hill respectively in the Assembly, have spoken to many drivers around the state, and some of them believe these regulations are okay and have no concern with them. But, as I have said, many of the others are strenuously opposed to what they consider is going to happen.

We are simply calling on the government now to take the approach of: 'Let us monitor this very carefully. Let us look at the enforcement going forward. Let us look at the trends that are going to emanate now as to how many drivers are getting pulled up for seemingly being 10 minutes over, 30 minutes over and 40 minutes over simply because they did not realise that those hours between 12 and 6 were counting double; they did not realise that the time that they were waiting at the silos or waiting at the market to offload their produce, even though they had been able to get a sleep while that was happening, was going to be counted as driving time'.

Some of these new logbooks are extremely complex in the way you fill them out. You would not think that filling out a logbook is complex, but in fact it is. A former inspector from VicRoads came into my office with both the old logbook and the new logbook. He went through it with me and he said, 'I have only recently retired, but over the last 30 years I have pulled up more truck drivers than anybody else in the state,

without a doubt, but if I was to pull up a driver under this new system I would not be quite sure myself whether he has or hasn't actually broken the law. The books are that complex and that confusing that I wouldn't be able to tell'. He was simply saying that despite the intent of what this has been trying to do — and it has been put together by union officials, by industry officials and by government; they have all had their go at this — it might just be one of those horses that gets designed by a committee and ends up looking like a camel. If it is that unworkable to someone who has spent his whole life booking drivers for being over the limit and driving illegally, I think the government needs to at least acknowledge that it should monitor this in the months and years ahead.

We want to be able to make sure that we catch cowboys. We want to be able to make sure that any driver out there who is knowingly and deliberately flouting and breaking the laws so he can get home, pick up his next load and go off again is penalised. Obviously we need to come down hard on those people who are flagrantly breaking the laws and regulations; we must stop them. But if we are going to have a system that is inevitably going to keep catching people who have been driving in this innocent manner for many years — a system whereby these new regulations are going to come in and catch them — then we have to look at it with an open mind and say, 'Is this really helping road safety, or is this something that we may have got wrong along the way and we may need to go back and revisit it?'.

That is all I am asking. For goodness sake, the government should have the humility to look at this over the next six months and see if it is really hitting the target, or we need to go back and revisit some of these provisions to make sure that we have a more workable system that is going to help our transport industry and not make it even harder for these people to make a sustainable and profitable living. In closing, the whole intent of this legislation is fine. It is taking an extremely responsible approach to those people driving transports under a fatigue management regime.

I ask the government to take the same approach to the paramedics of this state, because we have an entire industry of paramedics who are attending to emergencies after the VicRoads office closure, and many of them in regional Victoria have not had enough sleep to be on the road, let alone attempting to save someone's life at the scene of an accident or emergency. If the government is going to be consistent and put in place fatigue management for transport operators, it also has to show the same sense of consistency in relation to something as important as our paramedics and our ambulance industry as well.

Mr KAVANAGH (Western Victoria) — I think all members of the house and in particular members of the Labor party in this house will be familiar with a rather odd-looking memorial in Melbourne. It is not very far away. It is only a couple of minutes walk towards the city. It has six funny circles on it up the top, but those six circles actually say 888 — 8 hours work, 8 hours rest, 8 hours recreation.

That was a great thing that happened in Australia. It is something that Australians can be really proud of, that we were the first place in the world to achieve that objective — decent working conditions for ordinary people. It was well over a century ago that people building the old law quadrangle at Melbourne University downed tools, marched on the city and established the principle that people were entitled to 8 hours rest and 8 hours recreation a day. Indeed in the decades that followed that, in the early 20th century, it was widely assumed, not only in Australia but increasingly around the world, that with the passage of time recreation would increase. It was expected that people by the middle of the 20th century would have so much leisure time that that would be the big challenge for societies around the world: how we would change societies to cater for the amount of time people had to devote to leisure, learning and self-improvement. It seems ironic then that this bill before us is actually about people working not 8 hours a day or less but probably double that, and not just ordinary work but work that involves controlling heavy vehicles at high speeds over long distances.

Mr Koch interjected.

Mr KAVANAGH — Indeed, Mr Koch. The bill before us is aimed at managing fatigue for those driving heavy vehicles, and that is a very worthwhile objective.

As has been noted by previous speakers, Victoria has done an extremely good job over the last 35 years or so in reducing road deaths and road injuries. I recall as a child that the *Sun* at the time, not the *Herald Sun*, would have the road toll and it was well over 1000 a year, I believe, in 1970. The number of people killed is now about one-third of that, even though the number of cars is probably three times what the numbers were 38 years ago.

This practice of driving heavy vehicles is an inherently dangerous one. It involves inherent risks of death and, although largely ignored, horrendous injury to many people because our road toll figures do not commonly

tell us how many people have been made paraplegics or quadriplegics, for example, through road accidents.

Mr Drum referred to the problem of logbooks, and indeed that does sound like a problem from what he was telling us. It is a challenge. If what Mr Drum said is correct, and I have no reason to doubt him, then logbooks should be simplified so that people can fill them in. But that is rather different from what is mandated by this piece of legislation. It does not go to the heart of this legislation anyway.

In terms of animal welfare, like Ms Pennicuik I am concerned about the welfare of animals, but I do not believe that is a major factor in this bill. In any case, I do not believe getting animals to the slaughterhouse 2 hours earlier is doing them a great favour! I also support Ms Pennicuik's comments on the speed of heavy vehicles. I know that in Malaysia, where I have lived, heavy vehicles are speed limited; they have a lower speed limit than other vehicles. That might be something we could learn from in Australia. I will support the bill. Unfortunately, with some regret, I feel unable to support Mr Koch's amendments.

The ACTING PRESIDENT (Mrs Peulich) — Order! I was expecting a longer conclusion.

Mr LEANE (Eastern Metropolitan) — I wish to speak briefly on the road safety amendment bill. I am very much in support of it — I was trying to keep that a surprise, but it did not work. The key elements — new work hour limits, rest-time requirements for heavy vehicle freightage, risk-based categorisations of offences and a general duty to avoid driver fatigue — are all very important and are good initiatives to add to the long history of a good standard of road safety that has been set by this state. As a member of the Road Safety Committee and through speaking to members of that committee who have been on it longer than myself, I have heard that some Victorian initiatives in road safety are renowned around the world. Committee members have heard that firsthand, and this bill builds on that record.

I think it is a very important initiative. As someone who has a heavy vehicle licence and has had a job that involved driving while fatigued — after fixing traffic signals — I really see its importance. Fatigue is a problem. I would like to agree with a lot of the sentiments expressed by Ms Pennicuik in her contribution about this being a similar issue to that affecting shiftworkers. I know Ms Pennicuik did some great work on this issue when she was at the Australian Council of Trade Unions. People at my union still speak fondly of the work she did around shiftworker fatigue. This is a very similar thing.

Unfortunately the government will not be voting for Mr Koch's amendment. As someone whose family has owned a pet sheep — for eight years — I can say that sheep honestly are beautiful animals; they are intelligent.

Mr Vogels — What was its name?

Mr LEANE — That does not stop me eating them; they are delicious. Our particular sheep was fantastic. I agree with the sentiment of previous speakers that 15 hours is long enough for drivers to be on the road. Another 2 hours would imperil their cargo.

Being a member of the Road Safety Committee you get to speak to people like Lindsay Fox, who has really taken logbooks seriously for his crew of drivers and has introduced advanced, electronic logbooks. He has taken his duty of care to his drivers seriously. It is good to see that the stakeholders in the industry are supportive of this bill along with the Transport Workers Union, which has also played an important role.

It was interesting that the TWU, under the guise of the branch secretary, Bill Noonan, launched a book here — actually it was launched by the Premier — two nights ago. It is called *The Stalwarts*, and it is a collection of stories about long-term TWU members who used to work long hours under all sorts of pressure. It tells of them driving vehicles that were not of anywhere near the safety standard we enjoy today. And it is great to see that the industry — —

Mr Koch — And they are still alive?

Mr LEANE — They are still alive; that is how they came to write their stories. It is good to see that the industry — the major stakeholders — and the government can come together and agree on important changes in legislation such as this, and I commend the bill to the house.

The ACTING PRESIDENT (Mrs Peulich) — Order! I thank Mr Leane, even though he did not tell us the name of his pet sheep.

Mr Leane — Jerry.

Mr VOGELS (Western Victoria) — I want to make a couple of comments on the Road Safety Amendment (Fatigue Management) Bill 2008. I only intend to comment on the livestock provisions, as the opposition has circulated an amendment to that clause and no-one

seems to be too upset about the rest of the bill. The issue seems to be more the movement of livestock.

My colleague David Koch has outlined our response to the bill very well in this debate. The amendment circulated by the opposition is in response to a request by the Livestock Transporters Association of Victoria for an increase in the span of working hours from 14 hours to up to 16 hours including the unloading of stock. The effect of the amendment would be that the livestock transport industry would be given some flexibility for when drivers were caught short getting to their destinations. I do not know how anybody can actually disagree with that.

Having grown up on a farm I know that setting fixed, inflexible times for moving livestock is just not practical. Drivers can be held up for various reasons. I have spent many hours waiting for a truck to arrive to pick up my stock because the driver had a flat tyre or was bogged on a country road. Sometimes it is the farmer's fault — the stock were not quite in the yard yet. Or an animal can go down on a truck when a truck driver is moving stock from one area of the state to another. If an animal goes down, the driver has to stop and it can sometimes take an hour or two to get that animal back on its feet. For animal welfare reasons I think there should be some flexibility and our amendment should be supported.

I also need to say that one of the biggest causes of fatigue and accidents in this state for our trucks is the state of our local road network. It is a shambles; it is a disgrace. I do not know how many times I have stood up in this Parliament and asked the state government to match the federal government's Roads to Recovery funding so local councils can get out there and have a real go at fixing some of their local roads, because if you are a truck driver driving down country roads — which are potholed, are not maintained and have not been graded for a year or two — that is where most of the danger is.

The other issue I want to mention in concluding my contribution to the debate on this bill is that if the Brumby government is going to have these sorts of hours for drivers, it must address the need for both more passing lanes so that cars can get past and, more importantly, more rest stops for our trucks so that when drivers are travelling hundreds of kilometres and need to stop they can pull up and have a rest at a rest stop. This applies not only to livestock transporters but to all drivers. I do not think many members actually understand that livestock gets transported from central and northern Queensland all the way down to Victoria and vice versa. I have gone to many stud sales in the Western District where some of our best stock is bought and sent up to Queensland, and a lot of the Queensland cattle are brought down here to Portland to be exported, or whatever is advertised down this end of the world. The Midfield Group in Warrnambool would often buy cattle in the middle of New South Wales or Queensland and bring them down.

With those few words I believe we need flexibility for those truck drivers who are moving livestock, because as I have said previously you cannot guarantee anything and you cannot lock in hours and say this is all going to happen perfectly. When you are dealing with animals it does not work like that. I support the amendment moved by Mr Koch.

Mr THORNLEY (Southern Metropolitan) — I was prepared to give a recitation of the key elements of the bill, but other speakers have done that. Since those matters are all agreed, like Mr Vogels I will focus my attention on areas where we may not have complete harmony.

Whilst everyone is supporting this bill, and I am pleased to see that, I want to reinforce something which is fundamental to this and which I am very encouraged to see everyone agrees with but which is also the fundamental reason why we will be opposing the amendment. This is not a unique insight, but it is a powerful one. It turns out when you look at things over the medium to long term that safety always saves money; it does not cost money.

When you have provisions that seek to increase safety, be it in the workplace, in the preventive health area or in a range of other ways, initially those provisions are often opposed because people feel they are going to cost money. That applies particularly to businesses. But they almost always find when those safety provisions are put in place, ultimately a reduction of harm occurs. Harming people and helping to rehabilitate them and deal with the other losses is such an expensive business, while you almost always find that safety actually saves money.

The first focus is safety itself and its impact on saving lives and preventing terrible injuries to both drivers and other road users. I make the point that this makes good economics as well as, much more importantly, improving the quality of people's lives. With that fundamental understanding, it is hard to see why anyone would oppose this bill, and to the credit of all concerned no-one is opposing this bill. All the information we have about road safety campaigns and their success in improving people's lives is compelling in and of itself.

That brings us to the amendment. I very much understand the motivation of the opposition in moving this amendment; I understand it from experience on our own farm and from the challenges people face in rural Australia, particularly in the livestock industry. We in the wool industry have had a pretty tough time with some aggressive attacks from various parties around the world. We have had issues with live sheep export and a whole range of things, let alone drought. For a lot of operators the last thing they need to deal with now is greater complications and potentially greater costs or inconvenience in the transportation of livestock. I understand the motivation the opposition has in proposing this amendment. I am sympathetic to those concerns as I am sure all my colleagues in government are, but at the end of the day safety must come first.

Mr Vogels is dead right that farmers are some of the hardest working people you could know. If you have to go the extra hour or the extra couple of hours to get the crop in before the rain comes or do what you have to do to fix a tractor and take another couple of hours to get something done, blokes and women farmers do that all the time — and that is true for the drivers as well. It is an industry where both the farmers themselves and the people in the supporting industries, including the drivers and others, go the extra mile to get the job done. I understand and respect that.

The problem is not the motivation or the willingness of someone to go the extra mile or work the extra hour; the problem is that the human body does fatigue. Whilst the motivation is admirable — a hard work ethic is entirely admirable and concern for the animals is absolutely admirable — the unfortunate reality is that the human body does fatigue and at a particular level it starts fatiguing quite badly, quite quickly. There is plenty of evidence about that, and it is that evidence upon which this legislation is based.

While I believe the amendment is motivated by very understandable sentiment and it is seeking to support an industry that definitely needs all the support it can get, the reality is that letting those drivers continue to take risks is ultimately not in their interests, the animals' interests or the industry's interests. The really important thing here is to see that whilst in the short term complying with these things may feel like it costs more money, very quickly we find that safety saves money. There will be a saving of money because there will be fewer accidents, and the cost of accidents is so horrendous — most importantly horrendous in the lives of people affected, injured and killed, and their families and communities, with lost vehicles and everything else. Ultimately the reduction in accidents will more than compensate for the increase in cost of compliance. Mr Leane made the point that those who are most successful in the trucking industry actually take safety incredibly seriously — Lindsay Fox is a good example. All the evidence shows that good safety is also good business. Ensuring that we have regulation that provides safety will turn out to be good business for everyone.

The other real challenge, the real risk especially for a lot of small operators, is the concern that if they comply but others do not comply then they will be at a competitive disadvantage, their cost structure will go up and they could lose their livelihoods. That is a very understandable and real concern. I believe it is critical when we put this type of safety regulation in place that there is strong enforcement so that from a business point of view everyone is playing on a level playing field. Then what you will see is a short-term increase in cost, but it will be an increased cost for everyone. Then over the medium term there will be a decrease in cost.

For those reasons, the government will be opposing the proposed amendment, although we are sympathetic to the motives behind it and to the concerns of the industry. We hope the bill, as it is currently formulated, will lead to better safety, better animal welfare, fewer people injured and killed on our roads and good results for the industry as well over time. I support the bill.

Mrs PETROVICH (Northern Victoria) — Today I rise to speak in support of the Road Safety Amendment (Fatigue Management) Bill 2008 and the proposed amendment that has been circulated by David Koch.

It is clear to all of us from listening to the debate that everybody wants to ensure safety for drivers, whether they be employed drivers, long-range drivers or just road users. It is extraordinarily important that we look at the transport industry, at time frames and at how people are running their businesses to improve road safety for all road users. Whilst I am a supporter of appropriate processes and ensuring that public safety is paramount in the coalition's mind, the implementation of this bill has to be fair and timely to an industry in which additional processes are being implemented.

The cost of new systems and training to those who will be directly affected is always an issue which immediately springs to mind; the trucking industry is a case in point. There are a number of issues already confronting the trucking industry which have caused escalating costs and affected the bottom line of all companies. They have been considerable. Many of the participants have voiced to me that there has been an unsatisfactory dialogue between Tim Pallas, the Minister for Roads and Ports, and the Victorian

Transport Association. I know the industry has raised a number of concerns about the industry's readiness for the implementation of the changes because of the lack of adequate rest areas. The Minister for Roads and Ports has responded by saying that the lack of suitable rest areas is hardly an excuse to delay implementation.

New South Wales, Queensland and South Australia are implementing a six-month transitional plan. Here in Victoria we seem to be hell-bent on enforcing the laws as of 29 September. Unlike Victoria, Queensland plans to delay the enforcement of the laws for at least six months. The drivers will have a 90-day penalty-free period to adapt to their new work diaries. Queensland Transport has attempted to ease transitional difficulties in the introduction of changes to fatigue management by allowing operators who use the standard hours framework six months after the 29 September deadline to introduce the changes. In contrast to Victoria, Queensland operators looking to move to other accreditation options, including basic fatigue management and advanced fatigue management, will have 12 months to do this. It is not a case of not being supportive of the bill before us, but the practices in its implementation seem to be a little light on reality.

The industry informs me that there has not been adequate notification. Hundreds of operators have turned up to information sessions, but there are thousands more out there who are none the wiser. The industry view is that both the minister and VicRoads have tackled this issue in a particularly laissez faire manner. The fact is that many operators will struggle to meet the 29 September deadline.

There is a shortage of trainers and programs and there are some costs involved which are quite significant. The number of formalised rest areas is inadequate. Most importantly, the industry will resort to just taking the standard hours line, which is a shame, rather than pursuing the other accreditation models like basic fatigue management and advanced fatigue management which all operators should have done. That would be the optimum outcome for all road users in Victoria. As a result, the best safety outcome has been compromised. I have to say that that sort of defeats the purpose.

As I said earlier, the transport industry is under enormous financial pressure with huge hikes in fuel costs. Small operators are particularly under enormous pressure. Cartage rates, I am told, have not risen significantly in the last five years. We all know that the cost of fuel has escalated significantly. If you couple this with the very real threat of tolls on commercial vehicles — and we have a proposed congestion tax — this will hit those industries that can least afford it, with a squeeze on the building industry, which I was formerly involved with, and with transport industries being hit the hardest. This is going to hit those people who run their own businesses and own trucks in those industries. We have to consider what impact that would have on people in agriculture.

The spokesman for the Minister for Roads and Ports, Stephen Moynihan, has been quoted as saying:

> … we are not going to be ruling things in or out of the Victorian transport plan —

which is in relation to tolls. That is not very reassuring for businesses as there are enough pressures regarding unrestrained cost and the escalation of fuel prices without this type of irresponsible policy on the run.

These are difficult times for businesses and industry. Putting extra pressure on the transport industry does not help. Again, we want to ensure we have safety on our roads; we want to make sure that we have proper checks and measures. But let us not force these people into situations which they cannot deal with economically, where we do not provide the right amount of training and support during the transition.

I would also like to highlight another issue which is pertinent to the bill in respect of the transport industry. It relates to a claim made in the *Herald Sun* by Australian Long Distance Owners and Drivers Association state organiser, Fletcher Davis. He claims that while independent drivers were facing huge increases in fuel costs one major trucking company had an agreement with the current federal government and a petrol company to purchase diesel for 90 cents a litre. This is not making the majority of drivers very happy.

Mrs Peulich — Maybe the Australian Competition and Consumer Commission ought to have a look at that.

Mrs PETROVICH — That is something that I will be encouraging it to do. This is not making the drivers happy. Drivers, particularly owner-operators or those who have to pay wages to others, are trying to pay off vehicles. They have seen huge increases in their fuel bills with absolutely no increases in cartage rates.

I will finish by talking about our proposed amendment. I listened to the debate, and it did not get lot of support in the chamber from the members opposite and the member from the Greens. The practicality of implementing all of these things needs to be considered. If we are to be truly responsible in looking after the welfare of our animals and making sure our drivers take

the appropriate breaks and are able to make a reasonable living from operating a transport company or even just driving for a transport company, then we have to acknowledge that some consideration should be given to the time taken to unload the animals after an 8-hour period, give them a break and a bit of water and put them back on the truck. That should not be included in the driving time.

We want people to do the right thing; we do not want them to be fudging. We need a level of honesty, and if we are fair dinkum about animal rights and making sure that our animals are treated well, we would want our drivers to stop. If there is an animal down in the truck, we want drivers to feel confident that they can take the time to unload the truck, get the animal back on its feet and give them a bit of a break. That time should not be taken as part of their driving time. If the driver is not physically behind the wheel, it is a break to prevent driver fatigue in itself.

Whilst the view held by those opposite is the high moral ground, I have to question how far they would drive in a Prius and whether they would understand about driver fatigue or running a transport company. If we are to make legislation, it has to be workable, and these people need to be given proper consideration. I would encourage members to support the coalition's amendment.

Mr EIDEH (Western Metropolitan) — I rise to support the bill. The bill reminds me of my family background in transport. I would like to tell a little story. When my five brothers and I first started the family business, Blue Star Logistics, we struggled. The business grew, and we were rushed to provide a service for our customers. We were working hard with no plan. I am talking about 21 years ago. The first few years we faced were difficult and we worked very hard. We organised ourselves, and the business grew. Meanwhile the drivers used to have accidents because of fatigue. I am reminded about those days because the bill is about fatigue management.

Then we put a plan in place. We sent the drivers to a course in fatigue management. Our insurance bill was high because we had had a few accidents as a result of fatigue. Part of that plan was to stop our drivers going all the way with interstate freight, mainly to Sydney and Adelaide. We implemented new rules. We introduced shuttle driving where they only went halfway. Since we started that new program 10 years ago our insurance premium has dropped a lot, and our accidents have dropped by 95 per cent. That is why I am fully supportive of this program. We know what it will mean for safety and what it will mean even from an economic point of view.

I agree with Mr Kavanagh about the 888s, but I must admit that we are doing about 10. We are doing no more than 10 hours; the drivers are not driving for more than 10 hours before having a rest. Since we started we have hardly had an accident, and the business is growing.

I am very pleased with that bill. I agree with what has been said. Someone should be responsible for the new rules. I agree with the new work hours limit, the rest-time requirement and the flexible driving. We should all consider that carefully.

Mr Thornley talked about the safety program. We follow this program, especially the fatigue management program. The company is more profitable, and there are fewer accidents. Our premium has dropped by almost 60 per cent. All of that adds value to the business and to the economy, and it improves safety of course.

There is something else I would like to add regarding the importance of the bill, mainly in terms of safety but also other aspects. I checked the statistics in a report on the causes of accidents, and 52 per cent were from fatigue. I would say it is more than that. That is why we should be very firm with those rules and make sure they are implemented. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I make a few comments in support of the legislation and Mr Koch's proposed amendment. I commend the sentiments of Mr Vogels, Mrs Petrovich and Mr Koch in relation to the need for us to be looking at other measures that could and should be undertaken and supported by the government, particularly concerning the more successful implementation of this strategy in the context where the transport companies — certainly the ones I have been in contact with — are under substantial pressure. There are a lot of smaller transport companies — not in the league of Lindsay Fox's company — which are under considerable pressure. As a result of rising fuel costs, amongst other causes, many of them are now on the brink or perhaps have gone beyond the brink and are being forced to go into liquidation, leaving a lot of people without jobs.

We all support measures to improve our road safety record. As was mentioned by Ms Pennicuik more generously than Mr Pakula, who in the first instance wanted to nail to the current government's mast the success in reducing the road toll, this is something that everyone has been committed to. However, the success of these measures depends on effective education and a

range of other measures the government needs to put in place while keeping in mind the current context in which smaller transport companies find themselves. The government needs to give them some hope that they can implement these new measures with some hope of success.

Mention was made of the fact that 20 per cent of driver deaths are attributed to fatigue. If you look at the total number of kilometres travelled on the roads, you see that many of them are in country and rural Victoria and the rest of Australia — but there are also problems with fatigue in metropolitan Melbourne. I will leave commenting on country issues to those country members who know those areas better than I do. Those comments have been well made.

I would like to focus predominantly on some of the metropolitan issues. It is timely that the RACV (Royal Automobile Club of Victoria) has released a report this week which paints a very clear picture about one of the gaping holes in the government's road safety strategy — that is, its failure to play its part by improving our roads, adequately maintaining roads, building and connecting major arterial flows, building roads with sufficient capacity including passing lanes and shoulders so when a truck or a car breaks down it has some prospect of getting out of the way and not impeding traffic flow, and making sure that minor road projects are not bungled, as unfortunately we have come to associate with this government.

You do not necessarily have to be a truck driver to suffer from fatigue. While I empathise with the 888 achievement — 8 hours work, 8 hours rest, 8 hours recreation — to which Mr Kavanagh referred, many of us, especially in small business and certainly in Parliament, work much longer hours. I made light of the fact that last night it took me a good 40 minutes to get home, only 28 kilometres away. I had to open the windows several times and give myself a bit of a slap in the face from time to time — there may be a number of people on the other side of the house who would have loved to have been in the queue for that! However, fatigue is something that all too many people have to contend with, even those of us who are not professional drivers. Fatigue results in a gradual loss of alertness. I completely agree with Ms Pennicuik that there is very little ability to control that. One of the obvious cures is sleep. Unfortunately politicians, especially working mums, are often very sleep deprived.

Other factors that have contributed to fatalities and other problems on the roads include highway boredom and road conditions. Mr Pakula pooh-poohed my interjection that the drought has been a factor in reducing the number of accidents on the roads. That is documented, as inclement weather and its effect on roads has typically been a significant contributor to road accidents. It is a contributing factor to road accidents in metropolitan Melbourne as well as in rural and regional Victoria. Although the Labor Party would like to stick its head in the sand, it is a known fact that we have had a drought for a good many years, most of them while the Labor Party has had its hands on the driver's wheel. The claim made by Mr Pakula that somehow this government has been responsible for this miraculous reduction in fatalities is overestimated and overblown.

Clearly there is an issue with correct scheduling practices, training, education and adequate infrastructure — my pet topic. I alert all members to the RACV report. It identifies chapter and verse those areas where the missing links are. The RACV put out a report in 2002 which it has updated now in 2008, and it shows there has been very little progress in between those years. The government should build the roads — and if it invested more in public transport it might actually get a few cars off the road, reduce traffic congestion and enhance the experience for drivers. As Mr Koch pointed out, after several years in office this government has failed to release a logistics and freight strategy. With the Port Phillip Bay channel deepening in progress, this is a glaring flaw in the supposed strategy to improve road safety. It is a disgrace.

