PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 12 November 2008

(Extract from book 16)

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By authority of the Victorian Government Printer

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Legislative Council committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
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Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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WEDNESDAY, 12 NOVEMBER 2008

Wednesday, 12 November 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

PETITION

Following petition presented to house:

Transport: east–west link needs assessment

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 opposition of the residents of West Sunshine, West Footscray and residents of Victoria to the roads proposed through our suburbs in the proposed east–west link.

The petitioners therefore request that the government of Victoria reconsider the Eddington proposal and reject the road tunnel and linked tollways. We believe that they will lead to further congestion and pollution. With peak oil and climate change, roadways are not the solution to Melbourne's transport problems.

We oppose the compulsory acquisition of homes, schools, public parks and facilities. Please consider improving public transport as an alternative. This can be achieved by upgrading existing transport infrastructure, which will achieve a system that is fast, frequent and well connected. Better public transport would reduce congestion, ease the carbon emissions and provide a welcome service of benefit to Victoria. Shifting 500 000 single occupancy cars off the roads by a better public transport provision would save 700 000 tonnes of CO_2 per year.

By Ms HARTLAND (Western Metropolitan) (2754 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General —

Report on Biosecurity Incidents: Planning and Risk Management for Livestock Diseases, November 2008.

Report on Managing Acute Patient Flows, November 2008.

Report on School Buildings: Planning, Maintenance and Renewal, November 2008.

Victorian industry participation policy — Report, 2007–08.

MEMBERS STATEMENTS

Police: Ashburton station

Mr D. DAVIS (Southern Metropolitan) — My matter today concerns the Ashburton police station. As I have moved around the Southern Metropolitan Region, particularly through the Ashburton and Glen Iris section of the region, it has been very clear that people are angry with Bob Stensholt, the member for Burwood in the Assembly. They are angry with the government for its planned closure of the Ashburton police station. Violent crime figures in the area are up and a number of Neighbourhood Watch coordinators have expressed to me their concern about the impact this planned closure will have.

I call on Mr Stensholt and the Minister for Police and Emergency Services to make resources available to enable the police to maintain the Ashburton police station at a higher standard. It is simply too far for police to be forced to travel from the Camberwell central area to Ashburton and Glen Iris in a timely manner. A local police presence is absolutely critical. This would mean that police would be visible and able to attend in a timely manner. The community feels safer and more secure with a local police presence. In this day and age, given the high promises the government and Mr Stensholt made in 1999, to be planning an outrageous closure of the Ashburton police station is something I think he should hang his head in shame about.

Ambulance services: wages and conditions

Ms HARTLAND (Western Metropolitan) — At 11.30 a.m. today I will attend a rally in support of Ambulance Employees Association members. The AEA has been in negotiations with the government since April this year — that is over seven months — on its new enterprise bargaining agreement. The union wants better pay, a 10-hour rest break and more staff. With regard to the 10-hour rest break, currently ambulance officers receive 8 hours. Can members imagine what it is like to work as an ambulance officer on a Saturday night and only have an 8-hour break before you are due back at work, with at least 2 of those hours probably being used just to get home? Currently there are simply not enough ambulance officers. Response times are blowing out, and this is putting the community at great risk. I urge government members to come out with me to the steps of Parliament today and speak to the ambulance officers and their union to help to quickly resolve this issue.

Remembrance Day

Mr ELASMAR (Northern Metropolitan) — I rise to honour Remembrance Day. It is a time for us all to reflect on the Great War. The historians called it the war to end all wars — if only that had been true! The men and women who fought and died during the years 1914 to 1918 have never been forgotten, nor will their courageous sacrifice be forgotten. In 1918 at the 11th hour of the 11th day of the 11th month the armistice was declared. I salute the fallen heroes. Lest we forget.

Kangan Batman TAFE: annual report

Mr ELASMAR — Kangan Batman TAFE has won a top marketing award for its annual report. It won the award at the 2008 Australian TAFE Marketing Association awards of excellence. I congratulate Kangan on this wonderful achievement.

Housing: interest rates

Mr ELASMAR — According to the latest Real Estate Institute of Victoria figures for the September quarter, in some areas of my electorate house prices have fallen. However, the Reserve Bank of Australia made all homebuyers winners on Melbourne Cup Day when it lowered the official interest rates by 0.75 per cent. I only hope and pray that the banks pass on the full rate cut.

Casterton Memorial Hospital: centenary

Mr KOCH (Western Victoria) — Last Thursday night I was delighted to attend the 100th annual general meeting of the Casterton Memorial Hospital. As the Koch family has had a long association with the hospital in the capacities of nursing staff, board members and supporters of the many fundraising activities held over the years, it was an absolute pleasure to be present at the special meeting.

After 100 years of service, the Casterton community is justly proud of its hospital, and to recognise this major milestone, centenary celebrations were held during the week of 6 to 12 October. The board of management, ably led by president Roger Dalby, with a budget exceeding $6.25 million, continues to maintain the hospital's financial sustainability by recording an operating surplus in excess of $182 000 over the last financial year — something many larger hospitals have failed to achieve.

For a smaller country hospital serving a district with 4000 residents and the travelling public, a remarkably wide range of services is available, including inpatient treatment, residential care, district nursing, community health, Meals on Wheels, allied health and in-vitro fertilisation services provided through Monash IVF.

I extend my congratulations to the dedicated staff and management team under the leadership of chief executive officer Owen Stephens and to the many volunteers in the community who freely give of their time, energy and money to support the ongoing delivery of first-rate health services at the Casterton Memorial Hospital.

Northern Victoria Region: Premier's reading challenge

Ms DARVENIZA (Northern Victoria) — Over the past week I have been very pleased to visit a number of schools in my electorate of Northern Victoria Region to hand out certificates for the Premier's reading challenge. I have been to schools in Wodonga, Cobram, Shepparton and Yarrawonga. The reception has been fantastic; the children are very enthusiastic about being presented with their awards signed by the Premier.

What a great effort it has been by students across Victoria, with more than 3.6 million books being read. In fact 210 000 students have participated, with more than 117 000 students completing the reading challenge. It is a great effort, and I congratulate the teachers, particularly the reading challenge coordinators and the librarians, for their support. I congratulate all the children who completed and participated in the reading challenge as well as the parents and grandparents whose support and encouragement of the students to not only take up the reading challenge but stay with it helped make success possible.

We all know that some students are very good at reading and others are not so good, but the more you read the better you get at it, and the better you get at reading the more you like it and therefore the more you read. The Premier's reading challenge is very successful, and I congratulate all those schools and students who have been involved.

Police: chief commissioner

Mr FINN (Western Metropolitan) — The past week has provided some very good news for those of us who care about law and order in the state and in particular Victoria Police; good news, or so we thought. Come March next year it would seem that the position of Chief Commissioner of Police could possibly become more than a pay-off to Emily's List, but given the attitude of this government to Victoria Police over the nine years it has been in office, I doubt it very much. It would seem that this government regards the position

of Chief Commissioner of Police as a prime spot for a political appointment, and I very much doubt that that will change.

Police: central business district

Mr FINN — We are also very excited to see that the government is going to seriously address lawlessness on the streets of the CBD (central business district). I have raised this a couple of times in the house, once as recently as a couple of weeks ago. I was very excited when I heard the government was going to put extra police on the streets in the CBD to tackle the violence, the drunkenness and the loutish behaviour we see on the streets, particularly on the weekends. But then I thought, 'Haven't we heard this announcement before?'. Yes. We have heard it once; we have heard it twice; we have heard it three times. This is the fourth time this government has announced this supposed initiative. We are still waiting for the police on the streets. Enough of the announcements. We want the police protecting innocent people on the streets of the CBD on the weekends and during the week. We need extra police on the beat now.

Western Hospital: renal dialysis unit

Mr EIDEH (Western Metropolitan) — It is absolutely tragic that one in three Australians is at risk of developing kidney disease during their lives. It is also tragic that some 2312 Victorians are currently receiving regular renal dialysis services. The only good thing that I can state to the house is that I am proud that Victoria leads the nation, yet again, in that it has the most comprehensive network of dialysis services in the nation. Moreover, I congratulate the Brumby Labor government and Daniel Andrews, the Minister for Health, for having refurbished the inpatient ward at the Western Hospital with a new renal dialysis service.

I was honoured to have been present with the minister when he opened this new service and was impressed with the warmth of the staff who were present. This upgrade was worth almost $25 million and is yet another promise delivered by this caring government for the people of my electorate. It is in addition to a little under $350 million in record funding for Western Health by the Brumby Labor government. I congratulate the minister and the government, and I am certain that the people of the Western Metropolitan Region all welcome the Brumby Labor government's commitment to their health.

Local government: elections

Mr ATKINSON (Eastern Metropolitan) — I wish to comment on local government elections. I hold to the view that what is apparent is not always true. The Manningham newspapers were quite excited about democracy being alive and well in the city of Manningham because many candidates were contesting the election. But, as we have found in the city of Whitehorse previously, having a lot of candidates is not necessarily an indicator of democracy. In fact when you have candidates who are deliberately not trying to get elected, who are simply running as dummy candidates to harvest preferences for preferred candidates, you have a diminishing of democracy; you are in fact corrupting democracy.

Manningham's Heide ward has 10 candidates, Koonung ward has 18 and Mullum Mullum ward has 12. I dare say that many of those candidates have absolutely no intention of taking a seat on the Manningham City Council. They are simply there to corrupt the postal voting system and to harvest preferences for other candidates. I also heard on the radio this morning a discussion of the Melbourne City Council elections and the suggestion that postal votes are being hijacked, particularly in some of the housing commission areas, by people who have absolutely no interest in a fair and proper election. I urge the government to require the Victorian Electoral Commission to review postal voting after these elections and particularly to look into the postal voting issue as it relates to dummy candidates.

South Gippsland: environment groups

Mr SCHEFFER (Eastern Victoria) — I commend the work of environment organisations working in South Gippsland. I was recently invited to participate in an environment briefing hosted by the South Gippsland Landcare Network. A number of key organisations participated, including the South Gippsland Landcare Network, the Western Port Slow the Flow Cluster, the South Gippsland weeds task force, Trust For Nature, the South Gippsland Conservation Society, the Friends of Venus Bay Peninsula and the Leongatha Seed Bank. Chief executive officers from the South Gippsland Shire Council and the West Gippsland Catchment Management Authority also attended. The group presented a range of issues facing South Gippsland environment groups, including the need for more resources and training for paid staff and volunteers and for better access to the latest research and data systems to help guide their work.

The groups also pointed to considerable successes such as the Landcare network's impressive strategic plan and effectiveness in raising awareness and skill levels amongst landowners. I commend the work of all these groups.

Wilderness Society Victoria: *Green Carbon*

Mr SCHEFFER — I also commend the Wilderness Society Victoria for commissioning the Australian National University (ANU) to research the role of natural forests in carbon storage presented in the recent publication *Green Carbon*. The key question the study asks is: how much carbon can natural forests store when undisturbed by intensive human land-use activity? The research aims to:

> … promote a scientific understanding of the role of natural forests in the global carbon cycle and in solving the climate change problem.

One important finding is that Australian natural forests have far larger carbon stocks than has been recognised. This is an important piece of research, and I commend the ANU and the Wilderness Society on the publication.

INFORMATION AND COMMUNICATIONS TECHNOLOGY: GOVERNMENT PROJECTS

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

> That this house —
>
> (1) notes with concern the repeated failure of the Bracks and Brumby governments to successfully deliver major ICT projects on time and budget including the ultranet, HealthSMART, the myki ticketing system, Project Rosetta, the criminal justice enhancement project, the housing integrated information program, e-conveyancing and the LEAP database replacement;
>
> (2) notes the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer; and
>
> (3) calls on the Minister for Finance, WorkCover and the Transport Accident Commission, as minister responsible for procurement, to develop ICT project management expertise within the Department of Treasury and Finance as a key element of all major government ICT procurement projects.

Information and communications technology (ICT) procurement in the Victorian government sector is now a major industry. The Auditor-General estimated that in 2007 the Victorian government spent $1.5 billion on ICT structure and assets. To put that in context, the government claims for the 2006–07 financial year that its total infrastructure investment was $3.2 billion, so the spend on ICT is approximately 45 per cent of the total amount the government has spent on infrastructure. It is a very significant item of government expenditure, and it is an item of government expenditure that the taxpayers of Victoria can and should expect the government to carry out efficiently and effectively.

Over the last 15 years we have seen major changes in the use of ICT by government. Going back to the previous government, which was a pioneer in introducing ICT to the Victorian government sector, we saw entities like the Parliament of Victoria adopt the use of basic ICT. We saw Parliament introduce a website, the document management system for legislative documents and a whole range of that type of generation 1 ICT projects. Those sorts of projects were introduced across government during that seven-year period.

More recently, under this government, we have seen the trend towards the use of ICT continue, and the projects have become more elaborate, more expensive and more complex. As expected, as you evolve through an ICT framework, the returns on those projects have also diminished. The early, simple projects were easy and had big returns. The projects have since become more complex, and the returns have proportionally diminished. Notwithstanding that, over that period of time we have also seen Victoria slip behind as a state jurisdiction delivering ICT projects. Through the 1990s Victoria was without doubt the leading jurisdiction in Australia among the states and the commonwealth in the use of ICT for service delivery to its constituency base and the use of ICT among government agencies. Victoria has now lost that leading position to other states and territories that have leapt ahead as Victoria has undertaken a number of significant ICT projects that have failed to deliver on their promises, both in terms of cost outcomes and the time frame in which they were to have been delivered.

The first element of this motion relates to the numerous projects which have not been delivered in accordance with the plans that were put in place for them. I would like to start by running through a few of those projects. At a number of my colleagues on this side of the house intend to speak at some length on particular projects in their portfolio areas, so I will not dwell on them in any great detail.

Firstly, I would like to touch on the ultranet project, which was announced in the course of the 2006 state election. It was intended to deliver within the education

system a platform upon which parents of children at state schools would be able to have online access to information about their children's performance and attendance at school. It was to be an interactive platform through which parents could interact with the school attended by their children to obtain progress reports and updated information about their children's attendance at school.

In 2007 the education department sought to take that project to market. It received funding of $61 million to implement the project across the state school sector. Since that project was announced we have seen a complete failure of the education department even to secure a bidder to undertake the rollout of the ultranet system. That indicates the government got the specifications wrong, a theme that recurs in a number of ICT procurement projects the government has undertaken; it simply does not get the specifications of the project right from the start, and of course that has consequential problems as the project evolves and develops. A clear example of that is the ultranet project, where the government has simply failed to secure a party to implement the project. I understand this is an issue about which my colleagues will speak at some length.

Another major ICT project that has fallen into problems is the HealthSMART project, which was set up by the Department of Human Services. This project was announced in 2003. The purpose of HealthSMART was to provide a whole-of-health-system platform that would give health-care agencies and other users of the health system in Victoria an efficient common platform for the exchange of health information between agencies and give the various health services and individual hospitals around Victoria a common platform for clinical information. The objective was to have a platform that allowed for efficiencies and a common rollout of hardware and software, and that should have resulted in economies of scale across the health system, including the Department of Human Services and its agencies. The six-year project was supposed to cost $323 million and was due to be completed by June 2009. Since that project started we have seen it go completely off the rails.

In June this year the Auditor-General released a report which was damning of the way in which the government had implemented the rollout of HealthSMART. The Auditor-General found that half of the budget of $323 million had already been spent to roll out just a quarter of the project, so half the budget had been expended for only 25 per cent of the project delivery. From the Auditor-General's findings it is clear that the ultimate rollout of HealthSMART is going to be substantially above the budget laid down when the project was conceived in 2003.

The Auditor-General found that the Department of Human Services has had to contribute additional funding above and beyond the original funding, and there is still no clear indication that the project will be completed anywhere near the budget that was initially provided for it in 2003. The Department of Human Services has had problems in retaining a project manager, so there has been inconsistency and lack of continuity within the department as to key project management roles, which has led to the platform not being rolled out as well as it should have been.

The Auditor-General also noted, and indeed a number of professionals in the health system have noted, that the fundamental infrastructure underlying HealthSMART in individual institutions is so deficient that even if HealthSMART is completed as proposed by the Department of Human Services, it will not be able to be implemented at an agency and individual institution level, such as the individual hospitals, because the poor infrastructure they are starting with is so deficient and effectively not suitable for the rollout of HealthSMART on top of it. Dr Doug Travis, the president of AMA Victoria, has noted that in some of the public hospitals in Victoria the IT platform currently in place is so primitive that it is continuing to run on MS-DOS. For those of us who can remember the pre-Windows days, it seems extraordinary that in 2008 we have computer platforms in our hospitals that predate Windows. That is the level of infrastructure on top of which HealthSMART is supposed to be rolled out. It has become apparent that clearly that will not be successful — it is a point that is picked up in one of the Auditor-General's subsequent reports — and it demonstrates the disparity and lack of coordination between the agency putting together the project and the agencies that will be implementing the project at a local level. Clearly hospitals that are running technology that is as out of date as that suggested by Dr Travis will not be able to take up the benefits of HealthSMART, even if it is ultimately rolled out to their institutions.

Another example that has received wide coverage is the myki ticketing system. This is again an example of where the government has gone out to a tender process and locked into a tender without having clearly defined requirements and without having a clearly defined plan to implement the rollout of that platform. As a consequence we have seen the project go off the rails. The myki ticketing system — the new ticketing system, as it is called — was originally to cost $494 million. We are now seeing the cost of that project hit $1 billion. It has more than doubled in cost, it is more than

16 months behind schedule, and there is no clear indication that it will be successfully implemented.

Members of the house and members of the Victorian community saw the launch of a trial of the new ticketing system in Geelong earlier this year. They would be well aware of the embarrassing footage of Lynne Kosky, the Minister for Public Transport, attempting to trial one of the myki machines, only to have it reject the notes she was trying to put into it to buy a ticket and then to have the thing subsequently fall apart when she tried again. That footage that flashed around Victoria was indicative of the way the government has gone about the myki ticketing system and of the problems that have been embodied in the way the myki ticketing system has been rolled out.

Victorians still do not have any indication of whether the project will be implemented as originally planned. Over the course of this year on a number of occasions the government has even talked about walking away from the project, such have been the problems with implementing it. There have been significant issues with the rollout of myki. One of the key issues that came up when the Public Accounts and Estimates Committee undertook hearings earlier this year into the Auditor-General's report on the myki tender process was the question of why the Transport Ticketing Authority went down the path of this myki ticketing contract. The issue was raised that throughout South-East Asia and Europe there are numerous examples of transport ticketing systems that are proven technology and are successfully operating, and the question was legitimately asked: why has the Victorian government pursued this process of contracting for an entirely new, unproven system when there are numerous off-the-shelf solutions available to it? You only need to look at places like Singapore, Hong Kong and Bangkok to see that all of them have proven, successful and simple ticketing systems.

Mr Guy — Even Warsaw has!

Mr RICH-PHILLIPS — Mr Guy says that even Warsaw has a ticketing system that operates efficiently, yet the government chose to go down the path of contracting for an entirely new system rather than buying one off the shelf. The reason advanced by Mr Viv Miners, who was then the chief executive of the Transport Ticketing Authority, was that the government had in its mind that it wanted an open-architecture system. What that basically means is the government did not want to be locked into having to deal with one contractor in the future. If it bought a ticketing system from an existing provider — one of the companies that have put in place a successful system in one of those other cities — it would be locked into dealing with one provider in the future. It decided it would go down an open-architecture path and have a system that bought software and hardware from different providers so that in the future other contractors would be able to access, update and modify the system. As a consequence we now have a system that is twice the price it was supposed to be and approaching being two years behind schedule.

No justification of why the government thought an open-architecture approach would be more beneficial than a proven proprietary system was given in that hearing. The Victorian taxpayers and Victorian travellers are now bearing the cost of the government's decision to seek an open-architecture system on the basis that maybe in the future it would want a third-party contractor to modify that system rather than sticking with a proven proprietary system that is available around the world and has proven its successful operation time and again.

Project Rosetta is in a similar category. Project Rosetta was announced in 2003 — it commenced in 2004 — by the then Minister for Information and Communication Technology, Marsha Thomson, a former minister in this place and now a member in the Assembly. The idea of Project Rosetta was that it would be a whole-of-government directory to allow for the storing and keeping of key information about members and staff of the public service in a consistent format across government. Rather than each agency having its own database and those databases being inconsistent, the view was that Project Rosetta would provide a whole-of-government platform that every agency could tap into where data could be stored in a consistent manner and accessed in a consistent manner and where access to the data would be dependent on the access rights of individual users as appropriate.

The funding approved for Project Rosetta was $16.8 million. This project has also been the subject of an Auditor-General's audit that was released earlier in the year. The Auditor-General again found serious problems with the way in which the project was implemented. The first issue raised by the Auditor-General was the budget overrun. The project ran $3 million — roughly 20 per cent — over its approved budget, and it was delivered seven months late. But most importantly, the Auditor-General found that there was inadequate assessment by the government services group within the Department of Treasury and Finance of the actual benefits arising from the project. This goes back to the issue I raised earlier of the government not appropriately specifying what it wants and what it is seeking to achieve. This is a theme

that recurs through a range of these ICT projects that the government has undertaken through different agencies; they are not all through the one agency, and they are not managed or overseen centrally, which is an issue I will come to shortly. It is a recurring theme that they are inadequately specified and that the objectives and outcomes the government desires from the project are also inadequately assessed. That was one of the clear findings of the Auditor-General's report into Project Rosetta.

One of the other issues raised by the Auditor-General with respect to Rosetta was that the data going into the project is corrupted. Specific examples were raised about the way in which data relating to dates of birth of Victorian public service staff has been recorded, as there have been inadequate protocols put in place for how that data is stored and who can access and update the data in making additions to the database. Notwithstanding the government's expenditure of $20 million on the whole-of-government directory, the data is already corrupted because there have not been adequate standards put in place for the recording of the data in the database — greatly reducing the value of the database. If the government cannot rely on the data it has in the database because it has been inadequately and inconsistently recorded due to lack of protocols, the value of the data is minimised.

The Auditor-General notes in the key findings in the executive summary of the report that:

> The Rosetta system in its current form is authoritative only as a 'white page' directory for government employees.

What the Auditor-General is saying is that, having spent $20 million on the Rosetta directory, what we have is a $20 million edition of the *White Pages*. It is an absolute scandal that this project has been so ineffectively implemented that after four years of the project running we have little more than a white page directory of government staff rather than the whole-of-government database that was supposed to be created through Rosetta.

Another program that has failed to deliver against promises is the criminal justice enhancement program (CJEP). This program has had a very long gestation period. It was originally approved by the previous government in October 1998 with funding of $14.5 million and a planned completion date of November 2000. The purpose of the criminal justice enhancement program was to bring together a number of agencies involved in the criminal justice system in Victoria — Victoria Police, the Office of Public Prosecutions, Victoria Legal Aid, the County Court and Corrections Victoria — and provide them with a common platform through which cases in the criminal justice system could be managed across the different agencies that have a role to play. Its purpose was to introduce efficiencies in the handling of criminal matters to lead to cheaper handling of criminal cases for the parties to the cases as well as the agencies that are involved in different ways.

The reality is that this program has not achieved what was expected of it. Following the change of government in October 1999 the program was picked up by the incoming government, which has failed to deliver the program as originally specified in the 1998 brief. The Auditor-General analysed this in a report released in June this year. He found that by May 2008, some eight years after the program was supposed to be concluded, the Department of Justice had spent just under $40 million on what was originally to have been a $15 million program. Almost three times as much had been spent on the program as was originally proposed, and it is still not completed — eight years after it was supposed to be. As a consequence one of the key E*Brief modules, which relates to Victoria Police, has not been completed. The program is not delivering the benefits it was supposed to deliver.

The Auditor-General also picked up on the failure of the government to specify the requirements for the ways in which the benefits of the program would be assessed. In the findings and conclusions of the report the Auditor-General notes:

> The lack of systematic measurement and reporting of CJEP benefits represents a lack of accountability to ministers, stakeholders and the community, given the importance of CJEP and the extent of public funds invested in its development.

As I said earlier, this is a recurring theme. All these projects and all these Auditor-General reports point to the common theme of the failure of the government to adequately specify what it requires and how it will assess the outcomes of its projects.

It has been a similar scenario with the electronic conveyancing system, the subject of some comment in this place. I understand the Leader of the Opposition will make some more detailed comments on this later in the debate. The project was announced in 2004 by the then Minister for Planning, Mary Delahunty, who stated in her announcement in March 2004 that:

> Land Victoria estimates that if the 400 000 conveyancing transactions that are conducted manually each year are conducted online, the savings in time and paper will amount to more than $100 million a year.

That was the government's target back in 2004 for the e-conveyancing system: it would process 400 000 transactions and it would save $100 million a year. Having spent $40 million implementing the project, the reality has been quite different. Twelve months after the system became available the total number of transactions that have been undertaken is one — there has been a single transaction using the e-conveyancing system.

The reason the system has not been taken up is that the solicitors involved in conveyancing will not use it, because they have been advised by their professional bodies that they are at risk of professional liability issues if they do so. The banks will not use it for transactions, because they have concerns about the plethora of state-based e-conveyancing systems and would prefer a national system. Again with this project the government failed to create specifications that were acceptable to the end users. We have spent $40 million on a system that the key parties — the conveyancers and the banks — do not want to use and have demonstrated they will not use because it does not meet their requirements.

At a federal level we now have proposals for a national conveyancing system. This throws great doubt on the investment Victoria has made in its e-conveyancing system. It would appear from coverage of the issue that there is limited prospect of the Victorian e-conveyancing system being picked up as the national model. Apparently there is some support from Queensland, but there is limited support across the other jurisdictions. There is every prospect that the $40 million the Victorian government has committed to this project will be wasted because the system did not meet the requirements of the key parties to conveyancing transactions and has simply not been used.

Four years ago the forecast from the then Minister for Planning, Mary Delahunty, was of 400 000 transactions a year, but that has not come to pass because the government did not do its homework on this project.

Mr Dalla-Riva — Yet again.

Mr RICH-PHILLIPS — Yet again. We have a similar story with the LEAP (law enforcement assistance program) database replacement. Members of this chamber will be well aware of the controversy surrounding the police law enforcement database. It has been a running sore for the government since the 2002 election. We have seen repeated problems of information being leaked from the LEAP database, and in 2005 the government was forced to announce that it would replace that database. It announced in 2005 that it would provide $50 million worth of funding for a LEAP database replacement and that the rollout of that database would take three years.

When we jump forward three years to 2008 we find that not only has the LEAP database not been replaced, but Victoria Police does not even know what it wants in a LEAP database replacement. No work to date has been done, no contracts have been let and no specifications have been finalised. There have been three years of inaction on the rolling out of a LEAP database with a consequential increase in the cost of the final delivery of the project.

Yet again it comes back to the issue of the government failing to know what it wants and what it needs from ICT projects in this state. This represents a litany of failure of major ICT procurement projects. That draws me to the second element of my motion which states:

> That this house —
>
> …
>
> (b) notes the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer.

The Auditor-General in his July report *Investing Smarter in Public Sector ICT* noted in his introduction some very worrying trends with respect to ICT procurement in Victoria. He notes:

> Despite the promise of significant benefits from ICT investments, the reality has often been disappointing. Many government ICT investments do not meet functionality expectations, are delivered much later than scheduled, and come in well above budget.
>
> Our recent ICT-focused audits, as well as data collected by the Department of Treasury and Finance's (DTF) gateway unit show that many medium to high-risk ICT projects are inadequately planned, structured, and implemented and lack any coherent measurement of benefits.

That is a damning assessment of the way in which the government has undertaken major ICT projects. One of the key issues arising from the Auditor-General's report has been the way in which the government has approached the management of ICT projects. At the beginning of this year the commonwealth government commissioned a report from Sir Peter Gershon, an expert on ICT enhancement in the United Kingdom. Sir Peter Gershon has been responsible for a major overhaul of ICT procurement by the British government leading to substantial cost savings in ICT procurement in Britain.

He was commissioned by the current federal Minister for Finance and Deregulation, Lindsay Tanner, to undertake a review of the Australian government's use of information and communications technology. One of the key findings of the Gershon report is that:

> … there are two critical requirements which will determine the success of the proposed program: first, sustained leadership and drive at ministerial and top official levels; second, ensuring the enablers of change are properly resourced not only in funding terms but also skills of the right calibre.

This issue goes to the fundamental problem we have experienced in Victoria. To pick up on the first point about drive at administrative and top official levels, in Victoria we have seen a drift in the way in which ICT projects are managed. In 2003 the then Minister for Information and Communication Technology, Marsha Thomson, announced the establishment of the Office of the Chief Information Officer. The chief information officer function is increasingly important, and many large organisations are creating CIO roles to provide advice and coordination on major ICT procurements.

At the end of 2003 when the Victorian government announced it would create for the first time the Office of the Chief Information Officer in Victoria, the then minister said:

> … the office of the CIO will drive ICT policy and strategy within government and have whole-of-government responsibility for:
>
> > innovative use of ICT to transform government service delivery;
> >
> > investment in ICT to address the government's priority outcomes;
> >
> > strategic planning for ICT deployment across government; and
> >
> > architecture planning and standardisation of corporate ICT infrastructure.

The role of the chief information officer was a high-level strategic role to ensure consistency across government and to ensure efficiency in ICT rollout across government, and yet only three years after the Victorian government announced the establishment of the Office of the Chief Information Officer, and contrary to what every other major jurisdiction is doing in bolstering and creating CIO roles, the Victorian government at the end of 2006 quietly and without fanfare abolished the Office of the Chief Information Officer. There was no announcement that the Office of the Chief Information Officer was being abolished; there was simply a note that the function of the office had been distributed within the Department of Treasury and Finance. It was an extraordinary move for the government, which had announced with fanfare that there would be a CIO with important functions within government, to then disband that office.

When the then Minister for Information and Communication Technology, Tim Holding, appeared at a Public Accounts and Estimates Committee hearing in 2007 he conceded that the office had been abolished. The government's rationale for doing that was that it was a cost-saving measure that would save $20 million. That flies in the face of what we have seen with the failure of ICT procurement. The cost overruns and the cost of delays in ICT procurement have far exceeded the $20 million the government hoped to save through the abolition of the office. It also completely flies in the face of what other jurisdictions are doing — that is, bolstering and enhancing such offices.

I go back to the role of ministerial leadership in ICT procurement, an issue raised in the Gershon report. In Victoria we have seen a drift in this area as well. In the early 2000s we had a Minister for Information and Communication Technology who was responsible for whole-of-government ICT decisions. As noted in the statements I referred to earlier, the Minister for Information and Communication Technology was responsible for Project Rosetta and the other whole-of-government ICT platforms, as well as for the rollout of the Office of the Chief Information Officer.

More recently — at the 2006 election or a little after — we have seen the role of the Minister for Information and Communication Technology diminish with regard to the handling of ICT projects at the government level. Notwithstanding the role of Mr Theophanous as Minister for Information and Communication Technology and Mr Jennings as Acting Minister for Information and Communication Technology, many of the functions that were previously handled by the Minister for Information and Communication Technology that related to government procurement of information and communications technology have now been transferred to the Treasury and the Minister for Finance, WorkCover and the Transport Accident Commission. The Minister for Information and Communication Technology no longer has a key role to play in government procurement of ICT.

Much of the role played by Mr Theophanous in ICT has related to facilitation of investment in the ICT sector in Victoria, which is an adjunct to his role as Minister for Industry and Trade, rather than focusing on the internal, whole-of-government ICT issues. There has been a significant shift since 2006 in the role of the Minister for Information and Communication Technology in this state. This goes back to the issue

raised by Gershon about the need for leadership in government ICT procurement. We have gone from having a dedicated ICT minister with the specific brief of looking at ICT platforms and procurement for government, to having ICT as merely a subfunction of the role of the finance minister, buried within the Department of Treasury and Finance.

That leads to the issues covered in the third paragraph of this motion, which relates to the need for the government to develop the project management expertise necessary to ensure that we do not have the systematic failings in ICT procurement that have been identified by the Auditor-General in his report, and I will go to some of his findings. In his report *Investing Smarter in Public Sector ICT* he has done a very good job of summarising many of the whole-of-government issues that have arisen in respect of the multitude of ICT procurements that have been undertaken by the government. He made a number of observations about key issues in government ICT procurement. Firstly, he observed:

> One of the main reasons that ICT investments fail is that the basic rationale for the investment was either not understood or shared by all the parties with a stake in the outcome.

That is a theme I have spoken on a number of times today. The government needs to be very clear about what it seeks to achieve with ICT procurement.

Secondly, the Auditor-General identified the need for all parties to have an equal buy-in to the project. We have seen the example of HealthSMART. Dr Travis of the Australian Medical Association has raised the issue that some of the line-agency health organisations simply do not have the capacity to participate in HealthSMART because their basic platforms are inadequate — and that goes back to the point made by the Auditor-General.

Further on, the Auditor-General noted that agencies often give government only two choices when proposing an ICT investment — to do nothing or to invest in the ICT solution. This is a criticism the Auditor-General made of agencies with regard to their relationship with government and the way in which government undertakes ICT procurement. It goes back to the point made by Gershon in his report that there is a strong need for leadership at ministerial level in the procurement of ICT. It should not be acceptable to the government or to cabinet to be presented with only a do-this or do-nothing option. It is extraordinary that that has been allowed to become a factor in the procurement of ICT projects and that the government has been willing to accept only a single option from the line agencies that have been rolling out a number of these projects.

Another issue identified by the Auditor-General — and this goes to the role of the CIO in whole-of-government coordination — is that many agencies are independently investing in similar technologies, sometimes even with the same suppliers, without fully considering the benefits of collaboration. This is fundamentally an issue for a chief information officer. It is a fundamental flaw that Victoria no longer has a chief information officer and that it has this lack of coordination across agencies with individual agencies even using the same supplier to deliver the same outcome without any collaboration between them, as the Auditor-General said. It highlights the fundamental problem that we no longer have that coordinating role within the Victorian government.

The Auditor-General also noted:

> Some ICT investments seem to be driven by the 'newness' of technology options, rather than an understanding of the requirements of the organisation.
>
> An incremental improvement to existing ICT may be the best way to address a given organisational need, but is often eclipsed by the 'glamour' of a new technology solution.

That criticism is one that could be applied to myki, to take up the comment made by Viv Miners, the then chief executive of the Transport Ticketing Authority, in that the government's desire for open architecture rather than a proprietary system and the lack of detail behind the government's desire to pursue that course of action points to a desire for a new, fresh, colourful, innovative platform, rather than simply accepting what is already available, already works and could have been implemented in Victoria with only limited local minor enhancements.

The Auditor-General goes on to note:

> Our audits consistently identify poorly developed business cases as a significant cause of implementation problems and poor realisation of benefits.
>
> Implementation issues that could have been anticipated and analysed in a business case often manifest themselves during the life of the investment, triggering a 'crisis', rather than 'planned' response to managing the investment.

That again goes to the issue of planning. The consistent theme through the projects I touched on earlier in the morning has been a failure of the government to specify what it wants, why it wants it, and what it is seeking to achieve with the outcomes. Clearly the fact that the Auditor-General has highlighted this and it is a factor raised in the Gershon report to the commonwealth government highlights the fact that it is a fundamental

issue the government is not getting right and needs to get right for Victorian taxpayers to get value for money through these procurement projects.

The final observation by the Auditor-General I want to touch on is contained in his comment:

> A lack of commercial acumen is often a reason for poor ICT procurement outcomes, as agencies may simply lack skills and knowledge about what is feasible and realistic.
>
> Agencies might have staff with knowledge of the business process driving procurement; however, these staff often lack commercial skills or an understanding of the technology markets.

That is a significant point made by the Auditor-General. I know from talking to a number of private sector suppliers to government in the ICT area that their view is that often because the government does not know and cannot clearly specify what it wants, it is an open invitation for private sector vendors to tell the government what it needs. Rather than the government driving the procurement process by specifying what it wants and seeking a platform matched to its needs, it is very easy for the vendor to tell the government what it needs. Rather than providing an off-the-shelf solution, the vendor encourages the government to take up a tailored solution at considerable expense to taxpayers and often at considerable delay to the rollout of the project without any benefit accruing to taxpayers that they would have gotten if they had taken an off-the-shelf solution.

There are a number of fundamental issues raised in the Auditor-General's *Investing Smarter in Public Sector ICT — Turning Principles into Practice* report, and I want to touch on the one thing the government has done. That is the establishment of Cenitex, which was established under the State Owned Enterprises Act in July of this year as a whole-of-government agency with the role of providing for integrated and reliable ICT infrastructure across government agencies. This does not replace the role of a chief information officer. As I said, Cenitex was created in July under the State Owned Enterprises Act, and its establishing document in the *Government Gazette* notes that the functions of Cenitex are to: create more integrated and standardised technology services; improve the quality of those services; reduce risks arising from underinvestment and lack of scale; realise operational productivity benefits from increased scale; and minimise the cost and effort of deploying and upgrading information and communications technology across the whole of the Victorian government.

Cenitex will be established with a board appointed by the Minister for Finance, WorkCover and the Transport Accident Commission as the responsible minister, and again it goes to the issue of these ICT procurement functions being palmed off as a Department of Treasury and Finance function rather than a dedicated role of the ICT minister as they previously were. The success of Cenitex in providing those whole-of-government platforms and efficiencies across the agencies for which it is responsible, which include Transport, Sustainability and Environment, Primary Industries, Planning and Community Development, Premier and Cabinet and Treasury and Finance, as well as around 15 non-departmental agencies, will come down very much to who is appointed to the board and the skills and knowledge those board members have in carrying out those whole-of-government functions. But Cenitex will not replace the role of the chief information officer and it will not provide the government with the skills and expertise it needs to undertake these massive agency ICT procurement projects. In the absence of a CIO and in the absence of the experience within Treasury and Finance available to line agencies we will continue to have the types of procurement failures we have seen in those projects highlighted earlier this morning.

There are some fundamental issues identified by the Auditor-General in his report. There are fundamental lessons identified by Sir Peter Gershon in his report to the commonwealth. Although that report highlights issues primarily directed at the commonwealth, the lessons he has identified are equally applicable to Victoria. It is incumbent upon the Victorian government to take up those lessons and ensure they are learnt for future government ICT procurement in this state.

Cenitex, as I said, is not the answer to these large individual agency procurement problems. It hopefully will play a role in addressing smaller procurement across government and platform rollouts across government, but it is not the answer to the major ICT procurements. The Gershon recommendations have provided direction to the commonwealth government that is equally applicable to the Victorian government. The Auditor-General in his report *Investing Smarter in Public Sector ICT — Turning Principles into Practice* has also provided the government with a pathway to ensure that we do not have the systematic failures in ICT procurement that we have seen in the major projects to date.

The challenge now for the government is to ensure that it takes up Gershon's recommendations and the Auditor-General recommendations, but it cannot do that in the absence of expertise within the Department of Treasury and Finance. The removal of the chief

information officer is a significant loss to the government's capability to manage these large ICT procurement projects. That loss needs to be replaced within the department. Removing the chief information officer has been a penny-pinching exercise that has not produced the results for government. It has cost Victorian taxpayers substantially and that expertise within the Department of Treasury and Finance should be replicated and replaced so that we do not have these systemic failures of ICT procurement.

Mr PAKULA (Western Metropolitan) — President, we have had 50 minutes of debate on this notice of motion from Mr Rich-Phillips. What I took from it was that he showed extraordinary erudition about ICT (information and communication technology) projects and that we should reinstate the chief information officer, and I am happy to put in a good word for him.

Mrs Peulich interjected.

