

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 29 October 2008**

**(Extract from book 15)**

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Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Mr A. G. Lupton, MP

## 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 Elasmarr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

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

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. R. F. SMITH

**Deputy President:** Mr BRUCE ATKINSON

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**Deputy Leader of the Government:**

Mr GAVIN JENNINGS

**Leader of the Opposition:**

Mr DAVID DAVIS

**Deputy Leader of the Opposition:**

Mrs WENDY LOVELL

**Leader of The Nationals:**

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



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**Wednesday, 29 October 2008**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.05 a.m. and read the prayer.**

**HEALTH PROFESSIONS REGISTRATION  
AMENDMENT BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr JENNINGS  
(Minister for Environment and Climate Change).**

**COMPENSATION AND  
SUPERANNUATION LEGISLATION  
AMENDMENT BILL**

*Introduction and first reading*

**Received from Assembly.**

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

**PETITIONS**

**Following petitions presented to house:**

**Driver Education Centre of Australia: Careful  
Cobber program**

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the Brumby Labor government's decision to cease funding for the Careful Cobber program which has been delivered at the Driver Education Centre of Australia (DECA) in Shepparton for 30 years.

We believe the government should immediately reinstate funding for this crucial road safety education program for Victorian primary school students and therefore call on the Legislative Council to support the reinstatement of funding for the Careful Cobber program.

**By Ms DARVENIZA (40 signatures)**

**Laid on table.**

**Ordered to be considered next day on motion of  
Ms LOVELL (Northern Victoria).**

**Abortion: legislation**

To the Legislative Council of Victoria:

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

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

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

**By Mr KAVANAGH (Western Victoria)  
(31 signatures)**

**Laid on table.**

**The PRESIDENT** — Order! For the information of the house, while some members may think that is a little unusual, given that the bill has already passed, it is the custom and practice of the house to allow such petitions to be tabled.

**Old Princes Highway—Princes Highway,  
Beaconsfield: upgrade**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the urgent need to improve the intersection of the Old Princes Highway and Princes Highway, Beaconsfield, to allow motorists to easily access the Monash Freeway.

The petitioners therefore respectfully request that the Legislative Council of Victoria demand the Brumby Labor government improve the intersection of the Old Princes Highway at Beaconsfield to allow motorists to make a right-hand turn in order to access the Monash Freeway.

**By Mr O'DONOHUE (Eastern Victoria)  
(292 signatures)**

**Laid on table.**

**Gas: Macedon Ranges supply**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the state government's promise to deliver natural gas to the Macedon Ranges region has not been fulfilled.

Your petitioners therefore request that the state government makes natural gas available to all residents within all the townships of Macedon Ranges.

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

**Laid on table.**

## CONSUMER UTILITIES ADVOCACY CENTRE

### Report 2007–08

**Hon. J. M. MADDEN (Minister for Planning), by  
leave, presented report.**

**Laid on table.**

## PARLIAMENTARY DEPARTMENTS

### Reports 2007–08

**Mr VOGELS (Western Victoria), by leave,  
presented reports of Department of the Legislative  
Council and Department of Parliamentary Services.**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General —

Report on CASES21, October 2008.

Report on Private Practice Arrangements in Health  
Services, October 2008.

Report on Working with Children Check, October 2008.

Building Commission — Report, 2007–08.

Commissioner for Environmental Sustainability — Minister's  
report of receipt of 2007–08 report.

Crimes (Assumed Identities) Act 2004 — Report under  
section 31 of the Act, 2007–08.

East Gippsland Catchment Management Authority — Report,  
2007–08.

Glenelg Hopkins Catchment Management Authority —  
Report, 2007–08 (two papers).

Goulburn Broken Catchment Management Authority —  
Report, 2007–08.

Growth Areas Authority — Report, 2007–08.

North East Catchment Management Authority — Report,  
2007–08.

Ombudsman — Report on an investigation into issues at  
Bayside Health, October 2008.

Phillip Island Nature Park — Report, 2007–08.

Plumbing Industry Commission — Report, 2007–08.

Port of Hastings Corporation — Report, 2007–08.

Primary Industries Department — Report, 2007–08 (two  
papers).

Professional Standards Council — Report, 2007–08.

Residential Tenancies Bond Authority — Report, 2007–08.

Sentencing Advisory Council — Report, 2007–08.

Sustainability Victoria — Report, 2007–08 (two papers).

Victims of Crime Assistance Tribunal — Report, 2007–08.

Victoria Grants Commission — Report, 2007–08.

Victorian Catchment Management Council — Report, 2007–08.

Victorian Commission for Gambling Regulation — Report,  
2007–08.

Victorian Curriculum and Assessment Authority — Report,  
2007–08.

Victorian Environmental Assessment Council — Report,  
2007–08.

Victorian Privacy Commissioner's Office — Report, 2007–08.

Victorian Regional Channels Authority — Report, 2007–08.

Victorian Registration and Qualifications Authority —  
Report, 2007–08.

Victorian Urban Development Authority — Report, 2007–08.

West Gippsland Catchment Management Authority —  
Report, 2007–08 (two papers).

## MEMBERS STATEMENTS

### Water: Plug the Pipe

**Ms LOVELL (Northern Victoria)** — The crew at radio station Edge FM in Wangaratta conducts a session called *Behind the News* that focuses on the lighter side of the news and issues that are amusing or just plain stupid. Last Friday morning *Behind the News* featured a segment on a press release from Kaye Darveniza in which she criticised other members of Parliament for representing the concerns of their constituents by attending a Plug the Pipe rally in Yea.

The crew at Edge FM was floored because Ms Darveniza did not realise that representing the

concerns of your constituents is what MPs are elected to do, and it has been reported to me that the crew called her a twit and a moron. *Behind the News* went on to further lampoon Ms Darveniza for putting the needs and concerns of Melbourne ahead of those of Northern Victoria Region, the area Ms Darveniza was elected to represent.