I understand there is interest in winding up the debate. In closing, I indicate that I agree with Ms Pennicuik that we cannot encourage B-doubles and B-triples in residential suburban streets in metropolitan Melbourne. We have to make sure that we connect the major arterial flows and keep these trucks on those roads. As the RACV has recommended, we have to unroll a program of level crossing separations — maybe five per year or per cycle. We have to get a move on and invest the money. We might even be able to reduce further the number of fatalities, which is currently 333 per year. Every life lost is a life that is precious to someone, and none of us wants to be in that position. I commend the bill to the house, but I urge the government to do its part and advance further its longstanding commitment to improve the outcome of road safety in Victoria.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak on the Road Safety Amendment (Fatigue Management) Bill. The object of the bill is to implement nationally agreed amendments to the heavy vehicle driver fatigue management reforms approved by the Australian Transport Council, and make minor technical and drafting amendments to the fatigue

management provisions of the Road Legislation Further Amendment Act 2007.

Before I get to the specifics of the bill, I would like to take a minute to talk about my experience of the dangerous condition that is fatigue driving. Fatigue driving is a very serious problem in our community in general and among the professional driver community in particular. I know from personal experience how difficult it is for professional drivers to accept that they should stop driving. The motivation of earning a living can sometimes be too great for professional drivers to think clearly and rationally about the potential deadly consequences of driving while fatigued.

My experience of fatigue driving was during my time driving taxis while completing my studies. The stress of studying coupled with my pretty active social life at that stage meant that I had to do a bit of work for sustenance. I was given the taxi by its owner and I would try to make as much money as I could, no matter how tired I was. I am ashamed to say that I did push the boundaries and on some occasions I was pretty fatigued. I will not say I was barely awake, but I can say I was pretty fatigued. Looking back now I understand how irresponsible my behaviour was. Sure I was young and enthusiastic, but that is not the only reason I drove while fatigued. I did so because of the motivation that transcends age, gender and ethnicity — that is, financial gain. To clarify that, this is the case for professional drivers; professional drivers drive because of financial gain.

Every time I am in a bus or a taxi I watch for signs of fatigue. I always make sure I sit next to the driver to see if he is showing any signs of fatigue. Normally drivers start rubbing their eyes or opening the windows, as Mrs Peulich just said. You can normally pick those signs, especially if you have been there yourself. I make sure I talk to the driver, because I know that the consequences of fatigue are pretty dire.

The government has a good record of achievement with respect to road safety. I have a document of about 14 or 15 pages here delineating our achievements on road safety. I will not go through each individual achievement, but I will refer to some of the headings. Government achievements have been in terms of drink driving, drug driving, on-road safety treatments and safer travel speeds. I will not even go through the subheadings, because there are so many.

This bill proposes to implement nationally agreed amendments to the heavy vehicle driver fatigue management reforms approved by the Australian Transport Council before the reforms commence and to make minor technical and drafting amendments to the fatigue management provisions of the Road Legislation Further Amendment Act 2007. The nationally agreed amendments contain a number of minor technical and drafting amendments. They also address issues such as clarifying the definition of 'short rest breaks' so that the rest may be taken in the vehicle; confirming that a third party engaged to act as a record keeper for a driver shares responsibilities for the accuracy of those records; requiring inspectors, if requested by the driver, to annotate work diaries to record their stopping of a driver; strengthening record-keeping requirements — for example, clarifying that a supplementary record can only be kept until, at the earliest, the driver is issued with a replacement work diary, a malfunctioning electronic diary is brought into working order or the expiry of seven days from when the driver was unable to use the work diary; and strengthening accreditation requirements — for example, requiring drivers to carry accreditation documents and requiring drivers to return their accreditation documents to their operators upon being advised that operator's accreditation has changed or ceased.

All these measures will help in making sure that professional drivers and people who earn their living by driving will not in future compromise their own safety and that of the rest of the community. I commend the bill to the house.

Mr P. DAVIS (Eastern Victoria) — Given the hour, I will come straight to the point rather than reiterate the arguments that have been previously put by learned members of this house. It would seem to me that the genesis of the proposition being put by the opposition in relation to the bill is that there needs to be some amendment in respect of creating flexibility in regard to the livestock transport industry. I have some reasonably intimate knowledge of that industry, having been involved in the pastoral industry for 30 years, both prior to my entry to the Parliament and for some little while thereafter.

I have a fairly intimate knowledge of rural Victoria and rural Australia. I make these very brief observations. Anybody who thinks that what is regarded as a dumb beast — not a member of this house obviously, because there would be no dumb beast in this house — a bovine or ovine animal, has the intellect to understand that the Parliament of Victoria is going to regulate the hours upon which that beast is going to be transported would, in my view, have to be completely beyond sensibility. Animals do not have any capacity to reason. The loading and unloading of livestock is, at best, a challenging enterprise and frustrating in the extreme. I know that most people who have been engaged in

that — whether it be professionally as livestock transport operators, or as farmers, who only see the comings and goings from time to time on their own properties, or as stock and station agents, who are regularly involved in loading and unloading stock — find it a frustrating and vexatious activity.

It would seem to me that there is a reasonable case to be put that there needs to be a proper degree of flexibility in respect of the transport of livestock. I think it is fair to say that we have an additional challenge in this state. Although Victoria is but 3 per cent of the land mass of Australia, it is quite clearly a substantial livestock producing state. We possess 25 per cent of the livestock production in Australia. You can see therefore the relative intensity of livestock production activity and the numbers of stock that inevitably are transported in Victoria. In addition to that, because Victoria has a comparatively higher rainfall, it is a repository of finishing stock — that is, stock moving from the north and the west of Australia into Victoria for finishing and then going to slaughter and export. I make the point that that therefore involves long-haul trips. There was a time when I was involved in loading stock onto rail.

Mr Koch interjected.

Mr P. DAVIS — My colleague Mr Koch nods his head. He and I were probably at the same time at the same place down at Woodside in Gippsland, where I was involved in loading stock on rail, which is even more challenging than getting them onto a truck. But railways have gone forever in terms of livestock transport. May I say that that is a decidedly good thing, because I think there was a large degree of animal stress in that, if not stress for the stockmen who were involved in that trade. I make the point that it is that experience which informs me that to so proscribe the flexibility to be applied in the livestock transport business is untenable. The house needs to concede that it is important to adopt the amendments which are being proposed by the opposition. If indeed the house fails to do this it will be a charge which the Parliament will be condemned for because it will inevitably involve additional burden to the humane treatment of animals. If the stock have taken longer to load than might have been planned, the transport operator will have to stop on the side of the road and not complete the journey, even though he may be in sight of the end.

We have not touched on the fact that a transport operator will need to stop regularly on a journey to check the load and ensure that the stock are adequately loaded and not in a state of distress. Where there are downers, as they are called, the operator needs to get into the truck and make sure that those livestock are standing so that they can continue the journey. That all takes a lot of time, and there may be many times when stock are put under a great deal more stress than they need to be simply because of the inflexible thinking of members of this place. Perhaps it will not be the dumb animals who are the creatures acting insolently in this case. As parliamentarians we have to be mindful of humane treatment being a consideration in all legislation that in any way affects livestock.

Further, over many years, and more particularly recently, I have had a look at the state of our road network. I hear commentary about local road networks being in a deplorable state. Mr Vogels in particular made that case and I support him. I would go further and say that the state of our main roads is deplorable. Recently I drove from Western Australia to Victoria, and I can tell members exactly where the state border is. In Western Australia and South Australia the B-roads are superior to our A-roads. The road from Mildura to Melbourne is in a disgraceful state of repair. It is just the most embarrassing thing to have travelled throughout Western Australia, South Australia and New South Wales in recent times and then to see the state of the majority of Victorian roads. I remind the house again that the state is but 3 per cent of the Australian landmass — yet we cannot maintain our road infrastructure. What is wrong with this state that we cannot apply the necessary resources? What is happening to what is clearly record revenue for the state that we cannot apply a fair proportion of it to maintaining a proper road infrastructure?

It is no wonder that there are fatigue issues. Even I, as a reasonably competent driver — I do not have too many accidents, and I will not admit to any of them — am distressed and fatigued as a result of long journeys which I inevitably have to make as a member of Parliament servicing my electorate and meeting with constituents around the state. To travel interstate and see that, frankly, Victoria has been left in what I would describe as a model-T Ford age in regard to the state of its roads is appalling.

But I digress, because what I really want to talk about is a recent meeting I had at Bairnsdale in relation to this legislation. I met with Steve Fraser and John Roderick, who are both independent truck operators and were involved in leading a stoppage of truckies in Bairnsdale in the week ending 1 August. It was a week-long stoppage to try to create some public awareness of the concerns that owner-operators have about this bill. I talked to them in detail about the various concerns that were raised. The platform on which they were campaigning was in relation to the proposed increases in charges, the reforms that are being introduced by the

legislation, and the rates of pay for owner-drivers. I think I dealt with all these things by way of discussion in pointing out how to deal with some of them in a practical way.

At that time I could not comprehend and deal with the concerns raised with me about the lack of adequate rest areas — in particular the fact that rest areas between the New South Wales border and Traralgon are practically non-existent, the extremely limited rest areas in metropolitan Melbourne and the non-existent rest areas on the Melbourne freeway system. To the casual observer that might not seem to be an important issue, but my word it is if you are operating a truck and you have limits on the length of time you can drive.

More importantly, even if you do not pay regard to the time limits but you have regard to your state of alertness and therefore comparative level of fatigue, you may have a view that you need to pull over and have a rest. It is pretty hard to pull over when you are driving a heavy vehicle if in fact there is no rest area. Again I draw the comparison with the other states which I have visited more recently where not only is the road network clearly superior but adequate provision has been made for rest areas. For heaven's sake, regular rest areas span route 1 across Australia — everywhere except in Victoria — where it is possible for drivers of heavy transports to pull over every couple of hours or at intervals of two to three hours, if they choose, without any question that there is an adequate rest area that is properly signed and available.

What we need to do is to deal with these failures in road transport in this state. I thoroughly commend the amendment proposed by Mr Koch because in part it will satisfy a need which is pertinent to the livestock transport industry. I also urge the government to take note of the inadequacy of the road network provision, and especially the rest areas which are a requisite for the viable operation of a regulated heavy transport industry, to ensure that fatigue does not arise. It is inadequate on the part of the government for it to be concerned simply to regulate rather than to provide practical solutions to deal with the problems that the bill seeks to regulate. With that I conclude my remarks and urge all members to support the proposed amendment.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 47 agreed to.

New clause

Mr KOCH (Western Victoria) — I move:

Insert the following new clause to follow clause 30 —

'**AA New section 191ZZAB inserted**

In section 20 of the **Road Legislation Further Amendment Act 2007**, after proposed section 191ZZA **insert** —

"**191ZZAB Livestock exemption**

(1) This section applies —

(a) to a driver of a fatigue-regulated heavy vehicle who is carrying livestock as a primary load; and

(b) only when the welfare of the livestock is at risk.

(2) Section 191O applies to a driver to whom this section applies as if a reference —

(a) in Column 2 of Table 1 of Schedule 4 to 14 hours were a reference to 16 hours; and

(b) in Column 4 of Table 1 of Schedule 4 to 14¾ hours were a reference to 16¾ hours; and

(c) in Column 4 of Table 1 of Schedule 4 to 15¼ hours were a reference to 17¼ hours.

(3) In this section —

livestock includes cattle, sheep, goats and pigs.".'.

This amendment relates to what has been a major part of the debate this evening. The amendment has been circulated and due to the time constraints I do not desire to go through it all. Members have the amendment before them. It particularly pertains to a request to us from the Livestock Transport Association of Victoria for consideration of a further period of 2 hours in relation to the fatigue management opportunities laid out in the bill. They want the spread of working hours extended by 2 hours in the full knowledge that they seek some discretion in and more flexibility with the movement of livestock across the state of Victoria, particularly in the area of animal welfare.

I would like to thank the members on this side for their contributions; they have clearly outlined the need for consideration of this amendment. I would particularly like to thank my regional colleagues Mr Vogels, Mrs Petrovich and Mr Philip Davis. In saying that I would also like to commend the contributions made by

Mr Eideh, who put up a very good argument about transport users and road safety in the movement of freight. I would also like to thank Mr Thornley for his contribution, which acknowledged that there are some concerns in the area of livestock movements and that what can occur is certainly not at the discretion of the driver when they undertake these journeys on some occasions — certainly not every occasion, but some occasions. It is important that this amendment reflects that all legislation should not necessarily be one-size-fits-all. We have some problems where that is suggested. The bill before the house reflects that.

It concerns me a little bit that earlier in the debate Mr Pakula suggested that as this argument was not brought forward earlier, when the principal legislation was brought into the house in 2007, further consideration should not be given to it. I believe that every bill that comes into this house is ultimately a live document and that it should be possible for reviews to take place. It is on those grounds that the house should give consideration to this amendment before us today.

Hon. J. M. MADDEN (Minister for Planning) — In relation to these matters I understand and am informed that the request from the Livestock Transport Association of Victoria is based on a pre-existing South Australian exemption which provided livestock transporters with added flexibility to deal with extenuating circumstances. I am also informed that the fatigue management reforms now allow for basic fatigue management (BFM) and advanced fatigue management (AFM), which provide more flexibility in work and rest hours.

I am also advised that advice from South Australia indicates that the exemption will continue as a transitional arrangement to allow livestock operators time to obtain BFM or AFM accreditation. I am advised that the opposition's house amendment does not provide parity with the South Australian exemption, as it is not a transitional arrangement; it is ongoing. There are safeguards in the South Australian exemption not provided in the house amendment — for example, a requirement to work a reduced number of hours the following day and requirements to record the reasons for increased hours. The opposition's house amendment, I understand, is also inconsistent with national arrangements. On that basis I will not be supporting the amendment.

The DEPUTY PRESIDENT — Order! Are there any further contributions on the proposed amendment? If not, I propose to test the amendment. The amendment moved by Mr Koch is to add a new clause which would follow clause 30 in the legislation. The question I put is that new clause A be read a second time and added to the bill.

Committee divided on new clause:

Ayes, 15

Atkinson, Mr	Kronberg, Mrs
Coote, Mrs (*Teller*)	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Rich-Phillips, Mr
Finn, Mr (*Teller*)	Vogels, Mr
Koch, Mr	

Noes, 21

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms (*Teller*)	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Thornley, Mr
Leane, Mr	Tierney, Ms
Madden, Mr	Viney, Mr (*Teller*)
Mikakos, Ms	

Pairs

Guy, Mr	Theophanous, Mr
Hall, Mr	Lenders, Mr

New clause negatived.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so, I thank respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

Sitting suspended 6.32 p.m. until 8.04 p.m.

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

MEDICAL RESEARCH INSTITUTES REPEAL BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Minister for Innovation).

NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL

Second reading

Debate resumed from 9 September; motion of Hon. J. M. MADDEN (Minister for Planning); and Mr D. DAVIS's reasoned amendment:

That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and redrafted to take into account —

(1) the outcome of further consultation with the wider community about —

(a) the negative effects of the proposed amendments relating to the Cobboboonee National Park and the Cobboboonee Forest Park;

(b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and

(c) appropriate management and development of the Frankston Natural Features Reserve; and

(2) the wide community support for the expansion of Warrandyte State Park.'.

Mr BARBER (Northern Metropolitan) — This is a bill the Greens are proud to support. The protection of the Cobboboonee National Park has been a longstanding cause for the Greens, for green-minded people, for environmentally minded locals in the south-west and for some good friends of mine. The vegetation in this area constitutes a fragmented landscape, and we do not know, based on existing science, how long some species will be able to hang on among the remnants that have been left by past policies.

Over 86 per cent of the Glenelg Hopkins and Wimmera catchments has been cleared. What that means, as the CSIRO has confirmed, is that up to 50 per cent of the woodland birds that have always lived in these areas are threatened due to habitat fragmentation. What we have is a remnant vegetation landscape. Not only does it need full protection but it also needs restoration. On top of that we now have the impact of climate change, which could cause species and ecological communities to find themselves outside their climatic zones. Connections between protected areas are becoming incredibly important, and in this case the vision is for a network of protected areas for the south-west — from the coast up to the Little Desert and across to Grampians-Gariwerd. Of the 15 national biodiversity hotspots identified in Australia two of them intersect in south-western Victoria, and they are in need of long-term protection as recommended by the national report *Australian Terrestrial Biodiversity Assessment 2002*.

We are talking about not just protection but also recovery, and it is pleasing to see a new program in this area, Habitat 141, which is about the community, land-holders and community groups working cooperatively to stitch together these remnants and rebuild a functioning ecological landscape. In the past there was timber production in these forests but in recent years it has fallen to very low levels. In the meantime there is a massive timber plantation resource coming on-stream there. Over 3 million cubic metres of pulpwood and maybe 1.7 million cubic metres of sawlog, both hardwood and softwood — which is substantially larger than the native forest logging sector for the entire state — is going to form the basis of a wood product industry for the region.

There is no longer any reason to be logging native forests. In fact I have seen headlines from local newspapers there about the fact that they cannot get enough timber workers to come and work in the region to harvest all the timber that is available from these new plantations. That is a great bonus for jobs. There are always a certain number of jobs in harvesting, but the greatest number of jobs comes from manufacturing wood products. There is a $400 million plantation pulp mill proposed for Heywood which would create 600 jobs.

Firewood is an issue in regional communities where they still rely on firewood from local forests. There are significant areas for firewood collection that will still be available in the interim, despite the protection of the

Cobboboonee National Park and various other threatened species habitats that have been identified. Gum woodlands on public land in the area are restricted and regionally threatened, and they should be managed for conservation. Cropping is the way to go to provide new firewood. Some blue gum from crops in that area is already being used in Adelaide and by locals for firewood. In terms of the posts and other minor produce that used to come from forests like these — they never had enormous timber value — we now know that pine is being extensively used in farms, vineyards and fencing, and of course in building homes.

Tourism continues to increase in the region along the Discovery Coast, as it is called. Not only does that create great opportunities in recreation and ecotourism, but there are all the other spin-off jobs that go with that — light construction, building construction and so forth. The choice of the red-tailed black cockatoo as the mascot for the 2006 Commonwealth Games was an interesting one.

Mr Hall — It was Karak, wasn't it?

Mr BARBER — It was called Karak. Fewer than 1000 of these birds actually remain. When that opportunity came along you can be sure that the naturalists of the south-west made sure the government knew that the emblem it had chosen for the Commonwealth Games was an endangered icon that needed further protection. The taking of fairly large volumes of firewood from our woodlands is one of the major threats to species in the south-west according to the *Australian Terrestrial Biodiversity Assessment 2002*.

In his earlier contribution Mr David Davis started talking about some of the values that were the reasons for the Devilbend area being protected. There is a minor matter in this bill in relation to Devilbend. For the benefit of Mr David Davis and other members, I will read a list of some of the species that will be protected in the Cobboboonee National Park. First of all, of the 15 ecological vegetation communities (EVCs) mapped within the forest 11 are endangered or vulnerable. The lowland forest EVC covers the largest part of the Cobboboonee forest — about 78 per cent. That is typically a eucalypt forest with a range of shrubs and herbs on relatively fertile — for those areas — and moderately well-drained soils. The other EVCs, in order of coverage, are the herb-rich foothill forests, the heathy woodlands and heathlands and the deep freshwater marsh. The remaining ones cover altogether less than 1 per cent of the total area but make this an incredibly biodiverse few thousand hectares. Four of those Cobboboonee EVCs are actually endangered in Victoria: the deep freshwater marsh, the shallow freshwater marsh, the freshwater meadow and the swamp scrub. A further seven of those EVCs are classified as vulnerable.

Mr David Davis showed us his knowledge of the Devilbend flora and fauna when he made his presentation, so he will be interested to know that the plants we are protecting with the creation of the Cobboboonee National Park include several endangered species such as the dense leek orchid, the Gorae leek orchid and Mellblom's spider orchid. Amongst the vulnerable species we are protecting are the blotched sun orchid, the prickly raspwort, the slender leek orchid, the swamp diuris, the swamp everlasting, the swamp fireweed and the wrinkled cassinia — which is endemic to south-western Victoria; it is found only in the upper reaches of the Fitzroy and Surry rivers on both public and private land — as well as the Gorae leek orchid and Mellblom's spider orchid, which are also endangered nationally. Then there are an additional 10 rare species.

Amongst the animals and birds are the critically endangered king quail, the endangered barking owl, the growling grass frog, the long-nosed potoroo, the masked owl, the red-tailed black cockatoo, the spot-tailed quoll and the common bent-wing bat. The brolga, the great egret, the grey goshawk, the musk duck, the powerful owl, the southern toadlet and the swamp skink are vulnerable. Rare or near-threatened species include the southern brown bandicoot, the heath mouse, the swamp antechinus and the variegated pygmy perch — that is a fish which is endangered in Victoria and is recorded only from the Crawford River and its tributary, Glenaulin Creek, downstream of its headwaters in the Cobboboonee forest. There is also the yellow-bellied glider, which is on the edge of its range down there and isolated from other Victorian populations, and the grey-headed flying fox, which is nationally vulnerable. That great Noah's ark of species are all there together in the Cobboboonee in the remnants of what used to be a major woodland area and is now to be protected with the support of all members here.

For those — there are some here and I hesitate to name names, but I think a lot of them are in The Nationals — who basically reckon that when you declare an area a national park it catches fire, just like that. One day it is a state forest, and the next day — whoosh! On the day the Governor assents to this bill we should evacuate the Cobboboonee forest, because it will catch fire as soon as it becomes a national park. Along with that is the well-known calumny put around by certain anti-environment people who say that national parks are

full of weeds whereas state forests are so loved by their keepers they never have any weeds.

On a serious note, I can tell members there are some weeds already in this forest as a result of the past management, the past level of care and the activities that have been undertaken there. There are some serious weeds there now. There is radiata pine; sweet pittosporum, which is from East Gippsland but is a weed when it moves to western Victoria; pampas, which is nasty to get out, as you would know if you hade ever tried; bluebell creeper; boneseed, which is also very nasty to get out — and I have pulled many of those plants in my time; watsonia; and others.

Further on the serious note, I truly hope that with the passage of this legislation we will see a matching increase in the budget for Parks Victoria or the agencies that will be managing the various bits of this new forest park so that they can address those weed problems because weeds themselves can be a major threatening process for native vegetation particularly where there is disturbance.

I was surprised to hear that the Liberal Party coalition, by Mr David Davis, is moving an amendment the effect of which would be that this bill would not go ahead but be withdrawn and redrafted to take into account the outcome of further consultation with the wider community about the negative effects of the proposed amendments — that is, creating a national park and a forest park. For me it is a pretty nebulous proposition that it be withdrawn and redrafted to take consultation into account.

The reason I am surprised is that I remembered something about the Liberal Party supporting the establishment of a Cobboboonee national park. It was in the back of my mind and was associated with something that I heard during the state election. Just before I came into the chamber I raced downstairs and because I thought I might still be able to find it. I was lucky and did find a document entitled *A Liberal Government Plan for a Sustainable Future*. It is identified as 'The Liberal Party's policy and plans for Victoria for the 2006 state election' at www.vic.liberal.org.au.

Mrs Peulich — We did not win the election.

Mr BARBER — I hear Mrs Peulich saying the Liberal Party did not win the election. Does that mean all bets are off? I do not think the Greens would get very far with that attitude because we never win an election, but we still come in here and try to implement our policies.

Mrs Peulich interjected.

Mr BARBER — No, Mrs Peulich. Through you, Acting President, I think it has a lot more to do with the fact that the Liberals are now in coalition with The Nationals. Its policy at the last election, if I remember rightly, was not to have any new parks — flat out no new national parks. That is it; national parks are bad. I have read elsewhere that it was. I do not have a source for this, so Mr Hall will have to correct me when he gets up — —

Mr Hall — I have a lot to correct when I get up.

Mr BARBER — The policy of The Nationals was that if you want a new hectare of national park you have to take a hectare out of an existing national park. The policy is just a net no new national parks, so if we were passing this bill, then at the same time we would have to de-gazette the Dandenong Ranges National Park or swap the You Yangs for a piece of the Errinundra Plateau, just to keep it nice and even so that we always have the same number of hectares in the national park system at all times. As I understand the logic of that policy; that is what we would have to do.

In any case, page 19 of the Liberal Party policy and plans statement, for Mrs Peulich's reference, states:

> 6. Recognise the creation of a further national park in south-west Victoria to be known as the Cobboboonee national park which will adjoin the Glenelg national park.

The reference on that page is to 27 000 hectares of forest and it states that it is the home of the red-tailed black cockatoo. It is on the edge of the red-tailed black cockatoo's range but it is near enough and certainly the whole ecosystem is to the benefit of the red-tailed black cockatoo. It further states:

> A Liberal government will recognise the creation of the Cobboboonee national park adjoining the Glenelg national park.

The let-out is that the Liberals are not in government — that is what Mrs Peulich is saying — and because the Liberals did not win all bets are off and we will start all over again. There was at least one Liberal who backed this proposal.

Ms Tierney interjected.

Mr BARBER — Ms Tierney does not have to ask who that was because she knows I am going to say who it was. Back on 6 May 2000 down at the Portland Arts Centre there was a big meeting that had put to it a proposal to protect the remaining woodlands and wetlands of south-western Victoria. It was brought up

by the Portland Field Naturalist Club — that tireless and decidedly non-radical group of individuals who have got us to this point — and the vision was to protect everything from the coast to the Little Desert and the Grampians, with Cobboboonee at the centre.

Present there to give backing and gravitas to this event were Euphemia Day, a Gunditjmara elder, and Shane Howard, a well-known local musician — and the Hamilton Field Naturalist Club members came over to lend a hand as well. But I think probably the star of the show was Sir Rupert Hamer. He described this plan, which we are putting together in small part today, as a visionary idea whose time had come. I agree.

Ms TIERNEY (Western Victoria) — I rise to speak in support of the National Parks and Crown Land (Reserves) Acts Amendment Bill 2008. In doing so, I will be speaking in opposition to the amendment proposed by Mr David Davis.

In speaking to the bill, firstly, I would like to pay particular attention to the actual creation of the Cobboboonee National Park and the Cobboboonee Forest Park. These parks are approximately 27 000 hectares of Western Victoria Region, the electorate that I represent. It is a significant area of lowland forest near Portland and Heyward in the south-west part of my electorate.

Since 2000 the Labor government has added more than 260 000 hectares to the parks and reserves system. That includes the creation of the Great Otway National Park and a chain of marine parks along our coastline. I particularly wanted to mention those two elements, because they have proven to be a significant and major contribution to the protection of our environment in western Victoria.