Mr PAKULA — Mrs Peulich is awake. I want to make two points about the contribution of Mr Rich-Phillips before going into some of the detail about the ICT notice of motion. Firstly, in some respects what the opposition is doing with this motion is one of the easiest things to do in politics: to take the full suite of measures that a government has with a very large information agenda and an agenda particularly in regard to information technology which is designed to renew and revitalise the state's economy and renew and revitalise the state's capital base and information base, but beyond that just to attempt to modernise systems and innovate the way services are delivered — and to cherry pick out of that a number of projects that suffer delay, projects that are by and large extremely complex technically. They are often extremely large projects and the opposition wants to beat the government around the ears for those delays and somehow suggest that it demonstrates a significant failure of government. In many respects that is all the opposition is seeking to do with this motion.

Mr Rich-Phillips referred copiously to Auditor-General reports that referred to functionality problems with ICT projects. I can make the obvious point about that: it is not something that is denied but it is something that is not specific to government. It is not something that is confined to the government. Functionality problems with large ICT projects are in some respects the nature of the beast. It is an area where there is an imbalance of knowledge and expertise and generally they are very large, complex and difficult-to-implement systems. It is not a problem that is confined to government and is certainly not a problem that is confined to this government. It is a problem that is experienced by industry, by business and by people in their homes.

Governments have a very easy and straightforward way to avoid those sorts of problems; they can sit on their hands. Governments can hang on to the systems and the infrastructure they inherit when they come to office. Governments can refuse to modernise, refuse to innovate and refuse to think big, if you like — allowing outdated systems and obsolete technology to be a problem for future generations. That is a way that governments can avoid the kind of criticism that is being levelled at us by the opposition today, but it is not something that this government has historically done and it is not something that we are going to do in the future simply because we become the subject of criticism in the Legislative Council about a delay in the implementation of some technological systems. The government has been committed and remains committed to tackling the big problems and the historical infrastructure underspends that have occurred in areas like water, port access, road infrastructure, hospital infrastructure and school infrastructure. We are doing the same thing with infrastructure based around information and communication technology. We are not leaving it as a problem for future generations to clean up. We are not leaving it as a problem for future governments to clean up. We are tackling those problems and dealing with them and modernising the infrastructure and the capital base. If that means as a consequence we are subject to some criticism in this chamber from the opposition for some often unavoidable and at other times unfortunate delays in the implementation of those systems, then I suppose it is a cross we will have to bear.

The other point I wish to make before I go into some of the detail of the motion moved by Mr Rich-Phillips — I do not intend to parry with him point by point because I do not think the chamber could endure another 50 minutes — is that we now have a situation in the Legislative Council where approximately 40 per cent of the normal business time of the chamber is devoted to opposition business. I am basing that on a regulation Tuesday, regulation Wednesday and regulation Thursday sitting week. In a normal sitting week, as I say, something like 40 per cent of the Legislative Council's time is now devoted to opposition business. That is okay: that is the way the chamber has chosen to structure its time. But as members of the opposition would note, the government has taken to calling Wednesday 'Wasted Wednesday' or 'Wacky Wednesday', depending on which moniker appeals more.

I was going to say it is becoming a joke, but it really is no joke. It is an extraordinarily indulgent way for the opposition to choose to spend 40 per cent of the Parliament's time. The opposition would respond by saying, 'No, we are using the Legislative Council in the way it is meant to be used, which is as a means to hold the government to account and to be a house of review to ensure that the government is answerable to Parliament'. I question that. I question whether the way we are spending Wednesdays is really the way that the framers intended the Legislative Council to hold the government to account.

You can certainly say the Council holds the government to account in debates on legislation, and we saw an example of that yesterday when the Council chose to send a government bill to the Legislation Committee. The same can be said of the adjournment debate, in which members ask ministers, members of the executive, to perform a certain action. Question time needs no explanation. Members statements, often used by members to raise matters of concern to their constituents; the tabling of petitions; and the making of statements on reports tabled in the house all would likewise fall within the rubric of the Legislative Council reviewing the actions of the executive. But what we are doing on Wednesdays — and this motion is a classic example — —

Mrs Peulich — Get the hanky out!

Mr PAKULA — I will tell you, Mrs Peulich, what this does: it takes me back 20 years to when I was in law school — —

Mrs Peulich — You do not like criticism.

Mr PAKULA — No, I just do not think this is what the constituents expected us to be doing when they sent us here to Parliament. This reminds me of preparing for my moot court in law school 20 years ago. I did my moot court with the president of the Liberal club. We all thought it was very important. We were in final year law — —

Mrs Peulich — What was his name?

Mr PAKULA — His name was Peter Vitale, Mrs Peulich, if you must know. We were in final year law; we were given a pretend case, and we had to appear before a pretend judge. We spent weeks preparing for it, and we thought it was all very important, but it was all make-believe. It reminds me of these debates. We spend 40 per cent of the Parliament's time engaged in this he-said, she-said one-upmanship about whether or not the government should be condemned or concern should be expressed. It is not as if the 40 per cent of the Parliament's time is being used to prosecute an alternative agenda or lay out an alternative vision for the state. It is being used just to smack us on the hands. Later on today Mr Barber will move a disallowance motion. I am not going to support the disallowance motion, but at least if that gets passed there is a consequence; at least the governance of the state would change if that were passed. But as I say, all we are doing here is just engaging in this sort of petty one-upmanship. It is not as if we are using a small portion of the Parliament's time to do it. We are using, as I said, 40 per cent of the Council's time to do this. But if this is the way the opposition wants to use its time, who am I to argue?

I will move on to the issues raised in Mr Rich-Phillips's motion, beginning with the HIIP (Housing Integrated Information Program). As Mr Rich-Phillips said, this is a replacement IT system for housing. That is not, in anyone's estimation, a small thing. A whole range of components are under development — client management, tenancy and bond management, property management, asset management and business transaction management. None of that is insignificant; none of that is simple. The government has two global providers undertaking the development work, Fujitsu Australia and NCSI (Australia). NCSI is doing the bulk of it — most of it here in Melbourne. It is on budget, and it is being progressively implemented throughout 2008–09. Thus, as I said at the start, you can extract the bad news or you can focus on the things that are being implemented, which will cause the IT delivery in the housing area to be far superior to what it is now.

I turn to HealthSMART, and again, I go back to what I said about the government taking up challenges and not allowing them simply to become problems for future governments and generations. This is the most comprehensive IT change in the health space anywhere in the country. It is a massive task. We are fundamentally reworking a very outdated system. This will allow it to be not just modernised but centralised as well. When we came to office in 1999 there was nothing even approximating a centralised system. There were 80 separate patient and client systems, 100 separate client management systems, no clinical systems at all and more than 100 financial management systems.

The project is proceeding, and there are already some important examples of achievements. We have an integrated patient and client management system across four of the health services, client management systems across eight community health services, financial and materials information systems across eight health services, a human resource management system across

seven health services, a picture archiving communication system which allows health services to share images and a new system that allows Metropolitan Ambulance Service paramedics to collect data on their patients at the roadside. The Auditor-General's report also confirmed that the project is within the initial allocated budget. It found that the project vision is sound and that the appropriate governance and probity processes are in place. It is not all gloom and disaster as Mr Rich-Phillips would have the chamber believe. It is a far more nuanced and complex picture than that.

Moving on to the ultranet, this is a classic example of the 'damned if you do, damned if you don't' mentality of the opposition. It is true that the department is going to have to re-tender for the ultranet project because the government wants to get the best outcome and the best value for money for Victorians. If we did not re-tender and were lumbered with a suboptimal package, whether in terms of functionality or in terms of the value for money provided for Victorian students — and remember that is who we are talking about ultimately — we would no doubt be condemned by the opposition for that, and probably with more justification than could be given to the comments made in the chamber today. We make no apologies for embarking on what I say is a visionary project to improve the connectivity of Victorian students, to support not just their learning outcomes but to enhance the relationship between parents, teachers, students and schools and to allow parents, teachers and students to share knowledge across schools. The vision is an important one. It is still sound and still supported by the government, and we are still committed to the delivery of the ultranet and still committed to the original time frame of the third quarter of 2010. The need to re-tender aside, those things are necessary to ensure that we get the best outcome, both in quality and value for money, and it is not something for which the government makes any apology.

Obviously we have been roundly criticised by the opposition over the implementation of the myki ticketing system.

Mr Finn — And the media as well, I think you would have to say.

Mr PAKULA — Mr Finn says, 'The media as well', and the media has dutifully reprinted opposition media releases about some of this stuff.

Mr Finn — But you would have to admit it is a debacle.

Mr PAKULA — I admit nothing of the sort. Let us go through myki. Myki is not a small undertaking — —

Mr Finn — Mickey Mouse!

Mr PAKULA — It is amazing, Acting President; it is almost as if Mrs Peulich and Mr Finn tag team: one leaves the chamber, and the other one arrives to fill the breach.

Mr Rich-Phillips — Maybe they're the same person.

Mr PAKULA — Mr Rich-Phillips raises an interesting point. If it were not for question time, when I do see them together, I would wonder if they were not the same person.

Myki is about fundamentally altering and enhancing the way transport ticketing is available to Victorian commuters to improve functionality and connectivity between rail, tram and bus. But it is not a small project. I can say the rumours have now been dispelled. Mrs Peulich has re-entered the chamber, and Mr Finn is still here!

Let us go through where we are with myki. We had a test of the new ticketing system conducted on five buses in Geelong in June. That yielded positive results, with a success rate of more than 90 per cent for all the scenarios tested. Kamco conducted a series of environmental tests at train stations and on trams and buses in metropolitan Melbourne from late July through early August. Testing on the train network is to be undertaken at East Camberwell, Canterbury, Chatham and Mont Albert railway stations, and testing on trams is to occur on route 86 and in the Camberwell-Box Hill area on route 109. Testing on buses is to occur in the Camberwell-Box Hill area. It is important for members to remember that this is not a ticketing system that only needs functionality when it comes to the train network. There needs to be functionality across trains, trams and buses, and it has to be absolutely seamless. As a consequence of that, the testing regimes the authority needs to undertake are far more significant than simply testing at train stations. You have got tests — —

Mr Finn — They're doing all right in Sydney.

Mr PAKULA — I have not seen a tram in Sydney for a while, Mr Finn; have you? The testing is primarily to check the stability of the devices and smartcards when they are in the field. There is no customer involvement in the test, but customers will be involved in the tests in Geelong later in the year. This is a very complex project, and a lot of the aspects of the work are progressing extremely well. The work to accommodate

the new myki vending machines at metropolitan railway stations has been substantially completed. As I understand it there is only one station to be finished. All the under-track drilling at metropolitan railway stations to provide for the cable conduits which are necessary for the installation of devices has been completed without any disruption to passenger services whatsoever. All the under-track drilling at regional railway stations to provide for cable conduits has been completed without any disruption to passenger services there. All the civil works at regional railway stations have been completed. Nearly all the bus depots, both regional and metropolitan, have been pre-wired to support myki on buses. More than 90 per cent of the entire bus and coach fleet throughout Victoria has been pre-wired to accept myki. All the tram depots have been pre-wired to accept myki operations on trams. All the available trams have been pre-wired to accept the myki ticketing equipment. There is a whole lot of work that has been completed.

That is on one side of the equation. On the other side, no-one disputes that there have been problems with the software delivery.

Mr Finn — Go on!

Mr PAKULA — Had Mr Finn wandered in earlier, he would have heard me say that it is not uncommon at all with projects of this scope and this level of complexity for that to occur. We are now at the point where the final version of the software which has been designed to support all the different aspects of myki has been delivered and is currently being tested by the authority. Mr Rich-Phillips talked about his concern about the open architecture as opposed to buying an off-the-shelf solution. One of the mythologies that the opposition tries to have take root in the public mind is that there is some off-the-shelf option for transport ticketing. When you have an integrated transport system like Victoria's, to suggest that there is an off-the-shelf model from London or Hong Kong that would automatically fit all the elements of our system and could just be plugged in and be operative on day one is a nonsense. It is a myth; there is not an off-the-shelf solution for transport ticketing. Even if we imported something like London's Oyster system, it would need a major software rewrite to function in Victoria, because the software that is used here has to be built around our fare structure, our concession system and our local transport network and be functional for trains, trams and buses

Mr Rich-Phillips suggests that electronic conveyancing has been used only once, but there have also been somewhere between 500 and 1000 mortgage and discharge-of-mortgage transactions processed through the electronic conveyancing system. I do not think anyone disputes that moving to a system of electronic conveyancing is a good thing. In the past a representative of the bank, a young law clerk, a representative of the vendor and a representative of the purchaser all met in some dingy office on the 10th floor of the Commonwealth Bank to conduct a conveyance. There is no suggestion that that is modern, cost effective or appropriate in the current environment, so this government took the bit between the teeth and decided to embark on an electronic conveyancing approach.

It is true to say that major financial institutions have not yet committed to using the system and that has caused problems — nobody is denying that. As the government has indicated, it is now part of a Council of Australian Governments regulation reform process, but ours is the only jurisdiction that has a working model. Ours is the only jurisdiction that allows customers to complete property transactions online. The fact that we have the underlying software already in place in Victoria makes us quite optimistic that when the national system is rolled out the work Victoria has done will mean significant savings both in time and in not needing to reinvent the wheel to roll the system out across the nation. Mr Rich-Phillips would characterise it as money wasted, but we would see it as an investment in the future and an investment in what is undoubtedly going to occur in the conveyancing space as we move forward.

I want to talk about the criminal justice enhancement program (CJEP) that Mr Rich-Phillips touched on. As was indicated in the Auditor-General's report the CJEP is a very complex information technology project which was designed to integrate and streamline systems across criminal justice agencies. Its purpose was to improve access, timeliness and quality of information, not just for the courts themselves but also for the lawyers who use them and the public that relies on them to dispense justice equitably and quickly. The department acknowledges that the CJEP took longer and cost more to implement than was expected, but the Auditor-General identified the following:

> The CJEP experience clearly demonstrates that there was a failure to identify and secure sufficient funding at the outset. This can be attributed to an inadequate business case, which contributed to poor scoping of the project and a failure to identify realistic requirements.

That is very interesting, because that failure that the Auditor-General notes and indicates was the precursor to all the problems that occurred downstream happened in 1998, under the previous government. When the

Bracks government came to power in 1999 the scope of the project had to be broadened so it could adequately capture the IT needs of a 21st-century criminal justice system. Despite those early hiccups and the lack of breadth in the original scope, the CJEP system is now an operational system used every day by Victoria Police, the County and Magistrates courts, the Office of Public Prosecutions and Corrections Victoria. Every month more than 192 000 transactions are processed through that system.

The benefits of the CJEP system are not illusory or insignificant. The Auditor-General noted that the benefits include: the sharing of electronic information in real time between agencies; electronic lodgement of documents in the civil jurisdiction of the County Court; the replacement of attendance books in police stations with electronic records; the sharing of risk information about prisoners between Victoria Police and Corrections Victoria; information about matters listed in the County Court being available to the public over the internet; better case management systems in the County Court; the immediate sharing of alert information between the police and community corrections; and better tracking of court outcomes through electronic presentments being lodged by the Office of Public Prosecutions. In every respect the benefits of the program massively outweigh the time and cost challenges.

In conclusion, in relation to the delivery of ICT projects the government is neither claiming perfection nor that the projects have been without incident or issue, but that is the nature of governing in a way in which you are determined to update, enhance and improve the functionality of the state's infrastructure, whether that is physical infrastructure, water infrastructure or ICT infrastructure. As I said at the outset of my contribution to this debate, the best way for governments to avoid this criticism is to sit on their hands, to make it a problem for future governments and future generations, and to stick with the outdated systems that they inherit — simply allowing problems to build up until they become somebody else's problem. That is not the approach of this government. The approach of this government has been to tackle these challenges and to do the work necessary to update the state's infrastructure and information technology base. If we have to wear some criticism because these projects are massive in scope, scale and complexity, then that is a cross we may have to bear.

We are dealing with systems and implementation processes about which there is often uneven knowledge among providers and government, and for which in many circumstances there are few potential providers. Often a by-product of governments accepting big challenges and making the decision to streamline, update, innovate and modernise is that sometimes those projects do not come easily — they come with delays and some issues that are consequences of the scale and nature of those programs. The government is not going to apologise for that. We are determined to continue to revitalise Victoria's information technology capital, systems and procedures and to modernise all those systems for the benefit of Victorians. Some criticism from the opposition in the Legislative Council on wacky Wednesday is not going to deter us from that.

Ms PENNICUIK (Southern Metropolitan) — It is obvious that information and communications technology systems are increasingly important in public administration, so it is important that these systems are effective, reliable and secure and that their implementation costs do not blow out. That is why the Greens are inclined to support the motion put forward by Mr Rich-Phillips.

Before I go into some of the issues that have been raised by Mr Rich-Phillips and Mr Pakula, I would like to address Mr Pakula's complaint that 40 per cent of time in the Legislative Council is spent on non-government business. A role of this Council is as a house of review, to raise issues of public importance and public interest and to debate them. There is no capacity for that to happen in the Legislative Assembly, because by its nature the Legislative Assembly is the house of Parliament that is dominated by the government. It is the house of Parliament where the government is formed, because that is where it has a majority.

Mr Pakula interjected.

Ms PENNICUIK — I thank Mr Pakula for that. The Greens take a very serious approach to non-government business. Mr Pakula has said that he supports the Greens bringing in a disallowance motion. We have brought several to the Legislative Council so far. As he said, the beauty of those motions is that if they were to actually pass, they would have an outcome.

Mr Pakula — I do not think I used 'beauty'.

Ms PENNICUIK — I am using that word.

We have had discussions with the opposition on motions that it has put forward. We have said we prefer motions that have some sort of a concrete outcome and that are genuine matters of public interest, and we would support those types of motions. Members would have noticed that we have not considered some motions

brought by the opposition to be important or urgent, or to have any concrete outcome to them; so not only have we not spoken on them but we have absented ourselves from the chamber when it has voted on them. If motions are put up that we do not believe are worth the time of debate in the Council, if they are peppered with words like 'condemning', and if they have put forward no actual outcome or alternative proposal to deal with the issue, we are not likely to be supportive of them.

In terms of this motion I would say to Mr Pakula that the Auditor-General has made findings on most of the issues that are raised. The Auditor-General has said there have been problems: there have been cost overruns; there have been problems with the scoping of many of them; their aims have not been right; the way they have been carried out by the departments has not been correct; and there has not been enough oversight during the development of those projects. The Auditor-General has made recommendations on how there can be improvements. I agree that improvements have been made on some of them.

Mr Rich-Phillips went to some length to talk about the costings, and while he was doing that I was jotting down the costings of those projects, including the ones that had overrun, and particularly the cost of myki, which has more than doubled from around $490 million to about $1 billion — and that certainly has been reported in the press. But if you add up the costs of all the projects under discussion today, they total around $1.7 billion in value. That is not a small amount of money. The Auditor-General has said there are significant problems with a number of the projects we are talking about here today and that $1.7 billion of public money is involved, so it is an important issue that should be discussed in this Council.

The motion moved by Mr Rich-Phillips also notes in the second paragraph:

> … the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer.

That disbandment seems to have been a short-sighted and probably unhappy occurrence, given the role that information and communications technology is increasingly playing in public administration and in government.

The third paragraph of the motion calls on:

> the minister for finance, as minister responsible for procurement, to develop ICT project management expertise within the Department of Treasury and Finance as a key element of all major government ICT procurement projects.

Mr Rich-Phillips noted that the Minister for Information and Communication Technology no longer has a hands-on role in the coordination of ICT in the government. That is a concrete outcome being called for by this motion, and I think it is a good one. If you look overall at what the Auditor-General has said about the projects we are discussing under this motion today, you can see that part of it can be sheeted back to the lack of oversight, the lack of coordination and the lack of a clear vision of what is to be achieved with these projects in a whole-of-government framework and what ICT systems are best to enable the different parts of government to interact between themselves.

One thing that has not been raised that should be looked at — perhaps it needs a closer look by the minister for finance — is the value of contracting out ICT services as opposed to in-house services. If you look at some of these projects, you can see that contracting out has been a problem, not only in terms of cost blow-out, lack of control of what is going on, lack of ability to monitor what is going on and to correct things during the process but also in terms of security of data. These are all important issues.

I do not agree with Mr Pakula that we should not be discussing this today. I understand the government has its business program, but the role of the upper house is to scrutinise and review everything that comes before the house. It is also its role to raise the issues that are not being raised by the government, to look at what the government is doing and to raise those issues in the public interest.

I do not intend to go into great detail about each of the projects. Mr Rich-Phillips has done that extremely well, and Mr Pakula has made an attempt to answer the points raised, so I do not think there is a lot of value in my going through those again. In terms of the housing integrated information system and the HealthSMART system, the Auditor-General did comment on both of these systems being behind time, particularly HealthSMART, which is a highly complex suite of modules that are to be implemented across the health system. It is way over time and is about $150 million over budget. The Auditor-General made a number of findings about HealthSMART, including that it has no reliable method of estimating participating agency implementation costs, nor is there any progressive monitoring of these; and that the whole cost of it must be considered to be understated. He made further comments basically around the less-than-perfect implementation of that project. With those two projects it is mainly an issue of poor implementation and poor scoping out of the projects and a matter of understanding what was needed and how that was

going to be implemented. That is what the Auditor-General was saying in a nutshell.

With regard to the e-conveyancing system, notwithstanding whatever problems there may be in terms of its implementation, it seems the biggest problem is that potential users of the system do not want to use it. That is problem no. 1. I note a rather large article in the *Australian* in May titled 'Revolt against Victorian e-system' that reported that the private players were refusing to engage with it and that:

> The Law Council of Australia and the Australian Bankers Association have written … to the federal government, urging it to have nothing to do with any plan …

That seems to make e-conveyancing pretty well doomed.

I note Mr Pakula said the matter is now going to the Council of Australian Governments. Perhaps that would have been the best approach from the beginning. The advice and the understanding was that you needed a national system for e-conveyancing, because people are buying and selling properties across state borders. Certainly we should have learnt from 100 years of federation that having six state-based and perhaps two territory-based systems is a recipe for disaster. If one state attempts to implement this system on its own and then expects the country to integrate eight different systems, it is bound to fail. I note that $40 million has been spent on e-conveyancing; that is not a small amount of money, and it certainly could have been better spent on other projects.

Project Rosetta, which is the integrated directory infrastructure across 10 government departments, has suffered a 17 per cent — nearly 18 per cent — increase in its budget. The Auditor-General was unable to give any assurance that Rosetta had realised the predicted benefits in the absence of any studies on its benefits. However, it does seem that the cost overrun in Rosetta is modest in comparison to something like myki, for example. But the Auditor-General did say that it needed better control over data input and record updating and that there had been an inconsistent approach to the timely updating of records between the 10 departments. As this system is intended to set new standards for data and system architecture for the Victorian public sector, the lack of a rigorous post-implementation study is a substantial point of criticism.

The myki ticketing system is a subject of great public interest and great debate, and Mr Rich-Phillips went into a lot of detail about that. In 2004 the Transport Ticketing Authority accepted a tender for a new smartcard — a stored-value ticketing system — for $494 million, and it appears to be about double that now. That is a lot of money. In his report the Auditor-General made a lot of findings, particularly about governance and planning, the conduct of the tender, the tender objectives and an alleged leak of information. In a nutshell those findings were about the small board of directors at the time — there were only two members of the board of directors, which seems amazing — and about the audit committee which was established comprising two board members. I am not sure if that was the same two board members, but certainly the Auditor-General found that a larger committee with at least one independent member was warranted. I would have thought that was a fundamental and basic requirement.

The Auditor-General found that the tender evaluation, consisting of five senior authority executives considering the tenders, diminished overall accountability, and he found that the role of probity adviser and probity auditor were combined, which led to confusion. He recommended that there be a larger board of directors, a larger audit committee, a segregation of the roles of senior managers in the evaluation of tenders and a separation of the roles of probity auditor and adviser. He found there had been a leak of tender documents to journalists but could not find any evidence that pointed to any of the staff who had access to those documents. I note that there have been people added to the board and that the chief executive officer was replaced when it all went pear-shaped. People can read about that in the Ombudsman's report.

I would say that even more fundamental than whether or not we should buy an off-the-shelf system and apply it to Victoria's ticketing system — beyond any of that — is the fact that a new ticketing system is not what we needed. It is an absolute shame and disgrace that we have wasted all this money on a new ticketing system. The public of Victoria, with whom I squash onto the train every morning, do not want a new ticketing system. They want more trains, they want more trams, and they want more buses.

This morning I was on a train from Sandringham, and I did the usual shuffle at Richmond station to get onto a loop train. I actually do not mind it when you sometimes have to change trains, but I have to say that Richmond station is not able to cope with the morning rush of people going from Flinders Street trains to city loop trains. One of the other issues is that if you are in a train — and people in the chamber who travel in trains and the Victorian public who travel in them all the time would know this — there is an area of the train which is between the two doors called no-man's-land, and that is

the area you get squashed into where there is nothing to hang onto.

I had some very close encounters with other members of the public this morning when the train, for unknown reasons, slowed down, sped up and then did a bit of a jolt at one part of the journey so that we all fell onto each other. There is not a rail, an overhanging grip or anything to hang onto, so we were all just flying around in the train. I know that many people have raised this issue with the government and with the Minister for Public Transport many times, and it is beyond my belief that we are wasting $1 billion on a ticketing system that we do not need and yet we cannot put things in trains to add to the safety and comfort of passengers so they have something to hang onto when they are standing up. That is just a small thing.

There have been five ticketing systems in 15 years, and they have all been a failure. The only one that ever worked was the one we had when you had a conductor on a tram who sold you a little paper ticket or you had a person at the station who sold you a ticket. I have actually kept some of those paper tickets as souvenirs for when they come back in again, which they will have to do one day. My colleague Mr Barber informed me this morning that the platforms for the low-platform trams do not have to be installed until 2025 and the actual rolling stock does not have to be in place until 2035. I hope people are pleased to hear that they have only another 18 years to wait until they can actually get onto a tram from a level platform!

Anyone who travels on the public transport system would know that the system we have now where you are required to validate your ticket just does not work, because no-one can get near a validator on a tram — everybody is squashed in like sardines. It is also a discriminatory system for elderly people and other people with mobility difficulties to have to be running along trying to find a validator to put their ticket in. I believe some people just do not do it because it is all too hard. It is not the fault of the passenger; it is the fault of the system.

We are introducing the myki system, which is a system that will add more complexity and inconvenience to passengers, because they will have to be pulling this card out as they go in and as they go out, while they are carrying their luggage or while they are trying to manage with a pram or whatever. The whole system is completely wrong. It is a good argument for getting ICT completely out of the ticketing system, abandoning the machine experiments, bringing back the conductors on trams and bringing back staff at the railway stations — and not just for selling tickets.

We have the ludicrous situation where we have people called station hosts at railway stations who can watch you while you try to operate a ticket machine that has broken down and who can direct you to the nearest milk bar, but they are not able to open the office and sell you a ticket, nor do they have any tickets on them that they can sell you. The hapless passenger is directed to the nearest milk bar or they take the risk and jump on the train, only to be harassed by ticket inspectors if they happen to get caught and do not have a ticket through no fault of their own, but because the ticket machine was not working.

We say bring back station staff. We should bring back station staff not only to sell tickets for the convenience of passengers but also to make stations safer, cleaner places where people can use facilities such as toilets. You often have to wait for trains at railway stations because they do not always arrive on time, as most people would know. Connex is forever regretting the inconvenience caused by delayed or cancelled trains, particularly on the Sandringham line but on other train lines as well.

I never waste my time when I am in that situation. I do things like inspect the station to see how clean it is. I have a look to see whether the toilets are open — most of the time they are not. I find it a complete indictment of the system that in 2008, in a modern city, the toilets at railway stations are not open. When I do find them open I find them in a terrible state. I even have photographic documentary evidence of that, and I am putting together a dossier to send to the Minister for Public Transport for her edification shortly. That will accompany my other photographic dossier on the number of bus stops and tram stops devoid of timetables. I have mentioned before in the chamber that when the timetables are available, they are invariably too small for anybody without a magnifying glass to read or they are in inaccessible places.

All these shortcomings add to the general stress of and inconvenience to passengers using the public transport system, and they could easily be fixed. The money that has been wasted on the myki system could have completely overhauled the railway system to make it at least a halfway pleasant place to be when you are travelling on the public transport system.

Another issue is the rubbish found on stations. My colleague Ms Hartland has raised as an adjournment matter with the minister the issue of putting on railway stations separate receptacles for rubbish and recyclable matter. Bins are often overflowing, full of recyclable matter and other rubbish, and it is ridiculous that separate receptacles are not visible on stations.

A whole lot of basic things could be done for the public transport system over and above what we know needs to be done in terms of extra railway lines, extra trams, extra trains, better bus services and a much more interconnected system than we have now. We are supporting the Rail, Tram and Bus Union's campaign to put staff back on stations — —

Mr Lenders — Is Ms Hartland declaring an interest in this?

Ms PENNICUIK — I have no interest other than — —

Mr Lenders — I am asking you if she is declaring an interest.

Ms PENNICUIK — She is not here; I am the one who is speaking. The union's campaign to staff stations is called 'Without them, you're on your own'. We need to bring back staff to the public transport system.

Yesterday I attended the Australasian Study of Parliament Group's seminar at which Ms Rosemary Varty spoke about the rollout of the Parlynet system that we all take for granted. She said one of the key features of its success was the use of independent external auditors throughout the development of the project. I raise that because it appears to me that that is what is lacking in terms of information and communications technology across the government sector — that is, a lack of coordination, as I mentioned before, and a lack of auditing by parties outside the projects as they go on. It could be implemented by the Department of Treasury and Finance and separately managed as part of its coordination and arrangement of that. Then we might see some improvements.

I urge the government to take on board the comments made by the Auditor-General on all of these projects and the recommendations he makes as to how they can be improved. The suggestion in paragraph 3 of Mr Rich-Phillips's motion is a good suggestion and should be taken on board. That is why we are pleased to support the motion today.

Mrs PEULICH (South Eastern Metropolitan) — I rise also to support Mr Rich-Phillips's motion that this house notes with concern the repeated failure of the Bracks and Brumby governments to successfully deliver major information and communications technology (ICT) projects on time and on budget, including the ultranet, HealthSMART, the myki ticketing system, Project Rosetta, the criminal justice enhancement project, the housing integrated information program, e-conveyancing and the LEAP (law enforcement assistance program) database replacement, and the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer. It calls on the minister for finance, as minister responsible for procurement, to develop ICT project management expertise within the Department of Treasury and Finance as a key element of all major government ICT procurement projects.

Before speaking about the substance of the motion I wish to make some comments about some of the more flippant and outlandish remarks made by Mr Pakula, who is not now in the chamber. Firstly, he called Wednesday opposition business Wacky Wednesday. That is an insult and an affront to Parliament and to non-government parties past and present.

I can understand why Mr Pakula feels that way about Wednesdays, given the dismal performance of the government and the fact that it hides itself behind slogans and tries to sloganeer its way out of difficulties, because it is not Wacky Wednesday but Whacking Wednesday, and the government gets a whacking every Wednesday, which it deserves. Mr Pakula is probably in his room with the microphone right up his ear, but what he should be doing is coming back into the chamber and taking part in this very important debate.

As Ms Pennicuik rightly said, for him to pooh-pooh and ridicule a debate of this importance, when in actual fact we are talking about projects adding up to between $1.7 billion and $1.8 billion, shows why this government has wasted nine years of its tenure as the government of the state. I believe opposition business is an important part of parliamentary democracy. It is an opportunity for anyone to take part in debate, to place notices of motion on the notice paper and maybe with the agreement of the house to have an opportunity to debate them.

Any action in this Parliament, whether it is merely placing a notice of motion which is not contingent, technically, upon anyone's approval or otherwise, whether it is a members statement, whether it is an adjournment item or whether it is a 3-minute contribution or a 3-hour contribution, means that the issues and concerns are having an airing. If the government, ministers and departments were serious about performing their duties and want the government to stay in government, then they would be going through each of these issues with a fine-tooth comb to make sure that they address them.

I respect Ms Pennicuik's view, but the notion that somehow you must have a concrete resolution to a motion is selling parliamentary democracy short. Sometimes all it takes is a single person to air concerns

and issues that someone is smart, diligent or attentive enough — or even politically smart about — to make sure that those issues and concerns are addressed or at least taken up at the appropriate time.

Ms Pennicuik interjected.

Mrs PEULICH — Thank you for your concurrence on that point, Ms Pennicuik.

Mr Thornley interjected.

Mrs PEULICH — I certainly support the right of Victorians to have a much better transport system than Mr Thornley's government has been able to deliver over nine years of wasted opportunities. I have gone to most Auditor-General briefings, and he has pretty much highlighted similar problems. The problems are basically that the government fails to plan adequately, and Ms Pennicuik mentioned where scoping has not been right, sometimes overly ambitious and certainly poorly implemented. That has been highlighted by the budget and time overruns of each of those major projects, including ICT.

Even more concerning is the repeated observation by the office of the Auditor-General that most of these have failed to assess the lack of performance of the projects on completion. There is no opportunity to improve unless they are lucky enough, or unlucky enough, to be audited by the office of the Auditor-General. Poor planning, poor implementation, poor assessment and capture of performance indicators are the reasons why this government gets it wrong on so many occasions, but even more so is the lack of commitment to this entire area of important government administration — ICT.

I was part of the Kennett government which had the very first multimedia minister and a high focus on ICT. That minister drove many of those reforms and placed Victoria on the world map. Ms Pennicuik mentioned the Parlynet system that we all now take for granted, although many of us are frustrated by its lack of capacity, by many of the bugs and because of concerns about security.

I certainly agree with Ms Pennicuik that a system like Parlynet that operates in a political environment, and probably in others, must and should have security audits on an annual basis. The failure to do so means that many of us continue to have doubt about the security of the system that we rely on on a daily basis. The Parlynet system came out of the former Library Committee, which this government abolished. I guess it has merged into the House Committee or disappeared into the ether. Parlynet came about through the efforts of the former Library Committee and two people in particular, one being a former President of this chamber, Bruce Chamberlain, who passed away not long ago, so it is a legacy of Bruce's, and the other being former Premier Jeff Kennett, who picked up the issue and ran with it. He was responsible for making sure that we had the first multimedia minister in the history of Victoria and this nation, and as a member of the committee I was a fervent advocate of Parlynet.

I recall one important moment when Jeff Kennett paid an unusual and infrequent visit to my office where I was creating some pie charts on my laptop. He wanted me to give him a quick demonstration of what it was all about and what it could do. It was a small contribution to capturing his interest in what it would mean in the daily lives of individuals. I was very pleased to see the former Kennett government introduce computers into the education system in a very comprehensive way. Many community ICT projects were made available so that no-one missed out. It was not just the rich who were able to avail themselves of these opportunities; they were also available to the disadvantaged or the elderly who did not have access. As a result we supported the introduction of computers and computer access in municipal libraries, and those early initiatives remain in place.

Since 1999 the Bracks and Brumby governments have supposedly had a dedicated ICT minister to oversee this whole-of-government project, but this performance certainly has been lacklustre. There has been no overriding vision; certainly no rigid cross-portfolio planning and no cross-portfolio oversight of implementation, and the disbandment of the office of the chief information officer has been a retrograde step for that entire area of government policy.

The government's ICT investments have not been meeting functionality expectations. They have been delivered much later than scheduled and come in well above budget. There have been multiple failures, listed by Mr Rich-Phillips, in delivering ICT projects, including time and cost overruns which are now becoming commonplace. It is clear from the debate in this chamber that the ICT minister has been completely useless in driving any of these projects, as the long list of failed ICT projects continues to grow, and they are listed in this notice of motion.

The Auditor-General has repeatedly lifted the lid on the Brumby government's systemic failure on these ICT projects, and after the debacles of HealthSMART, the myki ticketing system, the failed ultranet project, and now Rosetta, it is clear that this government is completely out of its depth in the area of ICT. I hope

this debate is an opportunity for the government to take — —

Mr Pakula — All Mrs Peulich seems to be able to do is quote from the Auditor-General's report.

Mrs PEULICH — Mr Pakula says that all we can do is quote from the Auditor-General's reports.

Mr Pakula interjected.

Mrs PEULICH — If Mr Pakula did his homework rather than just sitting there uselessly interjecting, he would find that I have had a longstanding commitment to the Auditor-General. In fact I was one of the leading members of the Kennett government who made sure some of the reforms that had been flagged did not proceed. My father was an auditor-general and was imprisoned by the communists for delivering an unfavourable report.

Mr Pakula interjected.

Mrs PEULICH — Yes, I did stand up to the then Premier. But let me say that in the area of ICT, former Premier Jeff Kennett got it right, as did former Treasurer Alan Stockdale, as did the Kennett government in terms of trying to create a whole-of-government approach to the delivery of services by putting Victoria online, getting computers into our schools, getting computers into our community organisations and getting computers into community libraries.

I am only going to make a fleeting reference to the projects outside of education. Project Rosetta was expected to establish an electronic directory service in core government departments to store personal details of employees and contractors to provide a sort of white pages — —

Mr Pakula interjected.

The PRESIDENT — Order! Mr Pakula!

Mrs PEULICH — Thank you, President, for your protection. Perhaps Mr Pakula came into the chamber a little too early.

Why would anyone think that Project Rosetta would be delivered on time or on budget? The government could not even deliver its own paper version of the government directory. It was overdue by probably a year and a half. If it cannot deliver a paper copy of the government directory, why would anybody think it could deliver on Project Rosetta, which as I said was intended to store the personal details of employees and contractors to provide that white pages — —

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Water: north–south pipeline

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Minister for Planning. I refer the minister to his response to the Sugarloaf Pipeline Advisory Committee recommendations, and in particular his response to recommendation 19 where he said:

> The proponent will be required to provide a complaints management and reporting procedure as part of the environmental management framework which it is to prepare.

Can the minister advise the house of the complaint management process that has been put in place?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's interest in this matter, and I welcome her interest in the extensive level of investment taking place in regional Victoria in relation to the works being undertaken by the proponent of this project. One of the critical stipulations that I recommended on the basis of the recommendations in the panel's report was environmental management plans for delivery of each of the stages of the pipeline process. The critical component for which I granted a permit was the corridor of alignment. The pipeline itself will be delivered within that corridor. The critical issue about environment management plans, communication protocols and the like and all of the additional information that is a component of that is that each of the tranches of the delivery of that project involves the seeking of planning permission on that basis and ensuring they had qualified under each of the criteria that had been recommended through my planning decision. There are a number of qualifications in each of them. Many of them will relate to the environmental management plan, as I have mentioned. The environmental management plan, in the vast majority of these cases, I anticipate will be done under delegation within the department, and in each of those there will be a series of communication matters that have to be dealt with through the environmental management plan.

At this point in time I have given permission for the corridor. When all those matters are complied with and the proponent has met all the criteria, permits will be granted for each of the respective tranches in terms of the delivery of the pipeline. I would anticipate that the

proponent will not receive that permit until they have met the criteria. As I have mentioned and as Ms Lovell has mentioned, the criteria have been described in my response to the panel's report and in my announcements on this project.

Supplementary question

Ms LOVELL (Northern Victoria) — Given that land-holders attempting to lodge a complaint with the Sugarloaf Alliance have been referred to the Rural Dispute Settlement Centre within the Department of Justice, which has referred them on to the Energy and Water Ombudsman, who is unsure whether this falls within his jurisdiction, it is fairly obvious that the proponent has not established a complaint management process as the minister's response would indicate is required. Will the minister advise the house why construction of the pipeline has been allowed to begin without this process being put in place?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Lovell's supplementary question, and I am happy to investigate the matter and seek clarification about what information complainants may or may not have received. If Ms Lovell is aware of any complainants who feel they have not had their matters addressed accordingly or through the right mechanisms, we can direct them to the right mechanisms so they can have their complaints not only acknowledged but also dealt with. I am happy to take the member's request on board, and if she has any details about complainants, she should provide me with that information.

Iluka Resources: mineral sands project

Ms BROAD (Northern Victoria) — My question is for the Minister for Planning. In these difficult economic times will the minister inform the house about what action is being taken to support mining and create jobs in regional Victoria and in particular in my electorate of Northern Victoria Region at a location I visited on Friday.

Hon. J. M. MADDEN (Minister for Planning) — Not only do I welcome Ms Broad's interest in raising this matter but I also compliment her on having such a keen interest in this area and visiting those sites and regions to make sure she has a broad understanding of the likely impact, constraints and objectives of a project like this.

One of the great things this state offers is the opportunity to do many things on many fronts for proponents and developers alike, particularly in the mining area. To make sure these things occur they have to go through the appropriate mechanisms and processes to ensure that their applications fulfil the policy objectives of this government while also delivering on their own needs. Part of that has been the great announcement I have been able to make regarding 380 jobs in the town of Ouyen in north-western Victoria. The creation of those jobs is much closer than it was some time ago. The $209 million investment by Iluka Resources is one step closer following the completion of an environment effects statement and the release of my ministerial assessment in relation to the project, which is expected to have a 13-year life.

Mr Vogels — Have you tried the vanilla slices?

Hon. J. M. MADDEN — I take up Mr Vogels's interjection about vanilla slices. While I have had a few, I think Mr Vogels may have had a few more over time. Ouyen does have the best vanilla slices. I was there at one stage for a vanilla slice judging competition, so I now understand not only the finer points of vanilla slice judging but also the efforts that go into the delivery of the vanilla slice.

Getting down to business, based on the Murray Basin mineral sands project we will see an enormous number of jobs bring increased employment opportunities to the region. The mine will access a series of linear deposits of mineral sands extending over 20 kilometres in length. Once it is mined and processing occurs on-site, a mineral concentrate will be produced that can be used in a range of different industries. A total of 250 jobs is expected to be created with the construction of the mine, along with 130 ongoing positions. There are also flow-on benefits to the broader region which may mean more trade and jobs in service industries, particularly in hospitality and retail.

As part of my assessment there are a series of matters that need to be dealt with by other ministers, in particular the federal minister, regarding environmental issues that have been addressed by my assessment relating to the commonwealth Environment Protection and Biodiversity Conservation Act 1999. I am anticipating that the commonwealth minister's response will be swift, and we look forward to that decision being made to ensure that this project comes to fruition.

One of the most critical environmental issues in relation to the site concerns the regent parrot habitat. One of the qualifications I put on the project is that the significance of this habitat must be recognised and dealt with accordingly. The project must not have a significant impact on the regent parrot habitat in the future.

It is expected that the economic and social impact of this project will be outstanding for the region. Greater opportunities will be provided not only for those industries in the region but also for complementary industries around it. Employment opportunities will be created for locals, adding to the prosperity that can be developed with the right investment in regional Victoria to make Victoria the best place to live, work and raise a family.

Timber industry: East Gippsland

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. Will the minister confirm that three logging coupes at Brown Mountain in East Gippsland — nos 840-502-15, 19 and 20 that are mapped by the Department of Sustainability and Environment as old-growth forest — have been approved for clear-felling this season, that one is almost fully logged and that this is in contravention to the Labor Party's 2006 commitment to protect the last significant stands of Victoria's old-growth forests currently available for logging?

Mr JENNINGS (Minister for Environment and Climate Change) — I will answer the question in reverse order. I can confirm that the timber allocations this year are not inconsistent with the Labor Party's formal commitment to make sure we reserve old-growth forests in East Gippsland in the future. This is something the government is committed to doing and something I am committed to doing, but it has not been specified in any way that there will not be timber harvesting in areas that may be described as old-growth forest in current timber allocations.

I can confirm that it is not inconsistent with the commitment made by the Labor Party in the lead-up to the last election, and it certainly will not be inconsistent with my intention, which is to deliver beyond the 33 500 hectares of old-growth forests that it was indicated would be added to the reserve system. It is my intention during my tenure as minister responsible for the environment to beat that number and actually have a higher number of areas of old-growth forest incorporated into the reserve system. That is something I am very happy to be measured by at the end of the term.

The thing I cannot quite verify in relation to the question is the specific numbers of the coupes in question, although if the question is, 'Is there activity currently being undertaken in East Gippsland that is a source of contention in relation to the appropriateness of it being allocated for harvesting activity and that is subject to protest activity?', I can confirm that that is absolutely happening.

I would like to describe the sequence of decisions and responsibilities that have led to this time frame. As far back as August 2004 the allocation order was signed off by my predecessor, the Minister for Environment at that time, regarding areas that would be available for harvesting from that time over a 15-year period and were going to be considered and reviewed in 5-year cycles. In the first instance, the timber allocations that were then the responsibility of VicForests and would subsequently be the responsibility of other ministers and agencies — that is, VicForests' allocation of the timber orders that relate to the harvesting schedule — were required to comply with the allocation orders made in 2004. In 2004 the areas that are currently subject to harvesting were identified as potentially being available for harvesting, subject to VicForests determining the harvesting plan that would apply from 2004 to 2009.

Subsequently the election commitment — which was that we would increase the reserve system within East Gippsland — at one level may have been interpreted to mean that there would be absolutely no logging in areas that may be seen to be old growth, but they are not mutually exclusive commitments. In fact the coupes in question continue to be in areas known as general management zones within the forest.

There are a number of categories of forest designation, which include special protection zones and general management zones, that give guidance to the way in which those forests should be managed. The coupes in question have at no stage been designated, in my understanding, as being in anything other than general management zones. On any map that had been prepared prior to my arrival as Minister for Environment and Climate Change or any subsequent map in relation to whether the areas in question would be added to the reserve system, this area has not appeared. It continues not to appear on those maps. I stand by the commitment of the government to increase the reserve system significantly beyond the 33 500 hectares that were identified for old-growth protection in the future, and I will be measured by that and will be accountable to the Parliament and the people on that matter.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — The minister and I might disagree on what is on the maps. One of these logging coupes has been named The Walk by VicForests in reference to the local community's marked and tracked tourist walk, which was also

committed to by the Labor government as the Old Growth Forest Walk — Goongerah. How is this consistent with the current logging operation?

Mr JENNINGS (Minister for Environment and Climate Change) — I obviously know that commitments the member did not refer to were made at the same time. Commitments were made to make sure that a number of walks were generated within the East Gippsland region to try to enhance the visitor experience and hopefully be supportive of tourism activity and engagement of the community within the forests. That commitment continues to be maintained by the government and to be implemented by various agencies to try to make sure that the walks are delivered.

Again this may be an area of contention where people say that an alignment of a walk had been adopted by the various state agencies. Despite the fact that there are many passionate and committed people — and good on them for being passionate and committed to environmental outcomes and sustainability in this area and generally — there has been no formal adoption of any delineation of a walking track by government agencies or the government that will define how the commitment to those walks will be delivered on the ground. That is a process and a program that the government continues to be committed to and hopes to engage with the community on. We will continue to work to deliver on that aspect of the commitment as well.

Planning: Cardinia

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Planning, Justin Madden. The Brumby Labor government is committed to building connected communities where new housing is planned with good access to services, transport, jobs and open spaces. I ask the minister to advise the house on how precinct structure plans are creating new communities in the Casey-Cardinia growth area.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Somyurek's interest in this matter, particularly as it is out in his neck of the woods. I know he is conscious of the development that is taking place and is aware of the opportunity for development in that corridor in particular. I am pleased to announce that I have today approved the Cardinia Road precinct structure plan, which is amendment C92 to the Cardinia planning scheme and which maps out a new community of approximately 30 000 residents in the Casey-Cardinia growth area.

This is part of the rezoning of 1000 hectares of land within the urban growth boundary. It is interesting that when I make announcements like this we see no movement from members on the other side of the house. With such a great opportunity for improved and affordable housing and urban development you would think there would be at least a murmur, but they are absolutely stone cold on this one. How can we and the public not get the impression that there is no interest from the opposition when it comes to policy on these matters? It takes a lot of hard work for this to happen. It takes a lot of hard work to transform large tracts of farming land into developed land for an estimated 10 000 dwellings. Because of that — —

Honourable members interjecting.

Hon. J. M. MADDEN — Because it is tricky and everyone has different expectations, Mr Finn, about what they do and do not need, I referred this matter to the priority development panel for consultation and collaboration to ensure that we got a resolution of these matters. Part of that was resolving the matters with a number of stakeholders, particularly the Cardinia Shire Council, a number of developers with their respective interests in this matter and also the Growth Areas Authority, to make sure we got an outcome which suited everybody and which we can proceed with. The land encompassed by the precinct will be serviced by the Cardinia Road duplication between the Pakenham bypass and the Princes Highway. It is part of a road-widening and road network development that is critical to providing public and other forms of transport through the corridor. As well there will be a railway station and supporting bus interchange that will allow for guaranteed public transport options in this area as well as substantial road network opportunities. We will also see open spaces along the creek lines and potentially bike paths in the future as well as sporting facilities, which will ensure that this is a great place to live, work and raise a family.

I look forward to the rolling out of this development. I look forward to seeing people settle in this area who no doubt will come to Melbourne and Victoria in droves because of the new housing opportunities we are providing. If people are after a traditional-style housing option with a garden, this is the place to get it, and this is building on our reputation as being the best place to live, work and raise a family.

Aviation industry: government strategy

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Acting Minister for Industry and Trade. According to the Melbourne 2030 report the government committed to:

> Complete and implement the Victorian aviation industry strategy to address the planning, infrastructure investment, training and industry development needs of aviation

I ask the minister: where is it?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Mr Dalla-Riva for his question. One of the very exciting things about being in my 30th day as Acting Minister for Industry and Trade is that I can reflect on many of the things this government has done to attract the aviation industry to Victoria. I guess the easiest way for me to respond to Mr Dalla-Riva is to draw his attention to *Hansard* and the response from my colleague Mr Theophanous, who previously outlined in this house how he played a part in facilitating direct flights to Melbourne with multiple airlines coming into Melbourne, and Tiger is one I recall. President, it was you who took away the tiger that Mr Theophanous brought into the house on that particular occasion. Being a very passionate Richmond supporter, you took the tiger away from him!

But my very serious response to Mr Dalla-Riva is exactly that: in this house previously my colleague Mr Theophanous has outlined on many occasions the concrete actions of this government in bringing airlines and direct flights into Melbourne. He has responded to Mr Dalla-Riva on those particular issues. I, as acting minister, have responded to Mr Koch on similar issues about concrete proposals this government has put in place to bring more airlines into Melbourne, whether it be the expansion of Melbourne Airport, whether it be the facilities that are coming to Melbourne through servicing and maintenance, whether it be the John Holland expansion recently announced in Melbourne for airport logistics and maintenance or whether it be direct flights coming in.

I say unequivocally to Mr Dalla-Riva that we have seen greater growth in the aviation sector in this state, more competition and more flights than we have ever seen previously. This government is building on concrete actions. The airlines are delivering. They are bringing in more passengers for tourism and reducing the prices of flights so that Victorians can move around the country. That is an aviation policy. We are delivering on it and will continue to do more in collaboration with industry and the commonwealth government.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — It is clear that the minister does not understand the aviation industry, because he spoke about one particular aspect of it in terms of flights. There are obviously many other aspects of the aviation industry. It is important that we understand that this promise by the government is now 2206 days in the waiting. I ask the minister: when does he intend to complete and release this strategy to cover all the issues in the aviation sector, not just one aspect?

Mr LENDERS (Acting Minister for Industry and Trade) — Mr Dalla-Riva likes talking in times. It is now 12.19 p.m. At 11.57 a.m. today my colleague the Minister for Tourism and Major Events, Tim Holding, was at Tullamarine announcing more AirAsia X direct flights to Kuala Lumpur. I say to Mr Dalla-Riva that he might be counting 600 days, or whatever figure he uses, until a piece of paper comes into place, but he might also count back to 1967, when Henry Bolte said he would build the Scoresby freeway, or to 1958, when Henry Bolte said he would build the Ferntree Gully railway line. What I can say is this government is delivering day by day — —

Mr Guy — Why did you make the promise?

Mr LENDERS — Mr Guy says, 'Why did you make the promise?'. This government made a promise to deliver better aviation services to Victoria, and at 11.57 a.m. today at Melbourne Airport the minister for tourism announced yet another direct flight to Kuala Lumpur. Anyone who knows about direct flights to Kuala Lumpur knows Malaysia Airlines used to do most of the flights here, but it cut back the flights to Kuching and a lot of the flights to East Malaysia. The minister for tourism has just announced an extra direct flight to Kuala Lumpur, and I say to Mr Dalla-Riva we will continue to work on planning and we will continue to work with the industry, but today at 11.57 a.m. this Labor government delivered.

VicForests: harvesting and haulage contracts

Mr SCHEFFER (Eastern Victoria) — My question is to the Treasurer, John Lenders. We have been aware over the past few months that VicForests has conducted its harvesting and haulage tenders to give greater certainty to the industry. Can the Treasurer inform the house of the feedback he has received thus far relating to the industry?

Mr LENDERS (Treasurer) — I thank Mr Scheffer for his question, and it is a very good question. There is a theme here: at least 60 per cent of members from

Eastern Victoria Region have asked me questions in this house about VicForests and harvesting and haulage.

Mr P. Davis interjected.

Mr LENDERS — I take up Philip Davis's interjection. Indeed more than one has; three members have, and possibly Mr O'Donohue and Mr Viney have as well. Mr Viney often asks me privately how these things are going, because he sits next to me in the house, but it is good to be able to talk to the house about how this is going. Clearly we have had a harvesting and haulage tender. It has been reported in this house that in the first proposal 65 per cent of contracts were issued, and there was a second round where a further 35 per cent were issued. As Mr Scheffer knows, this is a big industry in his electorate. VicForests has done a tender evaluation, assisted with advice from industry experts Poyry Forest Industry and probity auditors Deloittes as to how this goes. This government believes very strongly we need to learn from these things so we better go forward into the future.

It is interesting to give the context of why harvesting and haulage is important. There are 182 contractors with more than $300 million worth of contracts, 78 companies and 460 jobs secured in eastern Victoria. I have been out and about a fair amount as minister responsible for VicForests and have certainly met with VicForests board and staff to get their views on how this process has been going.

There has been a lot of debate in this chamber and elsewhere about it, but I have spoken to VicForests. I have also met with the Victorian Forests Harvesting and Cartage Council, which is the harvesting and haulage association, seeking its views on how this is going, and with a number of other interested stakeholders.

I was in Gippsland last week and spoke with people who actually receive the goods from timber harvesting and haulage. I was in Bairnsdale with two timber companies and in Heyfield with a timber milling company to see how things were going in the area. The message I get is loud and clear: we need to provide certainty to the industry. Certainty provides resources and the jobs that I am talking about. It has been a very good dialogue and has included suggestions as to how we can get that certainty and address some of the challenges facing the industry.

I thank Mr Scheffer for his question. It has been a long journey working on these harvesting and haulage contracts. There has been — correctly — a lot of community scrutiny of those contracts. This government is evaluating them, and we are talking to the stakeholders. It is that sort of process that lets us get the balance right between jobs and the harvesting of the timber. As my colleague Mr Jennings explained earlier in response to a question from Ms Pennicuik, that balance is what Our Forests Our Future is all about — sustainable yield from our forests and great jobs in Gippsland.

Water: desalination plant

Mr P. DAVIS (Eastern Victoria) — I too direct a question without notice to the Treasurer, but it is not about timber. Yesterday the South Australian water security minister admitted that the cost of Adelaide's desalination plant had blown out by 27 per cent to $1.4 billion and that there will be a further announcement on more cost blow-outs in December. I note that the South Australian plant will be one-third the size of Victoria's proposed desalination plant. Does the Treasurer stand by the $3.1 billion price tag his government has put on Victoria's desalination plant in Gippsland, or will he have to cut the size of the project to fit within the budget?

Mr LENDERS (Treasurer) — I thank Mr Philip Davis for his question. It is interesting that he draws an analogy with a South Australian project, and equally I could draw an analogy with Federation Square — the great hallmark project of the Kennett government — which was a $100 million project that went $300 million over budget. It is interesting to talk about historical analogies. What I can say to Mr Davis is this: firstly, obviously Melbourne Water is out there now and a process to develop a public-private partnership is going on. We are in the middle of that process, and it will conclude in the first four months of next year. I am not going to comment on the specifics of that process, because it is currently under way and is a commercial arrangement.

The second thing I say to Mr Davis is this: we have a gateway process in Victoria which we run these projects through. I know when I was major projects minister — —

Mr P. Davis — Not again!

Mr LENDERS — Mr Davis says, 'Not again!'. Sadly I recall that when Mr Theophanous took the role of major projects minister I ceremoniously handed over the brochure on the gateway process, so I cannot use it as an aide in the house today. Those who were in the

55th Parliament would know it was a very good teaching tool.

Obviously the gateway process is something on which Victoria pioneered the way. I am not sure whether South Australia has a gateway process. Certainly the Kennett government did not have one for Federation Square nor for some of its other projects with monumental cost blow-outs. We have a rigorous gateway process — —

Mr Dalla-Riva interjected.

Mr LENDERS — I take up Mr Dalla-Riva's interjection. The Kennett government did not have a gateway process. The gateway process was brought in by this Labor government and improved on a process established by the Blair Labour government in the United Kingdom.

The gateway process is a rigorous, step-by-step process that addresses through six gates a project's scope, procurement, delivery and evaluation at its conclusion. I am pleased Mr Davis raised the question, and he will know that this government's record on procurement is probably better — I do not say it any more definitely than that — than that of any other government interstate. I am happy to hear any arguments on that.

When Mr Davis goes home on Friday after this house rises, he will drive down the Hallam bypass, a road built by this government three months ahead of schedule and $10 million under budget. This is not one of the projects opposition members talk about; they talk about other hypothetical ones blowing out.

I am not going to speculate on what the market is doing here and now. What I will say to Mr Davis is that we have a transparent process. A number of milestones after the desalination plant processes are completed we will release information on a government website, which was an innovation of this government's commitment to openness and transparency.

We now have an Auditor-General who has teeth. Under the Kennett government he only had gums, but now he has teeth. He will be free to trawl through every commercial contract and report on it. Any minister involved — the water minister, the major projects minister or any other minister — will be subject to being scrutinised by the Public Accounts and Estimates Committee. Every minister from this government appears before that committee — every one, without exception — unlike the Kennett government. I know I am talking a bit about contrasts with the Kennett government, but the licence to do that came because Mr Davis talked about a plant in South Australia.

In conclusion, the desalination plant is an important project and one that we are proceeding with swiftly. It is necessary because — as everybody knows — rainfall is down, water storages are going down and our community expects some certainty in relation to water in the future. This plant is a way of creating that certainty. I am confident that this will be a great commercial operation, and I look forward to Mr Davis's supplementary question, which will be about how many jobs it is creating in his electorate and what certainty will apply for his constituents who will get water out of this project.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the Treasurer for his extensive and expansive response to my question, but I would like to bring him back to the specific issue of water rather than his reporting to the house about what he thinks is the proper stewardship of the government in regard to various other matters. I go back to what the South Australian water minister said, which was that water prices will continue to rise to pay for the cost blow-out in the desalination plant. Water prices in metropolitan Melbourne have already been slated for a 96 per cent increase, therefore I ask: will these massive costs to consumers be increased even further by a cost blow-out in Victoria's desalination plant?

Mr LENDERS (Treasurer) — Mr Davis is correct. To fund large infrastructure projects the government has announced significant increases in the price of water for metropolitan consumers. The increases will fund the desalination plant and Sugarloaf, and they will partly fund the food bowl modernisation project, which Ms Lovell seems to have great issues with. We have already announced up front that these projects will be funded primarily through an increase in water prices for consumers in metropolitan Melbourne, which is not the story Mrs Petrovich or Ms Lovell tell in their electorate. I would be fascinated to hear what they say to people in the southern part of their electorate who will benefit from these projects, but that is an issue between them and their constituents.

What I say to Mr Davis is this: we have acknowledged that these are large, expensive infrastructure projects, hence this government has made the difficult decision to flag that we will need to double metropolitan water prices — or approximately double them — to fund these projects. I do not see that there is any debate about that. It is on the public record and it is in the Victorian water plan. That is what has been announced and what is coming through in the bills people are

receiving now. That is the commercial proposition that has been put forward to deal with climate change.

On most days I go to the Melbourne Water website and check the state of the dams in metropolitan Melbourne. Victoria is obviously a lot bigger than metropolitan Melbourne, but we are talking about a desalination plant that will predominantly be used by metropolitan Melbourne. This desalination plant will also potentially supply water to a lot of Mr Davis's constituents on the peninsula, on the metropolitan fringe, in the Dandenongs and in western and southern Gippsland — they are all potential beneficiaries of the desalination plant. There are also other benefits in Wonthaggi, such as the 1300 or 1500 jobs being created through current construction and the ongoing jobs — or the certainty of jobs — that will come with the reliable water supply. We have got the water plan out there, and I am happy to take questions on it. I am confident that it is exactly as it is: the business case is out there, and now the private sector is bidding on it. Next year we will see whether those predictions are correct, and I am confident they will be.

Rivers: environmental flows

Mr VINEY (Eastern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Could the minister inform the house how the Brumby Labor government is protecting crucial refuge habitat in our drought-affected rivers?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney for his question and for the opportunity to talk about the way in which the Victorian government, in cooperation with Victorian communities and with other jurisdictions, is trying to provide for the protection of environmental values through environmental flow allocations to our rivers and wetlands across Victoria. We try to be as strategic as we possibly can — because everyone here and in the community knows and understands, and this is consistent with the question that my colleague the Treasurer was just asked, how precious each and every drop of water is to the Victorian community and our environment — in an effort to ensure that we make the maximum and most effective use of that water.

In terms of when we consider environmental flows, I think it is important for us to know the outcome of the 2007–08 allocation. The allocation under the Victorian Murray flora and fauna entitlement was used at a time last year when only 43 per cent of the high-reliability water was provided to the community. The environment had its share in terms of its entitlement, but the level was only 43 per cent of what the designated entitlement was. That meant, in terms of the flora and fauna entitlement, that 9 gigalitres was allocated last year for a variety of programs which included protecting the Murray hardyhead, which is a species of fish found along the Murray. That protection was provided in three locations across Victoria, and 0.7 gigalitres was provided for that purpose. To protect 560 hectares of river red gums in the Mallee — these river red gums are very significant, and some of them may be about 200 years old — —

The PRESIDENT — Order! I inform the lady in the public gallery that it is not appropriate or allowable to take photos in here.

Mr JENNINGS — Three gigalitres was allocated to protect those red gum species in the Mallee last year. To provide for drought refuges and protect the forest values and habitat in the Gunbower Forest and along the Goulburn and Broken rivers, 7 gigalitres was allocated last year.

It is very important for us to ensure that we allocate this water in a strategic way to make sure that we do not lose species, so we protect against species loss. We try to prevent catastrophic events such as fish deaths or algal blooms and try to ensure that we provide that water in such a way that as much as possible of it will be maintained and retained for future benefit — that is, for maintaining drought refuges until a better water supply is available.

Within last year's allocation we decided to hold 7.6 gigalitres to carry over from last year into this year to augment the flora and fauna entitlement, and I will talk about that in a minute.

Mr Barber interjected.

Mr JENNINGS — You were not listening. The Living Murray environmental water allocation is another source of allocation that supplements and augments the Victorian flora and fauna entitlement, which is an entitlement shared by different jurisdictions — this is actually shared by the parties to the Murray-Darling Basin Commission, which are the New South Wales and South Australian governments, ourselves and the Australian government. Out of last year's figure of 16.96 gigalitres of high-reliability environmental water, 16.522 gigalitres was allocated for Living Murray programs, including a number in Victoria but including also over 6 gigalitres going to the Wakool River in New South Wales, which feeds into the Millewa forest, which actually feeds into the Murray. Within South Australia 4.397 gigalitres was allocated primarily to the Chowilla flood plain to

support environmental values in that jurisdiction. Within Victoria 2 gigalitres from that source went to the Gunbower Forest and 4 gigalitres went into the Lindsay and Wallpolla island flood plains. Of that Living Murray environmental water allocation a bit over 4 gigalitres was carried over into this financial year.

In terms of that allocation this financial year, because of the low reliability across the Murray–Darling Basin there is currently only 2.338 gigalitres that is available across all those jurisdictions, and of that volume about 1.395 gigalitres has already been allocated to projects for this spring. They include 0.5 of a gigalitre to the Barmah forest in Victoria, and that is something the environmental flow program will be undertaking shortly.

In relation to the Victorian Murray flora and fauna entitlement it is important for us to understand that water entitlements across this region in Victoria at the moment are running at an average of only 19 per cent, so in terms of its high-reliability times, the environment, just like any other water user across that catchment, is subjected to severe restrictions on the availability of supply this year. At the moment 12.84 gigalitres is available for this entitlement, which is primarily made up of the carryover from last year — 7.6 gigalitres — and a further 5.24 gigalitres that has been allocated from this year. Of that allocation, 3.2 gigalitres has been allocated for spring 2008. Two gigalitres of that has already been provided to river red gums and the Lindsay-Wallpolla. Half a gigalitre is being provided to Gunbower Forest, half a gigalitre is going to the Goulburn-Broken wetlands and 0.2 of a gigalitre is being held in reserve for the protection of the Murray hardyhead, which is the species we protected last year.

Mr Drum interjected.

Mr JENNINGS — I am glad Mr Drum has actually piped up at this point in time, because he knows this is something that is very significant to his electorate.

The PRESIDENT — Order! Mr Drum!

Mr JENNINGS — Sorry, President, to respond, but in fact Mr Drum was anticipating where I was heading.

The PRESIDENT — Order! The minister does not have to explain to me; he just has to answer the question.

Mr JENNINGS — I am. The Murray hardyhead is a little fish but a big fighter — as the *Sunraysia Daily* has recognised. This is something that has gained prominence within the local community in Mildura. We should be very proud that we have actually saved this species from extinction, and its prospects are sound, thanks to our strategic intervention with the environmental flow allocation. I am glad Mr Drum and others in this chamber support that.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I wish to draw to the attention of the house that we have visitors today. They are Mr Shen, the Chinese consul-general, and his wife, Mrs Shen, and of course Madame Wang, the deputy consul, on their first visit to the Victorian upper house. Welcome.

Questions resumed.

Budget: surplus

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. Can the Treasurer tell the house what was the state of Victoria's business confidence and conditions as reported in the latest National Australia Bank (NAB) business survey?

Mr LENDERS (Treasurer) — I am certainly happy to answer Mr Davis's question, but I would have thought, if he actually wanted to know what the results of a survey were, he would read them himself. I am sure he is capable of reading them — in fact I am very sure he is capable of reading them — so I do not think it is my job as a minister to read out a release for a bank. I will not take up the opportunity of doing that. I look forward to his supplementary question in response to my substantive answer.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I ask the Treasurer a supplementary question on the matter of the National Australia Bank survey, and I quote the survey:

> … the most marked deterioration in confidence in recent months has been in Victoria. That has also been the case for business conditions, where the deterioration has accelerated to the extent that there is little difference in the conditions reported by Victoria and NSW.

That is not a ringing endorsement of the Treasurer's activities. The National Australia Bank survey also states it believes there will be budget deficits of $10 billion by 2010. I ask: does the Treasurer still stand by his commitment to keep the budget in surplus at 1 per cent of budget revenues?

Mr LENDERS (Treasurer) — I would agree with the NAB's idea of a $10 billion deficit by 2010 if there were a Baillieu-Ryan government, because that is what they have promised already. On what they have promised — before any downturn — their expenditure would exceed their revenue, and that is what we reported in our great tool, the splurge-o-meter. I guess the only disagreement I would have with the NAB is that it is actually a Brumby Labor government and not a Baillieu-Ryan coalition government — a coalition which has policies for a $10 billion overspend. That is factual, and I can table those costed policies in the house if Mr David Davis would like me to.

Mr D. Davis — Your stewardship!

Mr LENDERS — David Davis speaks of my stewardship. I am simply reporting to the house that if we are talking of economic forecasts going forward, Mr Drum's party has gone into a coalition with Mr Davis's party — which it promised it would not do, so if we are talking about lies and broken promises, let us start with that — and their combined promises to the Victorian community, which I can table in this house as costed policies, are $10 billion in excess of what is available. If we want to talk about sound financial management and keeping promises, we should perhaps start looking at that.

The NAB has made some comments, which all financial forecasters are doing, and what they are saying — —

Honourable members interjecting.

Mr LENDERS — We have a lot of yapping opposite. I am trying to give a considered answer. What we have is a series of financial forecasters making predictions as to where they think the future is going, and we are obviously interested in their predictions. There are a range of predictions. Of course Mr David Davis, whether his glass is half empty or half full, likes his glass to be empty because he can have a bit of a moan. But what I would say to him is this: if we want to talk about forecasts, we probably need to look at the most recent national accounts and the figures that are out there. We find that in the state of Victoria, private business investment rose solidly by 9.1 per cent — double the national average. Okay; that is fine. We also see a strong rise in non-residential building of 5.1 per cent; engineering construction is up by 7.4 per cent; and machinery and equipment are up by 11.8 per cent.

Mr David Davis can come in here with whatever figures he likes, but what I will say to him is this: this government has committed to a budget surplus, and it will deliver. We will report an update of the first quarter, as we are required to do, and we will report a midyear update, as we are required to do. Our latest information from the Department of Treasury and Finance — two more bits of information — will be out there before the end of this year.

On 15 January 2003 the *Australian Financial Review* said we were too transparent, but we are pleased to be too transparent. We are pleased to have informed data out there from the Department of Treasury and Finance that is presented by the Minister for Finance, WorkCover and the Transport Accident Commission and me. We do not want the bagging of public servants we have seen from the federal Liberal leader, who has been attacking the federal Secretary to the Treasury, Ken Henry — who ironically was appointed by Peter Costello — because he thinks he is too positive. It says a lot about what the Liberal Party thinks when anyone who is positive gets attacked. It likes trashing the show and talking down the state.

I say to Mr David Davis that we are committed to a budget surplus, and we will report a quarterly update and a midyear budget update — two of them — before the end of this calendar year. We are more transparent than any other government in the history of this state.

Crime: asset confiscation

Mr DRUM (Northern Victoria) — My question is to the Treasurer, Mr Lenders. In relation to the estimated $60 million that has been seized from the Mokbel estate, can the Treasurer inform the house as to how this unexpected windfall will be used?

Mr LENDERS (Treasurer) — I thank Mr Drum for his question. He refers to a seizure of money from the Mokbel estate. I will take that on notice. These are particularly issues for the Attorney-General. Any of these — —

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich rolls her eyes and grunts — or whatever she did. What I will say to this is that I have been asked a question by Mr Drum about an amount of money.

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

The PRESIDENT — Order! I hope this is not a frivolous point of order. I trust Mrs Peulich's good judgement.

Mrs Peulich — I try to be not too frivolous when making points of order, but I have noticed the Treasurer

today using fairly unparliamentary words to describe members of Parliament. One of those instances was, of course, a reference to me grunting. I was moaning, not grunting.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mrs Peulich has offered me the opportunity to establish a precedent in dealing with a frivolous point of order. Mrs Peulich clearly raised a frivolous point of order, and as such I will take the normal action under standing orders and eject her from the house for 5 minutes.

Mrs Peulich withdrew from chamber.

Questions resumed.

Mr LENDERS (Treasurer) — I have been challenged by some colleagues to get a couple of split infinitives in here, but I will resist.

In his question Mr Drum specified an amount of money seized from proceeds of crime, I am presuming, and he is asking what the plans of the government are to spend that. I will say two things to that. Firstly, it is always a legitimate question in this Parliament to ask how revenue is generally being spent. We will not go down to individual items. We come forward each year with a budget, which is a holistic government approach to what is available and what is necessary, and government will have priorities and come to the Parliament with those. But for any issues that relate to the proceeds of crime, there is a fairly elaborate process in government, overseen by the Attorney-General, to deal with those issues. The specific nature of that amount and quantifying that amount I am happy to take on notice for the Attorney-General on behalf of my colleague Mr Madden, who actually answers for the Attorney-General in this house. I am not going to speculate on a particular amount of money that Mr Drum offers up in the house.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for his answer. Would it not be possible that that $60 million could be used to increase police presence in Melbourne without the need to transfer police from regional areas, as the Premier has indicated will happen?

Mr LENDERS (Treasurer) — What I will say to Mr Drum is this: if he thinks the appropriate thing for the Parliament is that we have a debate here on a windfall, if that is the description — —

An honourable member interjected.

Mr LENDERS — I am answering Mr Drum. If he thinks the appropriate policy for dealing with a windfall — if that is how he wishes to describe it — is that this Parliament should advocate how it should be spent, then when the commonwealth suddenly takes $400 million away from our GST revenue, Mr Drum should also come up with options for where we can find the savings for that in addition to coming up with options for how we spend any unforeseen gains in this place. If he is serious about responsible parliamentary behaviour, he will do that. If he did that, we would not get to the ludicrous situation where Mr Baillieu and Mr Ryan have promised $10 billion that does not exist.

On the second point I will make the observation, so I do not leave the record incomplete, that the Premier has announced increased police and he has announced extra support for Victorian police. I will not let the throwaway line of Mr Drum about taking resources away from regional Victoria go unchallenged.

An honourable member interjected.

Mr LENDERS — That is right. He was not part of it, but it was his party that slashed the police force by 10 per cent — by 1 in 10. We could name any police station in the Northern Victoria Region and we would find the Kennett government cut 1 in 10 police officers out of it during its time in government. This government has restored them all — and more. Let us not have this debate that plays off one part of the state against the other. This government governs for the whole of Victoria. We do not take the beating heart and toenails approach, which the Liberal-National parties took. They said Melbourne was the beating heart and country Victoria was the toenails of the state. We believe in governing for the whole state. Wherever they are and however they vote, we govern for the people of the whole state of Victoria.

Sitting suspended 12.56 p.m. until 2.03 p.m.

INFORMATION AND COMMUNICATIONS TECHNOLOGY: GOVERNMENT PROJECTS

Debate resumed.

Mrs PEULICH (South Eastern Metropolitan) — Before question time I was talking about the Rosetta project and just wanted to mention in passing that the

Auditor-General had confirmed the time and cost overruns, which he claimed were becoming commonplace when reviewing multi-agency ICT implementations. The recurrent expenditure was found to exceed the estimate by $3 million, or 107 per cent, and departmental costs incurred to implement the directories were estimated to be at least $7.9 million. The Auditor-General also mentioned that an audit analysis indicated that initial estimates of the staff, time and materials required to operate and maintain the directory were not realistic. This confirms all the things that have been said by previous speakers on the non-government side about the government's difficulty in meeting the challenges of implementing these projects.

The Auditor-General also said that many ICT business cases are predicated on achieving efficiencies outweighing the cost of implementation and operation, and yet many of those responsible for ICT implementation simply do not seek to confirm that the benefits have been obtained. Not only do we have a poor implementation record but also we have no capacity or little will to look at the assessment of performance.

Another issue that has been mentioned before is the inability of the government to address security issues when delivering these major ICT projects. The Auditor-General in the same report said that data integrity and system reliability was brought under significant scrutiny when it found that 272 records in the directory had special characters or dummy data in the name fields and that 11.8 per cent of the records sampled in the department's meta-directories were not found in the Rosetta directory. Inspection of the data in the Rosetta directory revealed that 25 763 records had dummy date-of-birth data and 17 846 had 'X' as their gender. We can see why some of those findings were made.

Mention was made of HealthSMART, and I will not talk about that in great length. In 2003 the Department of Human Services (DHS) established the Office of Health Information Systems to deliver the HealthSMART program. The planned four-year, $323 million hospital information technology project was intended to be implemented as part of the Brumby government's whole-of-health information and communications technology strategy plan 2003–07, which was due for completion this year. That has all fallen apart.

The HealthSMART program was funded by the reallocation of previously approved DHS funds of $112 million, new funds of $138.5 million and agency contributions equivalent to $72.9 million. In September 2008 the Brumby government's inability to manage major projects yet again saw the resignation of another IT professional in HealthSMART's IT director, Fiona Wilson. As the multimillion-dollar, bungled IT project is now two years behind schedule, it remains unclear as to when the project will be completely rolled out. I will leave that to other contributors.

David Davis effectively exposed the shortcomings of the electronic conveyancing project, as did the Auditor-General who conducted a performance audit of what was to be a $40 million electronic conveyancing system. It was trumpeted by the Attorney-General in August 2006 as an electronic conveyancing system with the potential to save the community more than $100 million a year. As was mentioned earlier, the system has been used for only one property settlement since its launch, and it has been superseded by a planned national system. The federal government is providing all sorts of lifelines to what is essentially a failed state administration on so many fronts, including ICT. I will leave that to other contributors to comment on further.

Ms Pennicuik has spoken about the shortcomings and cost blow-outs of the myki smartcard system, as has Mr Rich-Phillips. We do not know when that system will eventuate, but certainly a lot of taxpayer money has been lost — money that could have been allocated to other areas of need, such as much-neglected infrastructure.

British software company Anite struck a deal with the Victorian government in 2004 to develop a new housing management system for the Office of Housing, which also failed. I will not comment on that, because I know others will.

The law enforcement assistance program (LEAP) database has already been commented on, but the area of specific interest to me is education. In prefacing my comments about information and communication technologies in the area of education, which was a frontier during the Kennett government, I refer to a 2 September media release by the Premier commenting on the blueprint for an education revolution, which states:

> The Premier, John Brumby, today declared Victoria at the forefront of the education revolution, launching a bold, five-year education reform agenda designed to deliver excellence in schools across the state and give young Victorians every opportunity to achieve their full potential.

If only the reality matched the rhetoric. The Premier went on to say:

> Our government is committed to lifting up all schools to a standard of excellence, so that every child has every opportunity to succeed.
>
> …
>
> We are also committed to giving children the best possible start …

A little further down he said:

> These reforms show that Victoria is leading the way nationally when it comes to education and that we are education revolution ready.

In relation to education, Victoria has been education revolution ready since a culture of self-reflection and school review — both internal and external — began under the Kennett government, something that had not existed in our education system previously. There can be vigorous points of difference in relation to all the Kennett government reforms, but one of the best has to be the process of annual review, self-reflection and the external triennial reviews that remain and have, at least to some degree, allowed schools to make progress in the absence of any sound leadership in the area of education.

Information and communications technology is one area. I refer to an article by Kumar Parakala in the *Australian* of 29 July on the skills shortage in ICT, which says:

> The fact that interest in ICT degree courses dropped by 66 per cent between 2001 and 2007 while demand was growing for ICT skills of all kinds has created exciting opportunities for new graduates entering the market.

That is a sad reflection on the lack of educational leadership by our ministers. The article goes on to say:

> ICT is one of the fastest growing sectors in Australia, employing 382 700 workers in May. This represents growth of more than 100 000 ICT jobs in the past decade, according to figures from labour supply and skills branch of the federal Department of Education, Employment and Workplace Relations.
>
> … the global ICT skills shortage means the payoff for choosing an ICT career is extremely rewarding …

The disappointment is that not enough people are taking up ICT careers. What we do at schools is crucial to ensuring that we prepare our young people for the exciting careers of ICT where clearly there is a demand. It is an area that is well suited to the general vision for Australia in terms of its international trade, as a knowledge-based economy and in providing education services. Having read the Premier's media release about Victoria being education revolution ready, it is disappointing that he is saying that nine years after Labor formed government.