Tonight, if the bill is passed, we will have taken the first step towards creating real ecosystem protection and conservation in the south-west. This will permanently protect what is a really beautiful area of this state. I know that a number of schoolchildren visit the area on school excursions and sometimes spend quite some time in the area. They come back and demonstrate their appreciation of an area of this state that they would not necessarily have gone to or considered to be so beautiful. The area has a significant natural element to it, for obvious reasons, but it also has a significant cultural heritage. This bill we are debating tonight will essentially guarantee the public's enjoyment of these special areas through recreational activities as well.

I am quite concerned about the proposed amendment which essentially claims there has not been significant consultation with various groups involved in the area. That is just not true. The Gunditjmara people — and we have already heard from Mr Barber about this — have been involved in the process right from the beginning and early last year formally agreed to go down this path. They will play a vital role in the future management of the park and, along with other members of the wider community, will be involved in future planning in the area. We as a state government are looking forward very much to making sure we encourage the communities in south-western Victoria to be heavily involved in the area.

I have been paying some close attention to remarks reported in local newspapers in the south-west, such as the *Portland Observer*, particularly the comments that have been made by Dr Napthine, the member for South-West Coast in the Assembly. One comment that springs to mind was a relatively recent comment that Dr Napthine made, claiming that this government has not properly consulted those affected by this legislation. He said:

> They have not talked to the neighbours … have not talked to the firewood collectors … have not talked to the trail bike riders; and … the campers and the walkers.

I am not particularly sure where the member for South-West Coast has been, because if he were in the south-west he would know that the consultation process period with key recreational users and conservation and indigenous stakeholder groups in the region began in early June 2007. There were — and I have counted — 50 local recreational and environmental groups invited to be involved in every step of the consultation process. I know from counting those on the list that 25, which is 50 per cent, who were invited were involved in the consultation process all the way through.

To give members a sense of the groupings of stakeholders who were involved, they were quite broad. Obviously the Gunditjmara people were key stakeholders, but there were also neighbouring and adjoining land-holders. The conservation and biodiversity groups were involved and the range of representatives from those groups were from the Wimmera right through to Warrnambool. There were obviously individual recreational users and there was a range of local service clubs as well.

The formal submission period was open for six weeks. More than 600 submission forms were actually posted to land-holders adjoining the forest and stakeholders who had previously expressed interest in being involved in the process. There were also open houses in Portland and Heywood, and Department of

Sustainability and Environment staff were present to inform people and answer questions.

It is difficult to get some sense of where the member for South-West Coast in the Assembly is coming from. The people in the south-west were keen enough to be involved in the process, and 1075 submissions were received and obviously considered. Further to this, I know the Minister for Environment and Climate Change, who is in the chamber with us tonight, personally met with the stakeholders in the proposed park from both sides. As we know, the Cobboboonee National Park has been an issue in western Victoria for some time, so when he became the Minister for Environment and Climate Change there were quite polarised views amongst the stakeholders. He understood that and so he went down to the south-west and met with the stakeholders, outlined what the process was from his perspective, and then went back and talked to them further. He wanted them to have a chance to talk to him about the decision that he had made and to get their reaction.

It is clear that the government has made sure that it consulted widely and had direct ministerial interaction with the key stakeholders in this important exercise. I just do not know where the member for South-West Coast is coming from in relation to this exercise. As we have also heard, when the Liberal Party walked into the 2006 state election it said in its policy document:

> Recognise the creation of a further national park in south-west Victoria to be known as the Cobboboonee National Park, which will adjoin the Glenelg national park.

I note that just a few days prior to the state election Dr Napthine was quoted in the *Age* — and I see from the reaction on the other side of the chamber that the members on that side are quite aware of this quote. It is important that I get it on the record. In describing the idea of the creation of the Cobboboonee National Park he is quoted as saying that it was a barefaced grab for votes amongst the 'latte-swilling, chardonnay socialist, crystal-gazing, New-Age tree huggers of inner suburban Melbourne'. If creating a national park is about protecting the environment and making sure that we have conservation in this state for all Victorians to enjoy, it is ridiculous to make a claim about the choice of what one drinks — whether it be alcohol in the form of chardonnay or some form of coffee or other vices, not to mention the crystals.

Leaving that to one side, part of the ALP's commitment to this exercise is the desire to pursue increasing the hectares of protected parks and reserves. We are extremely proud of what has been achieved, particularly in the last decade. Thank goodness for that. After having seen this amendment and the comments made in the *Portland Observer* in recent times, and given what I suspect will be a commentary from the other side tonight, I thank God that we are the government and want to protect our natural environment.

The Cobboboonee National Park and the Cobboboonee Forest Park complement each other in that they ensure that the forest is managed for the best mix between conservation and recreation while providing for the protection of cultural values as well. As I mentioned before, the stakeholder groups were at different points — it was a fairly polarised argument that had been going on for some time. What we have ended up with is a fair balance of the competing interests while keeping the principles held close to the soul of protecting the environment.

A number of vulnerable species and vegetation in the Cobboboonee are endangered, and they will be protected if this bill is passed. We have already heard that the red-tailed black cockatoo, which was one of the mascots of the Commonwealth Games, the spotted-tail quoll, the southern brown bandicoot and the grey-headed flying fox are all species that will be protected under this bill, and their habitat can be enjoyed by recreational users of the parks at the same time.

A number of organisations have come out in support of this bill. One is the Wilderness Society. I thank the Wilderness Society for its involvement in this exercise. When I was a newly identified candidate for the 2006 state election I had a number of key players involved in this issue make representations to me. Geraldine Ryan from the Wilderness Society was one. She gave a very comprehensive and powerful presentation to me about the need for such a bill. On 30 March this year the society put out a media release, which I will quote:

> The creation of a new … national park in south-west Victoria will provide vital protection for biodiversity and a boost for local economies.

Both the Victorian National Parks Association and the Wilderness Society have congratulated the state government on this bill.

As well as ensuring the protection of the Cobboboonee, the bill will also ensure that there is a range of uses of the land. These were identified during the consultation process and have been addressed in the bill. The establishment of the forest park recognises that the great majority of the community wants an area to also cater for recreational activities. These activities include motorbike riding, horseriding, camping, four-wheel

driving and dog walking, just to name a few. During a time of climate change and harsh environmental conditions it is apparently imperative to protect the flora and fauna of this great state. I am proud of the government's attitude to the conservation of natural beauty and that it has been able to work with the stakeholders for a multi-use arrangement as well.

I would like to congratulate the Minister for Environment and Climate Change on this bill and his deep involvement in this project. I also wish to congratulate departmental staff for bringing together what were, as I have mentioned, various disparate groupings and formulating an outcome that is acceptable to the community. I believe this bill is the embodiment of a significant election promise made by the Labor Party at the last state election. Unlike the Liberal Party, this government is delivering on its election commitments and delivering for the environment.

I also want to thank a number of people in particular. I have mentioned Geraldine Ryan. I would like to mention Doug Phillips from the Portland Field Naturalists Club who has been quite consistent in providing me with information on the stages of the consultation process. Many local recreational users provided extremely powerful presentations to me in what has been a just-over-two-year period. I call on the house to reject the reasoned amendment and support this bill.

Mr HALL (Eastern Victoria) — Over the years I have used my time in this chamber to comment on most bills relating to national parks that have gone through this place. I have to say that on the majority of those occasions I have opposed the creation of those national parks, and I have not yet seen any solid reason why I should not do the same here tonight. There are some I have supported and indeed there are some elements of this piece of legislation that I would be happy to support. However, some of the issues I want to touch on have led me to a personal decision that this bill should not be supported.

What we are seeing is a change in the land status of a number of parcels of land in different parts of Victoria, but the debate has concentrated on the most significant parts of those lands being changed — that is, the creation of the Cobboboonee National Park, an area of some 18 500 hectares, and the creation of the Cobboboonee Forest Park with a lesser area of 8700 hectares in the south-west of the state.

The first thing I want to do is comment on the process that has led to these suggested parks. It is a vastly different process than has applied to the creation of most national parks in this state. Those of us who have been here for a while are used to the old Land Conservation Council, and now the Victorian Environmental Assessment Council, process where the status and attributes of land were thoroughly evaluated before the LCC or VEAC made recommendations to the government about certain areas of land. In this case there has been no VEAC process at all. Indeed there is little justification and outline of the merits of this land that would convince us to classify it as national park. In fact I am not aware of any consultation process that has taken place.

I listened with interest to Mr Barber and Ms Tierney and their comments about this. Ms Tierney in particular said that there was a consultation process. She made the comment that some 1000-plus submissions were made directly to the government about this area. Thank goodness we have a good local member in that area in the member for South-West Coast in the Assembly, Dr Denis Napthine. His knowledge of and contribution to this debate has been most informative and very extensive. He made the single point that the government may well claim that the Department of Sustainability and Environment received something like 1000 submissions put forward by members of the public when this was being discussed, but importantly 80 per cent of those submissions opposed the area being called a national park. Let us not be led by Ms Tierney and others who suggest that there were 1000 submissions and they were generally supportive, because that is not the case.

I searched for some justification as to why 18 500 hectares of Victoria's land mass should be turned into a national park. The only evidence to suggest that we should be supporting this was a one-liner in the minister's second-reading speech which said:

> The national park, with its high conservation values, will give additional protection to endangered and vulnerable vegetation types as well as threatened species, including large forest owls, small marsupials and a skink.

That is it. That is the only scientific evidence that the government has put forward to support this piece of legislation. I think that is simply not good enough at all.

I am totally convinced that this decision to create the Cobboboonee National Park was not based on any sound science but purely on political motives; it is a political decision more than anything else. To reinforce that view I note that this was first suggested by the government in a package leading up to the 2006 election. Suddenly Labor made the comment that if it

was returned at the election it would create two additional national parks, one being the Cobboboonee and the other being Goolengook in East Gippsland.

Let us go to Goolengook because I want to make a comment about it. Goolengook was under a VEAC process; an inquiry by VEAC was in process with respect to the Goolengook area. I made a submission to the process. I went to the trouble of making a submission and presented it, with our East Gippsland candidate, Chris Nixon, to VEAC on one of its visits to Orbost, only to find a week after that visit that the government had pulled the rug on the VEAC process and said that no matter what VEAC came up with it was going to make that area a national park. It did the same with Cobboboonee. No reasons were presented to the public of Victoria. The government said it was going to create a park and that was it. If Labor got back in it was going to create this park. That is why I say that no member of this house should be supporting legislation to create the Cobboboonee National Park because we have not seen the scientific evidence which supports this particular area being put into the national park estate in Victoria.

I am happy to support areas of national park. I have demonstrated that in the past where I have thought they were appropriate, and most of those have been small additions to park areas close to where the community can access them. The Mornington Peninsula National Park is an example I was happy to support. There are parts of this legislation that I would also support — Warrandyte, Devilbend and a few other parcels of land have merit. They are very small additions, but that is not the case with a big area like Cobboboonee.

Mr Barber correctly outlined in his comments one of the reasons I have taken this stance. He said The Nationals' policy has always been that there be no net additions to national parks — that is, if you have 18 5000 hectares in the south-west of the state that you think is deserving of national park status, then release an equivalent amount of land and park area to a less restrictive use title. There is some sense in that. About one-third of Victoria now is public land, and about half of that is national park. I think that is a pretty good balance between public land and private land across the state. In terms of the public land, the balance with half of it being national park is an appropriate measure. You cannot simply keep adding hectare after hectare of national park and say you are doing a great thing for the environment. The fact of the matter is that this government, and previous governments, have not been good managers of public land. Evidence of that has been quite apparent in respect of the way it is managed when fires or floods or other disasters hit those areas. This government simply does not put enough into the management of these areas.

Government members would claim that this area is of sufficient environmental value that it should be called a national park, but this is probably because of the use management. When I use the term 'use management' I mean people who go in there and maintain the area by using it. People who drive their vehicles into those areas keep the tracks open. People who undertake timber harvesting are regenerating material and many of these endangered species need regenerated plant life. The actual use of those public lands has often meant that their environmental values have been preserved rather than desecrated, as Mr Barber, the Greens and the government would claim. I do not shy away from the policies that The Nationals have had in the past. I do not shy away from the policies that the new coalition in Victoria has. They are sensible, logical policies that are not based on the unscientific ideology that we see practised by both the Labor Party and, at times, the Greens in Victoria.

I want to further elaborate on the work done by the member for South-West Coast and the contribution he has made to the debate both locally in his community and through the information he has been able to pass on to his colleagues in the Liberal Party and The Nationals. He made a very interesting point in respect of the history of this particular area.

The member for South-West Coast pointed out something that I did not know, that this area abuts the Lower Glenelg National Park of some 20 000 hectares. He said that that was created by a Liberal government in 1969 and 1975. Originally an area of land was assessed of the order of 54 000 hectares. Half of it, 27 000 hectares, was proposed to be the Lower Glenelg National Park, and the other half was to be a less restrictive use area, a forest park as it is now. It seems to me that if we had a large area and half of it we were going to preserve in national park and the other half was to be balanced land use, that that would be an appropriate split.

What we are seeing now is the government and the Greens returning for a further grab of the apple. What they want to do now is take that 27 000 hectares of less restricted use land and turn most of it back into a very restricted national park status. That is what I call the national park creep. The Greens in our society simply say, 'We will never have enough', and they will keep on wanting more and more of that public land locked away with national park status.

We cannot keep doing that, because eventually we are going to be handicapped in terms of land use across this country. Moreover, no government has ever shown that it is prepared to put enough resources into managing those areas. You cannot just keep adding to the national park base in Victoria without some consequences, which this government and the Greens seem to blithely ignore.

I have no hesitation in supporting the reasoned amendment that Mr Davis has moved in respect of this legislation. It is a sensible process. People know exactly what is going on and we can go out and talk through the issues. Perhaps people will be able to contribute more than government has in terms of their views as to the status of these lands.

I am happy to support the reasoned amendment and then come back and consider it after that extended consultation process that the reasoned amendment suggests. However, in its current form, the creation of the Cobboboonee National Park, the single biggest item in this particular bill, is simply a political decision without any environmental or scientific evidence to support it at all. If government members expect us to support this on a single sentence, then they have rocks in their heads, because I will not, and I am sure my colleagues will not. This is a political decision. The environment is not helped by political decisions being made by this government.

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a brief contribution on the National Parks and Crown Land (Reserves) Acts Amendment Bill 2008 and to speak in favour of Mr David Davis's reasoned amendment, which basically buys us a little more time to make sure that we get the details right. I will not speak on all segments of the amendment. I will focus my attention on the issue of the Frankston Natural Features Reserve, which is in my electorate. It is an issue that I attempted to understand and consult on, and there are still some details to be noted in order to progress this further.

Before I do so, let me just make some opening comments. Notwithstanding Mr Barber's attempts to be a scathing critic of the Liberal Party in relation to anything to do with the environment, I think the Liberal Party has a very proud history of environmental achievement. He quoted former Liberal Premier Hamer. We all know that it was former Premier Hamer who coined the concept of a 'garden state'. It is a label that has sadly been ditched, and I would urge its reinstatement. We look around Victoria at water management — or mismanagement — and at the lack of response to the drought and at the condition of the parks and natural reserves and even our recreational space as a result of that, and what we see is a sad reflection today as opposed to that initial concept.

The Environment Protection Authority was formed and a lot of national parks were established under the Liberal Party. Even under the former Kennett government there were a number of significant achievements, such as the ending of scallop dredging in Port Phillip Bay. There were some very significant achievements, and I will not recount all of them. That is just a general rebuttal. The track record of the Labor government, particularly in my area, has been appalling. I do not think Mr Barber would disagree, given some of his comments on the select committee report that was tabled this morning in terms of Labor's approach to the management of open space, in particular in the metropolitan area. Much of that is in my area.

As a former councillor in the city of Moorabbin, I know that that city was very committed to the concept of a chain of parks. It readily put money into the development of that master plan, into the acquisition of land and into connecting various open spaces. That has not moved very far since then. It is a sad reality that very little has been advanced in the South Eastern Metropolitan Region under the Bracks and now the Brumby Labor governments. We only need to look at the mismanagement of waste facilities — the Lyndhurst and Hampton Park landfill. Today of course there was the sad news of the need by Cranbourne residents to evacuate their homes as a result of gas leaking out of a landfill abutting the Brookland Greens Estate that had been allowed to develop with the say so and the tick off of the Minister for Planning and the Bracks Labor government.

The track record of the Liberal Party compares very well. We have always had a practical focus on advancing concepts to get the balance right. If this reasoned amendment gives us an opportunity to resolve some of those details, then I certainly have no reservations in supporting it. I intend to vote for it.

Specifically in relation to the Frankston Natural Features Reserve, let me say there are some outstanding issues that need to be resolved. For those who have only heard negative things about Frankston, I inform them that Frankston is a beautiful city and a beautiful part of metropolitan Melbourne. It is a coastal location. In my view it is terribly underrated; we only really hear the negatives. Very few people would know that it recently was a recipient of a top Keep Australia Beautiful sustainable cities award in Victoria, the overall sustainable city award for 2008, and it will be a

finalist in the Australian Sustainable Cities Award, sponsored by Mount Franklin, to be held in Melbourne in October. I certainly would like to wish Frankston all the very best.

There are very many groups that take a very keen and passionate interest in their physical environment, in their communities, in their services and of course in their natural environment. Many groups take a keen interest and involvement in issues such as the Kananook Creek, the beautiful beaches of Frankston, the concerns in relation to Olivers Hill and the need to stabilise the erosion there.

More recently we had the excitement following the decommissioning of the Frankston Reservoir site and the opportunity of developing it into a significant asset for the community. That is not to say that there are not differences about how to progress the master plan — and there is a master plan — but following the construction of a tank in 2005 I know the Minister for Environment and Climate Change commissioned a working group to undertake a study of the site. There is a lot of fairly detailed documentation, and that detail was used to provide advice to the relevant authorities on the future use of the land within the Frankston Reservoir. Some general agreements were reached in mid-2006 on a number of points, including that the entire site except for an area of up to about 8 hectares required by Melbourne Water for operational purposes should be kept in public ownership. I think it was a very important general premise that it was not to be flogged off, as Labor has a tendency to do, but kept in public ownership.

Public access arrangements should respect the privacy and security and the rights of neighbours, and that is very important. I undertook a direct mail-out to many people who live around the Frankston Reservoir to find out what level of support they had for the plan, and what concerns, if any, they had so I could speak on this bill having been informed by a community which I think has been very involved with this issue for some time. There are concerns about the site — for example, there are concerns about the location of roads and paths, whether or not it is going to have motorised sport, and there is some strong support from some community groups for sports such as kayaking which is not motorised and which would not be intrusive according to the advocates; about fencing; and about where ingress and egress ought to occur. Naturally people are concerned about that. They are concerned that what is potentially a wonderful asset for the community could diminish their immediate lifestyle. All of those things are manageable, and I think some good work has been done, but there are still some very important issues to resolve. There are concerns about the need to retain a water body. Native wildlife and vegetation should be protected under some future management regime. It is possible that there could be a mix of uses which achieve all of those purposes. Very importantly a fire management plan is required.

The successful implementation of the plan relies on support from a broad cross-section of the community, and there were people who did not support the plan although they were in a minority. The majority of people support it but still have some outstanding concerns which they need to have resolved, not the least of which is the local council which would like to see the master plan funded and, once the reservoir site is developed, handed over to the council to manage it. But the council does not want to have it handed over without adequate funding of the master plan. In 2006 our policy was announced by our candidate Rochelle McArthur and the Leader of the Opposition in the other place, Ted Baillieu. We would have committed $1 million towards the announcement of that master plan. Since then unfortunately those costs have become more significant, and I understand from the council that about $4 million is required for the development of that plan.

We need to work out where the money is coming from. The council does not want to be handed a facility such as the National Water Sports Centre in Carrum, which is an absolute bomb site. It is a huge piece of land in the middle of nowhere with inadequate maintenance and an inadequate development of the facility in terms of its potential and its use to the community. It is a shambles and it is a real tragedy for an area which is enjoying very significant growth and for a community which values access to parks and natural reserves as well as to passive and structured recreational space. Something needs to be done there. The community does not want the Frankston Reservoir site to end up being neglected because the master plan has not been funded properly and because it has been handed over to one of the agencies, or even worse that they have to share the facility.

Following the final community consultation in June I understand that recommendations were made to council. Again, I do not have the latest details, but I know that there was significant representation made to the council by a very large petition of some 1150 Frankston South residents in February. A large number of the residents do not want a reserve adjoining Frankston Reservoir to be used as a full-on recreational park because they think it would not achieve all of those basic general principles on which agreement was reached.

Another petition demanded that:

> … the Frankston Reservoir and adjoining retarding basin and reserve on Moorooduc Highway be preserved in their entity … to protect … the biodiversity values of the area.

The petition argues that:

> The site holds intrinsic environmental value.

It continues:

> We therefore regard the Frankston Reservoir and surround as an environmental line in the sand that developers, councils and governments must be prevented from crossing in the greedy and relentless pursuit of profit.

There are some significant differences about the way it ought move forward, and about some of the details of the master plan. The council and some of the other authorities have been very good at putting them up on the web, and certainly I have invited those residents who have not attended the public consultations to access it and to let me know their views.

I understand that over 1000 people attended the master plan consultation on 14 July, and again general principles were agreed to through that consultation, but some of those details need to be ironed out. There was significant emphasis in the feedback I received on the need to establish a link between Overport Park and the reservoir site, and the retention of the 10-hectare body of water. The management plan recommends no power boats or yachts, and possibly rowing. That may happen in the later stages of the plan, but I am not sure what direction is going to be taken there.

In the 2007–08 state budget the government allocated $1.6 million to the Frankston Reservoir park; clearly that is not enough. Given it has been costed at $4 million, there is an outstanding amount and that needs to be found before the matter is resolved. Also there needs to be resolution about who is going to manage the park.

As I mentioned earlier, I have had a terrific response — in fact I have never had such engagement on any issue — from people who are very keen to make sure their concerns are articulated. In particular through that feedback process preference has been expressed about the western side of Overport Park where there are existing car parks but at a distance from the residential areas or on old farmhouse sites. Residents are concerned about large volumes of cars coming through the local streets causing traffic chaos. They would like to see that managed very sensitively, and I think there are some good solutions there.

Most of the residents are of the view that loud activities such as motorised sports should be prohibited, although the commodore of Frankston Yacht Club was disappointed that yachting would not be allowed. The Kananook Creek Canoe Club said it is not acceptable to ban kayaking which is silent and will not affect vegetation. I am not sure where that stands in the concept of the master plan. Recreational fishers believe the change of use of the reservoir is a good opportunity to stock it with fish, but again I am not sure that is consistent with the rest of the master plan. I have already mentioned the location of paths being too close to houses, and that needs to be addressed.

Inadequate bushfire breaks and inadequate bushfire plans need to be revised, with emergency vehicle access possibly being required at several points around the perimeter of the park. Regular clearing and burn-offs are possibly required too.

The Friends of Frankston Reservoir support a conservation model for the reserve, arguing that it contains rare flora and fauna which needs to be preserved, and it has some very good documentation. As I said before, the Frankston council is very keen to advance the master plan but does not want to take possession of the asset without the capital works being adequately funded, and there is a shortfall.

The reasoned amendment will enable us to get everything right to make sure the Frankston Reservoir becomes a community asset that is valued, that enhances the amenity for abutting residents and that is used and enjoyed by Frankston residents and visitors alike — if they can get through the congestion at the end of EastLink — and to make sure that it does not end up being a bombsite and a millstone around the neck of the local community.

With those few words I commend the reasoned amendment. I look forward to the details being worked out and the state government making a further commitment in relation to the funding of the master plan.

Mr LEANE (Eastern Metropolitan) — I wish to speak briefly in support of the National Parks and Crown Land (Reserves) Acts Amendment Bill. I will be very brief. I would like to commend what this bill does as far as creating the parks in the south-west, but I would really like to concentrate on the additional 300 hectares for the seven existing national parks.

In my brief contribution I would like to concentrate on the Warrandyte State Park. It is a fantastic thing that these areas will be permanently protected, and I am

very pleased that the Warrandyte park is one of the national parks that will be extended. Warrandyte State Park is a very important asset for the east and a very important asset for Melbourne — the closest national park to the central business district. Warrandyte State Park runs mainly along the Yarra, although there are some pockets of it separate to that a bit more to the south. Because it runs along the Yarra it covers quite a distance travelling from east to west, which makes accessibility to parts of the park quite easy from most of the eastern suburbs — it is a short drive from areas such as Box Hill and Doncaster as well as Croydon and Ringwood. It is quite an accessible national park.

The extension is towards the city end, which will make it even more accessible. Several blocks around the Pound Bend area will be incorporated into the park. Just briefly — and I promise to be brief — I indicate that this extension is important, because the park is as important as any other park in the state. Being the closest park to the CBD makes this park important to a lot of city dwellers as well. It has an abundance of wildlife, including bird life, and it is important that we have the ability to protect such biodiversity close to the CBD.

As to the amendment circulated by the opposition — maybe an opposition contributor can assist me in this — I am not too sure about the consultation on the extension to the Warrandyte State Park referred to in the amendment. In saying that, I have not been alerted to any objections to this part of the park being extended. I have not had any people come to see me and I have not seen anything in the local papers. I went the soft option just before I started speaking and did a Google search, but I could not find anything in that area either.

I put on the record that we will not be supporting that amendment, but I would be especially interested in the Warrandyte State Park aspect of that. I promised to be brief, so in saying that I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am also pleased to make a brief contribution to this bill. I reconfirm that I will support the reasoned amendment moved by Mr David Davis.

It was interesting to listen to the Greens and government members. If you listen to what they say you would think the mere fact of creating a national park results in improved land management, in protected wildlife and in protected species. I would have hoped that the government and the Greens had learnt from the bitter experiences of the bushfires and other disasters we have seen with some of our public land in recent years. I was pleased to read the report by the Environment and Natural Resources Committee on its inquiry into the impact of public land management practices on bushfires in Victoria dated June 2008 — a committee which has a government member as its chair and which is controlled by the government. The chair's foreword says:

> … the overwhelming view of the committee is that the management of our public lands can, and must, be improved. In particular, the committee recognises that the Department of Sustainability and Environment must significantly increase the level of prescribed burning to mitigate the impact of future bushfires.

I would have thought an admission by the government that it is doing a poor job managing its public land would have been a wake-up call for members of the government and members of the Greens. But unfortunately this appears to be an issue of ideology over rational debate, rational discussion and rational outcomes. Be that as it may, that appears to be the way the government is, and that is why we have this bill before us today.