I turn to the Department of Education and Early Childhood Development *Interim Corporate Plan 2008–09 to 2010–11*, and I note the extraordinary number of pages that are blank. Obviously there is greater obsession with style and presentation than with content, with many pages blank and a lot of paper wasted. I had to go to page 15 to see any mention of ICT in schools.

It is a great disappointment that the education department and relevant ministers have not given this area sufficient attention. It is obviously a product of the fact that we do not have an active minister for ICT and, as has been said previously, that the chief information officer has been done away with. The Victorian government is now relying on the federal government to provide some of the solutions. In its strategy paper at page 6 it states:

> Recently, the Council of Australian Governments (COAG) productivity agenda working group has developed a framework for human capital.

It goes on to talk about the:

> … commonwealth government, using the COAG forum to shape a new national direction, as well as developing its own reform agenda. The national outcomes and performance measures provide an outstanding opportunity to create a shared national vision and a collaborative national approach to improving outcomes for Australian children.

The Victorian government is clearly going to let the federal government take the lead on many of these issues, and out of that we will have another nightmare in terms of ICT in education. We saw recently, for example, the Victorian student number being introduced for all children along with a computer system that will deliver that to schools, which is to be rolled out to both government and non-government schools. We do not know how that fits in or interfaces with this new national focus. We do not know how it fits in with CASES21, a software program that has been in schools for some time. I will read from the foreword of the October 2008 Auditor-General report, which says:

> Implementation of the current system, CASES21, an integrated school administration and finance software system, was completed in October 2006. More than $100 million has been committed to this system by the Department of Education and Early Childhood Development … of which half has already been spent.

It goes on to say:

> For the majority of schools the broad objective of CASES21 has been achieved.

If you look at the detail, you see that is clearly not the case. The bigger the school, the higher the recorded level of dissatisfaction with CASES21. This problem has been ignored for some time and could have been remedied by providing more effective training for users of CASES21. There is also the issue of the underutilisation of what is a potentially powerful program.

The foreword continues by saying the Department of Education and Early Childhood Development should:

> … now build on this achievement by examining the feasibility of modifying CASES21 to make it more efficient for larger schools. In particular, it would be beneficial for all schools if there was a greater level of integration between CASES21 and the other software also used by schools.

The reality is that most schools supplement CASES21 with a range of other software, including good old Microsoft Excel. There will also be other software to manage the delivery of the student number, and we do not know what the national reform agenda will require.

This lack of planning, poor implementation, poor assessment and poor integration into the strategic statement, as well as the lack of drive by the AWOL — absent without leave — minister and by the previous incompetent ministers, have left the ICT situation in Victoria and Victorian schools in a parlous state. When I visited the Department of Education and Early Childhood Development website recently to see if there were some ICT initiatives of which I was not aware, I saw mention of VicSmart, an $89.3 million initiative that will provide a fibre-optic broadband network to all Victorian government schools. Certainly there is an enormous need to improve broadband access, but gee, the previous coalition government was talking about improving school access to the internet back in 1992. It has taken the government a long time to put some money into making sure that all children can access the internet, irrespective of which part of the state they are in, and to complement some of the access initiatives we took, which I talked about before, such as making computers available through community libraries and various community programs.

I looked at other policies on the website. It was totally uninspiring. There is no strong vision statement for ICT in education. The website talks about the ultranet, and we all know about its failings. It was intended to improve student learning, support the work of teachers, enable the department to support all Victorian government schools and enhance active partnerships with parents.

We have CASES21, which could undertake much more functionality than is currently the case; we will have student number software; we will have the ultranet; and we will have a national regime. I am at a loss as to how all that will be sorted out. The ultranet was supposed to provide complete online learning in which parents, students and teachers would be able to create, access and share curriculum content, collaborate in learning activities and record progress against individual learning plans and goals. Given the government's lack of will regarding publishing or recording its own progress, I am not surprised it has taken a long time to get this out. Clearly there is a lack of will and a lack of commitment in the government's ranks.

I will discuss the Victorian student number, but before doing so I will mention that the ultranet internet scheme was costed at $60 million and was intended, as I said, to provide online information on attendance, assessment, assignments and so on. In May it was five months behind schedule. A memo leaked by eLearning, an industry association for education software companies, expressed concern that local companies had been overlooked in favour of multinationals such as Microsoft.

The delays and cost blow-outs are nothing surprising. The ultranet was a key Labor promise in 2006, and now, almost two months after the contract for the system was to be awarded, the project will be put out for a revised tender. The response to the original tender was not accepted by the department. It will be interesting to see whether that ever emerges again; I suspect it will not. The ultranet was intended to link all government schools, allowing students to submit work and communicate with teachers and classmates, as well as allowing teachers to plan and submit lessons. That has disappeared into the ether. The government's failure to deliver those sorts of computer and ICT programs in schools is certainly not surprising to those of us who have watched what has happened to ICT in Victoria.

The federal government made a commitment to provide every child with access to a computer — that is, the education revolution of the Prime Minister, Kevin Rudd. Recently a list was published of schools that have been funded in phase 1 of the scheme. The reason why there is now phase 1 — and probably phases 2, 3 and 4 — is that the original costing of the federal Labor Party did not take into account a whole range of other costs associated with the introduction of this sort of computer scheme, including maintenance; the eventual need to upgrade computers; the provision of adequate and safer power points; the security and associated infrastructure in traditional classrooms that were not

designed to house this sort of extra equipment; the provision of software and site licences; the professional development of teachers and the curriculum support needed for minimal information and communication technology skill standards; and so on. All that had not been factored in, so the education revolution initially ground to a halt and is now moving at a snail's pace.

For those who are interested in seeing how many of their schools are benefiting from this education revolution I point to the federal government's digital education revolution initiative document, *National Secondary School Computer Fund — Round One Successful Schools 2008*. That document indicates that across my region and Gordon Rich-Phillips's region merely four schools have benefited from Kevin Rudd's digital education revolution. It is certainly not one computer per student, and we will never know — because the Treasurer failed to tell us — how much has been forked out of the state education budget to make this scheme operable. We will never know how many computers are going to be delivered as a result.

In closing I want to say that the performance of the government in the area of ICT in education has been nothing short of deplorable. The need to educate our children for a global economy, the trends in society and the natural propensity of Australians to use the latest technology has not met with leadership and the required level of support from this government. It is selling our children and our schools short.

I look forward to a new Liberal government which no doubt will have the sort of commitment to ICT that we saw when Victoria was a frontier for information and communications technology under the former Kennett government. We will make that sort of commitment yet again because our children, our schools and Victoria deserve far better than what they have received over the nine years of wasted opportunities under the Bracks and Brumby government.

Mr THORNLEY (Southern Metropolitan) — I learnt something new during this morning's debate. I knew that the Kennett government had no Auditor-General, but I did not realise that we had two! We have one who writes the reports, and we have one who reads them.

I was looking forward to this debate because I thought it was an important topic, one that I know a little bit about. I was looking forward to learning some things from the government-in-waiting, the folks who would like to be on the government benches because they think they can do things differently. What I largely heard was a recitation of a range of matters from the Auditor-General's reports. That is a good thing; we obviously believe in the office of the Auditor-General. We re-established it. We take the Auditor-General's reports seriously and always welcome what they have to say. They are not always easy to deal with, but that is why you have an Auditor-General — to make sure that you are held to account and that you are doing things as well as you can. Any good government would welcome that and take on board those recommendations.

I was hoping the role of the opposition in this debate would be to convince the people of Victoria that the government is going about things in a somewhat unsatisfactory way and that the opposition had an alternative or better way, a different philosophy about how it would approach things or a different management approach. I came away a little disappointed with this morning's debate and the endless recitation of the Auditor-General's words which, worthy as they are, I could have read without the assistance of the opposition reading them into *Hansard*. We have tabled all those reports already.

There was a philosophical element to Mr Rich-Phillips's contribution to the debate. His strong view is that what is needed is more planning. He seems to think that you really need to get it right at the start, that you need to sit down, think it all through, work out all the angles, consider all the issues and conflicts you might confront and make all the decisions up-front. Then, when you are done with that, when you are finally ready and you have written the spec, you ship it off to the developers and let it happen. I understand that philosophy; it has pros and cons as a development philosophy, but it is legitimate. I was surprised that Mr Rich-Phillips did not apply that philosophy to his own argument. As he went through his argument what we heard was some rapid tick-tacking from one position to another.

I am from a more flexible school, so I am not necessarily opposed to Mr Rich-Phillips's approach. I just thought it was a little surprising that someone who plans everything up-front and to the last minute detail would have had such an approach. One moment Mr Rich-Phillips was attacking open architecture development, and the next moment he was calling for more collaboration, which of course is much easier to do when you have open architecture.

We heard complaints about the government's approach. It was suggested it should decide everything it wants and then in micro-detail write every last spec so that it is exactly what it wants. The next moment we had calls for the government to adopt off-the-shelf solutions from third-party providers who had already done an

implementation somewhere else, which by definition means you would get none of the specific things you want. Instead you would get the specific things that somebody else wanted when the original off-the-shelf product was written.

There were complaints made about the organisational structure and whether we should or should not have a CIO (chief information officer) role. We heard about the halcyon days being behind us because that role was changed, and yet we heard criticisms of a range of outcomes that occurred under that organisational structure. You cannot have it both ways. If you want to plan everything in advance, you ought to plan an argument that can at least get from beginning to end without crossing over itself three or four times — and that is not what we had.

I disagree with Mr Rich-Phillips on the philosophical point, I suppose partly, as exhibited by his own argument, because it turns out that sometimes you need things to change, particularly things that occur over a period of time. That is particularly true with technology issues because technology changes quickly and frequently. If you do not have some flexibility built into your architecture, you can be left with things that do not work with anything new, that are inflexible to changing needs. They are dinosaur systems that are hard to maintain and support, and they create a range of other problems. There are constant serious new waves of technology that come through. To not be responsive to those waves of technology leaves you at risk of not being able to deliver against the needs of people in a way that is optimal in the modern world.

About 30 years ago we had the beginning of standardised componentry and the PC (personal computer) revolution, with the beginnings of a form of open architecture. About 25 years ago we saw the advent of wide-scale mobile devices, which are now an important part of our daily IT structure. About 20 years ago — I cannot quite remember — object-oriented coding was introduced, which brought about a whole revolution in terms of the flexibility of a development platform.

About 15 years ago the internet moved from a sort of academic specialty into a mainstream commercial application, so a whole connected network topology that was not there before was suddenly available. It was only 10 years ago that Google was born — it turned 10 years not long ago. The world has changed as a result. We were talking about a directory product before. If you want to talk about those sorts of navigation products, which are important, then you have to say the advent of Google was important. If you were going to plan from the beginning before Google arrived and then not change your plans afterwards, you would not deal with the fact that 80 per cent of your traffic was going to come from Google, whether you wanted it to or not.

About five years ago social networking and Web 2.0 really started to come into play, and that has created a whole range of opportunities in health and a range of other fields. The whole idea that we would not be responsive to changes in technology, I think, is a very dangerous one. These are not road projects. This is not some long-term, major engineering construction deal where the technology has not changed a lot, where you spec it out to every inch of its life so you can tender it down to the last cent — that is a sensible way to build a road. These are technology projects that have to cope with the unfortunate reality that technology keeps changing and developing.

I was particularly struck by, as I say, the opposition's contradiction between attacking open-architecture platforms and then calling for a range of things that would be more easily done with open architecture. I am not sure I understand the alternative government's position, but if I understand at least one of the positions it was arguing — the industrial era argument, the big-iron argument, the spec-it-all-out-in-advance and never-change-anything argument — it was arguing against open architecture, because it is the antithesis of that.

The problem with the big-iron philosophy is firstly that you get killed on maintenance. You get the proprietary systems that are built by individual players, and they can win the tender with the cheapest deal, but then they have you hook, line and sinker for the rest of your life on the details. Every time you want anything changed, you get killed. That is the Boeing business model. They can give the planes away if they need to, because they can make their money on the maintenance and the parts. An open-architecture environment enables you to use a wide range of vendors and to make changes and let a wide range of vendors make those changes, so it does not lock you in. But I gather, if I understood at least a portion of the argument from the other side correctly, that its members are opposed to open architecture.

With the fixed-spec brigade, the business model the vendors then use is that if they do not kill you on maintenance, they kill you on variations. It is really the same model that you have with building construction, I guess, and it puts a huge premium on not ever changing anything. If you do want to change anything — which you always do because unfortunately in life you always

want to change things over time; you understand the needs better, new things evolve and, heaven forbid, there might even be a new government — you are locked into a single, plan-at-once proprietary system, then you get killed on the variations in the contract.

There seemed to be some concerns, and I guess you will hear this a lot, regarding how the myki system has developed, but then there was a huge leap of faith that goes from an attack on an individual project to an attack on a development approach like open architecture — and that, I think, is the classic mistake. If you disagree with the execution, deal with the execution, but do not say that the business strategy is automatically wrong because one execution of it does not come out the way you want.

There are a range of reasons why this stuff is important, but what I find strange is people like Mr Rich-Phillips attacking the commercial acumen of various players. I always find it amusing when people who have never worked in the private sector, never run a business, go around lecturing other people on commercial acumen. It is not a wise course of action. Everything I have outlined here in terms of the opposition's approach to open architecture indicates such a lack of commercial acumen and lack of understanding of the way vendors would work in the opposition's big-iron world — ripping it off on maintenance, ripping it off on variation and not giving it an object-oriented code base into which it could build flexibility.

That is not totally surprising, because for all the complaints the alternative government has tried to put forward, it has not put forward a coherent philosophy of its own. Being a bit of an IT guy, I jumped on the search engine in *Hansard* and had a look back in time to see how the opposition handled its IT projects when it was in government. Given the criticism of myki, I thought it would be interesting to see how the opposition handled its last ticketing project. Lo and behold I came across, among many items from its period in government, the storm over the OneLink consortium that was building its ticketing system. It was meant to cost $300 million, but it ran three years late and the former government had a massive legal brawl with a claim for a further $270 million, so it was not exactly a picture of great IT management. Those opposite have a confused philosophical position, and when you go back and look at their record in an area where they themselves have been critical of this government's performance you find to your undying surprise a project was three years late and almost doubled in cost.

It would be valuable, if we are to have these debates — and I am happy to debate Auditor-General reports all day long, because I am a big fan of having an Auditor-General and taking what he does seriously — it is important for the opposition to be clear about what its alternative strategy as a government would be. It is a little hard, given the contradictory arguments, but if the alternative strategy is to roll back the clock, do the fixed spec, big-iron, never-change-anything, industrial era technology approach, then I think that would be a very backward step for Victoria.

Ms LOVELL (Northern Victoria) — I rise to speak on this motion moved by my colleague Mr Rich-Phillips, and I congratulate him on bringing it forward. There have been a number of failures by this government on ICT (information and communications technology) projects that we have heard about today. I want to speak about one in particular — the failure of the government to deliver on the housing integrated information program (HIIP). In 1999 it was first identified that there was a range of functional and technical limitations with the Office of Housing integrated system for information processing, known as ISIP, and this meant it was no longer viable functionally and financially to continue using that system. Unfortunately we find that in 2008, nine years later, we are still using that system. It was stated that the HIIP program would be implemented at an estimated cost of $83 million.

On 21 October 2002 we had a combined press release from the then Minister for Innovation, John Brumby, and Minister for Community Services, Bronwyn Pike, which stated that a leading UK-based software firm had signed with the government to deliver a state-of-the-art information technology system for the Victorian Office of Housing. Mr Brumby went on to say:

> … the contract with Anite Public Sector further highlighted Victoria's status as the innovation capital of Australia.
>
> The agreement with Anite will see the company establish an office in Melbourne and use Victoria as a base for its planned expansion into the Asia/Pacific region …

Ms Pike said that:

> Over the next several years, it would have cost the Office of Housing the same amount of money to maintain ISIP as it will to implement the new system that will deliver new jobs, new economic investment, and substantial benefits to tenants.

Here we are nine years later, and we still do not have the final product of that new system. The contractor, Anite, walked away from that contract, and we are still using ISIP. Obviously we have double-spent in this state because, as Ms Pike said, over the next several

years it would have cost the Office of Housing the same amount of money to maintain ISIP as it would to implement a new system.

We are trying desperately to implement the new system in this state — I would hope the Office of Housing is trying desperately — but not getting anywhere too quickly. The Office of Housing was to implement HIIP in five stages over two years, so it should have been delivered by 2004. August 2004 was identified by the Auditor-General. The first of those stages, the responsive repair stage, was to have been implemented by October 2003. By the time Anite walked away from that contract in 2006 it had only partially completed the first stage of that project, and it was handed over as an incomplete stage. I believe the responsive repair stage has since been implemented, but we are still waiting on implementation of the other four stages of the program.

A tender document went out on 19 December 2007 that said that components of stage 2 were tendered earlier in 2007 and that this was the final stage of the project, addressing project management and contract management components and providing the housing and community building division of the Department of Human Services with an integrated solution for delivering capital and non-capital projects and associated contracts within the housing sector. We have stages 1, 2 and 3. Goodness knows what has happened to stages 4 and 5. It was a five-stage program, but we are hearing that the tender put out in December for stage 3 is the final stage of this new program for managing maintenance in the Office of Housing.

The Auditor-General noted that during the audit he found that stage 1 of HIIP had been partially implemented, as I said before, and that while most planned business processes were implemented, compliance monitoring was not included in the current release. Implementation of stage 1, which started in March 2006, was scheduled for completion in March 2007. We are still waiting for the rest of it. The Auditor-General stated also that the Office of Housing hopes to fully implement the program by December 2008, and I have some questions on notice about that at the moment. I am waiting for a response from the government as to what stage it is finally up to in the implementation of this program, some four years after it should have been fully operational.

The Auditor-General also showed that there was a $93 million projected budget for this project and that $59.3 million of that had been spent. There was a compensation payment from Anite when it walked away, so as of the date of the Auditor-General's report, $43.3 million — almost half of the budget — had been spent, even though the program had been only partially implemented; in fact only stage 1 was partially implemented. Half the budget was used for a not-even-completed stage 1 of the program.

The director of housing also indicated to a Public Accounts and Estimates Committee hearing in July 2006 that the Office of Housing may incur further costs through the procurement of new contractors. There have been cost blow-outs, time delays and total incompetence on behalf of this government in implementing this new program.

In the meantime we hear stories about many reports to the Office of Housing of maintenance orders for public housing tenants just disappearing into cyberspace; they are totally lost. There are contractors who supposedly have orders they are to fulfil that they know nothing about, because again those orders have been lost in cyberspace. The program has just not been working.

The Auditor-General found that the governance arrangements for the Office of Housing did not provide control and oversight of HIIP such as is necessary to ensure the achievement of the project outcomes. The Office of Housing was negligent in overseeing this project, and that has resulted in a cost blow-out and a delay in service for public housing tenants in Victoria.

An email came from a worker within the Office of Housing call centre that spoke of some of the problems here. This email came through in May of 2006. The person wrote:

> Firstly, the issue of millions of dollars of taxpayers money being wasted on a computer system called the housing integration information system otherwise known as HIIP.
>
> This computer system has been a disaster since the first day of its implementation; its primary use is the management of public housing maintenance orders. It has failed to live up to the expectations that people within the department had promised. From an IT perspective it shows no promise of improving its performance. In the meantime public tenants are being disadvantaged while orders for property maintenance disappear into cyberspace. This is compounded by contractors not receiving orders or instructions. The system runs at a snail's pace while tenants suffer. Of great concern is the fact that call centre management are trying to find ways of fiddling electronic statistics to show that the system is functional. So far they have not been able to do that; however, they are working on it.
>
> This system was touted as being an upgrade to the ISIP system; in fact ISIP is much faster than HIIP, and does not lose orders the way HIIP does. Certain IT employees within the department warned management that this system could not perform as well as ISIP but management fell for the sales hype from the British company that supplied the HIIP system. In the meantime millions have been spent, and more dollars

> out the window while they attempt to make alterations that just don't work.

We can see there has been an attempt by the Office of Housing to cover up the incompetence of the new system. There is concern about waste of taxpayers money on developing the system and maintaining the old ISIP system that was considered in 1999 to be no longer viable functionally or financially. This government has continued along this path, which is total incompetence on its behalf. I look forward to the answers I have requested from the Office of Housing and from the minister on just what is happening with the housing integrated information program four years after it was supposed to be delivered in this state.

Mrs KRONBERG (Eastern Metropolitan) — From the outset I want to compliment my parliamentary colleagues on this side of the chamber for their input. We have heard splendid contributions from Mrs Peulich from her perspective as an educationalist and specialist in evaluating educational systems, from Wendy Lovell with her special interest in the housing integrated information program (HIIP) and from the mover of this motion, Gordon Rich-Phillips. Each has taken the blowtorch to this government on its poor management of information technology across the board from the very moment it took over government in this state. Mr Rich-Phillips has surgically sliced into the government's credibility.

If we go to the heart of the three elements of this motion, we can look at issues such as the repeated failure by not only the former Bracks government but also the Brumby government. It is interesting that even with a change of Premier, with more experience under their belts and more opportunities to reflect and look at where they have come from, there has been no change in the level of ineptitude and poor project management of IT projects. The government continues along in its normal sorry way.

I thought the comments of Mr Thornley were quite self-indulgent, which is often characteristic of his contributions. I am able to interpret all the jargon he indulges in because I predate him as a member of the population of computer industry specialists in this country. My involvement with the computer industry started in 1969. I have lived through four generations of technology, and there is pretty much nothing about large-scale systems implementation, whether in the private or the public sector, that anyone can tell me about. For a period of time I advised organisations and took briefs as to which people would be the primary interface with government for those organisations. When this government came into power in 1999 I can assure the house that it was seen by purveyors of goods and services in the high-tech area as easy meat. The government's inability to overcome that is manifest in all the things that are laid before us in this debate.

In terms of trip-wire to make life difficult for people, it is quite interesting to have a look at the government's resource centre for ICT (information and communications technology) procurement policy and standard guidelines. I wanted to have a look at the government's information technology and communications framework, and it was an interesting experience trying to access that yesterday, because the system kept crashing out and it was impossible to download. People who might want to rely on the government as their source of income over time are going to be struggling to find out what the state of play is. The ICT policy has been in effect since July 2006 and was revised in July 2007, so that looks like an annual review process. I am interested to know whether the ICT procurement policy was reviewed this July or not and whether a review will occur in July 2009 as well, because I would have thought the procurement policy would be well and truly overdue for review.

Whilst talking about procurement we have to say that because this government is easy meat when dealing with people who are infinitely smarter than this government will ever be, it has to buy in a lot of expertise. An interesting point is that these experts may well see the glint in the eye of a decision-maker and say, 'Sometimes within the public sector, with changes of governments and so on, careers are impermanent, so if you give us the nod for this project and allow us to start trying to win the tender by our organisation or its subsidiaries getting ahead of the development phase and being responsible for engineering all competitors out, because we will preside over the architecture of the specifications ourselves, you will be able to sail into the sunset with us in the future in a career with one of the well-known local or multinational systems development organisations'. This is a mild version and is by no means an understatement. I am being very chastened in what I am saying today. I do not really want to be cruel to people, especially not to the government, because it is already on the ropes on this matter across a whole constellation of problems. But I underscore with an immense degree of authority what I have just said about that matter.

When I was in the field of executive search specialising in IT appointments around the English-speaking world, I procured people for organisations that dealt with the government. I know what the briefs are; I helped write them myself. The government is gormless and continues to be. The point about that is that when the

government is going through a tender process most people believe it will carefully see that there is value for the taxpayer dollar through that tendering process. There is implied trust that that will be done not only with due diligence but that it will be done in a fair and competitive environment and that the weightings against the criteria needing to be satisfied by that tendering arrangement will be bona fide and will be looked into assiduously. Unfortunately these examples of cost overruns, delays and all manner of problems confronting the government are because somebody with the wrong vested interests got there first in terms of the specification development, and everything falls into place after that, clickety clack, with a great lot of alacrity.

There are problems with Project Rosetta. One of my colleagues talked about this project being announced in 2003, but my reading takes it back even further. It was talked about in November 1999, so this is a long time. I pick up on the point that Mr Thornley made. He was saying, 'Gosh, there are going to be cost overruns and delays because we have got to accommodate this onslaught of wave upon wave of new technological developments that have to be factored in'. If you have a project that is running for nearly a decade, of course you are going to have technological developments. Surely through history we know about the impetus of the release of technological advances. Has the government not woken up to the fact that it needs to more closely attend to project deliverables being delivered on time? Members of this government are in the business of planned obsolescence; no wonder none of these things are performing. Victoria is really the joke state now. A National Australia Bank business survey is lining us up with Nathan Rees, the embarrassment of all Labor Party cronies.

To come back to Project Rosetta, its cost came up to $16.8 million and it was seven months late. It was only $3 million over budget. It was meant to do a whole range of things, but it has actually failed. It was supposed to be a platform for future ICT systems development, but it is unavailable. It is just like a toy system. It was also meant to be robust so that it would avoid possible duplication as well.

When we are looking at the situation of various systems in this state, I can remember that on 28 May I asked the Minister for Environment and Climate Change, Mr Jennings, a question about the government's power usage of ICT environments that are basically gunned up and to an extent that means they are referred to as power hogs. There are large, unworkable systems that are not delivering. A signature theme runs through all the reports I have read from the Auditor-General in the two years I have been in Parliament — and that is that the government is flying blind. The left hand does not know what the right hand is doing. There is almost nowhere in any one department where everybody knows what needs to be done and knows what they need to know so that they can be responsive instead of cumbersome.

On the issue of how much power is used and what the greenhouse burden for this state is, Mr Jennings, who was ably supported through some interjections from the currently absented Minister for Industry and Trade, Minister for Information and Communication Technology and Minister for Major Projects, was unable even in a fun way to collaborate and come up with an answer as to what the government's response was. I remember some wishy-washy answer centred around the fact that some report was being looked into, so I am hopeful that that report will become available, because everybody is looking at what the government will be doing on a number of fronts, including delivering on its IT projects, especially when they are over time and over budget.

One has to say thank goodness for the incisiveness and forensic investigation of these projects by the Victorian Auditor-General. I know from time to time the Realpolitik causes him to water down his responses, but in general he gives dimension to issues in a fairly effective manner. There was some input from Mr Thornley, who said that the opposition is overly reliant upon the reports of the Auditor-General. That is a nonsense, because the Auditor-General is the lens through which the whole state of Victoria looks at the government's performance. Mr Thornley is encouraging the government to continue flying blind, and he would like the rest of the state to do so too.

The original budget of the criminal justice enhancement program has now blown out from $14 million to $54 million. The Auditor-General's report of June this year says the program is not complete and has not been implemented on time or on budget. A lot of information is hanging off this system. There have been substantial cost overruns. To May this year the department had spent $39.9 million on development and implementation. Victoria Police estimates that a further $4 million will be required to complete the E*Brief component of the project. The initial budget was confirmed again to be $14.5 million and was increased to $15.4 million to reflect approved changes to the scope of the program between 2000 and the end of 2002. That sounds a little bit like ancient history, but here we are at the end of 2008 and we are talking about projects that have been going on, with the first approval going back to the late 1990s, right throughout this

century. The original budget estimate included $1.4 million per year for expenditure on the maintenance and support of the system. Of course this amount has been revised upwards to a new annual burden of $6.4 million.

The government has nowhere to hide on this. An article which appeared in the *Sunday Age*, of all publications, of 22 June lists what my colleague Mr Rich-Phillips calls Victoria's technological blunders. The article lists them under the heading 'Fiasco file'. I must say that I agree strongly with Melissa Fyfe, who wrote the article. The article says that the myki public transport ticketing system is hundreds of millions of dollars over budget and years overdue; the new criminal justice software system is years overdue and at least $30 million over budget; the school software is $60 million over budget and facing delays and cost blow-outs; a $20 million computerised directory for public servants, the Rosetta Project, is over budget; and the HealthSMART project for the state's health systems is almost $35 million over budget.

This is a lot of money. I reflect on the contribution of Ms Pennicuik. She did an aggregation of these numbers, and I think she came up with $1.7 billion for cost overruns and ICT projects that have not been delivered and are a total embarrassment. They only contribute to the argument that the government is flying blind.

I find that there are serious sinister elements to the e-conveyancing system. Buried in the e-conveyancing system is a grab for cash. It is almost a new kind of taxation on behalf of this government. As a way of herding people like sheep — there are the ones that get on the truck and the others that run out into pasture — to use the e-conveyancing system the government has placed an impost on people who refuse to use this electronic device. A price rise has been factored in for people who are buying homes. On top of the state's stamp duty burden and all of the other costs that are passed on by developers to homebuyers, there is a ratcheting up of some 32 per cent on the price of conveyancing. This corralling is to ensure that users of the old paper-based system are forced to turn to the new electronic system.

How are we to understand this grab for cash in this climate? The dimensions are that the government is set to collect an extra $6 million from the price hike of $15.50 on the 400 000 conveyancing transactions across the state. I think these sorts of burdens are an obscenity. What if you wanted to avoid paying the $15.50 on those transactions? What choice do you have?

Mr Viney interjected.

Mrs KRONBERG — Somewhere between nowhere! The government's system has lain idle up until a few months ago, until about May this year, and the firms that have actually used it have been a combination of the Bendigo and Adelaide banks, where they completed one online property settlement.

We can look at the myki ticketing system, the cost of which is now up at $1.4 billion and which is long overdue. Just to provide a bit of padding, a little bit of atmosphere, a little bit of mood lighting, a little bit of airbrushing to the whole condition of this sad and sorry project, we see that the government is talking about some activity in the future: in December the Geelong buses will be trialling this. That sort of tides us over. I am sure that in terms of the lack of delivery of this system and the appalling management of this particular project the government will hope, if we have all the atmospherics and all the spin right through to December, that will carry us over to Christmas, and then who is going to be asking questions through January? It is probably thinking, 'Sweet, we will get right through until February without anybody putting us under the blowtorch again'.

The myki system started off as something similar to what has been developed all around the world, as a reusable debit card that can be topped up online and used on tram and train stops. It was supposed to start in March 2007. The set-up cost has blown out to $850 million. The cost to run it over 10 years is now $550 million, and originally it was all meant to cost $300 million. I heard people say, in a throwaway line, how there is one in Singapore, one in Hong Kong and one in London. In the last two years I have had the opportunity to use the system in London for about six weeks in total, I would say. I think it is a fantastic system. The Oyster card system, which does the same things as myki is meant to do, is actually a very robust system. People can use it when they are entering any of the transport hubs and swipe it without breaking stride — they have this card in their wallet in the palm of their hand — and it is great for uploading large numbers of people. Of course they have all sorts of wonderful turnstiles that move very smoothly. I have seen literally thousands of people uploaded on the system, virtually without breaking stride.

If you have a situation like the one we observed with the myki being demonstrated by the minister, when it all just fell apart, it is clear that the fundamental design of this unit is completely wrong. I am not going to say what the units look like in London because the government should already know, but they are much

more robust, and they look nothing like the cobbled-together plastic nonsense that we have that will not stand up to anything.

I still have an enormous amount of discomfort about the circumstances that the Transport Ticketing Authority confronted around the time Mr Vivian Miners was chief executive and with his departure. He was sitting up there, earning about, I think, $540 000 a year. He was brought in from Hong Kong as a hot shot and as somebody the government could just buy in. He liked the idea very much, because he was associated with a company in which he had $150 000 worth of shares and which was a subsidiary of the actual consortium that won the bid. Once that situation was understood by the government, it had to ease him out.

It is all just part of the process. I honestly wonder if the government ever stops and thinks about if it is really getting value for money for the people who are providing advice, or whether it is continually, as it has been since 1999, being snowed by the purveyors of services and goods in the IT sector in this state. The government is not up to it.

Mr LENDERS (Treasurer) — I will speak very briefly on this motion. Firstly, I do not support the motion. I do not have a particular issue with the motion coming forward as a legitimate item for debate, but I do note it is 3.10 p.m. and we are still discussing a motion of equal competence to ones that I thought were often discussed at university. But how those opposite use their time is a choice, in the end, for the non-government majority.

But I will make two comments on Mrs Kronberg's contribution. The first is that it would be enlightening, in a speech lasting 25 minutes or more, to have a bit more than partial regurgitation of articles out of the *Age* newspaper and Auditor-General's reports. It might be more useful for members to read them themselves. But the fundamental point I will take up is Mrs Kronberg's outrageous comment that, 'The Realpolitik, we all know, is that Auditor-Generals' reports are watered down by the government'. It may have been what happened under the Kennett government: that the Realpolitik was that Auditor-Generals' reports were watered down by the government. I will be but a commentator on that. But what I will say is the whole foundation of constitutional amendment in this state, the foundation of the Mitcham by-election in 1997 and the general election after, and the legislation that came into the place in December 1999 and through the first few months of 2000, was all about enshrining the Auditor-General as an independent officer of the Parliament, accountable through the Public Accounts and Estimates Committee.

The debate will go on. That is at the hands of the non-government majority. I am sure Mrs Hartland is enjoying this debate as much as everyone else is and valuing the time, by the minute, how it is being used and what it is achieving! I am sure, tongue in cheek — if Hansard can pick up tongue in cheek — Mrs Hartland is enjoying it as much as I am!

Ms Hartland — It is Ms Hartland.

Mr LENDERS — Ms Hartland, President. But what I will say is I think the comment on the Auditor-General crosses a line and simply shows how out of touch the opposition is.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to be able to make a contribution to the debate on the motion that has been brought to the chamber today by Mr Rich-Phillips, and I compliment him on his timely and balanced motion. It is a motion that does draw openly and directly on the work of the Auditor-General over the recent period. I want to put on the record my compliments to the Auditor-General for the very important series of reports that deal with these areas of ICT (information and communications technology) project implementation by this current Labour government. Nine years into this government and we have an enormous list of projects, and I do not need to detail them all. Mr Rich-Phillips and others have looked at particular details in those projects. But it is important to note that today we do not see the Minister for Information and Communication Technology in the chamber; we see the Acting Minister for Information and Communication Technology, who is trying to get a grip on this portfolio, trying to get a grip on this out-of-touch area of government activity that has cost the community an enormous amount of money. The motion of Mr Rich-Phillips is timely, balanced and sensible, and points to a major area of government failure over the last nine years. Again I put on record the importance of the Auditor-General's work in forensically ensuring that these matters come to public and parliamentary notice.

My comments today, beyond what I have just said, will be restricted to the electronic conveyancing issues, which I have raised in the Parliament on a number of occasions previously. The Acting Minister for Information and Communication Technology will know that in his other role as Minister for Environment and Climate Change he has responsibility — and I am sure some days he rues the fact that he has this responsibility — for electronic conveyancing. To be

fair to him, he inherited this white elephant, and I say advisedly it is a white elephant. It is worth putting on record that this project is now tens of millions of dollars — in all probability more than $40 million — in the red. It has been mismanaged comprehensively by the department, and there are real questions of probity as to how this process has been undertaken.

I have indicated in the Parliament before that there are serious questions about the involvement of Ajilon, which is indeed a major international contracting company that has, in my view, an unhealthy position in the way it is operating with the Department of Sustainability and Environment. I make the point that Mr Rick Dixon from that firm is sitting in a position where not only is he in a managerial role in the department but he is also involved with the Ajilon firm, which is a successful tenderer to that department as well. It is hard to think of a more difficult position to be in in terms of avoiding the appearance of a conflict of interest, and it would be hard to avoid the appearance of a conflict of interest in such a situation where you are both in a managerial role and also a contractor for a major contract with that section of the department.

I note that the decisions that have been made by the Council of Australian Governments to move towards an electronic conveyancing system nationally are important. I believe this is the way to go nationally. There are enormous transaction costs that can be reduced by the implementation of a successful electronic conveyancing system that is compatible across jurisdictions. To implement such a system you need to have major buy-in from the stakeholders in the transactions involved in conveyancing — in this case, hopefully, electronic conveyancing — and they are the banks particularly, but also building societies and credit unions as well, and solicitors and conveyancers.

The truth of the matter is that this government has not been successful in winning the confidence of the banks in this country, it has not been successful in winning the confidence of the Law Institute of Victoria and solicitors, and there are major concerns about the liabilities that may arise from transactions that occur where there is no satisfactory insurance behind them. The advice to many solicitors is, 'Do not take part in the Victorian system because of the insecurity of your legal indemnities and your insurance support in particular'. That is a major concern. The government has not got these factors right. It is important in implementing these systems to ensure that you have the support of the major players. Ultimately the system will only be used in the way that we would all desire if it does have support across major industry groups.

What is the government's solution to that? It is to belt those who have to pay conveyancing costs across the head. It says, 'We're going to lift the price of paper conveyancing, although we know that there is only one transaction in Victoria that has occurred as a full electronic conveyance transaction' — one! — 'at a cost of $40 million for the project'. What a white elephant, what a disaster, and what a disgrace. The minister now has two hats with which to manage this responsibility — as Acting Minister for Information and Communication Technology on the one hand and as Minister for Environment and Climate Change on the other. He is now in a position where he can certainly intervene to stop this remarkable merry-go-round of activity where consultants order more work from a consultancy with which they are connected, they grow richer by the day, the money is pumped in by the community and there is no output. One transaction — $40 million! What a disgrace. The minister should hang his head in shame. Let me just ask the minister how many things he could have used that $40 million for. Health, education or transport? Which of those would have been better to have spent the $40 million on?

Let me now move to the national system. That same group of consultants who have got their grip and their teeth into the department in Victoria — some might say it in a more prosaic way than I have explained it, and God knows what transactions have transpired outside the department on this matter — now want to get their teeth into the national system as well. It is a disgrace, and it should be stopped.

The Council of Australian Governments has said we are going to go to a national system, and that is supported. There should be a national e-conveyancing system, as the national newspaper and others have indicated very strongly, but it should be a clean system. It should not be a corrupt system; it should be a system that is seen to be clean, and it should be a system that the community in all states can have confidence in. I, for one, do not have confidence in the system in Victoria, and that is a very sad fact, given the expenditure of more than tens of millions of dollars of community money.

That same group of consultants now want to try to ramp the department up to go into bat at the national level. They now want to get their mitts on the money across the nation. Let me tell you — and I think some of my federal colleagues have begun to make this point clearly too — that it is unlikely that the national system will jump at such an offer. I do not think the state governments around the country and the national government are going to be willing to fund at a national

level an expansion of a system where only one transaction has been delivered for $40 million.

I think it is worth quoting very briefly the editorial in the *Weekend Australian* of 12–13 July 2008, and then I will conclude. The heading is 'Nation building' and the subheading is 'Lessons from Victoria's wasted conveyancing efforts'. I will quote several paragraphs from this because I think it is important. It points to the transaction costs that can potentially be saved and the benefits for the national economy. It reads:

> The decision of the Council of Australian Governments to build an electronic conveyancing system that spans the nation is by no means glamorous. But history will see it differently.
>
> This is the modern equivalent of the nation-building projects of previous generations. It might not have the cachet of a Snowy Mountains scheme, but just like that great project of the 1950s, electronic conveyancing will benefit all succeeding generations.
>
> Industry groups estimate that if this single initiative is implemented properly, it will cut the cost of buying and selling homes by $250 million a year.

That is not just for one year; it is for next year, the year after that and the year after that. Economic efficiency is about lowering the transaction costs in the economy, and that can be successfully done with an electronic conveyancing system, but not a white elephant like we have got in Victoria. The editorial goes on to say:

> The Victorian government appears to have wasted $40 million by building a system that does not comply with the basic requirements of the main players in conveyancing …
>
> This is the direct result of two mistakes that should be avoided by those who build the national system.
>
> The first mistake was the refusal to accept that conveyancing is primarily a commercial transaction, not a filing procedure for land title bureaucrats.

Those at Land Victoria have a lot to answer for on this. This is a long-term blunder in management of land procedures that should have been done correctly.

> The second mistake was to cede control of the system to private consultants. The Victorian experience shows that those skilled in computer technology are of most value when their role is confined to implementing public policy decisions — not making them. Responsibility for the national system must remain in the hands of those who are responsible to voters, not shareholders.
>
> To avoid the fate of the ECV —

Electronic Conveyancing Victoria —

> the national system should be designed around the business needs of the private sector. By endorsing the principle of a single national system, COAG's working party is off to a flying start.

I agree. It is something that should be supported, but there are traps for young players. In Victoria this Brumby government has fallen deep into the pit.

The PRESIDENT — Order! Before I call the next speaker I make a small announcement about the arrival of Charlotte Clare O'Donohue. Both mother and child are well.

Mrs PETROVICH (Northern Victoria) — I rise to support the motion of my colleague Mr Gordon Rich-Phillips. I commend the speakers on this side of the house who have spoken before me, and I also congratulate Mr Thornley on his contribution. It is clear that his talents are wasted in this place, and he could better serve the state of Victoria by assisting the implementation of some of the floundering projects that we are discussing here today.

I will not go through all the issues that have been raised today, but I would like to talk about HealthSMART and the Auditor-General's comments on this project. I have spoken on this issue before in this house. I would also like to commend the Auditor-General on his frank, exposing report, which was delivered earlier this year. Basic project management skills have not been applied to this very complex system. HealthSMART is currently a six-year, $323 million program which has been undergoing implementation across the Victorian public health system and was due for completion in June 2009. Clearly this will not be achieved. The system has been plagued by inadequacies. By the Auditor-General's own admission, it is large and complex and involves health services, rural information and communications technology (ICT) alliances and community-based health providers across the state. It is a far-reaching ICT change program, and because of that there should have been a number of basic checks and balances implemented along the way.

The Auditor-General's findings and conclusions are quite scathing. The project involves the implementation of $323 million worth of technology. At the time of the Auditor-General's report half of that budget had been spent. The government has spent some 50 per cent of the budget — that is, $184 million — and it has delivered only 24 per cent of the planned application. The original milestones for the program have proven too ambitious. The Auditor-General said its completion will require a number of checks and balances to be implemented.

One of the things I would like to draw attention to is that whilst there are some difficulties with the budget,

there is no adherence to time lines. The Department of Human Services has not yet advised the government of the need to revise the expected completion date. To be frank, I find that quite extraordinary. The program was supposed to provide an integrated information system to streamline patient care by providing accurate and timely comprehensive medical records. Such is the state of the project at this stage that participating hospitals are either withdrawing or not taking up the program. Such is the autocracy and such are the jackboot tactics of the government that if the hospitals do not participate in the ICT program, they are not allowed to implement an alternative program. This has caused a degree of angst and has seen many hospitals, particularly rural hospitals, stuck in a void — a time warp — where they cannot move forward.

With budget allocations of $323 million, of which 57 per cent has been spent — that is, $184 million — I will be watching where this goes with some interest. It is an indictment of the system, but it is also an indictment of the government that public hospitals have shown a lack of confidence in this project and in the ICT partnerships.

It is quite interesting to see the developments that have taken place recently. An indication of these is the departure — or resignation — of HealthSMART IT director, Fiona Wilson, who has packed up her bat and ball and gone back to New Zealand.

Mr Guy — It must have been pretty rough for her to have gone back to New Zealand.

Mrs PETROVICH — It has been pretty rough, Mr Guy. It was a planned four-year, $323 million hospital IT project, and it was intended to be implemented as part of the whole-of-health information and communications technology strategy plan for 2003–07. As I said before, it was due to be completed in June this year, and as yet there is no sign of this occurring.

Country hospitals are in the greatest strife with this; they have the greatest difficulty before them. In many cases they are cash strapped. These hospitals are being press ganged into taking on a highly complex IT program, the operation of which does not inspire confidence. The system does not require the provision of information under freedom of information laws, which should be a requirement. With such uncertainty hospitals are right to be reticent in progressing with the HealthSMART option. They need to consider their options, and they need to make sure the system is working. But the problem is that the longer they hold off taking up the system, the less likely it is to have wings.

It is only right to say that HealthSMART has become an embarrassing money pit for the Brumby government and could clearly, as has been done on a number of occasions today, be put in a box with the myki ticketing fiasco. It is unfortunate that on this occasion vulnerable Victorians will be forced to bear the brunt of the government's mismanagement.

It is also believed that among the HealthSMART implementation problems is the fact that as many as three hospitals fail to provide complete data for the Your Hospitals report, which details elective surgery waiting lists and hospital performance. Not only are our hospitals disadvantaged, they cannot provide the reporting data that is mandatory.

I could go through the Auditor-General's report, but enough has been said about those issues today. On that basis I commend the motion to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — This motion is about ensuring that Victorians get better value for money for major information and communications technology (ICT) procurement than we have had over the last nine years, and it sets out a pathway by which that can be achieved — through better resourcing from the Department of Treasury and Finance and with the appropriate skills to ensure that those major procurements are appropriately managed.

I want to address a couple of issues raised by government members, the first being Mr Pakula as lead speaker for the government, who effectively endorsed the first element of the motion with respect to the problems that have arisen in major ICT procurements by saying, 'Yes, we recognise that not all these projects have gone smoothly, but they are big projects and therefore we deserve some leeway'.

Mr Thornley put forward the bizarre position that effectively we should not be raising issues that have been raised in the Auditor-General's reports. This side of the house believes it is entirely appropriate that where the Auditor-General has raised issues of concern about these major procurements and where he has set forward a pathway by which these systemic issues can be addressed as he has in his latest report, it is incumbent upon this side of the house to push the government and this house to ensure that those pathways are adopted and that we get a better result for ICT procurement in Victoria than we have had over the last nine years with major projects.

The final point I make is to pick up on the contribution of the Treasurer, who took umbrage at comments made by Mrs Kronberg. I do not know if the Treasurer misheard what Mrs Kronberg said or whether he was being mischievous in suggesting that Mrs Kronberg said the Auditor-General's reports were doctored by the government. That is not what Mrs Kronberg said, and it was mischievous or erroneous of the Treasurer to suggest that she did.

Mrs Kronberg's point, and the point of view of this side of the house, is that we support the work of the Auditor-General. This is the reason for moving this motion and highlighting these issues. This is a good motion that draws on the work of the Auditor-General and encourages the government to take up those issues to ensure that the systemic problems that have ranged through these ICT projects are addressed. I commend the motion to the house.

House divided on motion:

Ayes, 20

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

Noes, 18

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

Pair

O'Donohue, Mr	Theophanous, Mr

Motion agreed to.

PLANNING: AMENDMENT

Mr BARBER (Northern Metropolitan) — I move:

That the following provisions of amendment VC49 to the Victoria planning provisions be revoked —

(1) the provisions relating to weeds, pest animal burrows, public roads and railways in the table of exemptions in new clause 52.17-6 (native vegetation) inserted by paragraph 12;

(2) the provisions relating to public roads and railways in the table of exemptions in new clause 42.01-3 (environmental significance overlay) inserted by paragraph 38;

(3) the provisions relating to public roads and railways in the table of exemptions in new clause 42.02-3 (vegetation protection overlay) inserted by paragraph 39;

(4) the provisions relating to public roads and railways in the table of exemptions in new clause 42.03-3 (significant landscape overlay) inserted by paragraph 40;

(5) the provisions relating to public roads and railways in the table of exemptions in new clause 44.01-3 (erosion management overlay) inserted by paragraph 41; and

(6) the provisions relating to public roads and railways in the table of exemptions in new clause 44.02-4 (salinity management overlay) inserted by paragraph 42.

I could stop right there, because the government will not support such a motion. Mr Guy has already informed us, via the pages of the *Weekly Times*, that there is 'no way in hell we will be supporting the Greens motion', to approximate his words. There must be a reason why the otherwise well-spoken and mild-mannered Mr Guy would fall into a bit of minor blasphemy; clearly something has him spooked.

Apparently the Minister for Roads and Ports and the Minister for Agriculture put out a press release the day before yesterday, alleging that because this motion was up for debate there was a secret Greens-Liberal deal. The coalition parties found that prospect so appalling that they spent most of yesterday churning out their own press releases saying that there was absolutely no way that would ever happen.

However, this motion is not about who may have been seen sitting with whom in the quadrangle; it is about a substantive issue — that is, the protection of precious bushlands in Victoria. It is a shame that in all that media activity by the coalition it did not take the time to address the substantive issue, or even say why it is so in love with the Labor Party on this issue that it will automatically support anything that Labor puts up.

In previous and similar disallowance motions the coalition has made it absolutely clear that in principle it will not support a parliamentary disallowance of a planning scheme amendment. If I am wrong about that, I am sure I will be corrected. What the coalition is saying is that despite the provision for parliamentary disallowance in the Planning and Environment Act 1987, it will never use it. You might as well have a policy that says, 'Let's get rid of it'. While all parties

have quite a bit to say about ministerial interventions into the planning system, apparently the coalition, while it supports those, will not support a parliamentary intervention, even though the Parliament retains a much bigger support base than does an individual minister at an individual moment. The coalition is all for ministerial intervention, but it is totally opposed to parliamentary intervention, despite that being a fully intended provision of the act.

If you go back over the history of the use of disallowance in relation to planning scheme amendments, you find one interesting fact: the Liberal Party has once moved a disallowance motion on a planning scheme amendment. It was in the early 1990s and was in relation to then Premier Joan Kirner's introduction of native vegetation clearance controls. The Liberal Party hated planning scheme amendments then and was prepared to use the mechanism of the Parliament to stop them, but today it says that particular lever is completely out of bounds.

That is odd because the main criticism of oppositions, and the main difficulty that opposition seems to have, is that they are said to be impotent. They are said to be able to do nothing much but chuck rocks, criticise and carp, and they are unable to deliver anything. I find it interesting that the opposition, which has the same relevance deprivation syndrome as every other opposition, would voluntarily tie an arm behind its back when that arm is a tool that has been written into the act for a purpose.

We will see how long this policy holds up. Disallowances have been on matters that are perhaps not very dear to the coalition's heart, but when something pops up in the political epicentre of Boroondara we will find out where the Liberal Party's heart is.

I will get onto the issue, and that is the rules by which we protect native vegetation. We are the most ecologically damaged state in Australia. Half of our vegetation has been cleared. On private land that is 80 per cent, and much of it is in a degraded state. We are still clearing it every year.

It is not just the Greens who make this a dear issue. The Labor Party has recognised it as one of its primary aims. It is there in the government's Growing Victoria Together aims — the big indicators of Labor's progress and the benchmarks it has set for itself. The words are right there in the back of the budget papers. It says, 'The extent and quality of native vegetation will increase'. That is the benchmark government members have set up for themselves to be measured by. There should be an asterisk at the end of those words with a footnote that says, 'This is not going to happen', because in the same budget paper we get for the first time a disclosure of the state of net gain, as it is called under the government's policy. We see that losses of native vegetation as measured by habitat hectares — a mixture of quality and quantity — in the last reporting period were over 17 000 hectares, so another 17 000 hectares of native vegetation has been pushed out towards extinction.

Yesterday we had the Minister for Environment and Climate Change in here talking about the creation of the Cobboboonee National Park, which would be about 27 000 hectares. The minister organised a Dorothy Dixer question just to tell us again what we already knew, because we were the ones who gazetted it, and that was that the Cobboboonee National Park has been created. Perhaps he did that in the hope that there would be some kind of spontaneous congratulatory Cobboboonee conga line. But when an area the size of about two-thirds of a Cobboboonee-worth of vegetation has been wiped out in the same reporting period — and that is continuing, as far as we know, on a similar ongoing basis — you would wonder what he wants us to celebrate.

We have two ministers, the Minister for Planning and the Minister for Environment and Climate Change, who are directly responsible and have the aim of increasing the quality, quantity and extent of native vegetation. I have fired many questions at them in my time here and never got a satisfactory answer. The Minister for Planning puts on his 'Oh, shucks, I am just a big goofy guy' act, and we get the kind of voluble but ultimately meaningless verbiage from the Minister for Environment and Climate Change on the same issue. Then we get the figures: 17 000 hectares of habitat losses along with gains in the quality and extent of public land of around 13 000 hectares, which means we have a net figure of minus 4000 hectares.

As I said earlier, on private land around 80 per cent of all native vegetation has been cleared, so there is obviously a huge opportunity for an increase in the extent and quality and the expansion of these ecosystems back to their original extent. What is needed for that to occur is a comprehensive package of incentives for private land, so that those with high-quality vegetation remnants are funded in the same way as Parks Victoria is, or should be, to carry out those conservation services.

While the opposition likes to come in here and throw rocks at the government, the Greens prefer to throw down a challenge. I am talking in support of a motion

of disallowance, but at the same time I am going to be putting up suggestions for how the government — if this disallowance motion is successful and the government brings back a new version — could improve it so that it would start to get the support of the Greens.

The overall necessity is to see the extent and quality of native vegetation going up, not down. At the moment it is going down. It is going down under the now reasonably long-term stewardship of a state Labor government. It was around 3 per cent to 5 per cent of our greenhouse gas emissions under a different accounting and measurement system. Depending on the increases to other sources of emissions that figure may move down a little bit as a percentage, but I bet it is still the same in terms of a quantum of tonnes, so climate change is an absolute imperative. Not only that, the effects of climate change that will be felt on ecosystems that are perhaps not as robust as they need to be because they are somewhat degraded, because they are disconnected and because the species and communities in them cannot migrate through contiguous corridors puts an even greater onus on the government to protect that native vegetation. In terms of the awareness and expectations of the community, of course that onus is even greater than it was.

It is much greater than it was back at the time of former Premier Joan Kirner, when she introduced the original tree-clearing controls. There was a minister who saw a problem and decided to make full use of one of the buttons on her desk. She hit the big red button and brought to a halt the panic tree clearing that was going on. It is something that I will never forget because at the time I was on a research project in the Mallee, and in the areas adjacent to where we were working we were able to observe pairs of bulldozers dragging these giant chains between them — each link in the chain the size of your head. There was a massive expanse of chain between the two bulldozers, and they were just working their way across the landscape. You could watch as every single tree, one after the other, would start to shudder and then collapse. I have never seen anything like it. We have all seen footage of it in the Amazon at one stage or another, but I have seen it in Victoria only 15 or so years ago. Even then Joan Kirner, the Premier at the time, had the gumption to take the action that these ministers with much greater community backing behind them and with much greater awareness of the problem — better resources, better data at their fingertips and the huge impetus of climate change that I mentioned earlier — are not taking, but instead just sitting on their hands. The best thing they are coming up with is amendment VC49, which is cutting red tape. That is what the ministers can tell their kids about their role: 'Yes, we let precious woodlands continue to go down, but we did have this initiative to cut red tape which was very exciting and I am inordinately proud of that.'.

I want to talk about the exemptions that already exist to tree-clearing controls. In relation to site area, if the land in one ownership is less than 0.4 hectares, it is exempt from tree-clearing controls. Dead vegetation is exempt. Emergency works are exempt if there is an immediate risk of personal injury or damage to property or if it is necessary for emergency access or works by a public authority or municipal council. The construction of buildings for a dwelling or upper ancillary dwellings, including tennis courts, barbecues, swimming pools, utilities and vehicle access ways, is exempt from tree-clearing controls, as is the removal, destruction or lopping of native vegetation within 10 metres of a building. There is a fire exemption wherever it is necessary for firefighting, including for fuel reduction burning, for making a fire break, for the lopping of any tree overhanging the roof of a building, or for tree-clearing within 30 metres of a building if at least 50 per cent of the vegetation is retained. Planned vegetation or harvesting, even if it is native vegetation, is exempt. The extractive industry gets an exemption. Surveying has an exemption. Rural activities such as the maintenance of a farm structure, including dams, tracks, bores, windmills, tank stands, fences, stockyards and ramps, have an exemption. There is an exemption if the seedlings or regrowth are less than 10 years old and the land is being re-established. The cutting of reasonable amounts of wood for personal use by the owner or occupier is exempt, as is the removal, destruction or lopping of native vegetation as a result of grazing by stock. There is an exemption for stock movement on roads. There is an existing exemption around weeds and vermin, which is being expanded. There is an exemption for utility services. There is an exemption for mineral exploration and mining and for geothermal energy, exploration and extraction.

Those are all the existing exemptions, but there are new exemptions being created through VC49, and they are the ones I am concerned about. An advisory committee process was conducted in relation to these controls, and the amendment is the outcome of that report. A number of environmental groups made submissions to the report, which I will refer to as we go along. In particular the Victorian National Parks Association and Environment Victoria sent a submission to the Minister for Planning, Justin Madden, in February in which they put forward a number of issues and made a number of suggestions.

The two main categories that are of concern — and they go together — are road and rail maintenance and safety works, which is one issue, and vermin and weed control, which is the other. Roadsides and rail reserves are absolutely crucial for biodiversity conservation. I am sure there are many members in this chamber who know that within their electorates the only vegetation left is on roadsides and rail reserves. Roadsides are 7 per cent of all public land. If you put all the roadsides together, you would have an area three times the size of the Grampians National Park, and yet they are tiny, vulnerable little strips of land. About 10 per cent of roadsides have high conservation value vegetation on them, and a further 30 to 40 per cent have vegetation of medium conservation value. Putting a value on that vegetation through that sort of scheme is all well and good, but you have to understand that all roadside vegetation, particularly in highly cleared areas, is always going to be incredibly important. It is part of the character of the area; it is part of the valued aspect of living in that area. Even poor-quality or intermittent vegetation makes up part — albeit maybe not the highest value part — of a corridor, part of a resource, part of the remnant vegetation and certainly a resource for the various species that need it to provide connectivity to other remnants.

The second issue relates to weeds and pest animals. Environmental groups have put forward the suggestion that the exemption for weeds and pest animals controls be clearly limited to minor levels of native vegetation removal, particularly in accordance with the notice under the Catchment and Land Protection Act, or — here is a suggestion — in accordance with an approved weed or pest animal control plan or an approved property management plan. The suggestion was that the exemption, if there is to be one, for clearing over a five-year period on the one property be 0.5 hectares for the farming zone and 0.2 hectares for all other zones. Of course, selective removal of native species listed as weeds under the Catchment and Land Protection Act would be exempt regardless of area limits.

I have been involved in plenty of instances of native vegetation protection and restoration, and some of that was in relation to many important remnants. I have never thought it was an activity that could be particularly enhanced by being done while looking over the back of a bulldozer blade. It seems that the argument being pushed here is that, if there is weed in native vegetation, there should be a fairly wide exemption allowing that to be cleared rather than restored — in other words, in order to save the village we have to destroy it.

The amendment that has been put forward has the potential to increase the clearing of native vegetation through this weed exemption. The way it is being modified means we will now have the removal of native vegetation where the removal occurs in the course of removing a weed listed in the schedule to the clause. No weeds have yet been listed in the schedule, but once this occurs the exemption will come to life. While there are some limits regarding the native vegetation and trees that can be destroyed, these new exemptions go further than the previous position and create the potential for abuse. For example, the listing of an introduced grassland weed species in the schedule would potentially allow destruction of an entire native grassland remnant on the basis that doing so was necessary to control weeds, and it would no longer trigger a permit.

An additional problem with this and other exemptions is that there will no longer be any transparency and no longer any appeal rights. The provisions are not being replaced by a weed control plan or an approved property management plan. If a given activity were necessary for farming purposes or even for native vegetation enhancement purposes, the simplest way around it would be to say, ‘That farmer must have a weed management and property plan for how they will both carry out their activities and protect and enhance the native vegetation’. At that point, provided the activities were being undertaken in conjunction with that plan, then the exemption could stand.

Certainly the exempt area needs to be smaller than the area that is being put forward, which is up to 1 hectare or 15 native trees on contiguous land which has been in the same ownership over a five-year period. That is a blanket control, and it needs to be a lot smaller in areas that have smaller lot sizes. Closer to the edges of towns and cities there are many important native vegetation areas that are on very small lot sizes, and those small areas as proportions of the vegetation on those sites of course become a lot larger. Why not have one area, perhaps 0.5 hectares, for the farming zone, and a smaller exemption for all other zones?

In relation to pest animal burrows, an exemption that is in accordance with the land management notice should be retained. Again we have this problem of the total area that can be destroyed within one area of ownership — it could be up to 10 hectares. This exemption removes the need for the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act relating to 1 hectare. Certainly the environment groups argue that the exempt area needs to be smaller than this exemption allows for. Again we have the same problem

relating to the peri-urban zone or areas where there are small lot sizes.

In relation to road and rail, the relevant exemption allows for the removal, destruction or lopping of native vegetation to maintain the safe and efficient functioning of an existing public road managed by the relevant responsible road authority or an existing railway or railway access road. All that is now required is that the activity be undertaken in accordance with the written agreement of the secretary of DSE (Department of Sustainability and Environment). In the past proposals for vegetation removal on roadsides and railways where no exemption applied were open for scrutiny, because a permit was required.

Leaving small farmers and their difficulties out of it for the moment, if there is any organisations that should be in a position to understand its program of future works, to understand the impact of its entire program on the native vegetation on their land and to come up with an appropriate plan, you would think it would be VicRoads and the railways. The government is giving itself a free kick to get out of this. Why is it that VicRoads on a regional basis cannot understand its forward program, understand the impact it is likely to have on assets it is charged with maintaining and create an overall plan? Even if this exemption were to be changed so that the overall plan could be subject to a one-off approval process, then VicRoads could go on and undertake a whole range of activities under that permit. At the moment there are even arguments on and uncertainty about what a project of works is. VicRoads may do small bits of works that start to add up to what many of us might call one project.

For a big, ugly entity like VicRoads, which is certainly in a position to be able to engage with the process, the advantages of that sort of permit system are that it is site specific, VicRoads can incorporate all the expert ecological advice up front, and its plan could be based on a joint assessment of both road safety risks and conservation values at the roadside. But now there will be no right of public appeal, no public accountability and no necessity for a higher and independent ecological assessment for many road and rail works.

When we are talking about railways it is no exaggeration to say that some of our most precious and almost vanishing assets from the remaining natural world are along railway lines. A document entitled *Biosites — (Sites of Biological Significance on) — Victorian Railway Lines*, published in June 2006 by the DSE, goes on page after page after page listing sites along railway lines at Sydenham, Calder Park, Clarkefield, Riddells Creek, Macedon, Woodend, Harcourt, Ravenswood, Strathallan, Echuca, Dingee, Prairie, Mitiamo, Pyramid and so on. The tables go on for about 20 pages, and quite a number have nothing in the 'significance' column. They have not yet been assessed for their significance. We have the beginnings of a database of valuable sites, but no longer will railway authorities be required to engage in that.

The exemption that has been given does not mandate provisions for offsets, but these may be volunteered. Again, if VicRoads as an agency had its forward program, it would be in a lot better position to source and develop the necessary offsets than an individual land-holder would be. Codes of practice have not yet been formally approved and made public, but in any case they are not sufficient replacement, in my view, for a permit system. However, we would have many views on what should be in those codes if they were to be brought forward. There was an overall agreement between the Department of Transport and DSE that set a range of thresholds — half a hectare for endangered, vulnerable and rare ecological vegetation classes; less than 1 hectare for depleted or least concern, and so forth. However, there could be substantial clearing still occurring below those thresholds, depending on things like how the project is defined, clearing for installation of wire rope and other safety barriers, and maintaining drains and so forth, which are already exempt regardless of the thresholds.

All of this depends on how DSE, once seen as a radical environment hold-out and now more or less facilitating this destruction, deals with VicRoads and the rail authorities. There is also an agreement apparently mooted between the DSE and the municipal association about council-managed roadsides, so no doubt they will be the ones with their hands out next. As I said, there are practical alternatives to exemption that could have been put in place that would not necessarily have interrupted anybody's work plan.

That should be a pretty clear explanation to any member who wants it of why we are in the state we are in — why every year, acre by acre and hectare by hectare, we continue to chip away at our native vegetation in total opposition to the government's stated objective, which is a net gain. While individual members might want to put forward hardship examples of why this exemption should not apply to this person in this way, and we can talk about that all day long, all Victorians and all players interested in this issue have, first and foremost, a joint responsibility to ensure the health and net gain of native vegetation. Until that has been achieved it is going to be very difficult for any individual player to put their hand up and ask for a free kick and to then avoid the responsibility for the bigger

problem. I thank the Parliament for making the time available to debate this matter, and I look forward to hearing and responding to other members' contributions.

Mr GUY (Northern Metropolitan) — I wish to make a few comments in relation to the disallowance motion moved by Mr Barber in relation to Victorian planning provision VC49, which is before the house. Before I do so, I want to make a couple of comments, as he quite obviously would expect me to, about what he had to say about the coalition's position in relation to the ability of the Parliament to participate in the planning process and make itself the planning authority on any matter. I say to Mr Barber that he is quite right on one point — that it is very easy to come into this chamber and throw rocks — but with respect I would point out that what he needs to keep in mind is that you set a strong precedent every time you throw rocks in relation to disallowance motions such as this, a precedent that in many ways has impacts not just on one part of one bill but on every planning approval granted in the state of Victoria. What you do is set a precedent for business, for certainty, for farmers, as we are doing today, and for statutory authorities. You set a precedent for the whole of government and for the whole of the private sector either doing business in or wishing to do business in the state of Victoria. The precedent you set is that the Parliament can intervene in any matter at any time when it sees fit to come in, take a point of view and knock something out despite it having gone through certain processes.

As Mr Barber has quite correctly mentioned, that has been done before, and I accept that. It was done on one occasion in nearly 20 years, which gives an indication of how seriously the Liberals and The Nationals view disallowance motions such as this. We are exceptionally cautious when dealing with such motions to ensure that they are treated with exceptional seriousness, not just for the issue at hand but also for the precedent they set once they have been supported. While I certainly respect the fact that Mr Barber has the ability to move such motions and that he has the significant concerns he has outlined to the chamber — although I do not necessarily agree with all of them — I again remind him that we set significant precedents when we pass motions of this kind. He has referred to comments I have made in the press on this issue in the last 24 hours, and, as I have said from the very outset, the coalition's position is not to support the motion moved today.

I also put to Mr Barber that while we are talking about the removal of native vegetation in relation to pest burrows and weeds, for example, on farmland or statutory authority land, what we need to consider in this debate is that the biggest dangers to native vegetation and to the environment in many parts of country Victoria are the pests we are seeking to eliminate. They could be rabbits, foxes, feral cats or wild dogs. What we are dealing with in many cases are introduced species, in some cases hard-hooved species, which are very dangerous to the Australian environment, which is a very precious and fragile environment. We are dealing with pest species that need to be eliminated for the ecological sustainability of the land and the Australian environment.

We need to make it easier to remove pest species burrows and make sure that farmers have the ability to do so. Whether people like to admit it or not, a farmer's land is his asset. In the modern era — the 21st century — farmers do not seek to degrade their land. If they do so, they are degrading their asset. Farmers are some of the best environmentalists in the country, and we need to make all the tools available to them that we can so they can preserve the sustainability of their own land, which is their own asset. I ask the government why it has taken so long for someone to move to revoke some of the amendments to the planning provisions that would allow farmers to speed up the removal of pest species and weeds on their own properties.

Farmers and private landowners do not remove native vegetation because they have nothing to do on the weekend. They remove pest burrows, for example, because the pests are degrading the natural land — that is, the land and the Australian environment. Pest animals and weeds degrade the ability of farmers to keep their land. They degrade the ability of landowners to maintain a good, natural environment at their own back door. Some people suspect that allowing private landowners and farmers to remove pest burrows and weeds on their own land in a more hasty manner than can be done now will result in farmers and private landowners abusing that power and that they will remove native vegetation willy-nilly and just for the sake of it.

We have to acknowledge that the days of 1920s and 1930s-style land clearing are over. That is not done in Australia today. As I have said, farmers are some of our best environmentalists in the management of land right across Victoria. You only have to look at the satellite pictures of the border area between South Australia and Victoria on Google Earth, for example, to see the difference in the colour of the land between the two states. You can almost see the border, because Victorian farmers have been some of the best

environmentalists, not just over the last five years but for decades. That must be recognised.

Mr Barber referred to comments I have made which appeared in the *Weekly Times* today and in other outlets. They were in response to a press release from the government on this revocation motion. These revocation motions should be viewed very seriously. It is irresponsible of Minister Pallas and Minister Helper to release press releases with a political intent, but in reality scaring people in country Victoria into believing that this motion may pass and hinder their lifestyle and farm business operation.

Mr Hall — And disgraceful.

Mr GUY — It is, Mr Hall. It is exceptionally irresponsible and disgraceful. The government is using this motion for its own political advantage to take advantage of the vulnerability of people who are doing it tough at the moment. We are living through one of the longest droughts in this country's history, during difficult international circumstances and in difficult financial times when cash and finance are difficult to obtain. Keeping that in mind, government members playing on the vulnerabilities of our farming community in this way is a disgrace.

I simply say to government members that they also have something to take on board from amendment VC49 to the Victoria Planning Provisions, which is being put forward by the Greens today. Government members should not be conducting themselves in a manner that needlessly, and for political reasons, scares the most vulnerable people in our community — that is, the people in our farming communities. For the member for Ripon, who is the Minister for Agriculture, to be the chief proponent of that media release — —

Mr D. Davis — It is shameful.

Mr GUY — It is, Mr Davis, because the minister's electorate covers people living to the west of Ararat and beyond who are doing it exceptionally tough at this time. It is a disgrace that he plays on the fears of those country Victorians simply for the sake of getting a grab on 3MA or on ABC Rural. It is more a reflection upon the minister and the minister's intention than it is on the opposition, on the Greens or on anyone else.

As I said yesterday, this Parliament has the ability to debate any motion that is put forward by an elected member of Parliament. Whether we agree with it or not, the reality is that members of Parliament have the ability to move motions, and they will be properly debated, as is being done today, in a mature and sensible way. That is the way it should be. It is ridiculous for the government to run around and say that these kinds of debates should not occur and that they have no role in the Parliament.

Mr Hall — Democracy.

Mr GUY — It is something the government seems to have forgotten. Mr Hall is quite right; it is called democracy. Any member can come into this chamber and move a motion. We may not agree with it. I suspect the Labor Party, the Liberal Party and The Nationals will vote the same way on this motion, so it will not pass, but that is not the point. The point is that any member of this chamber has the right to move these motions. If the government is afraid of democracy, then the government has seriously lost touch. I would say that after nine years the government has lost touch. To see that you only have to look at the comments made by the Minister for Roads and Ports and the Minister for Agriculture — not just on this revocation motion but on the debate on Mr Rich-Phillips's motion. Their comments are particularly immature and stupid and more a reflection upon them.

In conclusion, the Liberal Party and The Nationals approach revocation motions with the utmost seriousness. We believe they should be looked at as precedents. The Victorian Parliament should use revocation motions only in the most extreme circumstances. Moving such motions has become a bit of a theme for the Greens. Our position today is the same as it was in the last sitting week — that is, we will not be supporting this revocation.

Mr HALL (Eastern Victoria) — It is my view that for a long time public and private landowners have been planting more native vegetation than they have been clearing. In respect of public forest management, under the forest codes and practices and requirements under law through forest management plans vegetation harvested for commercial purposes needs to be replaced. Also, in respect of private land management and as applicable to public land management, the native vegetation clearance regulations now largely, in most circumstances, require offsets. Those offsets are greater than the areas of land with native vegetation.

On private land management, I agree with the comments made by Mr Guy in respect of the attitude owners of private land have towards the importance of vegetation on their own land. They recognise the importance of it for shade, for shelter and for environmental reasons. Consequently, I suggest that for a long time now private landowners have been planting

more vegetation on their land than they have been clearing.

In respect of some of the work being undertaken by government agencies, for a long time catchment management authorities have been involved in tree-planting exercises and the eradication of introduced vegetation, replacing it with native vegetation. For example, the West Gippsland Catchment Management Authority has been involved for some time in a willow reduction program. Willow trees are clogging a lot of rivers and streams within the Gippsland catchment area, with a consequent detrimental environmental effect. Willows have caused some erosion around those streams and have impacted upon the native animals that live along those streams.

People involved in Landcare groups have been actively involved in not destroying native vegetation but enhancing and improving the amount of native vegetation we have. Private individuals have a long record in terms of addressing some of the environmental problems on their own land, which often involves the planting of trees. My thoughts cannot help but extend to a great constituent of mine and a longstanding and proud member of The Nationals, Mardi Symons of Traralgon South, who was recently awarded Latrobe Valley's senior citizen of the year for her Landcare work and particularly her tree-planting work. For many years she has been working with local school groups in tree-planting exercises. That sort of attitude reflects the contemporary views of private landowners in respect of the management of their land.

Of course there should be exemptions to native vegetation clearing. Mr Barber has put on the record some of the exemptions he has some concerns about that are proposed by this planning scheme amendment, the revocation of which he is seeking.

In respect of the native vegetation issue, some of the regulations for a long time now have been over the top. I fully support moves by the government to reduce the amount of red tape associated with somebody wishing to clear vegetation on their land for a worthwhile purpose. I wholeheartedly support those exemptions.

It is ludicrous that VicRoads currently has to seek a native vegetation permit to clear native vegetation because of issues related to road safety. It should not have to go through a whole process when road safety is of paramount importance. The same applies to land managers who wish to control vermin. By law they are required to control vermin on their property, so the law itself should not prevent them from doing so. There have been many cases where people have been required to get a permit to clear native vegetation in order to rip up a rabbit burrow or some other vermin habitat. Again, that is counterproductive, and the landowner might be breaking the law by not doing that. I wholeheartedly support the efforts of landowners to obtain what the government has now deemed to be some sensible exemptions to those native vegetation clearing arrangements.

I have made it clear that I have strongly supported exemptions for native vegetation clearing, and there are probably some further exemptions that should be considered over a period of time. The Liberal Party and The Nationals have long supported people living in country Victoria being able to clear native vegetation for worthwhile purposes.

What really riled me about this whole debate was the press release referred to by my colleague Mr Guy which was issued by the government yesterday. It was headed 'Coalition collude with Greens to put farmers and motorists at risk'. I have never read such bulldust as was contained in this press release issued by two ministers. It is totally irresponsible and shameful. It is disgraceful, and the government stands condemned for it. It has been suggested in one sentence of the press release that:

> A disallowance motion from the Greens on native vegetation exemptions with the support of the Liberals and Nationals is an attack on Victoria's farmers.

What rot! What barefaced hypocrisy the government demonstrates in making a comment like that. This is the first time we have debated this motion, and for the government to have put out this press release yesterday morning, before the position of the Liberal and National parties was announced, is disgraceful. It is playing gutter politics when it sinks to this level to try to take advantage, as Mr Guy said, of people who own land in country Victoria and who are going through tough times in drought. The last thing they want is this sort of rubbish bowled up to them with the thought that there might be further impositions on their ability to work their land in a responsible way. The Minister for Agriculture and the Minister for Roads and Ports, Ministers Helper and Pallas, stand condemned for daring to put out this type of rubbish.

Those actions will reflect on the government. At the end of the day when people in country Victoria reflect on this issue they will simply remember that this government tried to take advantage of them in a situation in which they are not best placed, just to make cheap political points to try to discredit the Liberal and National parties. We will not be discredited. I welcome Mr Guy's public comments yesterday in response to

that government media release, and I made some comments to my local press about it as well.

In respect of this debate, the government is the big loser because of its foolish act of putting out that press release and pre-empting the position of others yesterday. As it has turned out, the runs are on the board already in respect of the Liberal and National parties, which have strongly supported people in the responsible management of their land, and that is the way it should be. The government is a Johnny-come-lately in respect of this particular issue. It has no respect in country Victoria, and it will have even less respect after this press release and this debate have been absorbed.

I will not be supporting Mr Barber's motion, and I never would have. For the government to suggest otherwise is shameful, barefaced hypocrisy. I strongly reject Mr Barber's motion, but equally, like Mr Guy, I defend his right to do so. For the government to suggest in that press release to which I have referred that we should not have allowed this debate to occur is hypocrisy at its highest. Unfortunately this government now reeks of this sort of hypocrisy in this area and in others.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a contribution to this debate. In doing so I speak against Mr Barber's motion. I would also like to take up a number of the issues that have been raised by the previous speakers from the Greens, the Liberals and The Nationals. If we are looking at whose political credibility is on the line here, we can see it is that of the Liberals and The Nationals, who clearly did a dirty deal with the Greens to ensure that this motion, which the coalition parties now say they had no intention of supporting, was put on paper and brought in to be debated. By allowing that to occur they clearly indicated that they were in fact supporting it.

The Greens found out that the coalition parties were not supporting its motion by reading about it in the paper. Mr Guy came in here and talked about rocks being thrown around. What a beauty of a lob at the Greens, who had to find out by reading an article in the paper that the opposition parties were not supporting the motion. Mr Barber even talked about how this might have come about. He said he found out about it by reading the *Weekly Times*. Mr Barber said he had seen Peter Walsh, the member for Swan Hill in the Assembly, sitting with someone in the quadrangle, as he described it. What I would like to know is whether Ted Baillieu and Peter Ryan, the Leader of the Opposition and the Leader of The Nationals in the Assembly, knew about the arrangements that the opposition parties were putting in place.

Talk about deceiving or attempting to deceive country Victorians! The coalition did that by making these arrangements and doing these deals — and they are grubby deals — with the Greens to bring the debate on. In fact in the majority of the votes that have taken place in this chamber the Greens have supported the Liberals. And yet this is what the Liberals and The Nationals do to them! The coalition members are running at a rapid rate away from the motion, because they know the impact this would have on rural and regional Victoria. They know that people who are responsible for the management of our land and farmers in our farming communities need to be able to eradicate weeds and pests from their land.

We know that in managing rural roads and railways we need to be able to clear away weeds and dangerous obstacles, such as trees, that might present a danger to rail or road traffic. But that has not stopped the opposition parties from playing politics with the issue. They accuse the government of playing politics while they are out there doing the deals and making the arrangements to bring in a motion which they have no intention of supporting. Mr Barber, who managed to get the motion up for debate, had to find out in the most roundabout way that the coalition would not be supporting it.

Mr Hall — We might come and ask you what we can talk about next week; is that all right with you?

Ms DARVENIZA — Mr Hall, we love opposition business, apart from the fact that it wastes all of Wednesday — it is Wasteful Wednesday. We enjoy coming in here and debating the motions that you bring in. Time and again I stand up here as part of the government, and I have done for years, with great pleasure responding to the motions that you bring in here. We say, 'Bring it on', because whatever you bring in here, we have the opportunity to compare and contrast the way we have acted as a government and the initiatives we have implemented for all Victorians with the way you have behaved in your past coalition government and also the way you behave now in opposition.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I ask the member to speak through the Chair.

Ms DARVENIZA — Through the Chair, Acting President, the behaviour of the coalition opposition in this instance is very telling of its behaviour generally.

We say, 'Bring on opposition business' and 'Bring on the debates'. We are happy to respond to any of them.