I wish to make a couple of comments with regard to Devilbend. Devilbend is a beautiful piece of land, as we have discussed in this chamber before. It is situated in the middle of the Mornington Peninsula. The Liberal Party advocated for the retention of all of Devilbend in 2006 and was shortly followed by the Labor Party. Unfortunately the government has sold approximately 40 hectares of that beautiful land. In a press release and during a visit to the peninsula the Minister for Planning declared the Devilbend Reserve a new conservation reserve with amendment C85 to the Mornington Peninsula Planning Scheme. He declared it a public conservation and resource zone. We were told that this was to preserve the Devilbend land in perpetuity, that it would allow Devilbend to become a hub of diversity for flora and fauna, and that it would preserve some of the last remnants of native vegetation on the peninsula.

The Liberal Party supported that and was disappointed that some of the land had been sold previously. But we see in this bill — which is in effect an omnibus bill — an amendment to section 29F which will allow the minister, with the agreement of the minister administering the Water Act, to enter into an agreement with Melbourne Water Corporation for it to manage and control various water-related structures and installations in those two natural features reserves — one of which is Devilbend. This will enable Melbourne Water to continue to be responsible for those structures and installations.

That is interesting, given that the Minister for Planning has declared that Parks Victoria will manage the new

reserve. We now have a situation where Melbourne Water may have some management control over part of the reservoir, which is peculiar. It does not seem to make any sense. I hope the minister, in summing up or perhaps in committee later on, will provide an adequate answer as to why that is the case.

It is instructive to refer to the answer to a question about the Tarago Reservoir that the Minister for Water received during the Public Accounts and Estimates Committee hearing on 3 June. The Tarago Reservoir used to feed into Devilbend Reservoir to supply water to the Mornington Peninsula before it was decommissioned in 2000. In response to that question from the member for Mordialloc at the Public Accounts and Estimates Committee (PAEC) hearing, the Minister for Water said:

> The treatment will use a series of ultraviolet systems as well as a flocculation system to treat the water and enable it to be delivered into the Devilbend Reservoir and supply water into the Mornington Peninsula.

Does the government have a new plan to reconnect Devilbend to the Melbourne water system so that it can provide water to the Mornington Peninsula? There seems to be no other reference to this proposal in any other material or documents I have seen. This issue was raised in the Assembly by the shadow minister for urban water, but from reading *Hansard*, I note there does not seem to have been any response to this issue.

It is a very serious issue. The Mornington Peninsula water did not taste the same when it came from the Tarago, and I think I can say as a general proposition that water consumers on the peninsula were pleased when water from the Tarago was no longer their main source of drinking water. Are we going back in time and reconnecting Devilbend? If so, why had we not heard about this before the minister was asked a question at the PAEC hearing? I really hope the minister will provide clarification in his summing up. With those few short words I commend the reasoned amendment moved by Mr David Davis.

Mr P. DAVIS (Eastern Victoria) — I am pleased to join this debate on the National Parks and Crown Land (Reserves) Acts Amendment Bill, in particular to support the reasoned amendment proposed by Mr David Davis, which would have the effect of the bill being withdrawn and redrafted to include among other matters further consultation on the negative effects of the amendments in the bill that would create a national park and a forest park in the Cobboboonee.

I was keenly interested in the comment made by Mr Greg Barber earlier. I think I heard him say that according to some the world would come to an end as a result of the adoption of this bill, because clearly — so some were saying — the creation of a national park inevitably leads directly to an intense conflagration and the bonfires of hell would burn asunder. I agree with Mr Barber that that is a little bit far-fetched, but only a little. I think the evidence for that is contained in the report laboured long and hard over by members, including members of this house, of a joint parliamentary committee of this Parliament, the Environment and Natural Resources Committee. Indeed I had the opportunity to join with them on occasion when they were visiting some of the further parts of the state to take evidence and consult with members of our community, who are well aware of the impact of the poor state of public land management in Victoria.

What was of interest to me was the consistency with which that view was expressed across country Victoria — to the extent that the inevitable conclusion of the committee was that there had to be an immediate and significant expansion of the effort not just to manage the fuel reduction burning requirements for public land but also to generally improve the overall state of our public land management practices. This is a fact that was acknowledged by no lesser mortal than the esteemed Secretary of the Department of Sustainability and Environment, Mr Peter Harris, who, in giving evidence to the committee, was necessarily concurring that there needed to be a radical increase in the effort made by DSE, which has been singularly lacking for a long time. I do not entirely hold the current government to account for that. There has been a succession of failures over the years, and those failures have been pointed out by the Auditor-General, no less. I recall that in the previous Parliament I and other colleagues, particularly the Honourable Graeme Stoney, made the case regularly about the failure of the department in the discharge of its obligations in respect of public land management.

Let us get to the point. There is a proposal to create a national park in the Cobboboonee. This is a policy commitment of the current government which was announced, as I recall, approximately 10 days before the last election. That policy commitment was immediately subject to a good deal of community discussion and, may I say, consternation. The opposition that was reflected in the days before the last election — which I believe substantially led to the re-election of the local member, the member for South-West Coast in the Assembly, Dr Denis Napthine, who was well in touch with the views of his community and properly reflected those views — represents a credible position even today.

As members of the government speaking in support of this bill have pointed out, in relation to the more recent consultation, such as it has been and limited as it has been, it has been noted that there were 1100 submissions to that consultation process, but as a matter of fact 80 per cent of the submissions were in opposition to the creation of this park. So certainly the community view is clear; it is self-evident that that is the community view. But, importantly, what I would argue is that this is a proposed change of use of land which would reduce the access rights of the public to that public land for no particularly well-defined public policy benefit. It is clear that the government's approach to public land management is 'Lock it up and leave it'. I have always been of the view, and I remain of the view, that public land is for the public and that access to public land is critical if we as a community are to enjoy the freedoms which being part of a democratic society bestow upon us.

The exclusion of the public from public land uses is in my view unfortunate. If there were a significant environmental protection argument to be run in relation to the creation of this park, I am sure we would have, firstly, heard it prior to the election, or secondly, heard it prior to the introduction of this bill. I have seen no evidence for it and in fact I am inviting further contributors from the government side of the house or the minister in the summing up of the debate to lead that evidence as to what the environmental preservation and protection argument might be in relation to the formation of another park.

I have an underlying principle of public land management which I believe we as Victorian parliamentarians need to adopt. On the evidence the state of our parks is poor. I do not think there are too many people who would argue that our parks are managed all that well, and on many occasions in recent times I have put forward my own anecdotal evidence, if you like, and the observations I have made regularly throughout the course of the year about the overrunning weeds and the poor infrastructure. These are matters that need to be addressed within our existing park estate before changing the status of other public land and giving it a higher status which simply cannot be sustained by the resourcing or by the competence of the park managers.

I am all for better public land management, but I am at the same time for maintaining access for multiple uses for our public land. Having said that, I think it is clear that the amendment that has been proposed does not take off the table, in terms of the government's policy commitment, the matters which are addressed in the bill. It simply allows a period of time to elapse before these matters are further progressed, perhaps in a modified form, as a result of the wider community consultation which is proposed in the reasoned amendment. It is a rational proposal, in my view, because even if the government is of a will to proceed with its endeavour to make significant changes to the arrangements in relation to public land, these matters could be achieved in a measured way but following community consultation. That in my experience has been an important ingredient over the years.

I have observed the transition of the Land Conservation Council (LCC) — a creature of a previous Liberal government — into its successor bodies, ultimately becoming the Victorian Environmental and Assessment Council, and I have to say there seems to be a good deal of hesitation and reservation about the performance of the VEAC. I believe the people who are asked by governments to serve on that body do so with their best endeavours, but they have some difficulty sustaining a credible position in the minds of the people who are most directly affected by the recommendations they make, being people who reside in rural areas. It does seem to me that there is a myopia about these matters and there is essentially an urban-centric view about how matters in rural Victoria should be run, and rural people do not get much of a say in regard to those issues. Notwithstanding that, over time I think it is probably fair to say that more than 95 per cent of all of the recommendations that the LCC and its successors have made to the Parliament have in fact been adopted, and in a bipartisan way.

It would seem to me that the first question is: has that process run its course — that is, have we investigated every aspect of Victoria's landscape to the extent that it needs investigating; and secondly, is it time to draw that process to a conclusion and think a little bit laterally about what alternative advisory forum we may establish to give government and Parliament advice? Indeed, if that is not the case, if there is still a general view that VEAC has a role to play, we should let VEAC play a role in regard to matters rather than having an election policy commitment pre-empting any flexible thinking by VEAC as to what the outcome should be.

I am not going to pre-empt the debate in regard to VEAC's recommendations on river red gums, which I am sure will in due course be long and arduous, but I do reflect on the fact that the government acknowledges that there is a community concern about that process and consequently, on receipt of the VEAC report on river red gums, has sent off a further inquiry for advice in respect of the recommendations that are being made to give the people who are going to be detrimentally affected by those recommendations a further

opportunity to reflect and give government some advice. I would have to say that again my experience is that you never satisfy everybody in these processes, but if you take into account the issues and concerns which are raised by people who are informed and you adjust the blueprint before it is adopted, you can sometimes get a better outcome.

I was surprised by the pre-emptive policy commitment which the government made in relation to the Cobboboonee National Park at the election which did pre-empt a proper and comprehensive investigatory process that could have engaged the community and perhaps achieved an outcome which would have seen less anxiety from the community. But I have to say that the Liberal Party position in relation to this matter for the time being is that we do not support this overriding of the community views in the south-west by government simply to deliver an election policy outcome which did not stand the test of proper community engagement.

Therefore I urge the house to support the amendment to allow a better and further process for engagement in relation to the Cobboboonee and at the same time indicate that it is quite clear if that amendment fails then I will have a great deal of difficulty supporting the government's bill.

I have to say in respect of the other matters that the bill deals with, I can see that there is some merit. Indeed without reprising the discussion that has already taken place on this matter, I note that the government has followed Liberal Party policy in regard to Devilbend. It just goes to show that the government needs a good leader and it could do well to follow the Liberal Party in regard to more of its policy initiatives, many of which the government has already adopted across the board since the last election.

Mr KOCH (Western Victoria) — I look forward to making my contribution to debate on the National Parks and Crown Land (Reserves) Acts Amendment Bill 2008. Basically the bill picks up on many anomalies of the existing act by adding small areas to Victoria's national and state parks. The obvious exception, from my point of view, is the blatant attempt to push through the changes to the Cobboboonee State Park, changing its status to that of a national park. I have no hesitation in supporting the many amendments, particularly where they involve the picking up and inclusion of small community-supported areas, but the cobbling of the Cobboboonee into this amendment is little short of outrageous. That is why the reasoned amendment moved by Mr David Davis is so important, and I believe should be supported by all in this house.

The Cobboboonee State Park, in the far south-west of Victoria, is on the eastern boundary of the 27 300 hectare Lower Glenelg National Park. The Cobboboonee contains 27 200 hectares, which this government proposes to split two ways. The majority of the Cobboboonee, an area of 18 500 hectares, is to become known as the Cobboboonee National Park, and when amalgamated with the Lower Glenelg National Park will have a total area of over 45 000 hectares. The balance of the Cobboboonee is to be renamed the Cobboboonee Forest Park, which will contain some 8 700 hectares.

Also in close proximity, and forgotten or not even known by many, are both the 6000-hectare Mount Richmond National Park and the 10 500-hectare Discovery Bay Coastal Park. So it would be fair to say that the south-west is not underrepresented in state and national parks. The announcement of the change in Cobboboonee's status was made under the cover of an early morning mist in the company of a sole local sympathiser, unbeknown to all other affected groups — volunteer supporters, agency personnel and the many people who have used and preserved this resource for decades, including walking groups, horseriders, four-wheel drive enthusiasts, wood gatherers and those who assisted in best management practice of the forest floor, just to name a few.

I think the concerns of the local community were fairly clearly illustrated in a couple of letters published in the *Portland Observer* of Wednesday, 20 December 2006, in one of which Robert Bartlett, from Gorae West, a member of the community consultative committee (CCC) raised three points, which I think demonstrate the concerns of the local community, who certainly were not supporters of the change of status of the Cobboboonee. He writes:

> If it was thought to be so popular, why did Mr Bracks, Mr Thwaites and Mr Reekie secretly come to Portland eight days prior to the election to make the announcement when the final plan release was due six months earlier?
>
> If it was agreed to be popular, why did they secretly meet just one CCC member group representative when about 25 other members were ignored and still have been?
>
> If such a popular decision, why did Mr Reekie lose …

Mr Roy Reekie was the Labor candidate for the electorate of South-West Coast, in the Legislative Assembly, and he was campaigning very heavily against the incumbent, Denis Napthine.

> If such a popular decision, why did Mr Reekie lose, which was reported to be quite a winnable seat here in the south-west?

Importantly, in the same paper, Don Ward, also of Gorae West, mentioned Mr Reekie in the following terms:

> … Roy ran a pretty good campaign and stood a good chance of winning right up until the last week of it.
>
> One would have thought the results would have been a lot closer, but then Steve Bracks had his brain explosion and announced the Cobboboonee was to become a national park. At that point Roy's campaign dropped dead in its tracks.

I think there was actually no doubt of the community reaction to what took place on that occasion when the then Premier Steve Bracks saw fit to slip down to Portland unannounced to make that announcement in relation to the Cobboboonee. The government probably saw this as a great coup on the eve of the 2006 election, bearing in mind it took place eight days before the event. Locally though, it was seen as one of the worst pork barrels of the whole campaign. There is little doubt that the latte-sipping, chardonnay-swilling tree huggers who did not live locally or support these reserves as state parks thought they had had a marvellous win. These same people, I might add, were noticeably absent shortly afterwards in 2006 as we all watched in horror as the Grampians were destroyed by fire only a short distance further to the north-east of the Cobboboonee. The damage that took place in those holocausts will not be corrected naturally for many decades.

One thing the Cobboboonee had over other national parks was the management regimes that were in place. It is well recognised that the good management of the Department of Sustainability and Environment in this particular forest has seen no loss of flora or fauna in the last 25 years and that pest plants and animals, unlike in many other national parks, have been very well managed and kept in check. To see this reserve being handed over to an underresourced and hopelessly managed Parks Victoria should make all caring Victorians, especially those who live along the boundary of this new national park, shudder in despair. There is absolutely no doubt that that continues to this day. I do not think there are any neighbours down there who, firstly, were supportive of what has taken place, and secondly, are comfortable in the knowledge of the lack of management around the park.

In relation to the Grampians, I will never forget the devastation that took place principally through years of neglect, poor forest management and the lack of necessary resources. Neighbouring land-holders were devastated. They lost much of their infrastructure and their livestock and in many cases supplied water back to the government to quell the aftermath of the fire storm that took all before it including, unfortunately, human lives. The national park management at the time had little or no fuel reduction taking place, it offered no clear buffers on its boundaries, had little or no water on hand, had closed down many tracks and had removed the signage. Everyone recognised that it was a disaster in the making.

After the event the government saw fit not to apologise to the community about what had taken place due to the poor management of public land, especially at the Grampians National Park, but unfortunately tried to cover its tracks by making large gifts to the community in various ways. There was the Pomonal recreation reserve redeveloped at the government's expense; the Moyston hall was given the same opportunities; the small kindergarten at Willaura was given $15 000 for its immediate survival, but regrettably it was only a one-off and that small kindergarten today continues to struggle like many others in regional Victoria, with small attendances but at the same time offering a great service to those who use it.

This government continues to have us believe that it has got the interests of regional Victoria at heart. I suggest quite openly that that is rubbish and not one person believes it, particularly in regional Victoria. Today things have moved forward with greater fuel reduction taking place in the Grampians; many tracks have been opened up, but there are no boundary buffers in place, no water storages have been put in place and even when farmers have offered to make greater provision for water availability from private land for these purposes, this government has offered absolutely no help or financial support to secure the assets.

There is little doubt that those who seek to have larger tracts of public land moved over to national parks should become more involved in their preservation and management. It was only recently that I noticed the member for Rodney in his contribution in the lower house said that Duncan Malcolm, the chairperson of the Victorian Environmental Assessment Council, had made the observation that this government would have to increase expenditure threefold on government Crown land reserves management operations to be able to afford the management regimes necessary to look after them properly. By any standard that is a staggering admission by someone in that position. Duncan Malcolm is well recognised for his capacity to know how public land should be managed and the resources it requires. The statement that we need three times the amount of resources being spent today on our national parks to keep them in order is staggering and is worth taking note of. It was also noted that these comments referred to the existing national parks and not any

additional national parks over and above what we have currently.

The Minister for Community Development in the Assembly, Mr Bachelor, made a statement referring to the consultation that took place which should not go unchallenged. This consultation, as we all know, referred to the outcomes that were reached at Cobboboonee, although the minister shamelessly suggested in the lower house that seven workshops took place. It is now well known that only five out of the seven meetings took place. Four of those were in the south-west and one of those happened to take place in Melbourne. It would not be too hard to work out who was at the gathering in Melbourne and why that meeting was in Melbourne. Those people could not have found Cobboboonee if they tried. They would not in their wildest dreams have known how to get to Cobboboonee and where the boundaries are. I am sure many people are very aware of where our Lower Glenelg National Park is, but when it comes to Cobboboonee I do not think people, particularly a lot of those supporters from the metropolitan area, are aware of its location.

Interestingly, these meetings were convened not as public meetings but by invitation only. It would not be too hard to work out who the recipients of those invitations were. They were hand-picked and were not even told, for instance, that they had any part in the decision in relation to the creation of national parks, as that had already been made. The meetings were really only about determining where the new boundary to the new national park would be versus where the state park would take place. Yet again, no consultation, no transparency and unfortunately more contempt from the government in its handling of these consultation processes and its treatment of the community in these faraway regions.

The whole process at Cobboboonee was shameless. It was contrived in order to gain votes for the Greens at the 2006 state election. The bloke the government thought it would knock out, the member for South-West Coast, was returned with a greater majority. Those of us on this side of politics could not believe the government's stupidity in relation to this knee-jerk event. Under the cover of a misty morning, without anyone knowing, not even its own agency people, it sneaked down to try to cobble this together and pull the wool over the locals. The locals assembled at the ballot box and supported the bloke they knew would look after them.

As the reasoned amendment suggests, the bill should be withdrawn, redrafted and further consultation with the community should take place. That was not included earlier and there is ample opportunity for that to take place at this time.

I urge members of the house to support the reasoned amendment this evening to withdraw the bill, to have the bill further reviewed and then bring it back for an outcome which I think would obviously support the thoughts of those in south-western Victoria, to take this national park status away from Cobboboonee, to return it to where it was and put it under the previous management regimes for the benefit of not only the communities there but for Victoria as a whole. I urge members to support the reasoned amendment before us; if it is not carried successfully, I will have much difficulty supporting the bill before the house.

Mrs PETROVICH (Northern Victoria) — Today I rise to support the reasoned amendment moved by Mr David Davis which splits a cobbled together approach to public land management.

The bill seeks to create a series of parks, the Cobboboonee National Park and the Cobboboonee Forest Park, outlines the control and management of the parks and alters the boundaries of several existing parks. The bill is designed to designate two forest parks as restricted Crown land and provide for Melbourne Water's control and management of certain structures in two natural features reserves and to make some minor miscellaneous amendments to several acts.

As I said earlier, the government has shackled together several entirely separate matters in this bill. The opposition strongly supports the steps to create additional parks at Devilbend, Frankston, Reservoir and Warrandyte and has historically led the way on a number of these. The coalition has concerns about the level of community support for the Cobboboonee parks, therefore we have moved an amendment to split the bill. If the amendment is lost, we will oppose the bill.

From the outset, I would like to say that I am passionate about national parks; I am a great supporter of them. So intense is my passion that today I will raise a number of issues that members opposite and the Greens may not wish to hear. The reason I do this is because I know with some certainty that we need to look after these vast tracts of land and when doing that, we need to manage them. Looking after them requires management. I am not opposed to accessible national parks which can be looked after properly with adequate resources provided. That should be compatible with those who live in interface areas who more often than not are the greatest users of national parks.

It may be a bit of a surprise to some people, but national parks exist primarily in the bush. A number of people in this chamber philosophically like the idea of national parks but neither visit nor understand the relationship that we now have with them. Country communities enjoy and understand the relationship between people, the bush and national parks.

As a number of speakers mentioned earlier, I participated in an Environment and Natural Resources Committee inquiry; I am very proud of that work. It was also enlightening. I will have to say that I have probably been to most of the national parks in Victoria; I have flown over them, walked through them and waded through rivers.

After the 2006–07 bushfires, I was absolutely appalled at the devastation that had been allowed to occur through consecutive years of neglect. I walked through a forest without there being a bird in the sky or an animal on the ground, and I saw water catchments running filthy with muddy congested water because the soil was badly degraded of undergrowth because of the intensity of the fires and the soil had flowed down the hillside into catchments. Some of those catchments will not improve and will not regenerate for 30 to 40 years. That is very disturbing to me and it is disturbing to those people who actually live at the interface alongside national parks who fear for their relationship. They fear being a neighbour to the neighbour from hell.

A percentage of the Victorian community use public land and national parks for recreation, but none more so than those who live adjacent to public land and national parks and those who live in the country. Unfortunately over the last 10 years, putting the amount of resources and energy into looking after national parks has not been a priority of this government.

I would like to raise a bit of an analogy about something people in northern Victoria are about to face if the *River Red Gum Forests Investigation*, which is the final report by the Victorian Environmental Assessment Council, is implemented. I spoke about that report this afternoon. I have met with those people from communities at the mouth of the Murray River, Mildura and all the way down. Can members imagine the outcry if the MCG, the Telstra Dome, the theatre district, cinemas or restaurants were closed to protect them from damage caused by a human interface? This will happen to communities along the Murray River if we allow the VEAC report to be fully implemented. Those people actually live, work and raise their families — just to coin a phrase — in and around those forests. They have traditional connections to the land. Throughout history they have grazed, logged and done a range of things to the land. They have actually managed the land.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr LENDERS (Treasurer).

Mrs PETROVICH (Northern Victoria) — The difficulty with closing down access to a whole range of activities that go on in national parks is that it precludes people who live, work and raise their families in and around them. That is something that the VEAC articulates quite clearly — the nature of that area will be changed considerably and forever.

The other issue I would like to raise is that of weeds, pests and feral animals. One of the big problems we have is that after bushfires there has been an explosion of blackberries, and predatory animals have moved into those burnt-out areas. They wipe out our native animals, which have lost their habitat and food sources. This is one of the areas we need to improve.

These same predatory animals upset biodiversity in our national parks, and then they make their way into the interface land around those national parks which is being farmed. They attack sheep and calves, and the losses of those who make their living from the land are often irreplaceable. An article that appeared in the *Weekly Times* this week reported a 5 per cent loss of calves from one individual farmer. That is not only very sad and a devastating loss but also an awful lot of dollars off the bottom line. The 1080 program that has been implemented to eradicate feral animals has been extraordinarily unsuccessful, because we did not put in the resources to provide for ample baits to be placed close enough. We have never had a worse feral dog problem in the hills.

The Environment and Natural Resources Committee bushfire inquiry found that there have been a number of shortcomings in the management of public land. I am hoping for a brave new world post that, that recommendations from the report will be implemented and that we will have protection for our water catchments and trees such as the devastated snowy gum and mountain ash populations, both of which will take generations to recover.

I would also like to note an issue which is causing an amount of distress — that is, I will refer back to the VEAC report which I believe is fatally flawed. The communities up north held their breath when the Premier announced that water was to flood the Barmah forest to reinvigorate the river red gums. That could not possibly happen because the water to be used was the

whole entitlement of the irrigation district. We have already had that confirmed by the Premier. Why then is the Brumby government pushing on with the creation of an exclusionary national park that it can neither afford nor manage? The communities along the river will be taken as collateral damage if this is to occur, and this is in line with the government's performance in public land management over a long period of time.

This government has an appalling environmental track record, and its support for country communities is no better. This was the premise for the initiation of the VEAC report, which talks about the creation of national parks right along the Murray River. It talks about intergenerational poverty that will be created by the loss of jobs in Koondrook and Cohuna because there will be no river red gum timber industry. This is an industry which has proven to be truly sustainable over the last 150 years. It provides firewood to communities that have no other forms of heating. It produces beautiful timber furniture which sequestrates carbon. This is something we all talk about now, but this has been happening — it is real; it is a sustainable industry. It re-grows; they do not destroy it. It has been going for 150 years, and there are more river red gums in the Barmah forest now than there were 200 years ago.

Our national parks are to be valued and cared for, and I hope we do not create more and more that cannot be managed. It would be far better in the context of the VEAC report on river red gums to look at Ramsar accreditations for areas such as the Barmah forest, which would offer protection but also allow for communities to live, fish, camp and generally recreate. I have a lot of sympathy for those who would like to keep the Cobboboonee forest as it is. It has been maintained with good biodiversity. I ask what is to be achieved by creating ever bigger expanses of land that this government does not have the will nor the allocation of resources to look after?

I ask all members to look after our heritage. Unless we are going to commit to an ever-increasing budget to ensure that our national parks are looked after properly, do not lock them up and leave them to burn. As I have said before, mountain ash and snow gums will regenerate over time. Red gums are not fire resistant; once they are gone from an unmanaged burn they will never come back.

Debate adjourned on motion of Mr JENNINGS (Minister for Environment and Climate Change).

Debate adjourned until next day.

PUBLIC HOLIDAYS AMENDMENT BILL

Second reading

Debate resumed from 21 August; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms HARTLAND (Western Metropolitan) — This is unprecedented: the Greens going first! I will only speak on this bill for a few minutes because it is extremely straightforward. The Greens support this bill. We have received a briefing from the Shop, Distributive and Allied Employees Association and have spoken to a number of other unions about it.

We believe it is important that public holiday entitlements are clear. In the past non-metropolitan councils have not always made Melbourne Cup Day or a substituted day a public holiday. They will now be required to under clause 7.

I am a bit concerned about why there is not an extra day for Anzac Day if it falls on a Saturday or Sunday. I would like the minister to explain that. Our office consulted with Michael Annett, the chief executive officer of the Victorian branch of the RSL. I found its position on this issue quite interesting. It considers that the special sanctity of 25 April and the various provisions that curtail commercial activity on this day are very important. It feels the decision about declaring a substitute weekday holiday when Anzac Day falls on a weekend is best left to the government. It does not believe that if a long weekend is created, it would interfere with the meaning of Anzac Day — one way or the other. For example, this year Anzac Day fell on a Friday, creating a long weekend, and there was record attendance at services. If people go away for a long weekend and if they still want to be able to attend an event, they can do so because the RSL has active branches all over Victoria in regional areas. Nevertheless it would be interesting to hear the government's reasons for making this decision.