Whatever Mr Hall likes to bring in, we are happy to debate it, in the same way that we are more than happy to debate this motion. What we are unhappy about is the fact that opposition members use this chamber and their contributions to this debate to try to run at a hundred miles an hour from the fact that they did a grubby deal with the Greens. The Nationals and the Liberals did a grubby deal, and they use this debate to try to run away from it at a hundred miles an hour while at the same time criticising the government.

We are happy to debate these exemptions. We are happy to talk about the actions we have taken and the frameworks we have put in place as a government to protect native vegetation, to protect our native flora and fauna, and also to ensure that our roadways and railways are protected and that farmers and people who are responsible for land care are able to eradicate those pests as they see them.

I would like to take up another point that Mr Barber made in his contribution, and I must say he brushed over it fairly quickly. In 2005 the then Minister for Planning established an advisory committee to review the exemptions. As a government we established this advisory committee to review the exemptions so that we could ensure that their operation continued to be really relevant and effective. This advisory committee undertook widespread consultation. It received a number of submissions as well as having a number presentations made to it. But guess what? It is really worth noting this: the Greens did not even participate in the process. Missing in action — that is where they were. They did not even make a submission. That is how much they cared about the exemptions, and that is how much they cared about the open, transparent and participatory process that our government put in place to look at these exemptions.

Mr Hall also said — and I agree with him — that there should be exemptions. People who are responsible for land care and farmers need to be able to eradicate pests. If this motion were to get up, and if the Liberals and The Nationals supported it as they originally said they would, it would allow for the rampant spread of weeds, and every time a land manager wanted to take some proactive steps a planning permit would be required to decide whether or not they were able to remove the weeds and whether or not it was a good idea. We know that these weed exemptions have been in place for a very long time, so they are not something that is new at all. In relation to the pest exemptions, if the disallowance motion is passed, it will prevent farmers as well as land managers from being able to properly and effectively manage their land and it will unreasonably hinder their day-to-day work. We know there are pests such as rabbits, foxes and mice, which are just some of the ones our farming community has to deal with, and their eradication is a necessary activity.

There are costs associated with not preventing the spread of weeds and pests. There is a very real cost to the farmers and the land managers in having to make applications, including having to get special advice; there are administration costs to the council in dealing with applications; and there are also the cumulative costs that you find in communities where weeds and pests are not quickly eradicated or efficiently and speedily dealt with. We see the loss of crops and the spread of both weeds and pests as ultimately representing a much higher cost for the community that has to be paid later on.

The rail and road exemptions are important as well. Their purpose is to enable the effective functioning of the state's existing roads and railways. Agreement with the Department of Sustainability and Environment is required in relation to the extent of the activities that are allowed in regard to native vegetation. We want to see native vegetation removed in a safe and efficient way that leaves our roadways and railways free of any hazards and ensures there is no prospect of noxious weeds spreading.

According to VicRoads, on average between 1999 and 2003 there were 75 accidents per annum where people ran off the road and crashed into trees, 24 where people crashed into poles and 13 where people crashed into fences and walls and were killed as a result of those accidents.

Our government is well aware of how critical native vegetation is for the maintenance of the health and wellbeing of Victoria's land and catchment areas and also for the protection of the habitat of our state's threatened flora and fauna. In fact I was really pleased to hear on the radio this morning that, following our government's engagement in a captive breeding program, a number of brush-tailed rock wallabies were reintroduced into the Grampians National Park. Those wallabies are a threatened species, and they are threatened because of animals.

Mr Vogels — And bushfires.

Ms DARVENIZA — No, because of foxes primarily and maybe feral cats. There has been an eradication program going on in that area, which is the wallabies' natural habitat, and the wallabies have been

reintroduced into the area. Hopefully they will be able to breed and multiply and re-establish themselves there.

Our government is really committed to the careful management of our native vegetation, and that is clearly evident when you look at our programs, the policies we have put in place and Victoria's native vegetation framework. With this framework, which is built on our policy, Victoria is a leader in protecting and managing native vegetation.

I want to make reference to a report that was tabled recently. The annual report of the Department of Sustainability and Environment for 2007 highlighted some of its achievements, and I want to quickly run through some of those achievements in native vegetation management. A total of 1603 habitat hectares were purchased from 214 land-holders across the state; a proposed clearing of 1009 hectares of native vegetation was avoided as part of the regulation of native vegetation clearing; and 91 expressions of interest covering 8300 hectares were received through the Bush Broker program to offset development projects with land protection projects.

We are well and truly on the record and out there with the actions that we are taking to ensure that we promote land care and that we have policies and initiatives in place that see our native flora and fauna protected and that see reasonable processes put in place for those who are responsible for land care and land management — whether that be a farmer or VicRoads — so that we are able to eradicate noxious weeds as well as pests that would impact on our native flora and fauna. I do not support this motion and I do not believe it should be supported by any member of this chamber.

Mr D. DAVIS (Southern Metropolitan) — I want to make comment on the motion moved by Mr Barber to disallow, in part, a government planning step. I want to make two points essentially, but having listened to Ms Darveniza's contribution I feel minded to make a third point.

My first point is a very simple one. There is a longstanding debate about the management of native vegetation protection, and there are legitimate points to be made on both sides of the equation. Many of my colleagues have made points about the need to protect farmers and allow others who have legitimate reasons to clear native vegetation. Equally there are needs to ensure protection and that Victoria is not further degraded by the unscrupulous or unrestrained removal of native vegetation. That is a genuine balance. It is not a point that can be easily decided; it involves case-by-case examination.

I note this motion seeks to disallow some of the changes that have been made recently. I do not want to cover much of the ground that my colleague, Mr Guy, has made. The opposition's concern about the use of disallowance to, in effect, turn and risk our chamber into dealing with every planning matter is a legitimate one. Notwithstanding that, I make this point very clearly: members in this chamber have every right to bring forward a motion and have it tested in the chamber. The government — the Minister for Agriculture in particular, with his scurrilous news release yesterday which sought to gag and prevent debate in this chamber — sought in effect to argue that no member of this chamber can bring forward a motion with which the government disagrees. That is a scurrilous and shameful anti-democratic step. I cannot think of a more outrageous approach that could be taken than to suggest that members of this chamber ought not be allowed to bring forward motions. This is in fact the second time a government minister has done that with respect to disallowance motions.

Hon. J. M. Madden interjected.

Mr D. DAVIS — Our reticence to support motions of disallowance is a separate matter from the very genuine fact that any member of this chamber, including ministers and government members, must be allowed to bring forward motions to be tested and debated in the chamber. Whether a motion receives ultimate support in the chamber is a matter for the case that a member makes for the individual circumstances of that motion and for the views of members of the chamber. The idea that debate in this chamber would be gagged by government ministers is an absolute outrage.

The Premier, John Brumby, when he was the Leader of the Opposition in the 1990s, released a paper which talked about the need to protect democracy. I believe this is such an occasion. The idea that you would automatically rule out the right of members to bring forward motions in this chamber that are controversial is just extraordinary. How can you maintain the concept that members are not allowed to bring forward contentious motions? Over recent months this chamber has debated a number of very controversial bills. Are we to conclude that because they are controversial they cannot come forward? Or is it simply a matter, in the case of these government ministers, of them not liking Mr Barber's motions and therefore believing they should not be allowed to be brought forward? That is what it appears to be.

Mr Barber — It is the latter.

Mr D. DAVIS — No, it appears to be a simple attempt to legitimately gag debates that the government finds inconvenient. Sometimes these debates may be inconvenient for members. So what? Members need to face up to their responsibilities squarely and accept that other members have the right to bring motions and matters to be tested in the chamber. In doing so in good faith, other members can also put forward their views and make their decisions. The simple fact of bringing forward a motion is not an endorsement of the motion. The simple fact that the chamber allows members to bring forward motions is not an endorsement of any specific motion; it is simply an endorsement of the principles of democracy that members should and must be allowed to have their say, to have their opportunity to represent their electorates and to have their opportunity to bring forward matters on which they feel strongly.

My point today is particularly reinforced by the scurrilous contribution of Ms Darveniza. It was a contribution of which few in this chamber would be proud. It was a contribution from a member who only occasionally visits her country electorate, who as we know fundamentally lives in Melbourne and who claims to be a champion of certain spots in country Victoria but rarely visits them. The government should have real concern about her performance in protecting her electorate and representing it thoroughly.

What Ms Darveniza has done today has not brought any credit to her reputation. She has acted as an apologist for the ministers, and she has severely damaged her democratic credentials. Ms Darveniza should be prepared to reconsider her position and to think through the consequences of arguing that democratic motions should not be allowed to be introduced. With those few words I indicate that, as Mr Guy said, opposition members will not support the motion, but we strongly endorse the right of members to introduce a motion that we may disagree with.

Mr VOGELS (Western Victoria) — I shall make a few comments on the motion moved by Mr Barber. Mr Hall was concerned about the media release issued by the ministers, and I think he used the word 'bulldust'. I would not worry about that if I were Mr Hall, because country people and farmers can smell bulldust 3 miles away, and they will have seen through this a long time before the media release even hit their local newspapers, if it ever did. I doubt that many country newspapers would run that sort of line.

Mr Barber spoke about 17 000 hectares of native vegetation being lost each year. I have not seen those figures, but I take his word for it. At the moment the return to native vegetation is only about 13 000 hectares a year, so there is a loss of some 4000 hectares. I have absolutely no doubt that in my electorate more native vegetation is being planted each year than is being cleared. In fact the amount of native vegetation being cleared in south-west Victoria in my electorate is basically the minimum.

I watch with interest the activities of Landcare groups, and I get involved with Landcare groups that have established enormous corridors along rivers and streams in the electorate. Tree planting has become the norm for private land-holders. We all agree that over the last century too much native vegetation has been cleared. We did not know better, so farmers cleared vegetation willy-nilly. That stopped a long time ago. You know that if you want to stay in the agriculture business, you need shelter belts and corridors. Only a month ago I was helping my kids plant another 850 native trees and shrubs to form a boundary on the farm. Farmers have been doing the right thing for a long time.

I would like to see local government, when making up rate bills, take into account people who have 100 acres, or however many acres, of native vegetation on their property. I know many farmers who have 50, 60, 80 or 100 acres of land which they have locked up and put environmental overlays on. If the farm is valued at $3000 or $4000 an acre, the rate bill includes all that land as if it were primary production land, even though it has been locked up. Councils should look at giving rate exemptions for those acres which have been locked up for native vegetation.

This Labor government, like all Labor governments, is in favour of control and regulation. Labor governments have always been like that and they always will be. An article in the *Herald Sun* some five years ago said:

> Homeowners, businesses and organisations across the state are being swamped by a spiralling number of rules, regulations, permits and laws introduced by three tiers of government.
>
> Even tree houses, play equipment, pools and driveways have fallen foul of petty bureaucracy.
>
> More than 500 new statutory rules have been introduced by the state government alone in the past three years.
>
> Homeowners are paying up to $1000 to comply with council red tape on a standard renovation.
>
> New heritage controls forced on many residents mean they cannot even paint run-down garden fences without going through lengthy applications to local councils.
>
> This year a record 494 appeals were made to VCAT over councils' failure to even decide on permit applications within

> the obligatory 60 days — compared with just 67 appeals a decade ago.
>
> Farmers now require permits to collect firewood, remove vegetation for vermin control and rip up rabbit warrens. Soon the same will apply if their children do chores.
>
> Business leaders, farmers and developers warn the state is drowning under a tidal wave of red tape. Even the councils' peak body, the MAV, admits bureaucracy is out of control.
>
> Local government is bound by red tape, MAV president, Brad Matheson said.

If there were then 500 statutory rules, there are probably another 500 on top of that, so we are probably looking at 1000. I commend the government on revoking rules and regulations. It is good to see that it is getting on board. Labor governments have gone over the top, so we need to address some of these issues.

Country Victoria has thousands of kilometres of local roads and railway lines. Most farmers have a local road as a boundary so they are basically dealing with the neighbours from hell. It is all right to say that you cannot clear native vegetation, rip up rabbit warrens or anything like that unless the Department of Sustainability and Environment approves of it, which used to be the case. The DSE is so slow that before it ever got out to your property, you would have another seven warrens further down the corridor because of the way rabbits breed; that is if the department ever turned up at all.

As an example, when I was shadow Minister for Local Government, the shire of Strathbogie had a tree in a dangerous position on a bend in a road, and it had to be removed. To get that one gum tree removed cost the council over $200 000 because of objectors, the greenies, you name it. Everybody who thought it was a beautiful tree said it should not be removed and that the road should be built elsewhere. Eventually the tree was removed, but the cost to council was absolute madness.

During summer periods we all know that unless these corridors are maintained properly they are fire hazards. In springtime they are havens for weeds such as ragwort, blackberries and thistles, with seeds travelling for miles all over the district. Then there are the feral animals such as foxes and cats — you name it, they are in these corridors. Farmers and local councils are responsible for making sure they are managed properly, and I applaud the government for revoking some of the controls so that people can go out and do the job properly.

I will finish by mentioning that in May the Brumby government announced a commitment of $20 million over four years to fund local government management of weeds and pests on roadsides. If you break it down, it is $5 million a year. If you break that down again into 39 rural and regional councils, it works out at about $125 000 a council. In some of those shires many farmers would spend more than that on managing weeds on their own properties.

Ballarat City Council is responsible for 2550 kilometres of roadside; Hepburn Shire Council is responsible for 2598 kilometres of roadside; Moorabool Shire Council is responsible for nearly 3000 kilometres of roadside; Central Goldfields Shire Council is responsible for 2238 kilometres of roadside; and Pyrenees Shire Council is responsible for over 4000 kilometres of roadside. You can see just from the example of the five councils I have mentioned that the funding of $5 million per annum is a pittance. I call on the Brumby government to do much more than that to help councils manage their roadside weeds into the future.

Mr BARBER (Northern Metropolitan) — I support that call by Mr Vogels. I am glad I brought this amendment forward for debate. If I had not done so it would have received exactly the 2 seconds of parliamentary time it normally gets when the Clerk reads out the name of the amendment. As it was, we spent a modest amount of time determining our positions on this important issue. What we have determined is that both the government and the alternative government — I will not speak for Mr Kavanagh, who is from the Democratic Labor Party — support the continued decline of native vegetation in Victoria. That is what is happening. It has been happening under current rules, and these new rules make it even more likely.

I will address a number of issues that individuals have raised in this debate. Mr Hall claimed that there is now more planting than clearing occurring on private land. Mr Hall may want to carry that belief around with him, but he should examine a document titled *Native Vegetation Net Gain Accounting — First Approximation Report*, which was published by the Department of Sustainability and Environment this year, and which says the opposite — that is, that it is on private land that the gap between revegetation or restoration and clearing or degradation is greatest.

I turn to the issue of roads and railways. A number of members have said we need to ensure adequate safety, and that is true. There is already a safety exemption for roads and railways. My main objection to the way this planning scheme amendment will be brought forward is not about a particular outcome, because of course that will be decided by a responsible authority, and whether the vegetation is cleared or not should be the decision

of a responsible authority. My objection is that if this passes, we will simply have one department ticking off the work of the other. There will be no transparency, to bring up a concept that is often raised around here. I do not know of too many other administrative processes regarding which the opposition would be comfortable saying, 'We really do not want to know about this any more. We do not want the public involved, we do not want any appeal rights. Effectively we will say that department can tick that one off and away we go'.

Ms Darveniza raised the issue of the advisory committee that was put together in relation to native vegetation and said the Greens did not make a submission. I am glad the Greens did not waste one iota of their time making a submission to that particular committee, because all the other environmental groups that made submissions found they were ignored — in some cases by the committee and in some very important cases by this Minister for Planning, who has brought forward this amendment. You would have to say that making a submission would have been a waste of time, besides which, under the Minister for Local Government's characterisation of the law, you would be banned from voting if you made a submission. You will have to watch yourself from now on when you make submissions!

What Ms Darveniza did not say was that she had read that advisory committee's report. She said I did not talk about it, she said I did not make a submission to it, but she did not say she had read it. She did not say she had read any of the submissions that were made to it. Nor did she say she had made a comparison between the amendment that was brought forward and the recommendations of the committee. That might have made for a more useful contribution to the debate.

Mr Guy made a number of points. I would have thought they would have been more directed to the amendment, given that he considers himself the man most appropriate to be the planning minister in two years time. But he mainly kept his contribution at the level of 'I know a lot of farmers, and all farmers are environmentalists'. Farmers are not anything in particular. They are just like the rest of us: they are a normal slice of humanity. If all farmers, as a class of persons, could be simply classified as environmentalists, we would not need any native vegetation controls. That contribution was not particularly helpful. I did not come in here and say all farmers are environmental vandals.

The purpose of this debate is to look specifically at particular measures as they exist now versus how they are proposed to be changed. If Ms Darveniza is such a sudden advocate for the necessity of these controls, you would have to wonder why she thought the current controls were perfectly adequate for the first eight years of her time in government. Perhaps the issues she wanted to raise did not arise.

The most valuable part of this debate is not the debate on the motion itself, which I originally anticipated, it is the 24 hours of hullabaloo prior to the motion. We have seen the Labor, Liberal and National parties releasing a flurry of press releases where they tear strips off each other — —

Mr Guy — There were two.

Mr BARBER — There were a whole series of them from The Nationals. In fact The Nationals seemed to do one for each electorate, although they were more or less done with the same cookie cutter. There was a press release war going on where they slugged it out in the media and then walked in here and went arm in arm and voted together on the amendment. They both accused each other — or they have over a period of years. They have both thought that the most damaging accusation they could throw at each other was that they were somehow in collusion with the Greens, yet they will vote together against the Greens. Pretty soon we will come to an election; they will both be gagging for Greens preferences again, and we will have to deal with all of that bother. I find it fascinating.

But the most interesting part of this is how I got onto this from the beginning. Before I had even become aware that the motion was tabled I had a call from Bendigo council. It was dealing with a VicRoads tree-clearing permit which was going to take out a fair bit of native vegetation as it proposed to widen a road through a rural community. That community had concerns both about the safety impacts of the road widening — I do not think they thought it was necessarily to their benefit that the road was being widened — and the loss of native vegetation that went with it. It was the Bendigo council, comprising I understand, Labor, Greens and even some National party-aligned members, which was fairly well resolved to oppose that permit until it was informed in the middle of its deliberations that the government had just gazetted something that had pulled the rug out from underneath them. I think at the local government level it is certainly an important rural area in relation to a rural roadside.

If the Greens, The Nationals, the Labor Party people and the various Independents on that council could all support each other in opposing tree clearing on a roadside — and they would have been unanimous on

one thing, and that was that they thought they should have been the ones making the decision — you have to wonder what the hell is wrong with all you people. But as I said, it has been a valuable exercise.

House divided on motion:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	

Noes, 35

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Madden, Mr
Dalla-Riva, Mr	Mikakos, Ms
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P. (*Teller*)	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Thornley, Mr
Kavanagh, Mr (*Teller*)	Tierney, Ms
Koch, Mr	Viney, Mr
Kronberg, Mrs	Vogels, Mr
Leane, Mr	

Motion negatived.

HEALTH: DOCUMENTS

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

> That, in accordance with sessional order 21, there be tabled in the Council by 4.00 p.m. on Tuesday, 2 December 2008, a copy of any reports detailing the outcome of deliverables and key performance indicators as agreed in the 2007–08 statement of priorities agreement with the Minister for Health for Eastern Health, Peninsula Health, Bendigo Health, Ballarat Health and Bayside Health as reported to the Minister for Health and the Department of Human Services.

This is the second motion of this type that I have brought to the chamber on the performance data of our major public hospitals. I seek to obtain via this mechanism reports that are provided as part of the process that the statement of priorities agreement instituted. For the house's edification, the Statement of Priorities are documents agreed between the Minister for Health and the health network. These documents lay out the performance requirements for the network and the requirements on which they will report.

The statements of priorities are public documents, but the reports provided to the Department of Human Services about the statements of priorities and reporting against the statements are not public documents. I believe they should be because they provide a great deal of important information.

In bringing this motion I make the point, and I have made this point many times in the chamber before, that the government has dumbed down the information that is available through the *Your Hospitals* report, only reports half as often as it used to and the detail and the number of reporting measures have been massively cut. Much data is collected and reported to the department through a number of processes, including the one that is discussed in this motion. That data should be in the public arena. It is important that the public see the data to ascertain the performance of their local hospitals and networks. Many of these hospitals are not performing well.

I want to put some figures on the record. In the Bayside Health network, the Alfred hospital has failed four out of the nine government benchmarks. The elective surgery waiting list has increased by 62 per cent in just 12 months; there has been a decline in the percentage of emergency patients seen in 10 minutes from 79 per cent to 68 per cent in 12 months; there has been a decline in the number of urgent patients seen in 30 minutes from 75 per cent to 63 per cent in 12 months; there has been a 23 per cent increase in the number of patients waiting more than 8 hours on a trolley; and there has been a 46 per cent increase in the hours that the hospital has spent on bypass from 2006–07 to 2007–08. The other hospital in that network, Sandringham, failed four out of the eight government benchmarks, performed fewer elective surgeries this year than the previous year and admitted fewer patients than the previous year.

In the Peninsula Health network the Frankston Hospital failed six out of the nine government benchmarks. There has been a 36 per cent increase in 12 months in the number of patients waiting more than 8 hours on an emergency department trolley; nearly 500 more patients than 12 months ago have waited more than 4 hours in an emergency department before being treated; there has been a 67 per cent increase in 12 months in the number of patients on the waiting list for more than one year, a massive increase. There were fewer patients admitted to the hospital for elective surgery in 2007–08 than in the previous year, and there has been a decline in the percentage of urgent patients seen in 30 minutes from 65 per cent to 56 per cent in the 12 months. It is a hospital that is not performing, and much of the data is hidden.

In the Eastern Health network, the Box Hill Hospital has failed seven out of the nine government benchmarks; 245 more patients are on the waiting list than there were at the same time last year, and that is

the official waiting list and does not include the massive outpatient waiting list that is not provided publicly and not reported in any serious way to the community. There was a 108 per cent increase in 12 months in the time spent on hospital bypass. That does not include the hospital early warning system time which the government uses to systematically fudge hospital bypass times. There was a 65 per cent increase in 12 months in the number of patients waiting more than 8 hours on an emergency department trolley and a 78 per cent increase from 2006–07 to 2007–08 in the number of patients on the waiting list for more than a year.

Just today we have seen reports by the Auditor-General about management in public hospitals, and it is clear the government is failing on those points. The Auditor-General's report today adds to the urgency for better public information on these matters.

Also in the east, the Angliss Hospital has had a 27 per cent increase in 12 months in the number of patients waiting more than 8 hours on an emergency department trolley, a 54 per cent increase in 12 months in the number of patients waiting more than 4 hours before being treated, a 133 per cent increase from 2006–07 to 2007–08 in the number of hours it spent on hospital bypass and an 80 per cent increase in 12 months in the number of patients on the semi-urgent waiting list. This is a poor performance that many would be concerned about. It adds weight to the need for proper and complete reporting against the minister's benchmarks and for the statement of priorities to be provided to the community and the Parliament.

Maroondah Hospital failed six out of nine government benchmarks. There was a 233 per cent increase relative to the same time last year in the number of hours the hospital spent on bypass, a significant decline in 12 months in the percentage of patients treated in the emergency department in a clinically appropriate time and a 40 per cent increase in 12 months in the number of patients waiting more than 8 hours on a trolley.

In one of our major regional centres, at Bendigo hospital 158 more patients were on the waiting list than at the same time last year, the number of category 1 patients waiting for surgery increased by 106 per cent, patient satisfaction at the hospital plummeted from 92 per cent in June 2007 to 73.6 per cent in June 2008 and there was a 34 per cent increase over the same period in the number of patients waiting more than 90 days for elective surgery.

Ballarat hospital is the last on the list in terms of this motion today, and of course the opposition has announced significant policy initiatives for the Ballarat hospital that the government is yet to match. There is undoubtedly a need for urgent capital upgrades there. It is also important that the hospital's performance be strengthened by the presence of data, and the opposition and the community are in a stronger position to hold government to account for its performance if that data is available. Ballarat hospital had a 79 per cent increase from 2006–07 to 2007–08 in the number of patients on the waiting list for more than 12 months; these are significant lengths of time. There was a 37 per cent increase relative to the same time last year in the number of patients waiting more than 90 days for surgery, a 127 per cent increase from 2006–07 to 2007–08 in the number of patients waiting more than 8 hours on an emergency department trolley and a 129 per cent increase in 12 months in the number of patients waiting more than 4 hours before being treated.

These are the *Your Hospitals* figures, but they are a very incomplete set of figures which do not report at the level the community deserves — certainly not at the level and frequency which was the case previously — with so many measures gutted and removed. The new system, with a statement of priorities, ensures that many of these measures are never reported to the community, and I believe they should be. That would ensure that the government is held accountable.

I note also the response by the government yesterday to some motions on documents. That response was inadequate in my view. On the transport documents the government's response was inadequate. Many of the ministerial briefings that were sought by my motion were refused and have in my view been erroneously refused. It beggars belief that some of those documents should be regarded as secret. Equally there is a significant case to be made that some of the documents Mr Barber's motion sought to be released should be in the public domain — or at least parts of them. Again, I think the government is systematically attempting to obstruct the release of documents that ought to be in the public domain. I am happy to have a debate with the government on many of those points, and no doubt we will in due course, but today I make the point — and I want to keep this brief — that the government is not playing this evenly and will be held to account for its decisions on those matters.

In terms of the health network documents I sought and which the chamber received in part yesterday, I am well aware that is not the complete set of documents. I concede it is a step forward, but there will need to be further analysis and debate on those matters. On this motion specifically, I am very much seeking the support of the chamber, because I believe this will take

us a step further in accountability and transparency for our health-care system.

Mr VINEY (Eastern Victoria) — I did not know this was going to be a debate on the health system, but I can assure Mr Davis of one thing: the government will be more than happy to hold our record on the delivery of health services to Victorians against that of the opposition any day. This is the government that has invested in the health system and has rebuilt and extended just about every hospital in the state, from emergency departments to general hospital wards. It built the first new hospital in the south-eastern suburbs, in Berwick. It rescued the then Austin and Repatriation Medical Centre from the Kennett government's attempts to privatise it and did the rebuild and all the hard work. Labor was the party that in 1999 said Frankston Hospital needed 100 additional beds — and they were delivered when we came into power. The Kennett government in the 1999 election and in the supplementary election in Frankston East said the hospital had never requested any additional beds, something which was proved to be absolutely untrue during the supplementary election. There had been a request for additional beds at the hospital, and the Kennett government had refused to provide them.

This is the government that is treating thousands of extra patients every year in the hospital system. This is the government that has delivered more nurses into the system and that is ensuring we are upgrading the skills of country doctors and doctors throughout Victoria. It is the government — not the other side — that has delivered on ambulance policies. This government has a significantly better record in the delivery of health services in this state than the opposition ever had when it was in government or could ever hope to claim. We did not close country hospitals; we have extended, renovated and improved them. We did not sack nurses; we have employed more. This government has delivered on several enterprise bargaining agreements for nurses to improve their working conditions and reduce nurse-patient ratios. I did not realise I was going to be involved in a debate on the health system today, but I am proud of our record in that area.

In relation to the request for yet more documents, as we have consistently said in this place, this is the classic use of a sledgehammer to crack a walnut. There are plenty of ways in which the opposition could request documents, including through freedom of information and other forms. It could simply just write to the minister and ask for them. But what the opposition has chosen to do is to use up time in what Mr Pakula called Wednesday's moot court. It is a lot worse than moot court; it is low-grade debating club, given some of the debate we have heard in this chamber today. Here we are at 5.30 p.m., and we have done no government business today. There has been no legislation considered in this house. It is 5.30, and this is the first time I have got to my feet in this place today. That is a little unusual for me on a Wednesday. There has not been adequate time to deal with government business in this chamber.

We say this mechanism of using a sledgehammer to crack a walnut to obtain a few basic working documents in relation to the operations of our hospitals is a bit unnecessary. What we have consistently said, and as Mr Davis has indicated, is that a number of documents have already been produced through this mechanism. Whilst we do not support the mechanism and we think it is unnecessary, we recognise that the house has made this mechanism for requesting documents possible, and in the spirit of cooperation we will produce the documents as appropriate.

In other words, in the well-recognised tradition of this place, certain documents will not be released. As we have documented on a number of occasions in this place before, those that have executive privilege will not be provided, and that is because of some important provisions and principles that a civil society has to operate on. That ministers can receive advice from their departments that is fearless and frank has been a longstanding tradition of the Westminster system that has stood our democratic processes in high regard in the world's various democracies. In terms of the provision of information we also wish to protect information that is commercially sensitive and information that may have legal sensitivities.

These are fairly standard provisions, and the government has always indicated that it is prepared to be open and accountable for all its decisions and actions within those basic guidelines. They are important principles, particularly the principle that ministers ought to be able to have confidential cabinet discussions and be advised by their departments in order to inform the decision-making processes of the cabinet of the day. Those principles need to be upheld at all times in order to maintain confidence in our system of government. The government will not compromise that, and might I say nor would the opposition if it was in government. Nor would any members of the opposition, if they were in government, agree to a system that produced documents that in any way compromised those principles of executive management and privilege in relation to the operations and decisions of government.

The government will not be opposing this motion, but we say it is unnecessary. There are already many means

that those in the opposition could use to access documents, and I might say they get given truckloads more documents by this government than they were ever prepared to produce when they were in government.

Ms HARTLAND (Western Metropolitan) — I will only be speaking very briefly. The Greens support the motion. I find it interesting that a government that claims to be transparent finds it so difficult to hand over documents. My experience in dealing with freedom of information requests, questions on notice and questions without notice in this house is that they are rarely answered adequately. That is the reason the Greens will be supporting this motion; we believe in transparent government. If this government feels it is so transparent, it is not going to be difficult for it to hand over the documents.

Motion agreed to.

AUSTRALIAN NATIONAL ACADEMY OF MUSIC: CLOSURE

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

That this house expresses its concern at the unilateral decision by the Prime Minister of Australia and the federal arts minister to close the Australian National Academy of Music and —

(1) notes the intellectual reputation and importance of this Victorian and Australian centre for the education and development of talented musicians of the highest quality;

(2) believes this decision by the federal arts minister sends the wrong signal to young Victorian and Australian artists about the importance of striving for excellence;

(3) affirms the importance of the Australian National Academy of Music as an Australian cultural institution in developing talented young Australians of international standard in Australia;

(4) calls on the Rudd government to restore the funding in full; and

(5) further calls on the Premier to publicly defend this highly regarded Australian institution and its fully funded presence in Victoria.

This is an important motion. It is important that this chamber and this community stand up for their arts bodies and arts heritage and ensure that arts groups receive a fair share of federal funding and support. We have often heard the Treasurer talk about our share of federal funding and the importance of Victoria receiving a fair shake. I have to say this unilateral decision by Mr Rudd and his Minister for the Environment, Heritage and the Arts, Peter Garrett, a former musician of note who should have known better, is not a fair shake for Victorians. It is unfortunate that this important cultural institution is under threat in the way it is because of the actions of the federal arts minister. I note that the national academy is an important body that trains artists to the highest standards.

I am conscious of the hour, but I am also conscious of the importance of this motion. Here is a very quick history lesson. This academy was established in the early 1990s by the Keating government. Those of us who were around and politically active at the time will remember that Paul Keating made the decision to fund a number of arts bodies. Victoria did poorly in terms of its total share, but one thing it received recognition for was the establishment of the Australian National Academy of Music (ANAM). This body is designed to encourage excellence in those who have the ability. It put in place a system that trains people of the highest ability in the same way as our sportspeople focus on high standards and that hothouse training approach that delivers excellence.

That is what we see at the Australian National Academy of Music, but Mr Rudd has chosen to peremptorily cut funding for that body. That is a sad reflection on Victoria. I do not understand what the Rudd government is thinking or why it is doing that. I do not understand why the arts minister has taken this decision. I make the point that a number of solutions were discussed after this decision was made. We should restore the funding and retain this centre of excellence.

Amongst all those solutions there is no understanding that you cannot simply create these centres of excellence out of nothing. They take time to develop and they take expertise. There is a cluster of teachers and people of great skill and capacity. If Australians and Victorians want to see this magnificent institution closed and cut and a situation occur where our best and brightest musicians go offshore, then the way to facilitate that is to close institutions like this, which is a very sad reflection on us all. It may be uncomfortable to those in this chamber that I am critical of the federal government's decision. At some levels this is a national issue, but it is also a Victorian issue. The Australian National Academy of Music is a very important Victorian cultural institution. It is part of our arts infrastructure in Victoria. Centres of excellence like the academy add to the critical mass of our arts support in Victoria and in Melbourne in this case, and I certainly strongly support it.

I was very moved by the article written by Brett Dean which appeared in the *Age* recently entitled 'Elite musicians need a training centre'. Liberal arts ministers at a federal level have protected the academy, and I pay tribute to former Senator Rod Kemp for his advocacy of this institution whilst in government. However, in the Victorian context I think the issue is beyond party politics. We need to be prepared to see this as a Victorian issue and say that we need to stand up for a centre of excellence that adds to our arts infrastructure but also adds to the infrastructure of Australia. The academy happens to be based in Victoria and adds to our national capacity to retain artists of the highest standard in Victoria. In his article Brett Dean wrote:

> Just two weeks ago, Sir Simon Rattle, principal conductor of the Berlin Philharmonic, commented: 'What you have there in Melbourne would be the envy of anywhere in the world'.

That is the sort of institution that Peter Garrett has sought to cut and to close.

I make the point that some solutions are out there in the ether. Melbourne University and other alternatives have been discussed. On one level they may have some merit, but they fundamentally miss that you cannot chop and change with institutions of this nature in a way that imperils the cluster of critical skills. That is the risk that Peter Garrett is running with his approach to ANAM. Even if a halfway solution is found to retain this centre of excellence, the risk is that we might lose critical individuals and the team and cluster of people who have made the institution what it is.

In the interests of time I am not going to run through every laudatory comment made about this important institution. I could fill a huge amount of time by doing that, but I am conscious that it is important that others have their say on this matter and are able to contribute. I think what is going on here is that a Sydney-centric approach is being taken. A decision has been made by Peter Garrett in a way that has not taken into account the importance of this institution, and the decision has been made at a distance. I understand that there may have been breakdowns in communication between the board of the Australian National Academy of Music and Peter Garrett's office, but I put it to the chamber that whatever sequence of events occurred prior to the peremptory decision to close the academy, it is incumbent upon the federal arts minister to get this right. He should lift the phone or take a flight to speak to people to work through whatever difficulties of issues he had with the future of the centre. It is incumbent upon him to do that before he puts at risk a centre of excellence.

My concern is that, because of the way this decision has been taken and because of the risk of the loss of the critical cluster of skills and the cultural infrastructure that has been built up, there is a very real risk for Victoria now. I feel very sorry for the young musicians. I have talked to a number of people associated with the academy, and it is very clear to me that this is a wrong decision and a bad mistake. It is not too late to correct it, and that is why my motion is framed in the way it is. There is an opportunity for this chamber and the Victorian community to take a stance on this issue. I know that André Rieu is meeting with a number of musicians from the academy today, and I hope that that public support will also bring significant support and focus onto this issue. I certainly believe the federal minister needs to rethink his position, and I believe members of this chamber have the opportunity to stand up for Victoria to point out that this is a disappointing decision and to stand up against an un-Victorian and un-Australian attitude.

Mr THORNLEY (Southern Metropolitan) — I am also a passionate supporter of the wonderful elite music training capacity that we have in Victoria and of the role that the Australian National Academy of Music (ANAM) has played. Brett Dean has given terrific and creative leadership, and John Haddad as chair has been hardworking and dedicated as the chair of the academy's board. I have had the pleasure of interacting with Mr Haddad in particular in recent times as this matter has come to a head.

It is important to put on the record that the Victorian government is absolutely committed to nurturing talent of the highest calibre and encouraging excellence across the arts. Our record speaks for itself in the commitments that we have made in the whole arts precinct and the way it has developed and will continue to develop under this government. Last year alone we put $10 million into music grants, both at the elite level and at the community level. The joys of music are important to be shared at both levels. We absolutely wish to support excellence at the highest level, and we wish to support community involvement, engagement and enjoyment with music and all forms of the arts.

The challenge we have is to try to work towards the best possible outcome that we can get given the decisions that have been made. For better or worse the federal government has made it very clear that its decision on ANAM is not going to be reversed. It is important that Victorians gather around and support trying to find the best possible outcome here. Obviously our first concerns are for the welfare of an extraordinarily talented group of staff and talented musicians. The next year's intake of students were

looking forward to having the opportunity to study at this institution. We are aware that the University of Melbourne is in discussions with the federal department. If that proposal were to succeed, that would be one example of how we would potentially be able to avoid the complete loss that would occur if, to take up Mr Davis's point, people from Sydney were to try and plunder the resources that have been set up at ANAM. Mr Davis needs to be a little cautious about talking down the benefits of the bid from, for example, the University of Melbourne. I am not sure that will help. It may actually put some wind in the sails of whatever dark forces are coming from north of the border.

I suggest we all focus our attention on ensuring that through one means or another these staff and this capacity are retained here in Victoria and that the next generation of musicians who were looking forward to accessing this type of training will be able to do so in some form. We must also try to ensure that the federal government is supportive of all those aspirations. With that I finish my contribution.

Ms PENNICUIK (Southern Metropolitan) — I would like to start by stating the obvious: music is an important part of everyone's lives, and of course musicians are essential to producing music. They are statements of the obvious, but we should bear that in mind when we are talking about this issue. Musicians need places to learn their craft. Another statement of the obvious is that most artists and musicians struggle financially, including in learning their craft, because very few artists or musicians are able to be totally professional in that field. They usually have to have a day job. I know quite a lot of musicians, and most of them have to have a day job. They have to pay the bills with their day job and be a musician after hours.

The Greens acknowledge that creative artists play an essential role in Australian life and that they should be fostered and supported. We agree that we should make sure there is public funding for our national and artistic institutions to enable artists to access training in artistic, professional and business matters throughout their working lives so that they can better develop their careers. I understand that is part of the responsibility of the Australian National Academy of Music, which is teaching those known as gifted musicians not only more about their musical craft but also about how to be a professional musician through professional, business and other training. That is not necessarily just about music.

Our policy says there should be a system of grant allocation that is free from political manipulation through an independent group formally empowered to make such decisions. What we have before us is a ministerial decision to remove funding from an institution that is already established. There are arguments for and against institutions such as the Australian National Academy of Music, and comparisons have been drawn between the academy and the Australian Institute of Sport, where talented sportspeople go through a process of selection and may be selected to go to the institute to further their progress in sporting endeavours. There are ongoing arguments in the community about the amount of money spent on elite sport as opposed to that spent on community-based sport, and the same arguments could be made about the funding of elite music institutions as opposed to funding arts and music at the community level.

I regret that because of the short notice given of this motion being debated I was not able to speak to anyone at the Australian National Academy of Music, so I can only go by what I have heard and read in the press about this issue. Just today the ABC's *AM* program ran a report on the issue, which said the academy has been around since 1996 and that since the minister announced his intention to discontinue funding — which I understand has been around $2.9 million per year — there have been mixed reactions and strong protests. Other reactions were reported as being along the lines of: 'Here's an opportunity to fix the problems that have existed within the academy'. The *AM* report went on to say the academy has been accused of misspending and that it has been subjected to several reviews, and that may lie behind the government's decision to withdraw funding. I understand the Howard government was looking at increasing funding to the academy but that after some of the outcomes of the reviews it decided not to go ahead with that; I am not sure what the reason for that was.