When reading the transcript of the debate in the lower house there were a few things that puzzled me. Many ALP members criticised the former Kennett government for taking away public holidays such as Easter Tuesday, and I would have thought this bill would have been a chance to restore those. While we will not be moving any amendments to the bill and we will not be supporting the Liberal's amendments, the Greens believe the government should consult with the community regarding a public holiday that recognises and celebrates the role of the indigenous community as the traditional owners of the land, and another to

celebrate International Peace Day, which we suggest should be on 6 August, Hiroshima Day.

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to rise to speak on behalf of the opposition Liberal Party in respect of the Public Holidays Amendment Bill. In the early stages I will be indicating that we have a raft of amendments which we will propose in the committee stage. As the majority of members on this side will be speaking to those amendments I think it is important that the amendments be distributed so members in the chamber at least have an idea what we are talking about.

The Public Holidays Act was established in 1993 under the Kennett government and the then Minister for Small Business, Louise Asher, who is now the member for Brighton in the other place. I thank Ms Asher for providing me with information on and details concerning this amendment bill. She obviously has in-depth knowledge of the principal act, and in fact was in this chamber when that legislation was first introduced. The member who spoke on the opposite side to Ms Asher at that time was one Theo Theophanous. After listening to him in question time today, I can say that what he said in question time was very similar to the speech he made then, except that he was on the other foot. At that time he was critical of the then government and what he claimed was the lack of work it had done and its lack of commitment to industry. The then Leader of the Opposition in this place and shadow minister and now minister just brings out the same old speech — all he does is change sides. We know he has a history of changing sides, be it in this chamber or in a factional sense.

There are two parts to this amendment bill. In our view the Public Holidays Amendment Bill is simply about providing more public holidays. There is no rationale in the second-reading speech or the indications from the minister for the need for growth in the number of public holidays. We know that now the Rudd Labor government is in power federally the unions are flexing their muscles. We have seen it in their approach to the Building Commission, their aggressive stance in trying to crush this very important independent body which has delivered quite substantial reforms to the building and construction industry. The unions are now flexing their muscles and applying pressure right across the board. We saw this recently in the Kororoit by-election where the unions flexed their muscles in a very significant way, so much so that the government had to go to preferences to get over the line. The facts are that this bill is along the same lines. The government is at the whim of the unions which now want their pound of flesh. They want some more public holidays and while Labor members are in the last few years of being in government they had better start putting these amendments through. The way this government is going its members may well be sitting on this side of the house after 2010.

Headlining the news today was a story about union involvement and how unions flex their muscles. Half a billion dollars of Victorian taxpayers money has now been poured into a union fund to prop it up because it is going belly up. This is basically what is happening around the country. Now that the Prime Minister, Mr Rudd, has his hands on the wheel of the economic engine room called Australia we see that he and the federal Treasurer, Mr Swan, have left it rudderless and are singing a swan song. The economy is going down and the states which had been propped up on the good fortune of the former Howard federal government all of a sudden find themselves without any opportunity to develop any capacity to deal with some of the global economic crises that are also affecting Australia.

It is always interesting to hear Labor members talk about how wonderful they are at managing, but members have to remember that the Australian economy withstood a range of issues — severe acute respiratory syndrome, 9/11, the Japanese meltdown, the dotcom issues and a raft of other significant global economic issues. This Labor government rides on the coat-tails of the success of the former Howard government. Now that Mr Rudd and Mr Swan are at the helm this government is at a stage where it knows it cannot manage the economy so it is starting to look after its union mates, because that is where its members will go back to. That is what this bill is all about.

Clause 5 of the bill substitutes a new section 6 in the principal act. It is really about increasing the number of public holidays. Section 6 of the principal act initially had 10 public holidays. Some amendments were inserted by this government in 2003 and are now section 6(da) and (f). I note the insertion notations on the principal act. Essentially that increased from 10 to 11 the number of holidays set out when the principal legislation was brought in by Louise Asher. Despite all the crises occurring in the economic climate and all the pressures being placed on business — and business is the driver of employment and all the opportunities that are provided — this government is proposing to increase the number of public holidays to 13. If you take into account what the bill says, it will no longer be an ‘and/or’ situation for New Year’s Day; there will be a New Year’s Day holiday and when New Year’s Day is on a Saturday or Sunday there will be a holiday on the Monday. In the same vein, Boxing Day was originally provided for in section 6(j) of the principal

act and it was also an 'and/or'. It is now an 'and', so that the Boxing Day holiday is now on 26 December and when Boxing Day is on a Saturday the holiday will be on the Monday after the 26th and when Boxing Day is on a Sunday the holiday will be on the Tuesday after the 26th.

Businesses will potentially be confronted with an increase in the number of public holidays. This will be an additional cost for businesses in providing resources. As we know, one of the most significant costs for businesses are not the operating costs of ongoing overheads and the like but things such as wages. If you increase the number of public holidays, wages will, by default, go up. Businesses will have to cop the brunt of that and it will mean less profitability. Less profitability means fewer opportunities to increase employment, which means there will be fewer jobs available for those businesses.

This is not a good news piece of legislation. That is why we have foreshadowed amendments to provide that rather than having New Year's Day and the day after it, it should be an and/or situation. It should be 'New Year's Day or the Monday', not 'and the Monday following'. It is the same for Boxing Day. We have said that it should be an and/or provision, with a holiday on either Boxing Day or the other day following that day.

Whilst we do not have amendments to it, it is of note that in the principal act the public holiday at Christmas time was for Christmas Day and the day after. However, what we find now is that the Christmas Day holiday is an and/or scenario. For some unknown reason the government does not want us to celebrate Christmas Day in a way similar to New Year's Day or Boxing Day with an 'and' day. What it is proposing is an and/or scenario for Christmas Day. Whilst we do not have any amendments to that, it is of note that, according to the change it has proposed with clause 5, the government seems to have the view that Christmas Day is less important in terms of being a public holiday.

The second component of the amendments I will move relates to clause 7 of the bill, which substitutes section 8 of the principal act dealing with substituted public holidays. The government is under some illusion that it is bringing in some form of legislation that will make it easier for those who live in what would be classed as non-metropolitan municipalities. Basically, because Melbourne celebrates Melbourne Cup Day — it is specified in the principal act and also in the amendment bill — those who live in non-metropolitan council areas can substitute an equivalent public holiday for the one that Melbourne celebrates in November. Melbourne Cup Day is of course the first Tuesday in November, as all members should be aware.

There are limited opportunities because the bill provides for a one-case-fits-all situation. In a large shire you could have the Geelong Cup on one day and the Ballarat Cup on another. The amendment bill is drafted so that the affected shire — and I think it is the Golden Plains Shire — can only gazette one day. That means that people in that area of rural and regional Victoria will have to celebrate a public holiday in both Geelong and Ballarat and have their respective horse races on the same day. We have an amendment that will allow councils to split, as it were, their municipal district so that they can gazette a public holiday in one section of the municipality on one day and another public holiday in another section of the council area. For example, Geelong could have a gazetted public holiday for the Geelong Cup, which will bring people from around the municipality and Ballarat, which is in the same shire, could have a separate public holiday to celebrate the Ballarat Cup.

What this government is doing — and it is typical of this Labor government — is proposing a one-size-fits-all process. People may disagree that there should be a holiday gazetted for the Melbourne Cup, but I think it is a bit unfair that non-metropolitan councils or areas do not have an opportunity to have a public holiday. Those members who represent regional city regions should be advocating for and supporting our amendment, because this is about giving fairness to those country areas so that a shire will have an opportunity to split the area and come up with a viable solution for tourism and business opportunities and a whole raft of things that may be available to those particular areas.

I will be surprised if the government does not support this amendment. It was not moved in the other place because debate on the bill was guillotined. It is a sensible amendment. If the government does not support it, it would be saying, 'We don't actually agree. We want everyone in a large shire to have a holiday on the same day, irrespective of what you believe would be right'. We do not believe that that is appropriate in the circumstances.

Hence we will be moving amendment 13 to clause 7 or, depending how it goes, amendments 12, 13 and 14. Essentially those amendments allow a council to specify the day or days of a substituted public holiday so that there will be a substituted public holiday for each part of the municipal district of the council to which the request relates. The amendment is very straightforward and it is common sense. Those

members representing country areas need to understand that if they do not support the amendment they are basically saying to their constituents that they do not support the notion that shires should have the opportunity to separate their substitute public holiday or days into certain areas to best meet the needs of their constituents. People in Geelong have a different outlook from the people of Ballarat. Therefore, for those simple reasons, this amendment makes sense. That is why we will be strongly urging the committee to support these amendments. We look forward to the Independent members, the Greens and the Democratic Labor Party looking at our amendment in depth and thinking about the benefits that it provides to those areas.

They may disagree with one part of the amendment, but there are really two sections to it. The first is rewriting or fixing up clause 6. Members may agree or disagree with increasing the number of public holidays. The second part is about fairly representing country Victorians so that they at least have a fair go in terms of their substituted public holidays so that they can have choice and opportunities. That is what the Liberal Party has always been about. It has been about choice and decisions that we provide to people in those areas. We believe that this is a good thing for tourism and it is a good thing for employment. It is a good thing and the government ought to support it. Should the amendments be lost, obviously the opposition will not be hindering the passage of the bill. We understand the imperatives of the bill, and we will not be moving to oppose it in its current form.

Ms PULFORD (Western Victoria) — It is always good to hear a contribution from Mr Dalla-Riva, with a 40-gallon drum view of industrial relations and Victorian workplaces. I hope members noted the veiled threat to public holidays if the Liberals win the 2010 election. I think Mr Dalla-Riva really demonstrated a dislike, at least, of public holidays and a bit of a disregard for country members in Victoria. This is not some mad conspiracy cooked up on a whim; this is an election commitment that well precedes the election of the Rudd government and it is an important piece of legislation. Public holidays serve to help Victorians strike the right work and family balance. I must point out for the record that it is 10.30 on Thursday night and that the work-family balance is a little frayed for all of us right now. Some of us have not seen our family since Monday morning.

But in the spirit of work-family balance, public holidays are important. Public holidays also recognise the importance of some days on the calendar that are of real significance. I would like to correct another of Mr Dalla-Riva's comments — the Brumby Labor government is very committed to Christmas Day.

Mr Dalla-Riva — You hate it.

Ms PULFORD — No, we do not hate it. We love Christmas Day. Christmas Day is sensational.

However, there really is no finer Victorian tradition than having a day off in the spring to watch the gee-gees. This legislation will provide that opportunity to those Victorians who have been missing out. The race that stops the nation and the public holiday to commemorate that has its origins as far back as the 1870s. But members will learn through the debate on this legislation that Melbourne Cup Day is not a day off that is enjoyed by all Victorians. At present there is unequal treatment of public holiday access for people employed in this state. The number of public holidays that Victorian workers get is affected by where their workplace is.

In August 2007 the state government wrote to non-metropolitan mayors encouraging their councils to adopt a substitute day for Melbourne Cup Day. The bill is consistent with the suggestion made by the government at that time that councils embrace this change. I was very pleased to attend the Warrnambool Cup, along with a number of my colleagues in this place and in the other place. It is a massive boon for tourism in south-western Victoria, and a fine day out to boot. The Warrnambool City Council declared the Warrnambool Cup Day a public holiday for the first time this year, and that was in response to that correspondence. I can certainly vouch for a number of people who were enjoying their first public holiday at the Warrnambool Cup that day. There was certainly some real enthusiasm for it.

Mr Vogels interjected.

Ms PULFORD — Yes, Mr Vogels was there. It was a great day out for many in Warrnambool.

Mr Vogels — I just wanted to prove I was here!

Ms PULFORD — You were here. In 2007, 25 of the 48 non-metropolitan councils that this legislation affects had declared a day off. That means 23 non-metropolitan councils were missing out. Councils in the current legislative regime may declare a day off, but they are not required to, so there are some people who are missing out.

The bill also clarifies existing arrangements for substitute days and the treatment of holidays that fall on weekends, including New Year's Day, Australia Day,

Christmas Day, which is much loved by the Brumby Labor government, and Boxing Day. Until now the state government has gazetted a substitute day off. This has occurred regularly to ensure those public holidays are provided in the years where they fall on a weekend. There has been uncertainty for employers and employees alike, and this legislation will certainly address that.

The legislation simply formalises decade-old arrangements in regard to substitute days. The arrangements, if those days fall on a weekend, are that New Year's Day will receive an additional day on the following Monday, and Boxing Day will receive an additional day, and the bill provides a substitute day for Christmas Day and Australia Day.

This legislation will align the Public Holidays Act with the Australian Industrial Relations Commission test case and it will provide 11 public holidays for all Victorians, including Victorians who live in country Victoria — that part of the state the Liberal Party does not really like.

Mr Vogels interjected.

Ms PULFORD — Except perhaps Mr Vogels. You liked the Warrnambool Cup Day, didn't you?

Mr Dalla-Riva had a lot to say about this. I would like to know about the economic benefits and tourism opportunities provided by Ballarat Cup Day or Geelong Cup Day to the Golden Plains shire. That is a very curious proposition.

Before returning to the Golden Plains shire I would like to indicate that this measure is designed to assist businesses, to provide them with some certainty and to reduce red tape with the changes that occur, depending on the days of the week, on which public holidays fall from year to year. A business impact assessment was undertaken and the estimated net economic benefit of these changes is thought to be around $9 million over 10 years. This legislation has broad support from employer groups, unions and horse lovers alike.

I will finish by responding to some of the comments about the Golden Plains Shire Council. The Golden Plains council does a sensational job of keeping Geelong and Ballarat apart. It services many small towns and some of the most rapidly growing parts of the state with style and with very good advocacy for and representation of their communities, with, as I said, very difficult geographical challenges due to their boundaries. The Golden Plains shire has communities within it that are closer in every respect to Ballarat geographically but also in terms of where the population accesses its education and health services. Conversely, at the other end of the shire there are communities that access the many services they need by going to a larger centre like Geelong.

The Golden Plains shire has, as I understand, expressed a desire to be able to choose the two. To clarify it for Mr Dalla-Riva, the Geelong Cup and the Ballarat Cup are held on different days. I understand the difficulties Golden Plains shire faces with its unique boundaries and its connections and relationships with both of those large centres. But it is important to note that Golden Plains shire is one of the councils that has, until this time, not declared a public holiday on a substitute day for Melbourne Cup Day.

The effect of this legislation on the Golden Plains shire will not be to make people from Bannockburn go to the Ballarat Cup or make people from Linton go to the Geelong Cup. The effect of this legislation will be to provide an additional public holiday where currently one is not being enjoyed by those people. I accept that for this council it will be a difficult decision, but this legislation is, in addition to being about providing a consistent number of public holidays across the state, about providing certainty to business and reducing red tape. Golden Plains shire will need to make a decision to have a public holiday, which I would suggest is an improvement on making no decision and not having a public holiday. I hope people who work in the Golden Plains shire, like the people who work in Warrnambool city, will soon be able to enjoy the substitute day. I urge members to support the bill.

Mr VOGELS (Western Victoria) — I am going to make a short contribution, which is basically related to the Golden Plains shire, which Ms Pulford was talking about. The purpose of the bill is to amend the Public Holidays Act 1993 to require regional and rural councils to apply to the minister to designate either Melbourne Cup Day or a substitute as a public holiday and to provide for certainty in relation to substitute public holidays. The bill will require councils to request that the minister gazette either a public holiday on Melbourne Cup Day or an alternative holiday. At the moment, as we have heard, some rural or regional councils do not guarantee a substitute holiday for Melbourne Cup Day, thereby resulting in Victorians having different numbers of public holidays. We have heard that in 2008, 28 councils have not gazetted an alternative day, and in 2007, 23 councils did not do so.

When designating a substitute day for Melbourne Cup Day, regional and rural councils will apply the holiday to the whole of their municipalities. That is where the issue is, and that is where I believe the opposition's

amendment becomes important. We have talked about the Golden Plains shire, and I think that is a good example. Approximately half of the Golden Plains shire population sees Ballarat as their town — the city where they go and where their kids go to school and so on — while the other half, around the Bannockburn end of the shire, gravitate to Geelong. The Golden Plains Shire Council has pointed out to us that it would be great if it could gazette a public holiday in two parts, with one holiday for the half of the shire that gravitates to Ballarat and one for the other half.

It would not have to be Ballarat Cup Day. We heard Ms Pulford say it always has to be a horserace, but nobody says it has to be. For Ballarat it could be Begonia Festival day or Ballarat show day. Nothing says the extra day has to be gazetted for a horserace. The same applies for Geelong. It could be the Geelong Cup, but it does not have to be. It could be Geelong show day. It makes a hell of a lot of sense to me to give some ownership of this extra holiday to the local council so that it can make its choice.

I am talking about rural and regional Victoria. Sometimes these shires are 200 or 300 kilometres from north to south, or east to west, so there are huge discrepancies, and people gravitate to different areas of the shire. Yet all of a sudden the minister is saying, for example, 'You are going to have a holiday, because it is the Edenhope Cup in West Wimmera' or some such, when many residents of the shire live 200 kilometres away. Why would a council not be able to say, 'You are all going to get one holiday extra, but in this part of the shire it will be on a different day to that other part of the shire, because people gravitate to certain towns'? I believe the Liberal Party's amendment is a very good, sensible amendment, and it should not be too hard for a government or a minister to gazette, with the support of the local council, different holidays for different parts of the shire. Surely that cannot be too hard. I therefore fully support the amendment moved by the opposition, and I hope other members of the Parliament do as well.

Ms BROAD (Northern Victoria) — I rise to speak to the Public Holidays Amendment Bill 2008. As we have heard, this bill meets the government's commitment to provide employers and employees with greater certainty about Victorian public holidays in accordance with the Labor Party's policy platform. I would like to make some remarks about that platform. The platform I am referring to is the 2006 Victorian ALP platform called *Rising to the Challenges*. Contained in the platform were some very specific commitments in relation to public holidays where the Labor Party committed to reviewing outdated Victorian public holidays legislation. Labor recognised that employers and employees needed certainty about terms and conditions relating to public holidays and stated to that end that the ALP recognised that the Public Holidays Act 1993, which did not cover all workers and required some holidays to be declared annually, gave rise to confusion and was inconsistent with practices in other states.

Labor's platform went on to support the right of workers to paid leave of absence on public holidays to enable them and their families to join with the general community to celebrate major events on those days. The platform went on to support a minimum of 11 public holidays in Victoria, specified those days and described amendments to the Public Holidays Act 1993 that would implement those commitments.

One of the reasons that I wanted to specifically refer to Labor's platform which was subsequently taken to the 2006 Victorian election is that as chair of the Labor Party's platform committee, I, together with other members of Labor's platform committee, was responsible for developing this platform, conducting wide consultations on it and receiving submissions, including strong submissions from the labour movement — and in particular I would like to acknowledge the time taken by the Shop, Distributive and Allied Employees Association to very carefully take members through its particular point of view on the platform Labor took to the last election.

It is a rare privilege to have seen through a policy development process, then the democratic adoption of a platform by a Labor conference to take that policy to a state election, the endorsement of that policy by Victorian electors, who elected the Labor Party to government, and to then, as a member of this Parliament, to be in a position to see a bill which hopefully will shortly go through to become legislation. It is a demonstration of democracy in action that shows the impact people can have by participating in our democratic processes.

The second matter that I want to refer to, in particular as a country Labor member, is the provisions in this bill to ensure that the same number of public holidays are available to all Victorians, whomever they are and wherever they live, be it in metropolitan Melbourne or country Victoria. As members know, the existing public holiday arrangements mean that Victoria has a public holiday regime that, in effect, does not guarantee all Victorians the same number of public holidays — in particular, those Victorians and their families who live outside metropolitan Melbourne have fewer public holidays.

This bill will take away the inequality that has existed since Melbourne Cup Day became a public holiday for metropolitan Melbourne in the mid-1870s, because until now it has only ever been mandated as a public holiday in metropolitan Melbourne. Looking at what this means for Victorian workers and their families outside the Melbourne metropolitan area, in 2007 only 25 of the 48 non-metropolitan municipal districts actually elected to declare either a full or half-day public holiday on Melbourne Cup Day or an alternative day. That means that the remaining 23 municipal districts did not declare a local public holiday and there was one less holiday per year for Victorians and their families in those municipal areas.

This bill corrects that inequality and ensures that throughout Victoria outside the Melbourne metropolitan area a public holiday will be held on either Melbourne Cup Day or an alternative day and, as we have heard, that is entirely a matter of following a designated process set out in the bill for determination. Those are the two matters which I particularly wanted to refer to in speaking in support of this bill, which I commend to the house.

Mr KOCH (Western Victoria) — I will be making a very brief contribution on the Public Holidays Amendment Bill 2008. I totally support the amendment of the Melbourne Cup Day holiday that is being made. Quite obviously my colleague Mr Vogels and myself have been briefed by the Golden Plains municipality, which is looking for support for having some discretion in the current situation where we have a gazetted holiday for Melbourne Cup Day that may be used within municipalities. It does not necessarily have to be tied to a racing event. It may be used for other opportunities, but in many municipalities such as Golden Plains, where they are quite happy to give support to a race day holiday, they have more than one community they would like to support. As members can imagine, and as those who know Golden Plains — certainly Mr Vogels and my colleague on the government benches Ms Tierney — are aware, the community is divided from a sporting point of view. Some parts of the community are heavily represented in the Ballarat region, as they are in the Geelong region. Obviously this amendment would give them discretion in allowing a holiday on Ballarat Cup Day for the area of their municipality closer to Ballarat and likewise for the Geelong Cup Day for those closer to Geelong.

I think it is important that this opportunity is afforded country municipalities. It is important for smaller municipalities, where they are faced with these constraints, that they do have that opportunity within their own communities. Golden Plains is only one of many municipalities that have communities to which they would like to offer this choice. From that point of view I certainly support the amendments Mr Dalla-Riva has put in relation to the Public Holidays Amendment Bill, and I encourage others in the house to likewise support the amendments.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Public Holidays Amendment Bill. This is a happy bill; there is no doubt about that. In metropolitan Melbourne we all enjoy our public holidays. They are opportunities for most of us to spend quality time with family and friends. We are able to plan ahead for our trips away or book tickets at our favourite sporting venues and sit back and relax, unless it is the Melbourne Cup race day. Many Victorians have a flutter on the big race and we are told the whole nation stops for 3 minutes or so. When I say Melbourne stops for the race, I should say the international racing community stops for that race.

But some Victorians who live in country areas are missing out. Previously industrial awards provided a substitute clause and another day was allocated in lieu of Melbourne Cup Day. However, when those awards were abolished, those clauses no longer existed and that public holiday was denied to our regional counterparts. In 2007, as my colleague said, only 25 of the 48 non-metropolitan municipal districts actually elected to declare either a full or half-day public holiday on Melbourne Cup Day or an alternative day. This bill seeks to address that anomaly and puts in place a firm set of dates for our Victorian public holidays.

Whenever a public holiday fell on a weekend, the Premier had to gazette substitute days in lieu of the original days. This bill sets out clearly for employers and workers alike what the public holiday entitlement is for everyone. Most importantly, this bill provides the same number of public holidays to all Victorians, and so it should.

In the future non-metropolitan councils will apply to the minister within 90 days of Melbourne Cup Day and nominate an alternative public holiday that will apply to their entire municipal district and that will ensure that a public holiday will be held on Melbourne Cup Day or on an alternative day in every metropolitan and municipal district throughout Victoria.

All Victorians should be treated equally and not disadvantaged because they live outside the metropolitan region. Eleven days of public holidays will be enjoyed by all Victorians once this bill is passed. Regrettably, because the public holiday dates have already been gazetted for 2008, those workers

who live in the outer Victorian regions will not receive the same benefits as their Melbourne counterparts this year, but this will not be the case in 2009. I commend the bill to the house.

Mr KAVANAGH (Western Victoria) — I rise to endorse the comments made earlier by Mr John Vogels in his speech on this bill and simply to support those amendments proposed by Mr Dalla-Riva, which would have the effect of allowing shires to declare public holidays on different dates in different parts of the shire or municipality.

Several members from Western Victoria have been approached by the Golden Plains Shire Council to support this proposal, and it seems like a very good idea. There do not seem to be any good reasons why we should not support it, with the only proviso being that the shire should make it clear to its residents where the public holidays apply on which particular days. Mayor Guinane and his team are very effective advocates on behalf of the people of Golden Plains. That, of course, is their job.

Motion agreed to.

Read second time.

Ordered to be committed next day.

WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Second reading

Debate resumed from 21 August; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on the Whistleblowers Protection Amendment Bill 2008. The coalition parties will not oppose this legislation, which makes a relatively minor amendment to the Whistleblowers Protection Act with respect to disclosures made by the Ombudsman when he is reporting on disclosures made under the act.

The purpose of the bill is to allow the Ombudsman when he is reporting to Parliament to disclose the identity of a person about whom a protected disclosure has been made. What that means is that with the passage of this legislation the Ombudsman will be able to report the name of the person who is the subject of his investigation. It does not allow the Ombudsman to disclose the identity of a person who has made a disclosure pursuant to the Whistleblowers Protection Act, but it will allow the Ombudsman to disclose the subject of that protected disclosure in his report to Parliament. This is a departure from the existing legislation, which prohibits the Ombudsman from disclosing either the person making the protected disclosure or the person who is the subject of a protected disclosure.

The advice the coalition has received from the government is that the Ombudsman is about to report to Parliament on a matter that has come to his attention as a consequence of a protected disclosure under the Whistleblowers Protection Act, in relation to which in order for the Parliament to be fully informed it is necessary for the Ombudsman to disclose the identity of the person about whom the protected disclosure has been made. Therefore this amendment to the act is sought in order to give the Ombudsman the capacity to make such a disclosure. The bill does not allow such a disclosure to be made with respect to the Ombudsman's annual report. A disclosure of the identity of the subject of an investigation can only be reported to Parliament in the specific report relating to that matter — so there cannot be an aggregate compilation in the annual report of the Ombudsman's office with respect to parties whom he has investigated; it can only be in the individual reports that come to this place on particular matters.

Because of the fact that for the first time the Ombudsman will be identifying the parties or individuals whom he has investigated pursuant to a protected disclosure, the bill requires that the Ombudsman in turn provide the subjects of his investigations with sufficient information about the nature of the investigations to enable them to provide a response to the allegations that have been made against them, and the response to those allegations will also be published in the Ombudsman's report.

In not opposing this legislation the coalition and indeed the Parliament acknowledges that the Ombudsman will need to exercise good judgement and act in good faith in disclosing to the parties that he is investigating the material that has come to his attention and why he has reached the conclusions he has, so that they can make an appropriate response if they choose to do so for publication in the Ombudsman's report. This provision of the bill vests a great deal of trust in the Ombudsman to ensure that he discharges that responsibility appropriately so the parties he will now be naming have an appropriate mechanism by which they can respond prior to that report being tabled in Parliament.

Importantly the bill also makes it clear that this provision applies with respect to an Ombudsman's

investigation under the Whistleblowers Protection Act. That will have already commenced at the time the bill comes into effect, and the reason for that is obviously that the Ombudsman is seeking to have this power with respect to a report he has indicated is soon to be presented to the Parliament. The Ombudsman has obviously undertaken this investigation already and is now seeking to have this power with respect to his tabling of that particular report. Although it is unusual for this Parliament to change the ground rules effectively halfway through an investigation in terms of what can be reported in this instance, that is what this bill seeks to do — to allow that disclosure to be made with respect to whoever is the subject of this particular investigation.

The government has indicated that it does not know from the Ombudsman who is the subject of that investigation. Obviously there have been a number of matters in the public domain and in the press in recent weeks and months, and members and the Victorian community can speculate as to the nature of this particular report. This provision will allow the Ombudsman to identify the subject of his investigation when that report comes to Parliament in due course.

The bill is not being opposed by the coalition parties, but we note that this is yet again a stopgap measure. The coalition parties have for some time supported the introduction of an independent commission against corruption here in Victoria. What we have with the Whistleblowers Protection Act, what we have with the way the Ombudsman's office works and the various powers the Ombudsman has, what we have with the Auditor-General and a different set of powers with certain overlaps, and what we have with the Office of Police Integrity with its powers restricted to the police jurisdiction is a mishmash of investigatory agencies with a mishmash of investigatory and coercive powers. What we do not have is an overarching body or commission that can investigate all matters of corruption in the Victorian public sector. That is what this side of the house believes is necessary.

When this Parliament has attempted to undertake investigations, particularly through Legislative Council select committees and through the Legislative Council standing committee, we have seen the government attempt to frustrate that process time and again. This morning we had the tabling of a report from the Select Committee on Public Land Development about which the members of that committee spoke at some length on the ways in which the government had frustrated the committee in its access to witnesses and documents. This is a trend that was also seen with the Select Committee on Gaming Licensing.

There has been a history of the government attempting to prevent and hinder the scrutiny of the government by the Parliament, and that, allied with the disparate range of powers in different organisations with different capabilities to undertake different sorts of investigations, adds up to an inadequate framework within Victoria to address the issue of corruption. That is why this side of the house in not opposing this amendment to the Whistleblowers Protection Act and notes that it is not an adequate component of a framework to address corruption in this state.

The only thing that will appropriately address corruption in Victoria is an independent commission against corruption with wide-ranging powers to cover all the matters that are currently handled in different ways by different agencies. The Whistleblowers Protection Act is just a bandaid solution to a small part of the overall issue, and while this amendment addresses a particular issue with the emerging report, this side of the house does not believe it goes anywhere near addressing the systemic issues of corruption that we need to deal with in this state. For that reason the coalition parties will not oppose this bill but believe it is a wholly inadequate response to the issue of corruption here in Victoria.

Mr SCHEFFER (Eastern Victoria) — I speak in support of the Whistleblowers Protection Amendment Bill. The purpose of the bill is to permit the Ombudsman when he believes it to be in the public interest to table a report in the Parliament containing information that could reveal the identity of a person who is alleged by a whistleblower to have acted wrongfully. As it now stands the Whistleblowers Protection Act enables the Ombudsman to report to Parliament on a disclosed matter at any time, but under section 22(3) of that act he is prevented from divulging any information that could identify the alleged wrongdoer or the whistleblower.

The Whistleblowers Protection Act aims to support people who believe they should speak up when they see public officials or the Victorian public sector doing the wrong thing. I believe it takes a gutsy person with a strong social conscience to speak out against a public official or a large public organisation. Such individuals run the risk of doing themselves considerable harm; their actions are fraught with doubts about whether their submissions are fully justified or half-baked. The act contains safeguards that protect these brave individuals against reprisals from others who have allegedly done the wrong thing and organisations whose wrongdoings may be exposed. Safeguards in the act also ensure that whistleblowers are supported through a proper process

that can assist them in clarifying their concerns, managing evidence and building a case.

Whistleblowers can disclose their concerns to a number of individuals and bodies, including the Ombudsman, the relevant public body itself, the President of the Legislative Council or the Speaker of the Legislative Assembly where the issue involves a member of Parliament, or the Chief Commissioner of Police as appropriate.

Importantly, the act prevents a person from disclosing information they get hold of as a result of their involvement in the disclosure process. Under the act, the Ombudsman is required to lodge an annual report with the Parliament and can also make further reports as he believes is necessary.

Section 103 of the act says that the Ombudsman can make a report to the Parliament at any time on any matter arising in relation to a disclosed matter. But in making these reports the Ombudsman is prevented from disclosing particulars that are likely to lead to the identification of a person who has made a protected disclosure or a person against whom the protected disclosure has been made.

The amendments in this bill arise because the Ombudsman has before him a matter that he wants to report to the Parliament. The Ombudsman assesses the matter as significant and believes that it is in the public interest to table in the Parliament the findings resulting from his investigation. The report concerns wrongdoing on the part of individuals and also involves systemic issues within public bodies. The difficulty the Ombudsman faces is that it is impossible for him to present a thorough report without also providing information that will lead to the identification of the alleged wrongdoers, breaching the provisions of the act that require him not to divulge such information.

The only option open for the Ombudsman to fulfil his obligation under the Whistleblowers Protection Act is to recommend that the government amend the act so as to allow his report to include information that may lead to the identification of the alleged wrongdoer. The amendments contained in the bill remove the provision in the act preventing the Ombudsman from tabling a report in the Parliament that contains that information. It is a significant step — as Mr Rich-Phillips has pointed out — and the government has taken care to ensure that all interests and rights are appropriately protected. The bill contains safeguards to ensure that in tabling such a report, the Ombudsman would not be compromising the alleged wrongdoer's privacy or unfairly harming the individual's reputation.

Clause 4 sets out the matters that the Ombudsman must take into consideration when he is deciding whether it is in the public interest to include this kind of information. These matters are: the nature of the information itself; whether the public interest is served in revealing the information; the reasons why it would be inappropriate to keep the information secret; and whether there is another way to both meet the public interest test and prevent the identification of the person who is the subject of the disclosure.

Clause 4 also says that as well as the Ombudsman taking into account whether or not the public interest is served by revealing the information, he also has to present the reasons in deciding that the public interest will be served. It is not only about making that determination, he also has to present the reasons for arriving at that determination, so he needs to take all of those factors into account.

The statement of compatibility states that these safeguards satisfy the privacy rights of individuals who may be caught up in the proceedings dealt with by this bill. The charter of human rights, as members know, enshrines a person's right not to have his or her privacy unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked. The statement says that the privacy rights of individuals are not infringed by the provisions in the bill because the Ombudsman's powers are circumscribed, certain and reasonable because of the public interest that is involved in reporting on an investigation into a protected disclosure.

The amendments to the act also ensure that individuals who are the subject of adverse comment in an Ombudsman's report will be given a hearing and a right to have their side of the matter included in the report. In the act as it now stands, this right only applies when the Ombudsman updates Parliament on insufficient progress being made on an investigation or on the completion of an investigation. The right to a hearing and to have the alleged wrongdoer's case included in the Ombudsman's report will now also apply to those reports that the Ombudsman can provide to the Parliament at any time as provided for under section 103.

In summary, the bill amends section 22(3) of the substantive act so that the Ombudsman can table a report to Parliament on his investigations into a protected disclosure matter that contains information that identifies a person against whom a protected disclosure has been made. I am satisfied when looking at the amendments to the act that the privacy of individuals is appropriately protected and that the

public interest is served. I commend this short bill to the house.

Ms HARTLAND (Western Metropolitan) — I only intend to speak fairly briefly on this bill. The Whistleblowers Protection Amendment Bill amends the Whistleblowers Protection Act 2001 to allow the Ombudsman to report in such a way that identifies an individual or individuals against whom the whistleblower disclosure has been made.

The Greens have no objection to the changes; the identity of the whistleblower will still be protected. Even though it is outside the scope of the bill, I have some serious concerns about the way whistleblowers are treated; I do not think they are actually given enough protection. The current act puts a premium on confidentiality. The Ombudsman is prohibited from identifying the person who is subject to the investigation. The Ombudsman has sought this amendment because in some cases he cannot submit a report to the Parliament that includes things that may actually identify the person being investigated.

Identifying a person may not necessarily mean naming them. If a person has been named in the media and an Ombudsman report comes out on the same subject, the person is effectively identified. This limits the ability of the Ombudsman to report on the very issue that may have caused significant scandal to warrant an independent investigation. Other circumstances where it is in the public interest to disclose an identity might include a report that exonerates a person.

Parliament has been asked to weigh up the benefits of giving the Ombudsman the freedom to investigate against the need for natural justice for the person who is being investigated. Section 61 of the act gives a person a right to be heard if they are going to be subject to an adverse comment. There are already provisions for the Ombudsman to give the person sufficient information so that they can make their defence in the case of some types of reports, such as those under part 8 relating to MPs made to the Speaker. The bill extends the natural justice provisions in section 103 to reports under part 9, the annual reports and the Ombudsman's capacity to report at any time.

This provides me with an opportunity even though it is outside the scope of the bill to talk about the glaring lack of anticorruption mechanisms in this state. Victoria lags badly behind Queensland, which has a crime and misconduct commission; behind New South Wales, which has an independent commission against corruption; and behind Western Australia, which has a corruption and crime commission. The Victorian Greens are on the record on a number of occasions as being critical of the gaps and weaknesses in the anticorruption mechanisms in Victoria.

Last year on 22 August in this place my colleague Mr Barber moved a motion to establish an independent anticorruption body with powers to investigate serious allegations of corruption by politicians, local government councillors or public servants. At that time Mr Barber said:

> Similar to other states, its role would be to investigate and prevent corruption and provide an educational function which is essential to support people trying to do the right thing … I am not suggesting Victoria is more or less corrupt than other states, but we do not have the mechanisms that others have to evaluate this issue. If you are buying a car and you are not allowed to look under the hood, you are a lot less confident in what you are getting.

Regarding those anticorruption powers in New South Wales, Queensland and Western Australia, Mr Barber said that all have long-running and effective anticorruption commissions with investigatory powers, and they have uncovered many instances of corruption and mismanagement that may otherwise have remained hidden.

I know this is outside the scope of this particular bill, but they are things that need to be talked about. Our electorate officers have recently been issued with a code of conduct. Why is it that staff employed to work in my office have a code of conduct, and I am not subject to the same treatment? Members of Parliament, employees in the public service and local government and officials should be subject to a code of conduct. This is a good bill. The Greens support it, but there are issues that it does not address, and we think that is quite unfortunate.

Mr VOGELS (Western Victoria) — I want to make a few comments on the Whistleblowers Protection Amendment Bill 2008, which is a bill to allow the Ombudsman to report to Parliament on a matter raised by a whistleblower in a way that is likely to identify the person against whom a whistleblower disclosure has been made. We are not opposing this bill. However, the inquiry, which I raised in Parliament yesterday, into the Ballarat City Council proves once again — —

Ms Pulford interjected.

Mr VOGELS — No, this is typical. This is basically about spin and rhetoric. We need an independent commissioner against crime and corruption. It takes a gutsy person to come out and blow the whistle on their council, the people they work for, the public service or whatever. Of course it takes a

gutsy person. You have to have strong feelings. Once you start whistleblowing you have to be very careful. The old saying is 'Don't throw bricks at glass houses', or something like that, because people will probably come back and find out something about you.

As I mentioned in the house yesterday, Cr Wayne Rigg blew the whistle on the Ballarat City Council. He called for an investigation into the Ballarat City Council. Mr Rigg resigned from the council and sought an investigation into what he saw as issues of governance, processes and transparency. I do not have a problem with that. Good luck to him! However, when the people who are having the whistle blown on them put their case to the — —

Mr Koch interjected.

Mr VOGELS — They had the blowtorch applied to them. When they said, 'Hang on, if this guy is going to blow the whistle on us, I have got some information on him as well', PricewaterhouseCoopers, which was doing the investigation said, 'That is not in the terms of reference. We cannot look into that. It is outside our terms of reference'. That is why I support the bill. It would be fantastic to have an independent Ombudsman taking up all the complaints of everybody in the organisation. As soon as somebody starts whistleblowing on people in the council, the public service, the police force or whatever body they work in, they should know they have a very clean skin themselves because they are going to have the blowtorch applied to them. This is a good bill. I support the bill and hope it proceeds. But, as I said before, an independent commissioner against crime and corruption, which the opposition has been calling for for two or three years is the way to go. This is just another bit of spin and rhetoric to try to prove that the government is doing something when actually very little is happening.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to make a brief contribution in support of the Whistleblowers Protection Amendment Bill. The bill is another piece of legislation which assists in creating an open and transparent government. As we all know, having an open and transparent government has been a theme of the Bracks and Brumby Labor governments. Transparency and openness in government was a theme that the then Bracks opposition ran on in 1999. It is an issue that also contrasts this government with its predecessor. Openness and transparency in government is a major point of differentiation between the Bracks and Brumby governments and the Kennett government, which was widely perceived — —

Mr Vogels interjected.

Mr SOMYUREK — I am talking about perceptions, Mr Vogels. The Kennett government was widely perceived as being secretive. The objective of this piece of legislation is to allow the Ombudsman to table a report in Parliament on a current investigation under the Whistleblowers Protection Act 2001. That has been the subject of considerable media attention.

The amendments contained in the bill will also apply to other investigations that have already commenced or have been concluding. More specifically the bill removes the impediment that currently prevents the Ombudsman from tabling in Parliament under section 103 of the act a report that contains particulars likely to identify a person against whom a protected disclosure is made.

The bill also includes certain safeguards to ensure that identifying a person against whom a protected disclosure is made is not an unlawful or arbitrary interference with that person's right to publicity. The bill has been precipitated by a high-profile case. I am not sure what that high-profile case was about. I have tried to find out what it is, but I am afraid no-one will talk. I am informed that due to reasons — —

Mr Rich-Phillips — Who did you ask?

Mr SOMYUREK — I cannot divulge that information, Mr Rich-Phillips. Nevertheless I am told that for privacy reasons that information cannot be divulged to me. The bill has been triggered by a high-profile case, and the Ombudsman is due to finalise an investigation initiated under the Whistleblowers Protection Act 2001. The matter, I am informed, has been the subject of considerable comment in the media. I have to believe it has received considerable attention in the media, but I do not know for sure. The Ombudsman believes it is in the public interest to report to Parliament on the outcome of the investigation.

Mr Rich-Phillips — Who do you think it is?

Mr SOMYUREK — I am not going to guess, Mr Rich-Phillips, even under parliamentary privilege. Section 103 of the Whistleblowers Protection Act allows the Ombudsman to at any time report to Parliament on any matter arising in relation to a public interest disclosure under the act. However, section 22(3) provides that the Ombudsman must not in such a report disclose particulars likely to lead to the identification of a person against whom a disclosure is made. The Ombudsman is concerned that, given the high-profile nature of the matter, he will not be able to make a report to Parliament without including details

that would identify the individual or individuals being investigated. The Ombudsman has therefore requested that section 22(3) be amended to allow him to make the report.

The principal act puts a premium on confidentiality for both the whistleblower and the subject of a protected disclosure. However, in some instances the public interest in the Ombudsman identifying the subject of a protected disclosure in a report to Parliament outweighs the interests of the parties and the public interest in maintaining confidentiality. The bill provides that the Ombudsman is permitted to table a report under section 103 of the principal act. To avoid an arbitrary interference with section 13 and to promote compatibility with the Charter of Human Rights and Responsibilities, the amendments set out clear criteria for when disclosure of identifying information is permitted.

Getting the balance right in this piece of legislation is important because the concept of a whistleblower culture in the English-speaking world is not that well developed. It is evolving, and it has developed a lot in the last 18 years or so in Australia. I say the last 18 years because that is when there were inquiries into corruption scandals which exposed the problems that whistleblowers faced as a result of their actions — that is, in whistleblowing or not whistleblowing.

Mr Vogels — The sale of the State Bank — —

Mr SOMYUREK — They are not the scandals I am referring to, Mr Vogels. It is hard to understand now, but in those days, without the protection of whistleblower legislation, employees risked legal prosecution under common law for undermining a duty of trust implied in the contractual employment relationship. Even with whistleblower legislation in place people are still concerned about coming forward lest they face recriminations from their employers and thus potentially lose their livelihoods.

The stakes are high in this legislation. We need to make sure that the balance is right. We need to make sure that people's privacy is protected. We need to do this in order to encourage whistleblowers to continue to come forward. The proposed amendments promote open and accountable government and sufficiently protect the privacy of whistleblowers. I commend the bill to the house.

Mr PAKULA (Western Metropolitan) — I should say at the outset what a pleasure it is to be on my feet and engaged in this debate at this tender hour. Like my colleagues Mr Somyurek and Mr Scheffer, I rise to support the bill. It is a good bill and the Ombudsman has indicated to the government that it is necessary. The government is determined to provide the Ombudsman with the tools he believes he needs to conduct his operations. The government is determined to provide the Ombudsman with the legislative framework he requires to effectively carry out the functions of his role. I do not intend to go through the whys and wherefores in regard to that; that has been done by both Mr Scheffer and Mr Somyurek. However, it is clear that there is a particular set of circumstances before the Parliament at the moment that leads the Ombudsman to believe that he requires this particular amendment to be made.

The contributions from opposition members and Ms Hartland, while supportive of the bill, sought to highlight the things they say the government has not done in this space, whether that be the implementation of a code of conduct for parliamentarians, and I imagine by extension for ministers, or the establishment of a broad-based commission against corruption. I would argue that that is in some respects an easy thing to do in this kind of debate. It is easy to ignore the advances that have been made in openness and accountability. It is easy to ignore the advances that have been made in strengthening the power of public officials and simply focus on those things that have not been done.

It is important to put on the record that while it is easy to make those sorts of criticisms, it was this government that brought in the Office of Police Integrity (OPI). It was this government which strengthened the Office of Police Integrity by splitting the roles of Ombudsman and the director, police integrity (DPI). It was this government which strengthened the powers of the Ombudsman. It was this government which established stand-alone legislation for the OPI, which has given it effective search warrant powers and streamlined the ability of the director, police integrity, to obtain the sorts of information he needs to fulfil his role. It was this government which clarified the differentiation between the roles of the DPI, the OPI and Ombudsman. It was this government which clarified the processes for the production of documents in legal proceedings. It was this government which restored the powers of the Auditor-General — powers which had been so tremendously watered down and neutralised in the period up to 1999.

Whilst it is easy to ignore the legislative settings that are in place today, whilst it is easy to diminish this sort of legislation and whilst it is easy to suggest that all of these things are somehow second-rate reforms in this

legislative space, it is also important to note that none of these things was in place when we came to office.

I find it interesting and curious that a party that had such a poor record in the area of accountability and such a poor record with the independent watchdogs — whether they be the Auditor-General or the offices dealing with police integrity matters — has now somehow morphed into the champion of anticorruption.

Independent commissions against corruption are spoken about as if they are somehow unambiguously and in all circumstances a good thing. I suppose my question is: what examples of corrupt behaviour are not able to be investigated now? The fact is, if there are complaints against the police, it is investigated. Recently we have seen the power of the Ombudsman to deal effectively with complaints against local councils, and I have no doubt he will continue to do as he has done in the past. It is not always unambiguously true that having an independent commission with enormous budgets looking for something to do — looking for evidence of perceived wrongdoing that may or may not exist — is always a good thing, and in fact it has not always proved to be a good thing in other jurisdictions.

The other part of Ms Hartland's contribution that I just want to very briefly touch on is the differentiation between electorate officers and the code of conduct that has been presented to them and the supposed absence of a code of conduct for members of Parliament. It is not as if members of Parliament are somehow entirely unencumbered by any code of conduct. We have a Privileges Committee we have to answer to. We have to submit a declaration of interest every term. We are subject to media scrutiny. I notice that the representatives of the fourth estate are here even at this late hour. But even more importantly, we are subject to the democratic will of the people. If the people make a judgement about us that we have not fulfilled our responsibility in a way that they consider to be either appropriate or acceptable, they judge us in their own way. They judge us with their ultimate sanction, which is to remove us from office. That is not a code or a restriction that applies to many of these other members of the community, and certainly not to our electorate officers, although they do seem to find themselves in the unemployment queue when we do.

In the past in committee I have expressed my reservations about undercutting the democratic will of the voters and replacing their judgement with the judgement of an unelected integrity officer or an unelected judiciary to make these sorts of determinations about the members of Parliament. The Parliament is sovereign. If members of Parliament have been determined to have behaved improperly, incompetently or dishonestly, it is a matter for the voters to pass their judgement on us, and they do so swiftly and without remorse. With those few words, I support the bill and I commend it to the house.

Mr EIDEH (Western Metropolitan) — I, too, rise to support the Whistleblowers Protection Amendment Bill 2008. In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 this bill was introduced to implement a key commitment of the Labor government to legislate to protect people who disclose information about serious misconduct in the public sector. This legislation was introduced to ensure that government was open, honest and accountable. The Ombudsman is due to finalise an investigation initiated under the act. The matter has been the subject of considerable comment in the media, and the Ombudsman believes that it is in the public interest to report to Parliament on the outcome of investigations.

Section 103 of the act allows the Ombudsman to, at any time, report to Parliament on any matter arising in relation to a public interest disclosure under the act. However, section 22(3) provides that the Ombudsman must not, in such a report, disclose particulars likely to lead to the identification of a person about whom a disclosure is made.

The Ombudsman is concerned that, given the high-profile nature of the matter, he will not be able to make a report to Parliament without including details that would identify the individual or individuals being investigated. The Ombudsman has therefore requested that section 22(3) be amended to allow him to make the report.

In summary, the bill removes the impediment which currently prevents the Ombudsman from tabling a report in Parliament under section 103 of the act which contains particulars identifying a person about whom a protected disclosure is made. The amendments also include certain safeguards to ensure that identifying a person about whom a protected disclosure is made is not an unlawful or arbitrary interference with that person's right to privacy or reputation.

It is intended that the amendments contained in the bill apply to any report tabled by the Ombudsman pursuant to section 103, regardless of when a disclosure under the act is or was made, or an investigation under the act is or was commenced.

Upon the commencement of the operation of the amendments the Ombudsman will be able to table a report identifying a person about whom a protected

disclosure has been made, where that disclosure and the investigation began before the commencement of the act. However, the transitional arrangements also provide that the amendments do not apply where the Ombudsman has already made a report under section 63 of the act or tabled a report under section 103 of the act prior to the commencement of the amending act. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

LEGISLATION REFORM (REPEALS No. 3) BILL

Second reading

Debate resumed from 21 August; motion of Mr LENDERS (Treasurer).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to contribute to the debate on the Legislation Reform (Repeals No. 3) Bill and say at the outset that the opposition will not be opposing this bill. The bill seeks to repeal 9 principal acts, 13 amending pieces of legislation with either transitional or substantive provisions, and 61 amending pieces of legislation which are now wholly in operation. The bill also introduces transitional application provisions in the Road Safety Act 1986.

I am pleased that proper process has been followed with this bill. As its number indicates, this is the third bill to come before the Parliament to repeal certain acts from the statute book. It was regrettable that the government did not refer the first repeal bill to the Scrutiny of Acts and Regulations Committee for proper consideration and analysis pursuant to its responsibilities. As I say, I am pleased that this bill was referred to SARC, and I refer members to that committee's report and in particular to the letter dated 18 April from parliamentary counsel, which states:

> In accordance with the usual practice for this kind of bill, 1 certify that schedule 1 of this bill contains only repeals appropriate for a redundant legislation repeals bill. The relevant departments have confirmed that the acts proposed to be repealed by the bill are now obsolete or spent in their operation and can be safely repealed. Any transitional, saving or validation provisions in the acts to be repealed will be saved by section 14 of the Interpretation of Legislation Act 1984.
>
> Schedule 2 provides for the relocation into the Road Safety Act 1986 of a transitional application provision in the Road Safety (Further Amendment) Act 1991 …

The Scrutiny of Acts and Regulations Committee has considered the bill and, on the advice of parliamentary counsel and on its own investigations, has determined that the bill is appropriate and that the bills being repealed are justified to be repealed.

As I said, the bill proposes to remove nine principal acts from the statute book. Those acts are many and varied, as is the nature of these bills. I should say too that the larger the number of bills on the statute book the more regulation and the more consideration and analysis that business, other tiers of government and other stakeholders that engage with legislation and the provisions of the legislation have to analyse. The concept and aim to reduce the number of principal acts on the proviso that you are not actually compromising the statute book or individual issues is worthy. Indeed the government set its own target of a 20 per cent reduction in the number of bills based on 1999 figures, as the Premier said in the second-reading speech:

> The government has given this review process increased priority and visibility in an effort to decrease the total number of acts by at least 20 per cent, based on the number of acts in operation in 1999.

Interestingly, though, the government has a long way to go to achieve that target. As of 1 January 2000 there were 544 principal acts. By 1 January last year that had increased to 579 principal acts, an increase of 35. With the legislation repeals bills 1, 2 and 3 combined, this number will come down to 496, which is still 61 short of the government's stated target of a 20 per cent reduction. In the remaining two years of this Parliament the government has a lot of work to do to achieve its stated targets.

The bill is quite simple. Clause 1 sets out the main purpose of the bill, clause 2 provides for the commencement of the bill, clause 3 details the acts to be repealed, clause 4 deals with the Road Safety Act provisions as previously discussed and clause 5 provides for the automatic repeal of the bill on the first anniversary of the day on which it receives royal assent, which of course as we have discussed with previous bills will reduce the need for similar bills in the future. The automatic repealing of bills such as this means that these redundant legislation bills will not be required as much in the future, which is a good thing.

I would like to run through the nine principal acts being repealed. They include the Metropolitan Gas Company's Act of 1878; the Bank of New South Wales Act of 1926, the Bank of New South Wales of course being the precursor to what we now know as the Westpac Banking Corporation; the Farm Water Supplies Advances Act 1944; the Winchelsea Coal Mine Act of 1951; the Bread Industry Act 1959, which was a contentious issue in its time and has now been replaced with commonwealth competition legislation and regulations; the Planning Authorities Repeal Act 1994 with regard to the Loddon-Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority; the appropriations acts for 2005 and 2006 which are now redundant; and perhaps the most interesting act to be repealed under this legislation, the Federal Awards (Uniform System) Act of 2003.