Richard Tognetti spoke on the *AM* program about the academy being unique, saying the decision to remove the funding was throwing the baby out with the bathwater. Basically he was saying that if there was a problem with the board and if the board and the management have been errant, then they should be removed and the academy, with a new board and new management, should continue to be funded. He went on to say there was no benefit in getting rid of it and that doing so sends a bad message to up-and-coming young musicians. A young musician was quoted on the program as saying that if it had not been for the Australian National Academy of Music, most of the students there would have gone overseas — so it is retaining talented musicians in Australia.

Obviously the timing is problematic and the finality of the announcement sounds as if there is no room to move. Mr Thornley indicated in his contribution that the government will not change its mind and that there is a need to arrive at a good outcome. However, it appears there are discussions going on this very day, so perhaps that decision is not as final as it might appear. Mr Thornley mentioned the possibility of the academy amalgamating with the University of Melbourne. On this morning's *AM* report the comment was made that there is a five-year hiatus between now and the university moving, so there would be nowhere for the academy to go.

The history of the academy is that it was set up under the Creative Nation program. The arrangement was that the commonwealth would provide ongoing funding for organisations such as the Australian National Academy of Music that had been set up under that program and that state governments would provide the venues for them. This brings me to some remarks I want to make about the venue. The Australian National Academy of Music is located in the South Melbourne town hall. The decision about the location was made by the commissioners to the then new City of Port Phillip under the Kennett government. With the academy housed at the town hall, there have been issues with the community being basically locked out of the town hall. The town hall is not state Crown land; it is a freehold that was bought by the former community of Emerald Hill. The academy has total occupancy of the main hall, and no other community use is currently permitted.

It is difficult to gauge the level of support and opposition in the community. There is vociferous opposition, but there are probably others in the community who are ambivalent about it. Nevertheless the fact remains that the Australian National Academy of Music is in the South Melbourne town hall, and I understand it does not pay any rent; in fact it pays a nominal rent of $1 per year. It pays only for its utility costs, and I understand that may not be paid in full either.

Intertwined with the loss of funding for the Australian National Academy of Music is the issue of its location in the South Melbourne town hall. I understand it has a lease that extends to 2016, and the council is looking at revisioning that area around the town hall. Certainly the council has been working with the Australian National Academy of Music to encourage it to be more open in terms of community access to the South Melbourne town hall.

The Australian National Academy of Music holds over 100 concerts or music recitals per year for the community, and obviously that is part of the students' repertoire in learning about how to perform. Those concerts are open to the community, and I know they are highly valued by the community. The academy also holds programs such as Fridays@3, which are public lectures on all sorts of subjects to do with music. The lectures are not necessarily given by musicians and they are not necessarily about music; they may be about the philosophy of music and all sorts of related topics. So there is some value in the Australian National Academy of Music being in its location, but there has been criticism about the lack of access by the community to this asset which is owned by the community, and I understand that the fact that no actual rent is paid is depriving the council of around $350 000 a year.

I think it would be desirable for the federal arts minister to continue the negotiations he is having with the academy, with the musicians and with the staff. Certainly the closing of the academy would mean people would lose their jobs and students would have nowhere to go. These are important issues that need to be looked at, but in addition is the issue I was talking about of the academy's occupation of the South Melbourne town hall and the need for some flexibility from the academy in that regard.

The other thing I would say is that the part of Mr Davis's motion calling on the Premier to publicly defend the highly regarded Australian institution and its fully funded presence in Victoria raises the issue that the state government should be funding that part of the arrangement. The agreement, as I understand it, under the Creative Nation policy was that the state government would provide the venue, but in fact in this case it is a local council that is doing that. The academy is a national body, so if we are having a national body that is funded at a national level with the state government supposedly providing the funding for the venue, then that is what the state government should be doing. It is a complicated issue. We need to make sure that we support our musicians in their endeavours to become professional, and it is important that this issue be resolved in a positive way.

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a very brief contribution also in support of the motion brought to the house by David Davis expressing concern at the unilateral decision by the Prime Minister, Kevin Rudd, and the federal Minister for the Environment, Heritage and the Arts, Peter Garrett, to close the Australian National Academy of Music. The motion notes the intellectual reputation and importance of this Victorian and Australian centre for the education and development of talented musicians of the highest quality; it states that this decision by federal

arts minister Peter Garrett sends the wrong signal to young Victorian and Australian artists about the importance of striving for excellence; it affirms the importance of the Australian National Academy of Music as an Australian cultural institution in developing talented young Australians of international standard in Australia; and it calls on the Rudd government to restore the funding in full and further calls on the Premier, John Brumby, to publicly defend this highly regarded Australian institution and its fully funded presence in Victoria.

I support the motion for a number of reasons. This cut in funding is not good for Victoria and it is not good for Victoria's reputation as a major city offering cultural, arts and sporting attractions, especially when there is a downturn in the economy and when visitations fall. We are heavily reliant on domestic tourism, in which the arts community and major cultural institutions play a very significant role. The funding cut is also not good for our young people, and in fact what disappoints me most — and we hear it often from the Labor side of politics — are these platitudes about supporting diversity. The only diversity the Labor government seems to support is a particular diversity that it prizes, but if it is something to do with, say, people who are gifted, whether it be in the area of the arts or sport, that sort of support is lacking.

This situation perfectly demonstrates that lack of support, as does the lack of government support for the Victorian Institute of Sport and for athletes and the hiving off of Olympic Park to give it to good old mate Eddie McGuire and his 50 professional sportsmen at the expense of 50 000 young athletes in Victoria. They have been forced out of that particular precinct into the backblocks of Albert Park, where they will not even be able to compete in their major national and state competitions whilst the grand prix occurs, because the seasons overlap.

We have a number of other failings in relation to youth, including the lack of support for young people in Victoria, the bungling of the 2 o'clock lockout, the failure to provide late-night transport so that young people who come into Melbourne to go to clubs or whatever can actually get back home, and the lack of support for sport and recreational opportunities. This situation with the music academy is symptomatic of the lack of regard and the lack of support for our young people. Mr Thornley talked about how the state government likes to encourage excellence. Nothing could be further from the truth, and I think these examples demonstrate that to be the case perfectly.

Mr Finn — Excellence and Labor are mutually exclusive!

Mrs PEULICH — Yes, absolutely. I was fortunate just a couple of weeks ago to go to a concert in the city at the Rod Laver Arena to watch the Melbourne Symphony Orchestra's *Classical Spectacular*, where I received a flyer from the students of the Australian National Academy of Music. Basically I would like to give a few brief quotes from the content of that flyer in which they try to harness some support and encourage people to sign their online petition. For those who have not seen that petition, it is at www.anam.com.au. They also encourage people to send their thoughts to Minister Garrett. I would not have thought that was sufficient. In fact I would encourage them to write to all of their members of Parliament, including their Victorian members of Parliament. They state in the flyer:

> The Australian National Academy of Music is Australia's national elite training facility for talented musicians. It is like a musical equivalent of the Australian Institute of Sport, but instead of training for the Olympics, academy musicians train to become artists on the concert platform and in symphony or chamber orchestras.

Australians show a high degree of adulation for their sportsmen and sportswomen, but I would expect that adulation to be extended to any talented young person, and that includes those who engage in the arts, whether it be classical, whether it be popular or even whether it be something that my son engages in, which is the writing of electro house music. Where there is a gift and where there is a talent, it is our onus and responsibility to support and encourage their development to the highest level of their potential.

Why is the academy important? As it says in this flyer:

> Australia needs to train its elite musicians to get them ready for the rigours and realities of a life in professional music making.

Many of our major musical orchestras are dependent on these musicians. We know how important they are to the reputation of Melbourne and the role they play in realising Melbourne's policy of being a major sporting and cultural city. To cut funding to this academy is very short-sighted in the context of a range of economic and other policies.

The flyer likens the academy to a hothouse training facility equivalent to similar sorts of international institutions — for example, the Juilliard School in the US and the Royal College of Music in London. The flyer states:

> While musicians can receive a terrific music education at a university or TAFE college, the academy provides a different and unique experience for its musicians.

A diverse approach to producing the very best talent, including the concept of a hothouse — a dedicated training facility — is one that would lead to the greatest success. The difference that the academy makes in the music community is also explained in the flyer:

> The academy is currently a significant feeder into the Melbourne Symphony Orchestra, the Australian Chamber Orchestra, Orchestra Victoria, the Queensland Orchestra, the Adelaide Symphony Orchestra, the West Australian Symphony Orchestra, the Tasmanian Symphony Orchestra … the Melbourne Chamber Orchestra and the Sydney Symphony, amongst others. In fact, academy woodwind players currently occupy seven principal positions in Australian professional symphony orchestras around the country.

I believe that phenomenal success is being undermined by this very short-sighted decision. It is a decision I have not heard being advocated for or argued against by Victorian ministers or the Premier, John Brumby.

I am greatly disappointed that this decision has been taken. It is short-sighted from the point of view of domestic tourism strategies and from the point of view of supporting our well-respected cultural and arts institutions that have helped to build Melbourne's reputation — and the reputation that the Liberal Party has thanks to a long and rich history in cultivating the arts over many years. With those few words I call on the government to do what it can to force the reversal of this decision in the interests of our music and cultural institutions as well as our young people who benefit from them.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on this motion proposed by David Davis. Victoria has a very healthy arts community. We are well known throughout Australia, indeed throughout the world, for producing high-quality participants in the arts across the spectrum. The Australian National Academy of Music is in South Melbourne, my own electorate. I understand the house wants to complete this debate by dinnertime, so I will speak only for a short time. In the time I have I would like to read a quote:

> The first thing to say is that Labor has a strong tradition of supporting the arts.

Who do you think this might be from?

Mr Finn — Les Patterson.

Mrs COOTE — Les Patterson? Any other offers? Let me think. No, this was from the then federal Shadow Minister for the Arts at the launch of Labor's policy on new directions for the arts in Sydney on 14 September 2007 — none other than Mr Garrett, who is now the minister. He is the very same minister who is responsible for this turnaround we are seeing at the moment. This was the attitude towards young people of excellence in the arts field, and yet now we have Minister Garrett, who has promised so much and delivered so little.

Mr Guy — Why does Labor hate the arts?

Mrs COOTE — I agree with Mr Guy. Why does Labor hate the arts? A closer look at the quote indicates Peter Garrett felt the arts was important in Australia. He said that elements of an arts policy would:

> … include being clear that we must encourage and amplify the exposure that young Australians have to the arts …

If we have any spin at all, this is it. We had Mr Garrett, in opposition, saying that young people should be encouraged at all costs. In reality we have got him closing down the Australian National Academy of Music, which is well known to be at the forefront of musical excellence for young people.

It was salutatory to hear Brett Dean, the artistic director of the Australian National Academy of Music, say how absolutely tragic and disappointing it was to have a musician close down a musical academy. That is it: Mr Garrett might have been out there playing rock'n'roll or whatever it was he did, but let me tell you he is not interested in the arts at all now. He should be putting his money where his mouth is. We should be making quite certain that we continue to have artists of excellence in the future.

Mr Drum — He should give it back.

Mrs COOTE — I agree with Mr Drum: give the money back. It is very simple.

It is important to understand that under a series of arts ministers, starting with Richard Alston in the Howard government and then with Rod Kemp, the arts in this country was supported to a great degree. I know for a fact that Richard Alston put a significant amount of support into what became AbaF (Australia Business Arts Foundation) and has been seen worldwide to be in support of the arts. At that time there was a great deal of funding put into sport, because it has been Australia's culture for corporations to support sporting facilities and organisations. However, Richard Alston saw that this was also a good way to support the arts, and he established what became AbaF. He has successfully looked into models where you can have arts bodies,

private organisations and the government working together to achieve a successful outcome for funding and supporting the arts.

Mr Garrett, with all his rhetoric, should have looked more imaginatively at what he could have done. He should have looked at some other models and other areas to see whether he could have supported the Australian National Academy of Music and the excellence that has been harnessed by the academy as a feeder into a whole range of musical areas in this state.

Mr Garrett is only for show. We already knew about his role in the environment; the federal government would not give him the environment portfolio, but had to give it to Penny Wong because he is so useless. He now cannot even conduct his arts portfolio with any understanding of the real issues.

The Australian National Academy of Music is housed in the South Melbourne town hall. For those members who do not know it, it is a wonderful building. Among the aspects of the building that makes it so special are the acoustics in the hall. The acoustics are very difficult to recreate.

We saw another difficulty with acoustics when this government was looking at building a new music venue near the arts centre, and even the minister in this chamber acknowledged that the acoustics were wrong and that the government had miscalculated by the tune of something like $20 million — —

Mr Jennings interjected.

Mrs COOTE — No, I am referring to the minister who is absent on leave. Under that minister's watch the government had forgotten to look into the acoustics and had to allocate additional funding to cater for the noise of trams. You would have thought that with all the expert advice the government had received, it could have gotten it right.

The Australian National Academy of Music is an absolute gem. It operates out of the South Melbourne town hall, giving hope and support to young people to encourage excellence and help them into the future. The $2.6 million of annual federal funding that has been discontinued by Peter Garrett — —

Mr Guy — He is a cretin!

Mrs COOTE — I will take up Mr Guy's interjection; the minister is a cretin. That is a good description. He has no idea about the arts or culture. This decision is an indictment of this minister and the federal government. It is up to the state government to put pressure on its federal counterpart to make certain this decision is reversed.

This is not just a matter for Victoria but for Australia. We have the location, the talent and the reputation; all we need is for the federal minister to reverse his decision. If the government has any clout at all with its federal counterpart, let it show its muscle and do something constructive to make certain the federal government comes to the party with the additional funding.

Once again I remind the chamber of what Mr Garrett said. Mr Garrett, who had so much to say in opposition, is not able to put his rhetoric and spin into reality. When in opposition he said that young people needed to be supported and that the Labor Party had a strong tradition of supporting the arts. Maybe at one time it did, but it certainly does not now, and it does not look as if it will be supporting the arts in the future. I support the motion.

Mr D. DAVIS (Southern Metropolitan) — I urge the chamber to support the motion. Good comments have been made by all speakers. I reiterate that this is both a national issue — an issue about the quality of our support for excellence in the arts at a national level — and a Victorian issue about the quality of our cultural institutions.

Motion agreed to.

Sitting suspended 6.27 p.m. until 8.05 p.m.

LEGISLATION COMMITTEE: WATER (COMMONWEALTH POWERS) BILL

Ms LOVELL (Northern Victoria) — I move:

That —

(1) this house requests the Legislative Assembly to grant leave to the Honourable T. J. Holding, MP, Minister for Water, to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Water (Commonwealth Powers) Bill 2008; and

(2) standing order 16.11(3) be suspended and that the minister, minister representing, Mr David Downie, general manager, Office of Water, Department of Sustainability and Environment, Dr Wendy Craik, chief executive officer, Murray-Darling Basin Commission, Mr Peter Harris, secretary, Department of Sustainability and Environment, and such other persons nominated by the minister or determined by the committee may give evidence to the committee.

This legislation could have an impact on the future of water management in Victoria. The referral of powers to the commonwealth is probably the most significant change we have made to water legislation in this state since federation. It is important that this house has the opportunity to fully investigate the impacts that a referral of powers will have, particularly on northern Victorian communities.

This motion seeks to bring before the committee the Minister for Water and key public servants who have been either key decision-makers or advisers on the referral of power and also the chief executive officer of the Murray-Darling Basin Commission, the current body responsible for the management of the basin. The coalition believes the evidence of those named in this motion is vital to establishing the full extent of the ramifications of this legislation, and also in seeking guarantees and protections that Victorian communities should rightly expect.

If the government has nothing to hide, if it is confident that this proposal is in Victoria's best interests, it will have no objection to the Legislation Committee reviewing the legislation or to these key people providing evidence to that committee. Any attempt by the government to prevent any one of the people named in this motion from appearing before the Legislation Committee is an admission that the government wishes to avoid scrutiny at all costs. It would also confirm that this government is willing to roll over to the Rudd federal government and put the interests of the Labor Party ahead of the interests of Victoria.

The key witnesses the coalition seeks to have appear before the committee are the Minister for Water, who is the decision-maker responsible for this legislation. We wish to explore his understanding of the legislation and the ramifications of its impact on water management and projects in Victoria. We would also call Mr David Downie, the general manager of the Office of Water in the Department of Sustainability and Environment. He is the person responsible for planning Victoria's future water supplies, and we would like to explore his understanding of the impact this legislation will have on Victoria.

We would also like to call Mr Peter Harris, secretary, Department of Sustainability and Environment. He is also responsible for planning Victoria's future water supplies. Both these public servants have been involved in dealings with the federal government on the referral of these powers.

We would also invite Dr Wendy Craik, the chief executive officer of the Murray-Darling Basin Commission, the body responsible for the management of the Murray–Darling Basin, to attend the committee. We would like to explore the consultations that have occurred between the states, the commonwealth and the Murray-Darling Basin Commission regarding this new management region. We would also like to explore the impact it may have on Victoria's current and future water share and how it is envisaged that the proposed sustainable diversion limits be implemented in Victoria, given that Victoria's water shares are enshrined in legislation until 2021.

Other witnesses may also be called as required by the committee or those nominated by the minister. The referral of these powers is a major decision that deserves to be scrutinised by this house. The timing for reporting by this committee has been set to allow the committee to report by 2 December. That will allow the commonwealth legislation to be dealt with by the Australian Senate prior to the rising of federal Parliament. I commend the motion to the house.

Mr VINEY (Eastern Victoria) — The government will not support this motion. We had discussions with the opposition about this issue, but it is now proposing that both the Minister for Water from the other place and the minister representing the Minister for Water in this place attend the Legislation Committee meeting. You do not get both. The Legislation Committee exists to go through a bill in detail. It is not an investigatory committee; it is not a select committee; it is not a joint parliamentary committee to investigate policy issues; it is set up to consider a bill. It was created to consider legislation in detail. When Philip Davis was Leader of the Opposition he understood the process and I think he would be struggling with it now. Many members on the other side understood the process. It is about considering a bill in detail. You do not get two bites of the cherry and call the Minister for Water and the minister representing the Minister for Water in this place. It does not work that way.

This is not an opportunity for the Liberal Party to prosecute all the nonsense that it has been doing on the issues of water. Liberal members cannot say, 'We are against the north–south pipeline and we want to plug the pipe, but if the government builds it we will unplug it when we think we need to bring the water to Melbourne'. The political posturing of the opposition on the issue of water is breathtaking. Liberal members say, 'We will unplug the pipe when we feel like it; we are for desalination but against the desalination plant in Wonthaggi; we are for recycling but against sending recycled water to the Latrobe Valley; we are against the north–south pipeline but if it is built we will unplug it when we feel like it'.

Apparently the Liberal Party is supporting the proposition of parties like the Greens that instead of building the north–south pipeline, instead of spending $2 billion fixing up the irrigation systems in northern Victoria, the Mitchell River should be dammed in Gippsland and the water sent to Melbourne. These are the propositions of the opposition on the issue of water. Liberal members know full well there are some basic solutions to the water crisis that faces Victoria: use less, reuse water and create some water. How are we creating water? In the Murray-Goulburn catchment that they are crying crocodile tears about, enough to fill the Mitchell dam that they want to build, over 700 gigalitres of water is lost every year. That is nearly twice the amount that Melbourne uses every year: just over 400 gigalitres a year. That is how much is lost to evaporation and irrigation losses because it is a 100-year-old system.

This government, along with the Rudd government that I just heard Ms Lovell criticising, is investing $2 billion into the irrigation system to create these opportunities. The legislation is part of a commonwealth-state agreement in relation to the Murray-Darling catchment. We would have been happy to allow the house to send a message to the Assembly to ask the Minister for Water to come to the Legislation Committee and explain the details of the bill, because we are very, very happy to defend the position this government has taken on water. We are very proud of what we have been doing on the issue of water. We are ahead of most other states. We actually charge less for water. We recycle more water in this state than any other state and we charge less for water. Our per capita use is less than anywhere else in this country. We use less, we reuse more and we charge less. That is the record of the Victorian government because of our policies. We intend to push forward with things like desalination, the north–south pipeline and the northern irrigation systems and to increase recycling as we will do with the eastern treatment plant, with 100 gigalitres of water coming out of that.

This government is very proud of its record and it would have been happy for the invitation to go to the Assembly to ask the Minister for Water to appear before this committee and explain the bill. We will not support a request that says that, firstly, the Minister for Water should come and then the minister representing the Minister for Water in this chamber should attend. That is not what this process is about. It is not a flytrap. It is not to be used by opposition members to go spinning out their spinnakers on a fishing expedition. That is not what the Legislation Committee is about. The Legislation Committee is about dealing with legislation in a proper and orderly process. We would be more than happy for this house to send an invitation over to the Assembly to ask the Minister for Water to attend. But when the opposition puts in a motion — and we tried to negotiate this with the opposition — that says, 'We are going to have the Minister for Water and the minister representing the Minister for Water come in a flytrap exercise for us', we are not going to play that game, so we will be opposing this proposal.

Mr BARBER (Northern Metropolitan) — I thought they all got this out of their system earlier today. However, we are now hearing another version of what is not so much a vast right-wing conspiracy as a conspiracy so vast it straddles all the way from the left to the right and everything else in between! Labor members are one up on Hillary Clinton when it comes to conspiracy theories.

There might have been too much fuss about this motion due to a fairly mild bit of confusion here. The first part of the motion requests the Legislative Assembly to grant leave, and that is fine, and even Mr Viney said he agreed with that. The second part seeks a suspension of standing orders such that certain persons who could not normally appear before the committee can appear before it. I am not sure why the minister representing, who happens to be Mr Jennings, is in the motion; it seems to be fairly redundant anyway, because we do not need to suspend standing orders in order to bring Mr Jennings to this committee. Mr Viney is worried it is double dipping or something, but I do not see that it is a problem. It is in fact an extension of standing order 16.11(3), which appears to be in more or less the same terms as the motion.

The motion says the minister, the minister representing and certain other persons nominated by the minister — which is the same wording as the standing order — or persons determined by the committee may give evidence. It does not say they have to. It does not say we need both ministers, although we might want both ministers there. In any case it is still only 'may', and we do not need to suspend standing orders in order to bring one of those people here. I am not too sure why anybody is too concerned about this.

Mr Viney says the Legislation Committee is not an investigative committee. The answers I have been getting on this bill so far — and for that matter the answers I have been getting from certain other ministers in the committee stage of other bills — have never been satisfactory, so I for one am prepared to go down the track of bringing in a number of other named persons who might have the answers, if a couple of ministers do not. If there is concern about that being an

irregular procedure for the Legislation Committee, let us have a look at the standing orders that provide for a federal parliamentary bills committee and see if they are more appropriate to be brought into sessional orders. We will therefore support the motion.

Mr D. DAVIS (Southern Metropolitan) — I am going to make a brief contribution to support Ms Lovell's motion. Mr Viney is an excitable character — he bounces around — but this is a simple matter. The chamber has already made a decision to refer the bill to the Legislation Committee. The chamber having done so, it is necessary to give the Legislation Committee the ability to examine the bill in a full and frank way. That means requesting the presence of the minister from the other chamber. We cannot force the minister to attend, but we can request that he attend.

In regard to Mr Jennings, the bill is a matter that deals with environmental flows and other related matters. He has responsibility there, and the bill impacts on that area as well. Equally, the specifically nominated public servants all have important responsibilities, so the reference is clear. The extension of the standing order enables the committee to do the work that is required.

This is a simple matter about a timely referral, the proper scrutiny role of this chamber and a report to the chamber by 2 December delivered in a timely way that enables the federal Parliament to do its work but also enables this chamber and this Parliament to do its work of protecting Victorians and ensuring that commitments are clearly and unambiguously on the public record from the most senior people who hold responsibility. That is all this is about. It is a simple matter, and the excitable Mr Viney has not helped proceedings.

House divided on motion:

Ayes, 20

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

Noes, 18

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

Motion agreed to.

PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL

Introduction and first reading

Received from Assembly.

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

STALKING INTERVENTION ORDERS BILL

Second reading

Debate resumed from 30 October; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to make some brief comments on the Stalking Intervention Orders Bill 2008. The coalition parties will support this bill. The purpose of the bill is largely to preserve the existing provisions with respect to stalking offences and also to bring into play search and seizure, and bail and firearms provisions parallel to those in the Family Violence Protection Act, which was dealt with by this Parliament earlier in the year. The bill adopts a definition of stalking taken from the Crimes Act 1958. That definition is contained in clause 4 of the bill and provides that:

> (1) A person (the first person) stalks another person (the second person) if the first person engages in a course of conduct —
>
> (a) with the intention of causing physical or mental harm to the second person or of arousing apprehension or fear in the second person for his or her own safety or that of any other person …

It then provides a range of behaviours such as loitering, following, interfering with property et cetera that constitute the act of stalking. The bill provides for the issuing of interim and final orders. It allows for telephone and fax applications for orders from Victoria Police in a similar way to the Family Violence Protection Act; however, it does not allow for the issuing of interim orders by Victoria Police, which is a

variation from the provisions of the Family Violence Protection Act with respect to interim safety notices.

The test for issuing a stalking intervention order is not a test beyond reasonable doubt; it is the balance of probabilities that the respondent, the first person about whom the order is made, is engaging in stalking conduct as defined in the bill and is likely to continue that conduct. In those circumstances the court can make an interim order in a case where immediate intervention is deemed necessary and a subsequent final order where the respondent has had the opportunity to present their side of the case.

Along with issuing a stalking order, the court has the capacity to suspend or revoke certain firearms authorities — that is, a licence or permit to hold a firearm. The existing appeal provisions in the Firearms Act 1996 are set aside with respect to a decision made under the Stalking Intervention Orders Bill, so there is no capacity for a person who loses a firearm under this bill to then seek to have it reinstated under the Firearms Act.

The bill provides Victoria Police with certain powers with respect to the surrender and seizure of firearms, ammunition and firearms authorities, which are defined elsewhere in the bill, and to licences and authorities to possess and use firearms. Clause 37 provides that if the police issue a direction and that direction is not complied with, or if the police obtain a warrant under clause 40, the police may seize the firearms, ammunition or firearms authority. If a final order is made by the court, if a person applies under section 189 of the Firearms Act and is declared not to be a prohibited person, which is a classification under the Firearms Act, then the person is able to retrieve the items that have been seized with respect to this act. Likewise, if there is no final order made and only an interim order made, the person can also recover their seized items. The bill sets the maximum penalty for the contravention of an order at 240 penalty units and/or imprisonment of up to two years. The bill also contains a section 85 statement, which limits the jurisdiction of the Supreme Court to hear appeals from orders made in the County Court. For that reason the bill will require passage by an absolute majority.

Notwithstanding the coalition parties supporting this bill, there are a couple of areas about which we have concern. The first relates to the reduction in the maximum penalty for a second and subsequent offence in terms of breaching an order. That is a reduction from five years imprisonment to two years. This issue was raised in relation to the Family Violence Protection Bill several months ago. The coalition parties' views on that legislation have not changed. We stand by our view that the penalty for second and subsequent offences should be higher than the first offence, as has been the existing situation. We pursued an amendment to the Family Violence Protection Bill which was not supported in this place, and accordingly we will not pursue that amendment in respect of this legislation. Our view that the penalty for second and subsequent offences should be higher remains.

An anomaly also exists in the bill in relation to the return of firearms that are surrendered at the direction of Victoria Police. Under existing legislation if Victoria Police seize firearms because they have made a direction and the direction has not been followed, there is a provision in the bill that allows the person to seek the recovery of their firearms. However, if a person is issued a direction to surrender their firearms and they comply with that direction, there is then no provision in the bill by which they can seek to recover the firearms that they have surrendered. In effect there is an incentive for the person who is the subject of an order to disregard a direction from Victoria Police with respect to firearms, because by disregarding the direction and having the firearms seized they then have a mechanism by which they can recover them. If they comply with the direction, they do not have that mechanism laid out in the legislation through which they can recover those firearms. In effect the way the legislation is constructed creates a disincentive for respondents to stalking intervention orders to actually comply with police directions.

Another area where the bill is not clear relates to a situation where a final order is made and a person is seeking to be declared under the Firearms Act as not being a prohibited person, which is a requirement under those circumstances with respect to obtaining the return of firearms and firearm authorities. What is not clear in the bill is whether the respondent to a stalking intervention order would be required to have a separate hearing to be declared as not being a prohibited person under the Firearms Act, or whether that determination could be made by the court at the same time they make a determination with respect to a stalking intervention order under this legislation. That is a matter on which we seek some clarification from the minister on the third reading of the bill. We ask him to clarify whether those two matters can be dealt with in the one hearing or dealt with as separate matters.

The area where the coalition has concern with this bill, as it did with the Family Violence Protection Bill, is the capacity for those intervention orders to be used in a vindictive manner or as a tactic in disputes involving family breakdowns, tension between partners or the

desire to create a perception of one party being disadvantaged by the other. There is a genuine concern that these orders and the orders under the family violence protection legislation can be misused in a vindictive manner. There is nothing in the act that would allow the misuse of orders to be addressed and nothing that provides any penalty or other remedy for the misuse of orders under this act or, as I said, the provisions of the Family Violence Protection Act.

Equally we have concerns about the legitimate enforcement of intervention orders that are made coincident on this legislation or its predecessor legislation. From time to time we hear of cases where intervention orders have been put in place but not enforced. Sometimes that has led to incidents of domestic violence or other types of violence against the person who has sought the order. Effectively some orders have been of no benefit because they have not been enforced. That is another area where we believe the legislation is lacking and could be addressed in a future review of this legislation.

As I said, the coalition parties will support this legislation. This bill is an interim step leading to a full review of stalking intervention orders provision. It largely mirrors the existing legislation and brings in seizure and search and bail and firearm provisions and as an interim step to a full review of the stalking intervention provisions, so the coalition parties will support it.

Ms PENNICUIK (Southern Metropolitan) — The Stalking Intervention Orders Bill will temporarily preserve the current system of stalking intervention orders with only minor changes. It will mimic the operation of the Crimes (Family Violence) Act, with a few minor changes to make it operate consistently with the act. A review of intervention orders for non-family members will be undertaken. This review will consider who should be able to obtain an intervention order against whom and in what circumstances, the use of alternative dispute resolution for settling some matters subject to applications for a stalking intervention, and the issue of violence in relationships between a person with a disability and their carer in circumstances where the relationship is not family-like and so falls outside the jurisdiction of the Family Violence Protection Act.

The bill makes only minor and technical changes to the current system of stalking intervention orders and brings the firearms and bail and search and seizure provisions for stalking intervention orders into line with the equivalent provisions in the Family Violence Protection Act. The Attorney-General has requested that the Department of Justice conduct a review of the intervention order system for non-family members, so this bill is essentially creating a holding pattern until that review is undertaken and new legislation is brought before the Parliament.

The debate in the lower house raised a couple of points which Mr Rich-Phillips has also alluded to. One is the issue of police not enforcing intervention orders. That is a real issue. Intervention orders take effect upon being breached and their effective operation depends on enforcement by the police. We would all be familiar with stories of events that we have been made aware of in the press where the intervention order system has failed. That is an issue of concern that needs to be seriously looked at in the review. Breaches of stalking intervention orders are usually accompanied by a string of other offences by the perpetrator that also would attract penalties under other acts.

Another concern that has been raised — and Mr Rich-Phillips alluded to this — is about abuse of the regime for advantage in neighbourhood or family disputes, and the separation of the less serious neighbourhood disputes from the more serious family violence cases will go some way towards addressing this issue. Hopefully the focus of the upcoming review on alternative dispute resolution in particular cases is acknowledgement that in certain circumstances intervention orders are not appropriate, not responsive, not helpful and not useful. This is particularly the case in some neighbourhood disputes and minor family disputes. The development of a system that includes an alternative dispute resolution arrangement will be effective in reducing misuse of intervention orders and allaying the fears of those who believe this is a really big problem. I am not sure how big the problem is, but that is a better way of dealing with those sorts of issues.

In many cases applicants for intervention orders just want to be heard, so dispute resolution is an excellent way of dealing with them, and is probably a preferable option in most cases. However, dispute resolution would not be appropriate and should not be used under any circumstances involving family violence or other violence. In these cases intervention orders, in conjunction with a range of other services, are appropriate.

There has also been some talk about frivolous intervention orders, but no-one raised the concerns about the more serious non-family stalking cases. These cases should not be dealt with in the same way as less serious cases and cannot, because they involve non-family members, be treated in the same way as serious family violence cases under the family violence regime. Hopefully this will be addressed in the review.

Mr Rich-Phillips was talking about firearms and the retrieval of firearms. It is correct that the use of firearms in homicides has decreased over the years, particularly since the ownership of guns has decreased. It is correct that most firearms used to commit homicide are unlawfully held, or studies show that of all homicides involving firearms, 50 per cent of offenders held a firearms licence and 11 per cent of firearms used were registered. I think Mr Rich-Phillips was referring to clause 9 when he said that was a redundant clause. But I would say the only time that clause would be redundant would be when the percentage of homicides involving guns was zero, and that is now not the case.

In cases, for example, where a woman or any person is in danger of being hurt or killed by an ex-partner who is a registered gun owner the court must have the power to inquire about firearm authority and to suspend or cancel licences to use firearms. There are shocking cases that have received a lot of media attention when they have occurred, so it is strange to not have raised the importance of that but instead citing other cases involving spiteful sisters punishing blameless brothers and having their guns seized, for example. That may happen, but to me that is not so serious as preventing the serious injury or death of someone with the use of a firearm that has not been seized but that should have been seized.

There are provisions in the bill for the subjects of intervention orders to retrieve their guns. The process could be streamlined and made less costly, but the public policy consideration of protecting people, usually women and children, from gun violence in stalking cases would seem to outweigh the concern for people being able to hold onto their guns at all costs.

There was also a lot of talk in the debate in the lower house about ensuring the effectiveness of the system, but this did not include discussion on the provision of services for victims of stalking, such as the development of safety plans and other ongoing support. This is needed particularly when an intervention order does not provide appropriate protection for the applicant. I cite, for example, the case of a woman who has been stalked for eight years and does not know who the stalker is and therefore cannot obtain an intervention order. She is now changing her name. Victims of ongoing serious stalking need ongoing support. I hope the review of intervention orders looks at this issue and the appropriate measures that can be put in place to assist such victims. With those comments, the Greens will support the bill.

Ms TIERNEY (Western Victoria) — I rise to speak on the Stalking Intervention Orders Bill 2008. This bill essentially seeks to preserve the current system of stalking intervention orders, with minor and technical changes, until the stalking intervention order system can be comprehensively reviewed by the Department of Justice.

To provide some background to this, the Victorian Law Reform Commission's report on its review of family violence laws recommended that family violence intervention orders, and thereby implicitly stalking intervention orders, between non-family members should be dealt with in separate legislation. On 12 September this year the Family Violence Protection Act 2008 was passed by Parliament. The act will repeal the Crimes (Family Violence) Act and create an enhanced system of family violence intervention orders and a new system of police-issued family violence safety notices. However, it is not intended that stalking intervention orders will be made under the Crimes (Family Violence) Act once it is repealed.

As I have mentioned, the key feature of this bill is that it is essentially an interim measure; it is a stopgap measure to preserve the current system of stalking intervention orders until it can be comprehensively reviewed by the Department of Justice. I understand that review has already commenced. The review was actually foreshadowed in the second-reading speech for the family violence protection legislation, and it was reiterated in the second-reading speech for this bill, and a subsequent media release also accompanied its introduction. The scale of the family violence act and the significant policy work needed to ensure careful reform of the stalking intervention orders system has meant that these two projects have not been conducted simultaneously.

The Stalking Intervention Orders Bill that is before us this evening essentially preserves the existing system of stalking intervention orders under the Crimes (Family Violence) Act, pending the review, with the necessary technical changes. The technical changes that are involved in this piece of legislation involve aligning the firearms and the bail provisions in the Stalking Intervention Orders Bill with the Family Violence Protection Act. This is necessary to ensure that there is no confusion about how these matters are dealt with procedurally and to maintain the current system of stalking intervention orders pending the review.

The other area involves a minor change. The act will be restructured and its terms redefined to provide greater clarity. It will update the search and seizure powers so that they parallel the provisions under the Family Violence Protection Act. This is necessary to ensure that there is no confusion, again, about police powers to

enter and search premises in intervention order matters, pending the review of the stalking intervention orders system review. The provisions will not be changed to parallel the Family Violence Protection Act provisions, as it is believed this would involve too great a change in policy before the actual review of the stalking intervention orders system.

Can I say that I personally welcome the review that is currently being conducted. There was a passage in my life, an unfortunate part, where I did have to take out an intervention order. It was a non-family situation, and it probably would have been covered by clause 4(1)(a) and clause 4(1)(b)(x). It did not go to those elements that the public generally would identify as stalking — those that are often conveyed in TV police drama series or in the newspapers; it was a different set of circumstances. This review recognises those different circumstances, whether they be with neighbours, in the workplace or in the situation of a carer. I think this review should be applauded. It is much needed and has been for some time.

Many people take out intervention orders because they know no other way to try to stop the bad behaviour that is being directed towards them. As Ms Pennicuik mentioned, there may be other ways to resolve the situation. There may be situations where it is appropriate to hold negotiations to bring about changed behaviours and a settlement that can provide the person — referred to as the second person — with some semblance of belief that the action or the threats will cease and that they will be able to go back into a safe environment. I congratulate the government for seeing the need for a thorough review and for seeing that stalking as it stands at the moment takes a number of forms, ranging from threatening to actually perpetrating violence on the so-called second person.

In essence we have a few changes here in the bill, and they are brought before us tonight to avoid confusion that may result from having two slightly different systems operating alongside each other — one in relation to the Family Violence Protection Act and the other in relation to stalking intervention orders. The bill will bring the provisions regulating firearms, bail, search and seizure powers, and the penalties for a breach of an intervention order into line with those in the Family Violence Protection Act, and this will assist police and the courts in their roles as implementers and enforcers of the intervention order system.

I commend the bill to the house, and I look forward to a full and comprehensive review of the stalking intervention orders.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In so doing, I wish to thank members in the chamber for their respective contributions.

The ACTING PRESIDENT (Mrs Peulich) — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may determine whether the required majority has been obtained, I ask those members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

ASSISTED REPRODUCTIVE TREATMENT BILL, RESEARCH INVOLVING HUMAN EMBRYOS BILL and PROHIBITION OF HUMAN CLONING BILL

Second reading

Debate resumed from 11 November; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mrs PEULICH (South Eastern Metropolitan) — I did not get a chance to read the *Daily Hansard* of yesterday to see precisely where I stopped. I could start at the beginning — that would clear out the chamber — but I think a fair bit of my time in debate yesterday was spent talking about the minority report of the Scrutiny of Acts and Regulations Committee and the reason why I felt SARC had failed in its duty to comprehensively inquire into this legislation. By agreeing to hold public hearings and then reneging, it denied a very substantial

number of submitters the opportunity to make those presentations and to inform debate and future legislative development.

The reason bills of this nature evoke so much interest and passion for me has much to do with the importance of the child. I remember as an English teacher often using a documentary called *Seven Up*, which was followed by *7 Plus Seven* and then *21 Up*. I cannot remember where the series ended, but it was predicated on the saying by St Ignatius de Loyola, better known as the founder of the Jesuits, 'Give me a boy until he is seven, and I will give you the man'. I guess that applies equally, although not in the case of Jesuits, to girls — that is, to children. The first seven years are the most important years of a child's life, because they are the formative years. The primary agents of socialisation of a child are its parents, in particular when they are wholly dependent on their parents for the fulfilment of their needs.