That act is really symbolic of the way the Bracks and now Brumby governments have approached the issue of industrial relations. They have talked about protecting workers; they have talked about the exploitation of workers by, until recently, the Howard government; they have criticised the commonwealth Workplace Relations Act; and they have criticised WorkChoices and all the federal acts and amendments that were introduced between the election of this government and the clarification of the work of the corporations power though the WorkChoices legislation and subsequently in the High Court.

These bills are interesting because the government had the capacity to repeal and to take back the industrial relations power that the Kennett government referred to the commonwealth. In this Parliament we have heard from many members on the other side of the chamber about the evils of WorkChoices and about the evils of the Howard federal government in its efforts to liberalise workplace relations. The government had an opportunity to take back that power and set up its own industrial relations system pursuant to the power that it had until the clarification of the power of the corporations head within the Australian constitution. But the government refused to do that.

It refused to do that, I suspect, because despite the rhetoric and despite playing the political game and the political point-scoring against the former commonwealth federal government, the state Labor government actually appreciated the flexibility that was delivered by the previous government, which kept inflation low and which generated real growth in employment.

It will be interesting to see what happens into the future. We are nearly 12 months into this Rudd government, and the only changes it has made to the industrial relations system that was implemented over a decade by the Howard government is the abolition of new Australian workplace agreements. The remainder of the WorkChoices legislation is still in place and still intact. It will be very interesting to see whether the government chooses to wind back those advances made by the Howard government through a very difficult process that was resisted and opposed by those members of the former opposition who are now in government.

I quote from an editorial in the *Australian* a few days ago. It shows the challenges that will face the Australian economy if the government winds back WorkChoices in the way it has proposed. The editorial states:

> The Rudd government loves to recite the mantra that it is keeping fiscal policy tight to help the Reserve Bank lower interest rates. But a large budget surplus is meaningless if wages policy is sending the opposite signal.
>
> Re-regulation of the labour market makes no sense at the best of times. But it makes even less sense at this point of the economic cycle … But even a small change at the margin could break the economy by entrenching inflationary expectations.

The Rudd government is at a very interesting point. It will be interesting to see whether it panders to its masters and winds back WorkChoices to the degree that is demanded and that was promised before the election, or whether it will attempt to gain some economic credibility by retaining flexibility in the workplace.

With those words I repeat that the opposition will not oppose this bill.

Ms HARTLAND (Western Metropolitan) — I will make only a few brief remarks. The Greens support the process of repealing legislation, but I have to respond to some of the remarks that were made by the previous speaker. Having been a shop steward and been married to a union organiser during the years of the Howard government, I would have to say that I think WorkChoices was one of the worst things it ever did. It was the complete debasing of democracy. I do not think Mr Rudd is working quickly enough to bring those things down. That is all I need to say tonight.

Ms PULFORD (Western Victoria) — I am pleased to rise this evening to speak in support of the Legislation Reform (Repeals No. 3) Bill. As the title of the bill would indicate, this is the third in a series of

bills that share the purpose of repealing redundant legislation from Victoria's statutes.

The government is committed to reducing red tape, and it goes about this in a number of ways. There is a great imposition on organisations to be aware of and informed about legislation that simply serves no purpose any longer. This is but one way in which we can assist in reducing the administrative burden associated with complying with legislation.

The process the government is undertaking involves all ministers and departments and asks them to play an active and interventionist role in identifying legislation that no longer serves a purpose. This bill, which applies to acts from a variety of portfolio areas, is a good measure and one that ought to enjoy the support of the house. I certainly hope that it does.

I would like to take this opportunity to thank Gemma Varley, chief parliamentary counsel, and the people in her office for the great amount of work they do in supporting this process. In the Scrutiny of Acts and Regulations Committee report on this bill from May this year, members will find a letter from Gemma Varley confirming that, as is the ordinary practice with this type of legislation, schedule 1 of the bill only contains repeals appropriate for a redundant legislation repeals bill. The Office of the Chief Parliamentary Counsel provides an invaluable service in supporting the reduction in unnecessary legislation, and the SARC's role in this is well supported by that office. I would like to take the opportunity to thank the office's staff and commend their work in this area.

This bill has five clauses and its purpose is obviously to repeal spent acts. The commencement arrangements indicate the act will come into operation on the day after it receives royal assent. Section 3 contains a list of the acts that are to be repealed, and section 4 details an amendment to the Road Safety Act, the one thing necessitated by the replacement of a clause from one of the spent acts. In an exercise in thorough crossing of t's and dotting of i's, we have continued to ensure that those provisions are preserved and moved into the Road Safety Act, which will assist those who use the provisions to identify them and using them as appropriate in the context of the legislative framework they more naturally sit in.

I turn to the schedule of acts to be repealed. There are three types of acts within this schedule. The first is spent principal acts, the second is spent amending acts with transitional or substantive provisions and the third is spent amending acts that are wholly in operation. The second schedule identifies the transitional application provision relating to offences in the Road Safety Act, as I indicated earlier.

The spent principal acts to be repealed are many and varied. I always like the little glimpse back in time we get as we go about the task of repealing spent legislation; it gives us a little glimpse into Victoria's history. The first act to be repealed is the Metropolitan Gas Company's Act 1878. This act has been replaced on several occasions. The Metropolitan Gas Company ceased to be on 1 July 1951 through the operation of the Gas and Fuel Corporation Act.

The second act to be repealed is the Bank of New South Wales Act, and Mr O'Donohue referred to this. The Bank of New South Wales is known these days as Westpac. Westpac has been consulted in relation to the repeal of this act, and in the thorough process leading up to the introduction of this bill it confirmed that these days it is a company registered under the commonwealth Corporations Act.

The third act to be repealed is the Farm Water Supplies Advances Act 1944, which enabled the Board of Land and Works to make advances to farmers to assist them financially to obtain supplies of water for their farms. This act was amended a couple of years later so it could apply to drainage. The period of the loan, as the bill indicates, could not exceed 10 years. This serves as a reminder of the challenges we are facing with consistently low inflows and low rainfalls. It is timely to remind members, particularly those in metropolitan areas, that the impacts of the drought are still being felt in the most significant way throughout rural Victoria. We need to take this opportunity to reflect on the hardship those in rural Victoria are experiencing and to respond as a government and as legislators to assist them and to meet their needs.

The government has a complex response to make in really challenging times on how we manage our water resources, so we are making significant investments in water infrastructure, as is often the subject of discussion in this place. We continue to expand the grid so that water can be moved to where it is most needed. This complements the recycling programs that the government supports industry and household users to develop. There has been a sensational effort by all Victorians to reduce their water use. The other part of that policy mix is to identify new sources of water for Victoria. In 1944 people well before our time were talking about assistance to farmers in rural Victoria who were needing loan assistance to meet their water needs. The policy mix has changed somewhat, but there are certainly some similarities in the challenges.

The fourth act is the Winchelsea Coal Mine Act of 1951, which provided for the payment for purchase of land by the state of Victoria. The land this act relates to is now Crown land, so that 1951 act has served its purpose and is to be repealed.

The Bread Industry Act 1959 — another delightful glimpse at Victorian history — regulated the bread industry in Victoria. I noticed that slightly dated arrangements about the manufacture, production and distribution of bread will return to this place in the next few sitting days in the Labour and Industry (Repeal) Bill, so it is an interesting recurring theme. Obviously this industry has evolved a great deal.

One of the concerns in years gone by about the bread industry was about preserving regional jobs and regional opportunities for industry, and limitations were placed on the carting of bread and the distances that bread could travel. Here we are in 2008 and buildings in metropolitan Melbourne seeking the highest environmental rating — 6-star ratings and 5-star ratings — are required to enter into catering contracts which contain provisions that their food is sourced from no further than 30 kilometres from their location. That is an interesting example of how times have changed somewhat and continue to do so. We can only wonder at the way the use for the legislation that we pass today will be contemplated by future members of this place in 50 or 100 years.

The sixth act is the Planning Authorities Repeal Act 1994, which is more recent legislation. It provided for the abolition of the Loddon and Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority, and it facilitated the winding up of those organisations. These authorities have now been abolished, so the legislation that served to facilitate that has served its purpose for the people of Victoria and can be repealed.

The seventh act to be repealed is the Federal Awards (Uniform System) Act. I can only agree with Mr O'Donohue's comments on this act that we have seen a lot of changes in industrial relations. Perhaps Mr Dalla-Riva might like to have another chat about the 40-gallon drums, but the Federal Awards (Uniform System) Act 2003 had the effect of making federal awards common rule and applicable to those 100 000 or so Victorian workers who fell through the cracks when the Victorian system was stripped back to a pre-WorkChoices Liberal Party utopia with five minimum standards.

Most workers in Victoria are able to find some relief in the federal industrial relations system. This, however, was not possible for, as I said, around 100 000 workers, including some of Victoria's most vulnerable workers. The Federal Award (Uniform System) Act served to apply federal award standards to those people. As a Labor government that is legislation we are proud of, given the great movement in industrial relations legislation that we have seen in recent years. It has been well superseded, and I can assure Mr O'Donohue that rebuilding a comprehensive industrial relations system after the free market fantasy of WorkChoices takes a little longer than a couple of months. A comprehensive system with a decent safety net and a built-in encouragement for productivity-based wage increases is coming to a federal Parliament near us in the not too distant future.

The eighth item in the schedule is the Appropriation (2005/2006) Act 2005 and the Appropriation (Parliament 2005/2006) Act 2005. Appropriation acts are, of course, an annual occurrence, and the operation of these acts is now no longer essential and they can be repealed.

The second group of acts are spent amending acts with transitional or substantive provisions. The bill repeals a number of those acts — 13 in total. They have effected their amendments or repeals, as was their purpose. What each of them sought to do, again in greatly varied ways, has now been done, and the substantive provisions are not required any longer. They are now redundant.

These include the Gas and Fuel Corporation Act 1972, the Town and Country Planning (Transfer of Functions) Act 1985, the Town and Country Planning (Miscellaneous Provisions) Act 1986, the Bayside Project (Amendment) Act 1989, the Police Regulation (Further Amendment) Act 1990, the Subdivision (Miscellaneous Amendments) Act 1991, and the Road Safety (Further Amendment) Act 1991, which was the subject of discussion much earlier on this rather long day. Other acts include the Subdivision (Amendment) Act 1993, the Borrowing and Investment Powers (Amendment) Act 1993, the Road Safety (Amendment) Act 1995 — there is the Road Safety Act again — the Public Prosecutions (Amendment) Act 1995, the Building (Amendment) Act 1996 and lucky 13 is the Gas Industry Acts (Amendment) Act. Those amending acts have, as I indicated, served their purpose and can now be repealed.

The third part covers spent amending acts which are also now fully operational and have amended the acts that they sought to amend. There are no longer any transitional provisions or substantive provisions that apply.

To conclude, the Legislation Reform (Repeals No. 3) Bill is not the final legislation reform repeals bill that we will see in this place — a couple have come before it and there will be more to follow. It is incumbent upon all of us to make our suite of legislation in Victoria as uncomplicated as we can, and this very thorough process to remove from the statutes legislation that no longer serves a purpose is a worthy one. It will assist organisations insofar as they will no longer need to be aware of provisions that are of little more interest in these times than as quirks of history, and it is certainly part of the government's commitment to reducing the regulatory burden throughout the state.

With those few words and comments, this important legislation is well deserving of the support of members in the house, and I encourage all members to support it. I commend the Legislation Reform (Repeals No. 3) Bill 2008.

Ms LOVELL (Northern Victoria) — I rise tonight to speak on the Legislation Reform (Repeals No. 3) Bill. This is a bill that will repeal spent and redundant acts and introduce transitional application provisions for the Road Safety Act 1986. It is part of the government's program to reduce the number of acts on the statute book. I really want to talk about just one piece of legislation that is being repealed by this bill, and that is the Gambling Regulation (Public Lottery Licences) Act 2005. As we know, the Gambling Regulation (Public Lottery Licences) Act 2005 was the act that enabled the state government to appoint up to three non-exclusive lottery licences in Victoria. At the outset of speaking on this particular act I should declare that my family does run two lottery agencies and they have contracts with both Tattersall's and Intralot.

Prior to this bill being passed through the Parliament in 2005, Victoria had one exclusive lottery licence which was held by Tattersall's. If we looked at the history of lotteries in Victoria, we would find a book called *The Luck of the Draw* which was written for the 100th anniversary of Tattersall's by Trevor Wilson. This book notes that in 1954 it was John Cain, Sr, the then Labor Premier of Victoria, who invited Tattersall's to come to Victoria. The book states that John Cain made no effort to let the Premier of Tasmania, Sir Robert Cosgrove, know that he was negotiating that deal, and when John Cain made the announcement that Tattersall's would be moving to Victoria, Sir Robert Cosgrove claimed in a speech, on 18 March 1954, that he had been stabbed in the back by the Victorian Premier. That is a proud tradition of the Labor Party — stabbing each other in the back. Its members continue to do that today. They were doing it in 1954, they are still doing it in 2008, and I think they will continue to do it for the rest of the time that the Labor Party exists.

From 1954 until 1 July 2008 Tattersall's continued to operate under a single lottery licence arrangement in Victoria. Victoria's lottery operations have during that time always been well regulated and also crime free. That is not to say that a second operator will change that status, but I just make the point that this has been a highly successful model in Victoria.

In my contribution to the debate on this piece of legislation on 26 May 2005 I mentioned that in making any decision about appointing a single operator or multi-operators to operate lottery licences in this state the minister should take into account the impact that this decision would have not only on the licence operator, Tattersall's, but also on the 700 small businesses that made up the Tattersall's network of agencies.

This has had significant impact on those agencies. That impact started even before 1 July this year, because agents were forced to make a decision on whether they would take up a licence with a second operator well before 1 July. They were also forced to make that decision before they had information on the products that would be sold by that operator — that is, what games would be available for sale — the shopfitting requirements of that operator and the ongoing operational costs of being part of that operator's network. These things they were told only at the training day. On 30 June this year Dick McIlwain from Tattersall's sent out a memo to all Tattersall's agencies in which he talked about Tatts lotteries. The memo says:

> This business was the standout performer as it emerged from the combination of Golden Casket and Tattersall's lotteries. The success of the integration of these two distinct businesses was only diminished by the decision from the Victorian government to hand our scratchie and other Victoria-only lottery games to Intralot from tomorrow.
>
> The decision to bring Intralot into the Victorian market was justified on the basis of competition. Instead it simply split the lottery market. This has only disaggregated an efficient business model without supporting it with a regulatory structure that can readily respond to competition.
>
> Lottery agents should remember that Tatts didn't ask for this decision. It is all the Victorian government's work. The cost of supporting Intralot's selling network and the cessation of the Wednesday lotto game will mean increased costs and less revenue for agents.
>
> We are hoping to resurrect the Wednesday game and add Monday as part of a bloc with the other Australian lottery operators. But the Victorian government hasn't been able to put in place a process for approving new games in their new competitive environment.

Dick McIlwain is right. The impact on the agents in Victoria has been all the state government's work. Also it is appalling that considering that this legislation was passed in 2005 and the second lottery operator did not start to operate until 1 July 2008, the Victorian government had not put in place a process for approving new games in its new, so-called competitive environment.

We should look at how the government's decision to license two operators has impacted on the small businesses amongst the network of lottery agents in Victoria. For those who said no to Intralot, those who did not take up the option to have the second operator in their store, there has been a downturn in sales as products that were previously sold by them are no longer available to them. Those are products like scratchies, keno and Tatts 2. Scratchies actually account for between 5 per cent and 7 per cent of commission income for lottery agents, so a significant chunk of their business has been taken away from them. They have also lost add-on sales, because quite often people would come in to buy a scratchie and then might buy a greeting card for a birthday. This has all led to the agents' goodwill being reduced and their revenue being reduced. As Dick McIlwain rightly says, this loss of revenue, goodwill and turnover for lottery agents has all been the state government's work.

For lottery agents that said yes to Intralot, they had to pay a hefty accreditation fee of $8500 plus GST, taking it to $9350. That fee is now $10 000 plus GST, taking it to $11 000. They had to pay this fee to buy back their own business. These were the people who had built the business, and they were forced to pay to buy back the games they had previously been selling in their store.

A really good example of this is my family business. We actually test-marketed the keno game for Tattersall's. Way back in the 1980s when keno was not a game in Victoria, Tattersall's came to us and a number of other agencies in central Victoria and said, 'We want to test-market a new game'. This was quite a complex game. All our staff had to learn how to play it and we had to teach all the players. We test-marketed it to see if it would be successful in Victoria. It was successful, and it went on to become part of Tattersall's suite of games. All the other agents in this state also had to teach people how to play it; they had to establish the game and promote the game. We built the game, and then the state government simply took it away from Tattersall's and gave it to another operator, which meant lottery agents had to pay to buy back their own business — and as Dick McIlwain rightly points out, this was all the state government's work.

Other costs that have been incurred by operators as part of the second lottery licence being granted is that operators now need to pay double the terminal fees. Agencies used to pay Tattersall's $30 per week for their terminal plus 0.7 per cent of their turnover. This might not sound much, but it runs into several hundred dollars every week. The agents now pay that to Tattersall's, but they also have to pay Intralot $30 per week plus 1 per cent of their turnover. Their terminal fees have doubled and their costs have increased, but their commission and sales have decreased because the Intralot games have not been quite as popular as the Tattersall's games.

I was speaking earlier this week to a lottery agent from northern Victoria who told me that the online games for Intralot are not even paying for his terminal fees. He said that his fees and courier costs amount to $102 per week, but the commission he makes on his online games from Intralot amounts to only $75 per week. Agents are losing money on this deal — and as Dick McIlwain rightly says, this is all the state government's work.

Delivery fees for agents have also increased. They have increased five times what they previously were. With Tattersall's you pay around $30 per month for their courier fees — I think it is $33. Intralot charges around $25 per week, so courier fees have increased up to five times what agents were previously paying. This is another impost on small business — and as Dick McIlwain rightly points out, this is all the state government's work.

GST is another issue for agents. Under Tattersall's GST was a nil event, because when GST was introduced you could not increase the price of anything. So that agents would not be any worse off a deal was struck between Tattersall's, the state government and the federal government for what was quite a complex arrangement, but basically what it amounted to was that agents were rebated for the GST portion of their commission so that they were not any worse off. This arrangement does not exist with Intralot, so on a product where your commission is supposed to be 10 per cent your commission actually becomes only 9.1 per cent. There is a loss of commission because previously with Tattersall's on that same product they were getting 10 per cent. Now it is 9.1 per cent with Intralot — and as Dick McIlwain rightly points out, this loss of commission to agents is all the state government's work.

There are also significant additional administrative costs that have been imposed on the agents by having the second operator. Tattersall's used to, and still does,

sweep your account once a week. When I was running my family business and we had five Tattersall's terminals, it would take me a significant chunk of my Sunday to do the reconciliation ready for that sweep on the Monday morning. Now Tattersall's still sweeps your account once a week, but Intralot sweeps your account twice a week, so there is treble the amount of bookwork to be done over the week just to keep track of your accounts — and as Dick McIlwain rightly points out, this additional impost on small business is all the state government's work.

Shopfitting is another cost that has been imposed on small business by this second lottery licence being granted. Modifications for most stores to install the Intralot games cost, I am told, between $500 and $2000, and for some agents it cost even more — and as Dick McIlwain rightly points out, this additional cost to agents for modifications to their shopfitting is all the state government's work.

Agents have also suffered a loss of trade due to the Wednesday lotto game not operating for at least three and a half months. What people may not realise is that any change is an excuse for players to stop playing. Whether it is an interruption to the game as there has been with the Wednesday lotto, or whether it is a change to the structure of the game as when lotto changed from 40 to 45 numbers, that is an excuse for people to stop playing. If people have to refill coupons because the terminal has changed, it is an excuse for some people to stop playing. If there is a change to the cost of a game, it is an excuse for some people to stop playing. So this interruption of three and a half months to Wednesday lotto has been an excuse for people to stop playing. When it does start up again, which I hope will be relatively soon, it will not start at the same point it was at before. An agent will have to build up that business again. For larger agencies the loss of commission over the last three and a half months would run into thousands of dollars — and as Dick McIlwain rightly points out, this loss of commission to agents is all the state government's work.

There was also a loss of trade suffered by the agents during the final four weeks of Tattersall's exclusive licence as it tried to wind down the scratchie stock and the sales of scratchies. This affected all agencies, because there is quite a large range of $1, $2, $3, $4, $5 and $10 scratchies available. During the last four weeks when Tattersall's wound down its stock, not all those price points were available to agents, so there was a loss of trade and revenue — and as Dick McIlwain rightly points out, this was all the state government's work.

Agents have also lost a little game called Tatts 2. It is not a big game or a big money earner, but it is a game that pensioners loved because it cost only 55 cents to play. There has been no replacement game for Tatts 2, so players are disadvantaged and agents are losing commission on this game — and again as Dick McIlwain rightly points out, this is all the state government's work.

The adverse publicity that has surrounded the initial performance of Intralot in this state has also impacted upon agents, because people are not buying lottery agencies. They are not sought-after businesses at this stage when there is a lot of negative publicity about whether the operators are performing well. The goodwill of lottery agents is being eroded by this negative publicity — and once again as Dick McIlwain rightly points out, this is all the state government's work.

Intralot has had a lot of teething problems, and that has impacted on the agents in a number of different ways. Some of the agents were late in being connected, and they suffered a loss of revenue. I know my family's business was connected three or four days late. During that time they were not able to sell any scratchies or keno games or any of the other games. They were most upset about that. There were other agencies in town selling those games, and my family suffered a loss of revenue, as did many other agents who were not connected in time for the 1 July starting date.

Intralot has suffered some problems with its terminals, which have unfortunately been slow and unreliable. There has been a lot of down time for agents because terminals have not been working. Agents have had to call technicians into their business multiple times in one day. All this leads to a loss of revenue and additional costs as well as the time agents have to spend with technicians when they are at their businesses.

Customers have expressed dissatisfaction about the frustration of having to wait for retailers who are having to cope with the slower processing of these terminals. There has also been a problem with some terminals that have played games that were not even required by the customer. When you play keno there is an option to play a high-low game, which is an additional game. It is like playing super 66 in Tattslotto. In my sister's agency she had a problem where people were not selecting a high-low game but the terminal was playing that game. She would void the ticket, play that game on that ticket and then void the ticket again. After about the seventh time, the customer would say, 'Just give it to me anyway'. So sales were made by default because the terminals were not operating correctly.

Some of the prize readers on the terminals were displayed in Greek, which was a real problem for agents who were not Greek and could not read the prize reader. The most disappointing thing for Tatts agencies about customers' dissatisfaction with the games and the terminals is the impact it has had on their status as people who deliver a quality service. Tatts agencies always strive to deliver a high standard of customer service. In customer service surveys, you always notice that Tattersall's agents have rated very highly for being good retailers and providing good service. The problems they have had with the introduction of Intralot has probably eroded some of that status. That would be most disappointing to those who strive to deliver high-quality service.

Some of the games that moved from Tattersall's to Intralot have also changed slightly, and some of these changes have not been welcomed by the lottery-playing public. One of the changes made to keno has proved to be unpopular. When Tattersall's had keno, a spot 10 keno — winning 10 out of 10 — paid a minimum first prize of $200 000. Tattersall's often used to pump that up to $1 million. It found that when it dropped that first prize back to $200 000 the game was not selling. It then went on to guarantee $1 million at every draw. Sometimes the first prize was even higher than $1 million. Intralot has dropped the first prize for 10 out of 10 to $100 000. That has been unpopular with players, who were used to knowing that if they got 10 out of 10 they would get $1 million. Now that it is only $100 000 it is not nearly as appealing to players.

One of the other changes that Intralot has made to keno is that one draw a day has gone to two draws a day. People used to play keno for $1 per day, $7 per week. They liked to have the same numbers in every draw, because they were afraid that, if they did not go in to play keno on Tuesday night, that would be the night their numbers would come up. Now that keno has two draws a day, it is forcing players to play twice as much. It has doubled the cost for players who want to ensure that their numbers are in every draw. There is really not a large enough market for two draws a day.

I sincerely hope for both the agencies and Intralot that these issues are just teething problems and that all these things can be rectified. We want to see Intralot go on to be successful, because agents have invested their money in it. We want to see the agents also be successful.

I have one piece of advice to give to Intralot: it should be promoting its games and not itself. We see a tram running around Melbourne emblazoned with the words 'The luck factory' and we see advertisements on television that say 'The luck factory'. What does it mean? It does not inspire me to buy a scratchie ticket and it does not inspire me to buy a keno ticket. When Tattersall's advertises its Powerball game or Tattslotto we know what it is advertising and we know what we are buying, but 'The luck factory' does not inspire me to go out and buy a keno ticket or a scratchie. That is a piece of advice for the Intralot people.

The government said it was introducing a second operator in this state to create competition. The government's press release says:

> The awarding of these licences has introduced competition into the lottery industry in Victoria for the first time …
>
> …
>
> This competition will ensure a better return to Victoria over the next 10 years than if an exclusive licence had been awarded to one company.

It goes on to refer to the types of games that each operator will have and says:

> Tattersall's will continue to operate lottery product, such as Saturday Lotto, Oz Lotto and Powerball —

and that —

> … Intralot has been awarded the licence to operate instant lotteries, known as scratchies.

It turned out to be a little more than just instant lotteries that Intralot was awarded. The two licences have not actually created true competition in this state, because the two operators do not sell each other's products. They are not competing against each other with products. In Tasmania when a second operator was introduced Tattersall's was allowed to continue to sell its Golden Casket scratchies. I am told that because the agents who were selling the lottery products also had the scratchies, only three agents actually took up the option to have a licence with the second operator.

The competition this has introduced into this state is a competition between Tattersall's and Intralot for prime space in stores. This has made retailers the meat in the sandwich as the two lottery licence operators compete for space in their stores and make demands on the retailers, and this has led to disputes between Tattersall's and retailers. These disputes have now come to a stage where the small business commissioner has been involved in sorting them out. This is a great shame because these are people who had very good working relationships before, and now the relationships have deteriorated to a point where the small business commissioner and the Australian Competition and Consumer Commission have had to be called in. This has created another cost for lottery operators, as they

have to suffer the expense of attending hearings. It also has an effect on their health and wellbeing through additional stress. As Dick McIlwain rightly points out, 'This is all the state government's work'.

The Minister for Gaming and the Minister for Small Business are not very popular amongst the 700 small businesses that operate lottery agencies in Victoria at the moment. The Minister for Gaming, Tony Robinson, attended the Lottery Agents Association of Victoria annual general meeting in May this year as the guest speaker. Many of the agents who turned up expected him to answer the questions they had about a second operator in this state. Tony Robinson spoke for about 5 minutes. He refused to take questions, and then he left. He was booed out of the auditorium. Then one agent stood up and moved a motion of no confidence in the minister and in the Brumby government.

But let us talk about how the agents feel today. I have an email that arrived the other day, on 4 September, from one of the agents. In the subject box it reads:

> You're stupid, Minister. Please do something about it.

The body of the message reads:

> Sergeant Robinson is on a stupid roll. The lottery stupidity I have previously spoken about —

because this agent sends a lot of emails —

> will continue to boil. I have travelled across this state in the past three weeks, from Warrnambool to Bairnsdale, Mildura to Wonthaggi, and one thing is certain.
>
> Every lottery agent I have spoken to:
>
> 1. has lost considerable money in the gaming licence changes;
>
> 2. has not heard directly from either Robinson or No Hoper —

which I believe is the Minister for Small Business, Joe Helper —

> 3. and is being pressured by Tattersall's to cough up unproductive space or lose — —

Mr Lenders — On a point of order, Acting President, Ms Lovell is quoting from an email. I accept that, but in quoting from an email she is also using very unparliamentary language about two of my colleagues in the Assembly and casting aspersions by describing ministers as stupid and no-hopers. I ask her to withdraw. I understand it is a quote, but she is reflecting on other members of Parliament in an unparliamentary manner, and I ask her to withdraw.

The ACTING PRESIDENT (Mr Elasmar) — Order! I ask Ms Lovell to withdraw, because she cannot use the words of others.

Ms LOVELL — I withdraw, but I will continue to quote this lottery operator, who said:

> 3. and is being pressured by Tattersall's to cough up unproductive space or lose their lottery agent contract.
>
> I have seen financials showing average income of $24 per week over the past two months — less $25 freight charges and $33 per month terminal fees.

So it was a loss to that agent. He continued:

> One agent showed me their online transactions with Intralot were $7.20 — for the week.
>
> Some agents could not afford to take on the Intralot product therefore suffer a loss of business for themselves and their small towns. When a local can't purchase what they want locally, they go to the larger centres and purchase that and other stuff. Small towns die. Stupid.
>
> This is not the fault of Intralot — it rests squarely with Robinson and No Hoper as the Minister for Gaming, who made the decision to appoint Intralot, and the Minister for Small Business, who is supposed to be looking after the interests of small business. And let us be clear, it is over 700 independent small businesses who are suffering. No big ones. No multinationals. Just the little guy. Buried under a $15 million debt because the sheriff wanted competition and more money from gaming.

I believe when he referred to the sheriff he meant the Premier. He went on:

> As an aside, how stupid is it to claim competition when Intralot and Tattersall's do not compete on any product. Where is the competition? Stupid.

That is how the lottery agents still feel about the introduction of a second lottery licence in Victoria. As I said, I hope for the agents' sake and for Intralot's sake that the second lottery licence can be made to work, because lottery agents have invested significant amounts of money in purchasing contracts with Intralot. We all want to see small businesses thrive in this state; we do not want to see small businesses suffer as they have been suffering.

I call on the Minister for Small Business, Joe Helper, and the Minister for Gaming, Tony Robinson, to step in and sort out this mess. They should stop, pull their heads out of the sand and instead of thinking that things are going to be all right get in and sort out the mess.

The provisions that were introduced by this piece of legislation and will be repealed under this bill have caused great distress, additional cost and red tape for over 700 Victorian small business operators. In the

words of Dick McIlwain, 'This is all the state government's work'.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

COUNTY COURT AMENDMENT (KOORI COURT) BILL

Second reading

Debate resumed from 21 August; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The County Court Amendment (Koori Court) Bill extends the jurisdiction of the Koori Court from the Magistrates Court to the County Court. The Koori Court is an initiative that was introduced in 2002, which allowed people of Aboriginal descent who pleaded guilty to offences in the Magistrates Court to be dealt with through an alternative sentencing mechanism that had regard to their Aboriginal heritage, through reference to an Aboriginal elder from their community and to the circumstances they experienced within their Aboriginal community.

It would appear that that Koori Court mechanism within the Magistrates Court has been successful in reducing recidivism among Aboriginal people who are brought before the Magistrates Court on summary offences. The purpose of this bill is to extend that mechanism of the Koori Court into the County Court. The bill provides that the Koori Court mechanism will apply for offences other than sexual offences or family violence offences where the defendant meets the definition of Aborigine under the legislation, where that person pleads guilty and where they consent to the proceeding being heard in the Koori Court and the Koori Court division of the County Court considers it appropriate that that matter be dealt with through the Koori Court. A number of threshold tests are required to be met prior to a matter being dealt with by the Koori Court division of the Country Court.

Once the defendant has pleaded guilty and the matter has been accepted by the Koori Court the sentencing process surrounding that proceeding is dealt with using a similar mechanism to that currently used by the Koori Court division of the Magistrates Court. This is an informal process that leads to a sentence that recognises the defendant's Aboriginal heritage and the Aboriginal culture in which they live. It has regard to Aboriginal elders in the community. A respected person within the Aboriginal community can bring information on the defendant's background and involvement in the Aboriginal community and can make recommendations which will be accepted by the judge in considering the way that the defendant's Aboriginal background can be used in the sentencing process to produce an outcome that leads to a better community result and that hopefully leads to lower recidivism rates, as apparently has occurred with the operation of this division within the Magistrates Court.

As expected, the bill provides for the making of rules in the division within the County Court. It is intended to operate in a similar manner to the Koori Court division of the Magistrates Court. To that extent, the initial trial and subsequent permanent provision of a Koori Court within the Magistrates Court appears to have been successful. The coalition parties do not oppose the extension of the Koori Court to the County Court. However, we note that the County Court, by definition, deals with more serious matters than are dealt with at the Magistrates Court level; it deals with serious indictable offences. The community as a whole believes that where there are more serious offences, the penalties should be more severe. It remains to be seen whether the application of the Koori Court process in the County Court will deliver results that are acceptable to the community, given that the County Court will be dealing with more serious offences compared to the type of offences that are dealt with at the Magistrates Court level in its version of the Koori Court.

One of the other concerns the coalition parties have is the relative distance between the County Court and the community from which the Aboriginal person is likely to come. Where the Koori Court operates within the Magistrates Court jurisdiction the court often sits locally. It has access to a police prosecutor with local knowledge of the circumstances of the person and the community and it has access to Aboriginal people from that local community. Once that is removed to the more senior jurisdiction of the County Court, most often sitting in regional centres or in Melbourne, the access to a prosecutor with intimate knowledge of the community will be reduced. The access to people from the particular Aboriginal community with knowledge of the person and the circumstances will also be reduced. There is concern that, in lifting the Koori Court to the level of the County Court jurisdiction and removing it from the local level, a lot of the intimate knowledge that has made the operation of the Koori

Court in the Magistrates Court successful will be removed, potentially inhibiting the successful operation of the Koori Court at the County Court level.

As I said, the extension of the Koori Court into the County Court is not opposed by the coalition parties. However, we note that there will be some significant differences in how it operates at a County Court level as opposed to a Magistrates Court level. While we do not oppose this extension of the Koori Court to the County Court, in the same way as we were supportive of its introduction in the Magistrates Court, we note that there is potential for significant impediments in how a Koori Court operates within the County Court jurisdiction. This matter will need to be reviewed once it has been implemented. The initial introduction into the Magistrates Court was on a trial basis; I think it was a two-year trial. This introduction to the County Court is not on a trial basis. Possibly there should have been a provision in this bill that it be tried for a two-year period and reviewed subsequent to amendment, with then an extension to an ongoing basis. However, on the whole we believe this will be a useful addition to the base of the County Court in dealing with indigenous offenders. The coalition parties do not oppose this extension of the Koori Court to the County Court.

Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).

Debate adjourned until next day.

ABORTION LAW REFORM BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Minister for Environment and Climate Change).

ADJOURNMENT

Mr LENDERS (Treasurer) — I move:

That the house do now adjourn.

Rail: Geelong car parks

Mr KOCH (Western Victoria) — My adjournment matter is for the Minister for Public Transport and concerns the lack of adequate car parking for rail passengers at Geelong's major railway stations. The Brumby government has failed to provide sufficient car parking for rail travellers at Marshall, South Geelong and Geelong railway stations. Commuters quickly fill existing car parks. They then park on neighbouring streets, making it difficult and in some cases impossible for local residents to exit or enter their properties. The shortage of all-day parking in Geelong's central business district also encourages local workers and students to fill up car parking spaces, particularly at the Geelong railway station. Once car parks are filled, local workers and commuters often ignore no-standing zones, pathways and laneways in looking for a spot to park their cars. Limited enforcement does little to discourage illegal parking, and there are times when the police have been called in to help motorists negotiate illegally parked cars in these overcrowded car parks.

While car parks remain at a premium on weekdays at the Marshall, South Geelong and Geelong railway stations, frustrating both commuters and locals, elderly residents and those wanting to take advantage of off-peak travel to Melbourne find it impossible to park anywhere near the station. This not only inconveniences rail users but forces elderly patrons to walk long distances to reach the platform and, for the unwary, increases the likelihood of missing the train. Current parking facilities are unable to cope with the pressure of increasing demand. The need for additional parking areas at Geelong's railway stations is long overdue.

Although the government allocated a miserly $5 million from its so-called Moving Forward strategy for provincial Victoria to construct park-and-ride parkways at major stations on rail corridors leading into Melbourne, none was allocated for Geelong. Enlarging station car parks would encourage more people to travel by train to Melbourne, which in turn would reduce congestion on major arterial roads.

But as there are limited opportunities to enlarge either the South Geelong station or Geelong station car parks, a new purpose-built park-and-ride facility with a platform and secure car parking should be constructed at the Melbourne end of the Geelong ring-road. By enhancing this new facility with frequent express services to Melbourne, pressure on existing car parks at other Geelong stations would be reduced, and the rail services for off-peak travellers would be improved.

My request is for the minister to reduce railway station car parking congestion at Geelong by constructing a new purpose-built park-and-ride facility that incorporates express services to Melbourne.

Sale Primary School: Japanese program

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Minister for Education. On 9 April on the

adjournment in this place I raised the matter of the need for a room to accommodate the highly successful languages other than English (LOTE) program in Japanese at the Sale Primary School. The reason for this was that the lack of accommodation at the school was placing the future of the school's LOTE program in jeopardy. The Minister for Education had previously indicated that Sale Primary School had enough classrooms based purely on its enrolment numbers rather than its education needs.

Precisely five months later I have received the minister's written response to the adjournment matter. Sale Primary School is getting two more portable classrooms, arriving in the upcoming school holidays and to be ready for use sometime in the final term this year. But there is no certainty that the extra accommodation will resolve the problem of providing a separate learning area for the LOTE classes. I am advised that once the rooms are ready for use, the school then has to decide what they will be used for — and in this consideration, regular classroom use has priority over special programs such as LOTE.

I am aware it is education policy not to provide dedicated teaching areas for LOTE programs at any school. This creates an anomaly, given the importance placed on providing students with the opportunity to learn other languages. Therefore I ask the minister to act to ensure that dedicated accommodation is provided progressively to schools throughout Victoria for LOTE programs as part of the government's ongoing, broader upgrade of school buildings and facilities.

Tourism: Shepparton

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Tourism in the other place regarding the draft regional tourism action plan. My request of the minister is for the minister to ensure that Shepparton and other Goulburn region towns feature more strongly in the Victoria Jigsaw marketing campaign and that funding is allocated for investment attractions within the municipality of Greater Shepparton as part of the final regional tourism action plan.

As a member of the parliamentary Rural and Regional Committee I was pleased to be a part of the committee's inquiry into rural and regional tourism, the final report of which was released in July this year. Various contributors to the inquiry told of how the Jigsaw marketing campaign did not necessarily suit their needs and in some cases created confusion in the minds of consumers. Shepparton has been placed in the Murray piece of the Jigsaw, but has seen little benefit from this placement — a situation that has not been helped by the fact Shepparton is not even mentioned on the main website page for the Murray region.

Kaye Bernardi, a Shepparton tourism operator and president of Tourism Greater Shepparton, told the committee that though Shepparton is part of the Murray Jigsaw piece it clearly does not fit there. She said:

> We are clearly located an hour's drive from the Murray River, we do not belong to the goldfields nor the high country; there needs to be an extra piece of the puzzle for the Goulburn regions of Shepparton, Seymour, Benalla and Nagambie.

Recommendation 31 of the committee's final report states:

> That Tourism Victoria reinvigorate the Jigsaw campaign concept of 'you'll love every piece', paying particular attention to those places in regional Victoria where tourism stakeholders currently feel disconnected from the Jigsaw campaign regions.

The minister has a golden opportunity with the draft regional tourism action plan to reinvigorate the Jigsaw campaign and ensure places such as Shepparton are adequately marketed.

Instead, in the Murray region no funds have been allocated for investment attractions in the Greater Shepparton municipality. The draft indicates that international marketing will have an increased focus, particularly for those regions close to Melbourne, creating concern that once again regional areas further away from Melbourne may miss out on an adequate share of funding, particularly funding for domestic tourism. Given that the regional tourism action plan will dictate funding directions up until 2011, it is vital that the minister address these concerns before the final plan is released.

With this in mind I request that the minister reinvigorate the Jigsaw marketing campaign to ensure that Shepparton features more strongly, and that funding is allocated for investment attractions within the municipality of Greater Shepparton as part of the final regional tourism action plan.

Hillview Bunyip Aged Care: hostel expansion

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the Minister for Environment and Climate Change, Mr Jennings. I have been contacted by Cr Bill Pearson of the Shire of Cardinia. Cr Pearson has been long involved in the proposed expansion of the hostel in Bunyip. It is a $4.5 million expansion. It has been in the planning and development process for three years. It would provide 26 independent living units for mature age people. It is

a necessary and needed expansion for the town and for the area.

The proponent of the expansion has been through the normal council processes and has obtained a planning permit for the expansion. In recent months it has come to the attention of the council, of the Department of Sustainability and Environment (DSE) and obviously of the expansion proponent that there is a bandicoot living in the location where the expansion is due to take place. I am informed that the number of bandicoots in the area is increasing. I was unaware of this fact, but Cr Pearson tells me that DSE staff and council officers have done a significant amount of work with regard to the number of bandicoots in the area, and it has increased significantly.

The issues that have been given to me are thus. DSE is requesting that a qualified zoologist conduct a study as to the potential relocation or management plan for the bandicoot. A qualified zoologist is proving to be very difficult to locate and source. Of course the other issue is the cost associated with such a zoologist, if one can be found. That has been a real challenge for the proponents of the project.

I seek the minister's intervention in this process to allow the necessary expansion of the hostel to occur in a manner that can facilitate the relocation of the bandicoot at the same time.

Wallace Recreation Reserve: funding

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Sport, Recreation and Youth Affairs. It concerns the application to the country football and netball program 2008 by the committee of management of the Wallace Recreation Reserve to upgrade its facilities. The Wallace Recreation Reserve facilities need major improvements, and the committee is striving to offer the community the best opportunity to participate in an umpired sport for all ages.

The funding application will have a major focus on providing new change rooms for both female and male umpires and will also include a new medical area for any injuries that may occur. This will be stage 1 of a major master plan for the upgrade of structural facilities at the reserve.

In recent years extensive renewal of outside facilities at the Wallace reserve has been undertaken, including new netball courts and lights, playground improvements and major lighting projects for the football oval. There have also been extensive upgrades of the kitchen and the coaching facilities. The facility caters for at least 400 participating athletes and support staff on any given day. Wallace Recreation Reserve is seeking a grant of $60 000 from the country football and netball program, which is less than one-third of the total cost of approximately $200 000.

The action I seek from the minister is to support this application from the Wallace Recreation Reserve, which would provide better and healthier sporting opportunities for this hardworking community at Wallace.

Smoking: sporting facilities

Mrs COOTE (Southern Metropolitan) — My adjournment matter this morning is for the Minister for Health and is on the issue of smoking at sporting facilities. We all know the great cost to our community of tobacco and what it causes. Tobacco use remains the leading preventable cause of illness and death in Victoria and costs our community about 4000 lives and $5 billion a year. I think everybody acknowledges that smoking is harmful, and significant issues have been raised and actions taken to prevent smoking and reduce tobacco advertising. We would all agree — those of us who are left in this chamber — that smoking at sporting facilities is to be discouraged.

Patrons at the Albert Park Golf Driving Range in my electorate are permitted to smoke. Golf is supposed to be a healthy exercise; it is supposed to be done by people who are healthy. We are encouraging people to live a healthy lifestyle, and people smoking in an area where smoke blows back onto golfers who are using the driving range should not be condoned. The President might like to add something to this. The reality is that this practice should be stopped as a matter of urgency. It is sending out a duplicitous message, and it should be addressed as a matter of urgency.

The Brumby government is very good at talking the talk, but it is not walking the walk. The Albert Park driving range is on Parks Victoria land, and as Parks Victoria administers this area it should be taking a lead role in making quite certain that its own adage, 'healthy parks, healthy people', is adhered to.

The action I am seeking is for the minister to explain, as a matter of urgency, why the banning of smoking on public golf course driving ranges was not included in the Victorian Tobacco Control Strategy 2008–2013.

Werribee Mercy Hospital: funding

Mr FINN (Western Metropolitan) — I wish to raise a matter this morning for the attention of the Minister for Health. I have recently contacted — —

Mr Dalla-Riva — He has come forward.

An honourable member — He is over there.

Mr FINN — Is he? Good of him to come in. Timing is everything in this caper!

I was recently contacted by a constituent who was pregnant with twins. Being the father of three-year-old twins myself I began to tell her of the joys of what she was in for. But she also informed me that twins bring not only joy but also trauma, which I have to say I was also aware of.

This constituent planned to have her babies at the Werribee Mercy Hospital but, as fortune often dictates, her waters broke early and she was forced to go to the Mercy at Werribee to seek treatment. There she was told that that particular hospital was not equipped for births with complications of that nature. She was very unhappy to receive that news, as you could understand, but she was transferred to the Mercy Hospital for Women at Heidelberg — an excellent hospital that I can give full marks from personal experience.

The babies were born but were premature and very small, and they needed special treatment. I can — once again from personal experience — speak of the marvellous work the Mercy hospital does in looking after these tiny babies, some of whom are born at just 22 or 23 weeks gestation. The babies remain at the Mercy in Heidelberg as we speak. Mum has gone home to the western suburbs, and that in itself has presented real problems for this young mother who clearly wants to visit her babies. Added to that, her husband is a building contractor in the west and the daily journey to and from Heidelberg is a very real strain on a bloke who also has to work to provide for his wife and new family.

I relate the story of this family to illustrate to the minister the problems faced by so many in Melbourne's west who find themselves in a similar position. The population of Melbourne's western suburbs is exploding, with many young couples and families moving in to start their new life, yet with so many births in the west on the cards in the next decade or two there is no hospital or other medical facility capable of coping with births of the nature I have described.

If it takes into account the Williamstown Hospital's maternity ward closure and the proposed policy of not allowing mothers to choose to have their children at inner city hospitals, I am sure the house will see the difficulties many women and families in the west find themselves in. I recognise, given the legislation that the health minister has been guiding through the Parliament this week, that the welfare of babies may not be at the top of his list at the minute, but I ask the minister to give urgent attention to the matter that I have raised.

I ask the Minister for Health to provide the necessary funding to the Werribee Mercy Hospital to enable that hospital to cater for the needs of one of the fastest growing regions in Australia and to look after young Victorians and their mothers in Melbourne's west.

Boeing Australia Ltd: jobs

Mr DALLA-RIVA (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Industrial Relations. It relates to the recent issues surrounding the aircraft giant, Boeing. In April 2008 the aircraft supplier had a significant strike involving the AMWU (Amalgamated Metal Workers Union). The strike went for three days, it cost Boeing in excess of $1.2 million a day and 660 people were left out of work.

It is important to understand the impact this had on Boeing and in particular on Hawker de Havilland, which supplies important components for the 787 Dreamliner in Seattle and a range of other parts for other aircraft. The strike unfortunately appears to have been over an issue involving the AMWU and Boeing's factory at Fishermans Bend.

The reason I am asking for the attention of the Minister for Industrial Relations is that just recently, on 24 August this year, Boeing announced that it would scrap 550 jobs at that plant. The information appears to be that the move by the firm to wind down the manufacturing plant, as it were, was a direct result of some of the intimidatory practices undertaken by the AMWU during the strike campaign in April. This has been a significant issue for Boeing and for industry in Victoria, so my adjournment request is for the minister to undertake a full investigation into the AMWU-sanctioned industrial activities involving Hawker de Havilland at Fishermans Bend and to discover exactly what the real circumstances were in terms of the impact the AMWU had on the subsequent job losses at that plant.

The PRESIDENT — Order! The matter raised by Mr Dalla-Riva is being ruled out of order on the basis that the Minister for Industrial Relations has no jurisdiction to act on an industrial matter covered by a federal award. That matter is between that federally registered union and the company, and there is no capacity for the Minister for Industrial Relations to deal with it.

Southern Rocycling: operations

Mr ATKINSON (Eastern Metropolitan) — I wish to raise a matter with the Minister for Planning, who is clearly in another place. I raise with him the issue of Southern Rocycling and uses with respect to properties with access off Heatherdale Road or that are hedged between Heatherdale Road and the new EastLink freeway in Ringwood. There are a number of uses along this particular road that have been lower order uses, perhaps to some extent in anticipation of the freeway development. Certainly in the case of Southern Rocycling there has been a significant issue in the local area as to the appropriateness of that particular business occupying land in this area, particularly given a series of contraventions of planning scheme and Environment Protection Authority licence restrictions — matters of general nuisance to residents, associated with noise, dust, vehicle movements and so forth. Indeed in a number of instances there have been some prosecutions and a range of penalties applied to Southern Rocycling.

I am concerned, given that EastLink has now opened, that there is a need to review the land uses along that corridor with the ends of both trying to achieve some more harmonious uses from a residential point of view and also quite possibly a better economic return on the land, because many of these uses are underutilising the land involved. I expect that over time some of those involved with the uses along Heatherdale Road might well relocate themselves. In the short term, however, I ask the minister to liaise with the Maroondah City Council and the adjoining Whitehorse City Council to identify opportunities to change land uses along Heatherdale Road, and particularly to address the issue of Southern Rocycling, which has been such a problem in the local community.

Eastern and Monash freeways: noise barriers

Ms PENNICUIK (Southern Metropolitan) — My matter is for the Minister for Roads and Ports, Mr Pallas. Freeway noise is a major issue of concern for residents in the cities of Boroondara and Stonnington. The VicRoads traffic noise policy requires noise walls to attenuate noise to 68 decibels on all existing freeways. Under this policy, noise walls are required on sections of the Eastern Freeway and Monash Freeway abutting the cities of Boroondara and Stonnington to attenuate noise to 68 decibels, yet the state government requires freeways under the management of Transurban to be fitted with noise walls designed to attenuate noise to 63 decibels. A level of 68 decibels is about 30 per cent louder than 63 decibels, because decibels are measured in a logarithmic scale. Noise at this level would be a source of stress to those exposed to it constantly.

This inconsistency in traffic noise policy subjects the residents of Boroondara, Stonnington and all Victorian residents residing close to existing freeways under VicRoads jurisdiction to higher levels of noise pollution than those who reside close to freeways under Transurban jurisdiction. The noise barriers which have been installed along the Eastern and Monash freeways provide little protection for residents living in the vicinity of the freeways, and this is likely to worsen with the Monash Freeway expansion and the connection of EastLink to the Eastern Freeway.

The Boroondara City Council advised me that it has written to the Minister for Roads and Ports, the Minister for Planning, the Minister for Public Transport, VicRoads and the Environment Protection Authority over several years, requesting that appropriate noise barriers be installed along the Monash and Eastern freeways to attenuate noise levels to 63 decibels or better. The council is also providing updates to residents via community meetings and has engaged consultants to determine existing traffic noise and air quality levels at eight locations along the Eastern and Monash freeways, with further testing scheduled for October to gauge the impact of the opening of EastLink and of further construction activity along the M1 project.

I have been contacted by a representative of the Noise Abatement Action Group, a collective of residents in the Glen Iris and East Malvern area who are most alarmed about the quality of noise-attenuation measures being installed along the Monash Freeway as part of its expansion. Members of the Noise Abatement Action Group do not understand why those areas are being discriminated against by VicRoads and the state government, which are offering a lesser level of noise attenuation than that required to be provided by Transurban along CityLink and by ConnectEast along EastLink.

The government needs to address this issue seriously. My request to the minister is that he address deficiencies in the current traffic noise policy and provide adequate funding to install appropriate noise barriers to mitigate noise levels to 63 decibels on all freeways.

Responses

Mr JENNINGS (Minister for Environment and Climate Change) — I have three answers to matters that have been previously raised on the adjournment.

They are to matters raised by Mrs Petrovich on 30 July and again on 31 July, and Mrs Kronberg on 19 August 2008.

For tonight's adjournment matters, David Koch raised a matter for the Minister for Public Transport seeking increased services on the Geelong connection to the city.

Philip Davis raised a matter for the attention of the Minister for Education seeking support for facility development at Sale Primary School.

Wendy Lovell raised a matter for the Minister for Tourism and Major Events seeking a larger piece of the jigsaw for the Greater City of Shepparton.

Edward O'Donohue raised a matter for my attention. He asked me to find zoologists in Bunyip where bandicoots have been found and to try to reconcile the hostel development aspirations in Bunyip with protection for bandicoots. I shall look into that matter.

John Vogels raised a matter for the Minister for Sport, Recreation and Youth Affairs seeking his support for a development at the Wallace sportsground to provide better facilities.

Andrea Coote raised a matter for the Minister for Health. She is seeking that he review smoking bans and limitations being placed in sporting facilities.

Bernie Finn raised a matter also for the Minister for Health. I am pleased with the diplomatic way he concluded his request for additional maternity services within the western suburbs, because I thought he was going to lead somewhere else. I congratulate him on the respectful and dignified fashion in which he concluded his request.

Mr Finn — It is just that I ran out of time.

Mr JENNINGS — I reckon it is probably a hallmark of better things to come for us all!

Mr Atkinson raised a matter for the attention of the Minister for Planning seeking his review of the land-use corridor adjacent to Heatherdale Road.

And Ms Pennicuik raised a matter for the attention of the Minister for Roads and Ports. I thank her for providing me with something that I learnt today — that decibels are measured on a logarithmic scale. She sought the support of the Minister for Roads and Ports in making sure that noise barriers are provided along the roadways in Boroondara and Stonnington.

House adjourned 1.33 a.m. (Friday).