Our understanding of human psychology and human development has been enlightened and informed by various theorists, and one commonly quoted and referred to is none other than Maslow, who devised Maslow's hierarchy of needs. It is a fairly simple way of understanding the hierarchy of needs of a child, which begins with the need for food and shelter, which are the most basic and profound needs. If those needs are not met, it makes it pretty difficult to consider higher order needs. Then there is obviously the need to achieve a sense of love, affection and belonging; from there we move on to the need for self-esteem to be fulfilled; and then ultimately at the top of the hierarchy is the need for some sort of self-actualisation or the need to leave a mark on the world because of your own clear identity of who you are and what you want to do as the pinnacle of human achievement and development.

It is for those reasons predominantly, and also from my own interest and study of children and child psychology and through teaching, that for me the interests of the child, as I said, are paramount. I reiterate that people's choice of lifestyle that they make as adults is their own thing, but I have great reservations about creating a regime that denies that choice to children. Irrespective of which circumstance or context children or young people develop in, it is their right, ultimately, as adults to choose a lifestyle for themselves, but we need to preserve the opportunity to make that choice. For me significant aspects of the Assisted Reproductive Treatment Bill deny those choices to be made.

Changing the law on access to assisted reproductive technology to allow, for example, single women and women in lesbian relationships to use this technology to have a child even if they are not medically infertile is, for me, problematic. I understand there are lesbian women who raise children and are loving and devoted, and I have friends who have done that and I have friends' daughters who have done that as well. I do not know what sorts of problems we may generate further down the track if we set out to create such a regime, whether it is in a minority or a majority context. We have seen some of the emotional problems of people who have been conceived through donor sperm or ova and adoption and have suffered immensely as a result of that sort of identity confusion. I do not want to contribute to a scheme where that may in the future lead to some sort of action — it may be legal action, it certainly may be morally actionable — as a redress to an injustice that we, or some people, out of good intention may indeed commit.

I refer again to the good intentions of many who removed indigenous children many decades ago and now the accepted version that this was not the right thing to do. Irrespective of the circumstances, the children deserved the very best opportunity to be raised by their mother and father provided those relationships were not abusive. For me to agree to certain provisions of this bill — that is, removing any obligation to consider the child's need for a father — is problematic, even if that father is not living in the family home. I know some women are widowed and some fathers nick off, or whatever the reason is for them being a single mother, but to create a scheme that permanently denies a child's access to a father is something that I cannot accept.

Allowing birth certificates to record two men as the child's only parents is a problem for me. I believe it does not protect the integrity of birth certificates. I understand parenting responsibilities can be acquired through other means, and that is a separate debate. Birth certificates need to reflect the biological origins of children.

To allow surrogacy arrangements, where one woman carries and gives birth to a child with the intention of handing it over to someone else to raise, is a vexed and difficult area and needs to be treated cautiously. I understand part of the reasons for this provision is to allow single men and male homosexual couples to use surrogacy as a way of commissioning or acquiring a child. Therefore to permanently deny a child access to a mother is, for me, a very big problem. Allowing birth certificates to record the single man or two homosexual

men who commission a child through surrogacy to be recorded as the child's only parent or parents is a provision that I would find difficult to support. We as legislators need to keep in mind that we are setting up a system that could lead to at least perceptions of injustice further down the track, which could at least be morally actionable, if not politically or legally actionable. There have been instances of cases where people have taken legal action, and I will not recite those chapter and verse, but it is documented.

Protecting the rights of children as expounded in section 17(2) of the Charter of Human Rights and Responsibilities Act 2006 provides that:

> Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Article 7(1) of the *Convention on the Rights of the Child* provides that:

> The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

For me that is the absolute basis of what our laws ought to be about. Principle 6 of the *Declaration on the Rights of the Child* states:

> The child, for the full and harmonious development of his personality —

it should be 'his or her personality' —

> needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother.

I speak of this in part from personal experience: I was raised by my grandparents. We lived in Bosnia-Herzegovina in the former Yugoslavia in fairly impoverished circumstances, although my father was well qualified and certainly worked in a reasonably well paid job. Nonetheless circumstances were such that many parents left their children to be reared by the grandparents, often in rural settings, where access to food was less of a problem. For the first six and a half years of my life I was raised by my grandparents. I remember one time, I might have been four years of age, in a fruit orchard I saw a woman in the distance picking apples. I yelled out, 'Excuse me, lady, who are you?'. It was my mother. However, I understood that to be the needs of the times. I understood also that my parents loved me dearly and that we were reunited at the very earliest opportunity that we could and certainly by the time I had to start school at the age of seven. For me a child's need for a mother is absolutely paramount.

As I said before, homosexuality has existed since time immemorial and will continue to do so. Couples who procure a child through a surrogacy arrangement, and in doing so depriving a child not only of his or her birth mother but also of having a mother at all, is something I cannot accept. For a range of reasons we as a society promote, for example, breastfeeding. I note there are women in the gallery with babies and no doubt we encourage all of them to breastfeed. We understand the importance of breastfeeding in that it leads to better health outcomes.

Men simply cannot breastfeed. It is one of those small details. I also believe a child has the need of a father. I know that in life tragic circumstances, such as accidents and dysfunctionality, can conspire against individuals. The provisions of the Assisted Reproductive Treatment Bill 2008, which permit a child's birth registration to record two women as parents and to fail to record the father of the child, are, in my view, not really compatible with the human rights of the child. That does not mean that two women raising a child cannot do a darn good job. Many of them can, and I am sure that many do. I believe every child has the right to know its own biological origins wherever that is possible.

The Convention on the Rights of the Child states that a child knowing and being cared for by his or her parents is paramount. The child has the right as far as possible to know both of his or her natural parents. There is evidence, unfortunately, that girls whose fathers have left the family early often resorted to self-destructive behaviours. Many were promiscuous and became pregnant at a very young age. That research is in the public domain. Similar research has established that male adolescents in all types of family structures without a biological father certainly had high levels of incarceration, and often unfortunately there are a whole range of problems associated with not having an effective and functional father on the family front. As a parent in a traditional family with a husband, I know that rearing one child, especially if you are a full-time working mum, is darn hard work, so I take my cap off to one parent who raises a child.

I now turn to surrogacy. Surrogacy involves an arrangement made before the conception of a child in which a woman who intends to carry a child during pregnancy agrees that she will hand over the child after his or her birth to be raised by the person or persons who commissioned her to carry the child. To me that is

very different to adoption. Adoption is an arrangement made after birth or at least after the conception of a child in the best interests of the child. The process of adoptions allows birth parents, particularly the mother, who feel unable to support or rear the child, to decide freely to give up their position as the legal parents of the child and to allow other persons to become legal parents of the child.

Adoption primarily serves the needs of an existing child for parents who can raise him or her. It may also serve the needs of relinquishing parents who freely decide that they are not able to raise a child and the needs of a well-balanced, healthy and committed childless couple who wish to raise a child, so often it is an effective arrangement. However, the needs of the relinquishing parents and adopting parents are secondary. The primary concern in adoption is the best interests of the existing child.

Surrogacy reverses those concerns. Surrogacy primarily serves the wishes of the commissioning parents to procure a child through that process. The child who does not yet exist becomes, in my view — I think this is the danger — a commodity and the object of a legal contract. Surrogacy undermines the natural rights of birth parents, especially the woman who carries the child. Mr Kavanagh spoke about that in his contribution. I would hate to be in the position of having to carry a child, whether it was one that was conceived through the use of one's own ovum or not, and then to have to relinquish it. I cannot forecast what my emotions might be in that circumstance. To have a system that allows that to occur routinely without knowing the outcome is problematic.

Children born as a result of surrogacy have been documented as experiencing identity bewilderment. Certainly children who have dysfunctional families often have suffered from identity confusion, which I spoke about yesterday. I do not want to be a contributor to a system that may create that and may lead to the destruction of young people's lives.

Recent accounts written by adults who were conceived as a result of donor insemination described the profound problem of identity and belonging that they experienced as both children and adults. Only today I received several emails from people precisely in that situation thanking me for submitting the minority report and pursuing their rights. Although their concerns have been secondary all along, the problems are now immediate regarding what they need to contend with and what we need to contend with as legislators.

Some of these problems were related to secrecy: children were not told the truth about their origins, but they knew intuitively they were different. A close friend of mine had a very destructive relationship with her mother, and for years she did not know why. They did not gel; there was no connection. On learning that she was adopted she understood, finally, why she did not fit into her own family unit. She had a very good relationship with her adopted father, but there was absolutely no connection with her mother.

When she subsequently met her mother she looked in the mirror and understood why she looks as she does. She did not get on with her mother. Her biological mother was, in all fairness, probably a bit of a nutter. It allowed her to understand what a good job had been undertaken by her adopted mother. What she learnt through the experience was to understand who she was better and what she had and to appreciate it. Naturally it allowed her to develop a much more positive relationship with her adopted mother than would otherwise have been the case.

It does not matter how old we are. There is always a yearning to understand why we are as we are, and that is why that genetic connection and understanding where one comes from is so important. That even relates to the migrant experience. My son was born here and both my husband and I were born in Bosnia-Herzegovina. We took him to my place of birth and the very village where I had been raised, and we walked with him from one village where my mother lived to the other where my father lived. We cried all the way, because he understood the track that I have walked. He had wanted to know about it, and now he understood his place in the world much more clearly than he would have otherwise.

It must be kept in mind that these are issues imposed upon the child as a result of a plan formed before the child's conception, not unavoidably encountered as a result of one of life's accidents or fate. I believe doing so does not place the interests of the child above all else. Notwithstanding a surrogacy contract, a birth mother — or other birth parent, but especially the birth mother — may find that she has bonded with a child and wishes to assert a legal claim to parenthood. There have been a number of cases of this occurring.

There is so much documentation I could go into in much greater detail, but I will move to summing up. Families are often far from ideal; they are rarely ideal. I remember reading a book I found most moving, called *Dinner at the Homesick Restaurant* by an American author, Anne Tyler. It painted a picture of a very

dysfunctional family, one that many of us could probably relate to. I studied psychology because I thought my family was dysfunctional; it is only later that you realise that most families have their problems. The book was an instructive and interesting read. Whilst in the book the parents and the children did not get on well, the grandchildren and grandparents did; there was a connection, which made their lives much more manageable. I am not saying that adoptive grandparents do not fulfil a role, but that genetic connection and understanding of where you fit in the world is very important.

I acknowledge, as I said before, that lesbian women and homosexual men have existed and will continue to do so, and many of them have raised very well-balanced children. I also understand that it is not the case that all children are raised in ideal circumstances. Many families are dysfunctional; some children are raised in single-parent households; and there are deaths and divorces. However, I am a firm believer that children deserve the very best start in life and have the right to know their birthright and their biological origin. A birth certificate should reflect the biological origins of the child where that is known. I cannot support the establishment of a regime that denies or steals that birthright. I do not believe equal opportunity legislation and antidiscrimination legislation resolves all the issues, but that is a track that can be considered to resolve these issues by moving towards a regime where, for example, parents in same-sex relationships can deal with the medical or educational issues of the child they are co-parenting without denying or working against the best interests of the child.

To be quite honest, I think that having a generation of children who are raised without the knowledge of their biological origins, their parents, would be outrageous and sad. It would deny those children their history. As I mentioned before, we saw that happen with the children who are referred to as the stolen generation, and we have seen that happen throughout the history of man. We never cease to be moved by those stories.

Other family structures in the world also deny children knowledge of their biological origins. I am not trying to suggest there is a similarity, but, for example, we are outraged by children being raised in polygamous settings where their parentage may be confused. We are justifiably outraged by that, because we believe a child has the right to know who their mother and father is wherever possible.

In closing, I regret that I am not able to vote for this legislation. I do not believe it strikes the right balance, and I will not be a party to the setting up of a regime that I believe will lead to greater injustice than it is contended that it resolves.

Mr ATKINSON (Eastern Metropolitan) — Each of us comes to Parliament with the advantage and the limitation of our own experience and knowledge, and yet we are expected to adjudicate and arbitrate on many issues that are beyond that personal experience. We are required to try to put ourselves in other people's shoes; we are required to make judicious, wise decisions on laws that come before us and also to make the more common-sense evaluations that would be made by people on the street. It is a difficult challenge for us.

In the past couple of months we have dealt with two other pieces of legislation that have challenged us, our thinking and our values base. In the case of each of these three pieces of legislation — the Abortion Law Reform Bill, the Medical Treatment (Physician Assisted Dying) Bill and, indeed, the Assisted Reproductive Treatment Bill now before us — we have dealt with issues that are very much about the value of life and about rights, responsibilities and privileges, and I note that some people get rights and privileges mixed up. All three issues are evident in the legislation that has come before us.

Like most members of this place, I have agonised over all three bills. The Abortion Law Reform Bill was perhaps a little easier for me because I believed without any reservation that at the point of the 24-week threshold we were infringing upon the rights of somebody other than the mother. With the dying with dignity bill I had more concerns about the processes associated with the development of that legislation and whether we had the legislation right. It was a very important step that the Parliament, or this house at any rate, had contemplated with the introduction of the bill. At the time I congratulated Ms Hartland in particular on her courage in bringing the legislation before the house, because in principle I support the concept of dying with dignity. But I was not sure about that legislation. I was not sure whether the drafting of it had covered all the bases and whether or not legally it would raise other implications. Therefore I felt it difficult to support, and I was particularly frustrated that the government was not prepared to allow that bill to go to the Legislation Committee to perhaps be assessed in a process that might well have teased out some of the issues about which I had concerns or questions.

I have equally agonised over this legislation because there are aspects of it that concern me — for example, the drafting of the bill. I have talked to other members

of this house and there are issues that also concern them in terms of the drafting of this bill. Yet beyond that there are other aspects of this bill, in principle, that I can and do support.

I have the view that it is neither my prerogative nor within my capacity to tell other people what the structure of their family ought to be. What suits me and is a family structure that I might be comfortable with is not necessarily something I should advocate that other people ought to conform to. When I look at the sorts of relationships that people form in our increasingly complex world it occurs to me that people are entitled to develop the relationships, the friendships and the structures within their lives that best suit their needs and best give them the foundations to go forward and lead productive, successful lives that contribute positively to our community. It is not for me to decide what those structures or relationships ought to be or anything of that nature.

I am a liberal. Every time someone calls me a conservative I rail, because I am a liberal. I believe that at times we have to intervene; that is consistent with a liberal philosophy. But there are other times when I believe people have the right to choice, and I take a principled stand based on people having that right to choice unless they infringe upon other people in a way that has an adverse impact on the community, and in some cases, as in the case of abortion at 24 weeks, on other individuals.

I do not believe the relationships that are under scrutiny as part of this legislation are such that they infringe upon the rights of other people. They are relationships that are entered into by people in a constructive, loving, aspiring and hopeful manner. They are relationships that often provide the very foundations I would expect are crucial to the nurturing of children, so from that point of view I do not have a concern with the principles of this legislation.

I reject the criticism that this legislation would suggest that children become chattels, that they become the latest designer accessory. I do not believe that is the case. I believe that those people who look at having children as part of loving and committed relationships do so after as much thought and as much consideration as any heterosexual couple, and I believe in most cases much more than any heterosexual couple.

The concern I have with this legislation is about process and the way the government so often approaches much of the legislation that comes before this house. Most people who observe the Parliament are not really aware of the way in which we go about our business here, and I think most people would be aghast. It is true that the issues associated with much of this legislation, certainly the key elements of this legislation, have been on the agenda, have been part of a public debate and part of a formal examination process for four years and possibly as much as six or more years.

It is true that a significant report was provided, to which we all have access, that indicates the results of much of that examination, and to that extent I guess we are all informed. But the problem we have, particularly as opposition members, is that the legislation comes to us not as draft legislation we can respond to, that we can interact with, that we can explore and question and establish the merits of. Rather it has come to us as a bill that has been rushed in towards the end of a parliamentary session after other significant legislation has occupied much of the time of members of Parliament and their staff, with a view to trying to create an end result after limited debate and discussion.

When it comes to these sorts of issues it is more than unfair and more than unnecessary. It is really a diminution of what this place could be in terms of a Parliament that really arbitrates on behalf of the people of Victoria on crucial issues and really establishes the best possible legislative framework under which our citizens can live.

As I have talked to members of Parliament, I find many of them have at least some degree of commitment to the principles upon which this legislation is based, but many feel uncomfortable with some of the provisions of the legislation, particularly with the implications that some clauses may have. This legislation is entering a brave new world. It is unfortunate that the government did not allow more time and that it treated this bill as just another bill to rush through the Parliament as part of the process of the government pursuing its business agenda — rather than recognising just how sensitive this legislation is and how a little less haste may well have resulted in a lot more people joining the caravan and being prepared to support the legislation.

This is significant legislation. The law reform commission has had hundreds, if not thousands, of submissions on the legislation, and to that extent it has been a public process. As with any legislation, the government tends to select the recommendations it likes of those that come out of the examination processes. No explanation has been offered to the Parliament as to why the government selected certain recommendations and chose to legislate those, while it did not select others and chose not to legislate those.

I have received criticisms, as no doubt a number of members of Parliament have, from representative groups of people — particularly from various aspects of donor support programs — who have been concerned not only about the lack of consultation on this legislation and the changes to existing circumstances but also, more importantly, about the refusal of government ministers to even return phone calls to them or engage in conversation. That disappoints me a great deal. I would want to be assured as a member of Parliament that consultation has occurred, has been thorough and has taken into account everybody's experience as part of the process. Too often this government shows an arrogance and a disinterest in consultation and a disinclination to be involved in any cross-party deliberations.

I am concerned about the legislation in the context of federal-state relations. Each of the states takes a different route in developing legislation in these sensitive areas. While I am always concerned about the attrition of state rights, it is a very poor circumstance in this country where people in New South Wales, South Australia or Tasmania live under different circumstances, rights or privileges — sometimes with different responsibilities — to those who live in Victoria, particularly in matters that are as personal and important as these. It disappoints me that we face state legislation which is different and which establishes a different regime to that which is in place in some other states and to a large extent is not yet developed at the federal level, notwithstanding the fact that the Australian Senate actually dealt with some matters regarding the rights of same-sex couples, principally in relation to their financial status and matters such as entitlements under superannuation.

It occurs to me that in the context of this legislation we have Victorians who avail themselves of artificial reproduction technology services in other states because they are not able to access those services in Victoria. This difference of circumstance faced by Australians is unsatisfactory and is obviously unsatisfactory to the many people who have considerable investment in the laws we are debating tonight in this Parliament.

I am also aware that much of this legislation covers circumstances that already exist. While I said earlier that this was brave new world stuff, the reality is that many lesbian couples already have children and have already used the services of artificial reproductive technology to establish their families. Some gay men have done the same or have used surrogacy services. Without the comfort of suitable laws in Victoria, some childless heterosexual couples have also used surrogacy services elsewhere. If we recognise reality, what we are talking about is that these circumstances already exist — many of the relationships we may talk about in this debate have already been established and proved to be loving and committed relationships. Some of the families of young people and children who have been brought into this world are already part of a loving family structure. That is not the same as my family structure, but nonetheless it is a loving family structure.

The reality is that some aspects of this legislation have already been tested. We have already had a federal court case and an appeal to the High Court which was fairly narrow in its judgement, but both those judgements led us to a situation in which people's rights under equal opportunity legislation to artificial reproductive technology were upheld. It was found that it would be improper to discriminate against people on the basis of the relationships they had — in other words against same-sex couples.

I am mindful of the fact that there are so many broken-down relationships in this community. That is the fault of all of us. We are doing too little to alleviate many of the pressures on people in our community, to provide support structures, in some cases to provide intervention at early childhood stages and in many cases to provide the economic and social policies and so forth that enable families and people in relationships to stay together. I am mindful of the fact that many of those heterosexual relationships that may break up could well be far more damaging to young people than the relationships under scrutiny in this legislation.

It occurs to me — and I have discussed this with one of the representatives of the rainbow organisation who came to visit me — that many people, particularly lesbian couples, would go out of their way to have strategies to ensure that there were positive male role models in the lives of their children. I am not sure this is always the case with broken relationships of the heterosexual persuasion. In many cases those are unexpected break-ups, and the sorts of pressures and pain associated with such break-ups often mean strategies are not put in place to ensure that there is a positive male role model for those children.

I accept the importance of a male figure in the lives, advancement and development of children, and I think all the advocates of this legislation I have spoken to in the course of preparing for this debate agree with that proposition. In most cases they advanced that point before I even raised it. I think some spurious issues have been raised in this debate — not so much in this

chamber but as part of the correspondence flow that goes with this sort of debate — where people, in discussing family relationships, have indicated, for instance, that lesbians are man-haters. That is not my experience of the people I have met and talked to, and it is certainly not the approach that, going by my experience, lesbians adopt in looking at what the future of their children is to be. They all recognise that they come from fathers. They often have uncles and brothers, and, interestingly enough, they usually have a great array of male friends. In some cases, in the context of their ambition to have children, they have engaged some of those male friends as part of the process, and to some extent with this legislation they are seeking recognition of the journey they have made.

I am very mindful of the issues that have been raised with me about legal status, particularly for children. It is all very well to say that if we do this, we are going to open the floodgates and encourage people to seek out this technology and populate our state with many more children brought up by people in relationships that some of us do not necessarily understand or have not had any experience of. However, I am not convinced that this sort of legislation is going to open floodgates. I think this legislation in large part is about recognising circumstances that already exist and about giving identity to many people.

Some of the correspondence that has come to me has talked about the stolen generation in the context of the Aboriginal community, and whilst I think the argument that was put in that context took a bit of left-field thinking, there was a point to be made there, because for all of us identity is important. My identity is important to me, and I do not know anybody who would not think from time to time about their identity and who would not try to seek some association with the past and with people who were their kin or perhaps had similar views and aspirations to them.

To a large extent this legislation is about identity. It tries to put in place mechanisms that allow for a greater explanation of identity for young people who are born and raised in same-sex relationships. It tries to establish a greater sense of identity for those people who take on the responsibility of parenting but who are not necessarily the birth mother and who, in a lesbian relationship, are clearly not the father. This legislation tries to address that, and I think it is appropriate that we try to come to some sort of understanding of the identity needs of so many people.

To some extent, in terms of sticking points in this legislation, I have greater problems with some of the surrogacy provisions. I have to say if I am to be honest, and I think I would be foolish if I was not honest tonight, I probably have greater problems with the concept of extending the opportunity for a family to gay men than I do to lesbian women. I am struggling with that, because I find in many ways I am probably being rather illogical in my thought processes, but it certainly seems to me from my perhaps limited experience — and I do not wish to stereotype women, I hasten to add — that lesbian women are far more likely to be competent in the nurturing of children than are gay men. For the life of me, I cannot understand why men would want to raise children by themselves, but nonetheless there are clearly some who do.

The surrogacy arrangements associated with the Assisted Reproductive Treatment Bill being availed by gay men is of particular concern to me. Perhaps I need some greater explanation as to how they might be implemented and might operate, but at the same time I am not concluding that this would suddenly open the floodgates and gay men would race off to try to establish families right, left and centre. Surrogacy is an important issue for some people.

I am aware of a circumstance fairly close to home where a young woman is probably going to be unable to conceive, and surrogacy is one of the options she might well consider. I am fairly intimately aware of the circumstances of the various relationships that young woman has, and I have to say I do not believe it ought to be my prerogative to deny her the opportunity of one of those options. She happens to be in a heterosexual relationship, but surrogacy is a very real option for her, given the circumstances of her medical condition. If the government had the generosity to allow greater debate with opposition members at an earlier stage, there might have been a greater generosity on behalf of opposition members towards such provisions of this legislation.

I am aware that this legislation also runs to the posthumous use of gametes, and I am mindful of a very sad situation. A woman and her husband had decided to have children, and the husband had donated sperm which she wished to use for that purpose. The husband was killed, and she sought access through the courts to her husband's sperm, but it was denied. I was very sad for that woman. Interestingly enough, debate in my electorate office produced some wildly differing viewpoints, but my sensitivity was such that the woman ought to have been allowed to use her husband's gametes. I believe they had established a preparedness to start a family earlier, and I found the court's decision to be a most unfortunate one.

I am mindful of the fact that to me the quality of parenting is not determined by who is in the household. We already have many varied households where grandparents or aunts or siblings sometimes assume a primary carer role for younger children and deliver a level of parenting. I am not persuaded by those people who suggest there is some diminution in the quality of parenting where you do not have the regulation male and female partnership in the household. I am also not convinced that there is an instability in relationships associated with same-sex couples any more than is experienced by heterosexual couples.

Despite a number of leads to the contrary in what was presented to us, I am not convinced there is any credible evidence that children from same-sex families suffer in terms of their educational, social or other developmental capacities, and I do not subscribe to the idea that because a child comes out of a same-sex household, that child has somehow been groomed or shaped as one in the same mould. It is my experience that most of those children go on to lead quite normal lives — pardon me for the use of the word 'normal'; it is a word I should not have used in that instance. They go on to live what many of us regard as more conventional lives but nonetheless perhaps have a distinct advantage in being more tolerant of other people — not just gays and lesbians but many other people in the community.

My intention is to vote in favour of the second reading of this legislation. As I understand it, a number of amendments have been proposed. There is a possibility that this legislation could also be considered by the Legislation Committee, which would enable the legislation to be looked at in some greater detail, particularly a number of matters that are most contentious and have led members in this house to their various positions on this bill. I want to see the opportunity provided for this legislation to be considered further, be it in the committee of the whole or be it by grace of the government in the Legislation Committee. That is where I will take my vote, which will be to support it at the second-reading stage.

This is not easy legislation for members to grapple with. As I said, it comes at a time when some members feel fatigued by the reform zeal of this government on these social matters. Many members are concerned about whether the legislation is adequate or whether there might be some serious flaws in it. If this government had shown greater generosity, it might well have ended up with a more broadly acceptable legislative package that was far more saleable to the broader community and have recognised the rights, aspirations and hopes of a lot of people who at the moment are not adequately protected at law and who are not able to rely on a legal context for the upbringing of their children, particularly when it comes to providing for those children financially when people are not registered as birth parents. To that extent I think we need to address this issue. There are some aspects of this legislation that recognise that people in same-sex relationships are having children by engaging in surrogacy arrangements without the protection of the law. To that extent I think a better regulatory framework is certainly in their interests but also in the interests of the broader community. For those reasons I will support the second-reading stage of the bill.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Housing: Parkside estate, Shepparton

Ms LOVELL (Northern Victoria) — I raise a matter for the attention of the Minister for Housing regarding the Parkside estate in North Shepparton. My request is that the minister meet with members of the Parkside Estate Neighbourhood Renewal Community Voice Committee to discuss their concerns about the progress of neighbourhood renewal on the estate. The process to engage with and improve this community began in May 1999, when the Kennett government announced an advisory committee to develop a long-term renewal strategy for Parkside. After the change of government the Parkside estate neighbourhood renewal project was announced with much fanfare by the Bracks government in August 2000, and the project is due to expire in 2010.

While some work has been done to replace a few run-down public housing properties, that appears to be about all the government has achieved in the Parkside estate. Members of the Parkside Estate Neighbourhood Community Voice Committee, who are all residents of the estate, have many concerns about the progress of neighbourhood renewal in their community. They are concerned that renewal has basically come to a standstill. There has been little progress in the sale of land by VicUrban and no progress in addressing the estate's social, crime, health and employment problems. Graffiti and vandalism are rampant and, according to members of the committee, there are problems with the behaviour of public housing tenants as well as with rubbish outside properties. This is a big problem, given

that 73 per cent of homes on the estate are public housing.

The committee is concerned about the sluggish sale of land for new homes in the estate. According to its members, there are more than 100 blocks of land still for sale in stages 1 and 2. With no maintenance from VicUrban, empty blocks of land have become overrun with weeds and the committee is concerned the blocks will turn into ugly dirt bowls. The state Labor government claimed that neighbourhood renewal would generate thousands of jobs, but is unclear about whether the program has created any long-term jobs for residents of the estate. Apparently the Roman blinds employment program failed within months and it is unclear how many jobs were generated by other programs. The estate is still waiting for a community hub that is supposed to house promised health and community services, but the development keeps getting put back.

The committee is concerned about the consultation, or rather lack of consultation, being undertaken by the Department of Human Services, the Office of Housing and VicUrban and is sick of being instructed on decisions rather than being consulted. Apparently one of the committee members, who lives in Huggard Court, was told that her court was being turned into a street — after the decision had been made and without any prior consultation.

The Parkside estate neighbourhood renewal program has been the subject of at least 27 press releases and numerous reannouncements by the Bracks and Brumby governments. The costs blew out from the first announcement of $5 million to over $13 million for a project that appears to have delivered very little in positive outcomes for the community. Victorians deserve more than 27 feelgood press releases full of government spin for a $13 million investment. This is another example of Labor's incompetence in delivering real results for Victoria. I call on the minister to meet with members of the Parkside Estate Neighbourhood Renewal Community Voice Committee as soon as possible to discuss their concerns about the progress of neighbourhood renewal in the estate.

Ford Australia: Geelong plant

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Regional and Rural Development, Jacinta Allan. Last Monday saw the announcement of a historic new car plan from the Rudd government which will provide $6.2 billion to the industry. This funding will provide a serious future for the industry. Leaving that announcement to one side, there has been a number of job losses in the industry. As recently as late this afternoon it was confirmed that at the end of this week 220 hourly employees will depart from Ford Geelong. It was this government that had the foresight to set up the Geelong Investment and Innovation Fund. I now ask the minister to bring forward a speedy conclusion to the second round of GIIF funding to ensure that workers such as those who are leaving Ford this Friday will be trained and managed as soon as possible into new jobs created by projects funded through the GIIF.

Drought: government assistance

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Premier concerning his government's failure to deliver promised funding for rural Victorian communities. By failing to spend 97 per cent of the $10 million promised in special drought support to help rural communities during the worst drought in living memory, Labor has once again demonstrated its lack of compassion for country Victorians. Figures in the 2008–09 Public Accounts and Estimates Committee report reveal that in the past 18 months to 31 March this year only $245 765 of the promised $10 million to be funded through the Small Towns Development Fund had been delivered. The Small Towns Development Fund is part of the notoriously mismanaged Regional Infrastructure Development Fund (RIDF). This government has again been caught out breaking promises to regional and rural communities as the ongoing drought flattens country towns and their communities.

Coalition leader, Ted Baillieu, visited drought-ravaged rural communities over two days during last week, but the Premier seems to have no comprehension of the current crisis and the immediate need for support of struggling families. This city-centric government and city-centric bureaucracy have no idea of what it is like for rural families who are facing yet another year of well-below-average rainfall. Farmers in the grain belt of the Wimmera-Mallee and much of northern Victoria are reporting a 35 per cent reduction in rainfall over the past seven years, and this year crop yields are at least 20 per cent below long-term averages. Farmers are walking off the land, depression is claiming too many and there are warnings that the price of food could double as the drought continues to bite.

This is another example of Labor's mismanagement that is hurting rural Victorians at a time when drought-affected communities most need a helping hand and assistance. Drought-ravaged communities across Victoria desperately need support to help them deal with worsening conditions, but instead this

arrogant government continues to mislead them on drought support. Eight years into the 10-year RIDF program the government has only spent $272 million of its promised $585 million budget. This ongoing mismanagement of the Small Towns Development Fund is another example of an underspend in RIDF, with only 2 years of its 10-year program to run. The government has blatantly only spent 45 per cent of its promised funding.

My request of the Premier is that he and his government stop misleading country Victorians and guarantee that the total allocation of the Small Towns Development Fund will be delivered to struggling, drought-affected regional and rural communities before this program ends in 2010.

Gaming: licences

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Gaming in respect of the future of community-based clubs that rely on gaming machine revenue to remain viable. The government's gaming machine licensing arrangements which will apply from 2012 are creating uncertainty for community clubs in that those clubs may not be able to retain their current number of machines. In that event they would be wound up and local communities would lose the wide-range benefits that the clubs provide.

The doubt that surrounds their future also means the clubs are unable to commit to investment in improving their facilities and extending their services. I acknowledge the great contribution of the not-for-profit clubs to their local communities. I have had specific approaches on this issue from a number of clubs in my electorate, including in East Gippsland the Sale Community Sports Club, the Lakes Entrance Bowls Club, the Orbost Club and the Yarram Country Club, which between them have 6355 members. These approaches have been followed up with further meetings.

The clubs provide social, sporting and leisure activities and are a valuable part of their communities. For example, the Sale club provides financial sponsorship for football, cricket, basketball, badminton, junior football and swimming. The club has recently funded the erection of sports oval lighting and contributed to the Gippsland Rotary Centenary House in Traralgon. It is unlikely that any alternative funding from a government program or agency would compensate for the loss of this sort of community support.

Whether we agree or disagree on the question of gaming, the fact is that reinvestment of community club funds in their communities is a better way to disperse the profits than for the profits to go to anonymous shareholders. The government's licensing model has the potential to disadvantage community clubs with gaming machines by cutting them out of the bidding process. Fundamentally, the auction of licences should give the clubs a proper chance to bid.

Therefore I ask that the Minister for Gaming act to instigate a system that provides certainty for community clubs in the bidding process for gaming machine licences.

Crime: Prahran and Albert Park electorates

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Police and Emergency Services and relates to the issue of crime and the prevention of antisocial behaviour in the Prahran and Albert Park electorates.

Premier Brumby said recently that the community has clearly indicated it wants a stronger police presence around our entertainment precincts and that his government is taking action to deliver that stronger police presence. I think everyone in this chamber would welcome that. It is important that we have a stronger police presence. Alcohol-fuelled violence seems to be a scourge of our modern communities that is putting our young people at risk. This is not something that our community wants to see.

The measures that Premier Brumby spoke of were going to include 150 additional police and the use of Hummer vehicles as patrol cars and a CCTV (closed-circuit TV) van. I must confess that I am a little concerned about these Hummer vehicles.

Mr Lenders interjected.

Mrs COOTE — I saw Hummer vehicles yesterday in our electorate, Treasurer, and I would have to suggest that they look terribly self-indulgent. I would like to have some indication of why it is believed we need to have such extraordinary vehicles. Nevertheless, I welcome these CBD (central business district) initiatives.

My concern is actually for the hotspots in the electorates of Albert Park and Prahran — in and around Commercial Road and Chapel Street in Prahran and around Fitzroy and Acland streets in St Kilda. My concern is that if there are additional police and resources in the city particularly during the coming holiday period, it is only a short taxi ride for people to bring their bad behaviour and bad habits out to either the Albert Park or the Prahran electorate. I am

concerned for the residents of the cities of Stonnington and Port Phillip. I believe these drug and alcohol-fuelled revellers in the CBD will feel that they are able to escape police supervision by coming to these other areas.

Tonight is not the night to debate it, but what I would like to put on the record is that unfortunately the 2.00 a.m. lockout was a debacle and badly handled. I think that is a great pity for everyone concerned.

The police do a fantastic job with the resources they have. They do an excellent job, but they are not resourced well enough. My concern is that we will get additional revellers in the holiday period, particularly in and around the hotspots in Prahran and Albert Park.

The action I am seeking is for the minister to implement, as a matter of urgency, additional measures in the Prahran and Albert Park electorates to protect residents from drug and alcohol-fuelled crime and antisocial behaviour over the holiday period.

Water: Macedon Ranges

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Water, who continues to hit regional Victorians for six with his unfair policies: first he is taking water from the desperately thirsty north of the state through the north–south pipeline, and now he has slapped another tax on residents in the Macedon Ranges who are not even connected to town water.

I would like to ask the minister, on behalf of the 12 500 Macedon Ranges residents who have been slugged this so-called waterways drainage charge, to explain what the money is for and why residents who are totally self-sufficient with their water are being asked to pay this tax.

I have received numerous complaints to my office asking for clarification of the right of a service provider to charge non-customers for a service they do not want and cannot receive. Many of these residents have spent thousands of their own dollars putting in their own water infrastructure, including tanks, pumps and bores. What gives Melbourne Water the authority to charge this tax, and what, if any, equivalent charges have customers in Melbourne had to pay?

I think it is only fair for the minister to give a full account to these Macedon Ranges taxpayers of exactly how this surprise tax — which, according to my calculations, adds up to about half a million dollars — will be spent. Is the revenue from this charge going to deliver one extra drop of water to Macedon Ranges residents or indeed to rural and regional Victoria? Or is it going to help pay for projects such as the ill-conceived north–south pipeline? Once again, this city-centric government has robbed regional Victoria to pay for Melbourne's water habits.

The action I seek is for the minister to undertake an urgent review of this charge, and to clarify whether or not Melbourne Water has the legal right under the 1989 Water Act to charge customers for services they do not receive.

Australian National Academy of Music: closure

Mrs KRONBERG (Eastern Metropolitan) — I raise a matter for the Premier, and it is to add weight to the motion that was moved by Mr David Davis and agreed to earlier today.

Many in the performing arts community are shocked by the recent announcement of the federal government's decision to cease funding the Australian National Academy of Music (ANAM) in 2009. The academy's own faculty, student and alumni body and management team are shocked and are now unable to plan ahead. The funding support of $2.5 million has continued for a number of years now. Without funding the academy cannot exist.

The academy has prepared musicians for, inter alia, the Melbourne Symphony Orchestra, the Australian Chamber Orchestra, Orchestra Victoria and the symphony orchestras of other states. The academy is regarded as an important place for local musicians and is critical to the continued success of our cultural life in Victoria.

A constituent of mine, who is a well-known and highly respected cellist, has written to me expressing his deep concern about the likely closure of the Australian National Academy of Music. He informs me that the academy has been doing a very special job of providing at a very high standard tutoring, master classes and performing opportunities for the best local players. He says the ANAM does something that the conservatoriums have not been able to do within the current funding regime. The academy allows many up-and-coming students to further their studies right here, rather than going offshore.

The PRESIDENT — Order! I remind Mrs Kronberg that she is not allowed to make a speech when raising an adjournment matter.

Mrs KRONBERG — I am coming close to the action. My constituent says the academy has raised the standards of string players, singers, pianists and other

instrumentalists. He tells me that four or five fabulous new string quartets are establishing their careers. What players these are — they are expressive and exciting, and it is a thrill to hear them. This is not the sort of playing you can learn in training orchestras. If classical music is to remain alive, they need this sort of nurturing. This decision ironically coincides — —

The PRESIDENT — Order! Mrs Kronberg is also required to be succinct and to stick with the facts. She is giving a speech.

Mrs KRONBERG — I am coming to the end. I have about four lines to go. With the scheduled opening of the Melbourne Recital Centre it is ironic that this decision is forced upon Victorians.

I ask the Premier to do everything he can to persuade his federal colleagues, including the Prime Minister and the federal arts minister, Peter Garrett, to reverse their decision to cease funding of the ANAM.

The PRESIDENT — Order! I have thought about this and sought some guidance on the matter. I am of the view that what Mrs Kronberg has raised is in fact a federal matter. It is beyond the scope of the minister or the Premier to deal with it. It is not part of their portfolios or direct responsibilities. Before I actually rule I will read an excerpt from *Rulings by the Chair*. It states:

> The matter raised must relate strictly to Victorian government administration. However, where federal and state jurisdictions overlap, a matter may be directed to the state minister as it specifically relates to their area of responsibility. Any matter falling within the administration of the federal government will be out of order.

On that basis, I rule the matter out of order.

Responses

Mr LENDERS (Treasurer) — There were six adjournment matters raised by members tonight for individual ministers, and I will refer them to the relevant ministers.

I also have two written responses to adjournment matters raised previously: one by Mrs Coote on 27 May and one by Philip Davis on 9 October.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.18 p.m.