Ms Darveniza's press release was indeed an own goal, as Star FM also carried a news story from the release that criticised Ms Darveniza for not attending the rally to hear the concerns of her constituents.

Over 1200 people attended the Plug the Pipe rally to voice their concerns over the Brumby government's flawed plan. Member for Northern Victoria Region Donna Petrovich, the Legislative Assembly member for Swan Hill, Peter Walsh, the federal member for McEwen, Fran Bailey, member for Northern Metropolitan Region Greg Barber, Senator Sarah Hanson-Young, Senator Nick Xenophon and I were there to listen to their concerns. It is a pity Kaye Darveniza chose to stay at home in Melbourne, where she resides, rather than attend an important event in her electorate and listen to the concerns —

**The PRESIDENT** — Order! The member's time has expired. I am concerned about her using the comments of a third party that referred to a member of the chamber in quite an unsatisfactory manner. I will not repeat the comments she made, but I ask her to withdraw those comments.

**Ms Lovell** — I withdraw.

### **Government: performance**

**Mr BARBER** (Northern Metropolitan) — I am Luke Skywalker, and if there is a weakness in the Brumby government's Death Star, I am going to find it. That weakness is control — its total willingness to contort any legal process to achieve a certain outcome. I will not say which *Star Wars* character Mr Madden is, because I might be unparliamentary.

You can target certain communities with pipelines, powerlines, clearways and freeways and you can calculate that their votes do not matter or that you have no votes to lose, but when you attack the fundamentals of democracy you risk turning the entire community against you — as Jeff Kennett found out after just two short terms.

The changes this government has proposed to the Freedom of Information Act and to local democracy are two strong indicators of its malaise. The winning margin of the Brumby government is the second

preferences of Greens voters, and our vote has been growing in every election held this year. Greens voters care about clean air and clean water, but they care just as much about clean politics. This government has gone from ignoring that 10 per cent of the population to a posture of absolute contempt, and it will be its undoing.

### **Dr Eli Opper**

**Mr THORNLEY** (Southern Metropolitan) — Earlier this week I had the pleasure of meeting with Dr Eli Opper, the Chief Scientist of Israel, on his return visit to Australia. I had had the pleasure of meeting with Dr Opper in Jerusalem earlier this year when I was there leading the Australia Israel Chamber of Commerce trade delegation. We are continuing to work together closely on the Vistech partnership, and I am happy to say that that program is going extremely well.

### **Graeme Clark Oration**

**Mr THORNLEY** — On another matter I had the privilege of representing the government at the inaugural Graeme Clark Oration at the University of Melbourne on Monday night. That oration was given by Professor Graeme Clark himself and gave the extraordinary history of the bionic ear project over a 40-year period, which is a great testament not just to Professor Clark but also to the many people on his team, whom he credited with working together to create that extraordinary device, as a result of which 130 000 patients now successfully hear when they previously did not.

### **E-government: international conference**

**Mr THORNLEY** — I also had the privilege of opening the 2008 International Conference on E-government that is being hosted by RMIT. As it is a global conference it is a great opportunity for us here in Victoria, as recognised leaders in this field, to host some of the best thinkers from around the world on a range of different e-government topics and to introduce them to Storey Hall, the meeting place that commemorates the 100-year anniversary of women's suffrage in this state.

### **Orbost: paddle steamer *Curlip***

**Mr P. DAVIS** (Eastern Victoria) — I would like to reflect on the outstanding community contribution by various members of the Orbost community, in particular Gil Richardson, Jan Read and Max Reynolds, to a project which is quite outstanding — that is, the construction of a replica of an early paddle

steamer that plied the Snowy River at Orbost more than 100 years ago.

The *Curlip* steamer, which will be commissioned at the end of next month, is an icon in that something of the order of 16 000 hours of community work has been contributed to the project. There has been funding support from the federal and state governments. The project was envisaged as a way of creating a tourist icon to draw people back to East Gippsland and to help replace some of the employment lost in the restructuring of the timber industry over recent years. The vision of the people who have driven this project, and the hundreds of people in the Orbost community who have contributed to it, is something to be seen. I urge all members of the Parliament to take an interest in this project as something that can be driven by the community and sponsor the rebuilding of community effort.

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

### **Banksia Lodge, Shepparton: opening**

**Ms DARVENIZA** (Northern Victoria) — Last Friday, along with my parliamentary colleague the member for Shepparton, Jeanette Powell, from another place, I was very pleased to attend the opening of Banksia Lodge in Shepparton by the Governor of Victoria, Professor David de Kretser. Banksia Lodge is a wonderful new residential aged-care facility at Kialla Gardens Village. While the residents have not yet moved into the new facility, it will provide a very beautiful homelike environment for the people who will be living there.

I want to congratulate all those who were involved in setting up this great establishment, and those involved with Shepparton Villages, particularly David McKenzie, the president of Shepparton Villages. I need to mention their fantastic fundraising efforts. They involved the whole community of Shepparton and the surrounding area in bringing this wonderful aged-care facility into being.

### **Member for Forest Hill: conduct**

**Mr DALLA-RIVA** (Eastern Metropolitan) — As the shadow minister for industry and state development I am always pleased to talk about a variety of industries; those in this chamber have seen that I have always been engaged in whatever industry it may be. I am very pleased to indicate that we have certain support for the taxi industry. This is a very important, significant industry. The provision of taxi ranks in certain areas has never been more important for this

industry. I know the member for Forest Hill in the Assembly, Kirstie Marshall, has been familiarising herself with this very important industry, and in particular the importance of the taxi ranks located around this state. I wonder if some of those taxi ranks have been in places like Cremorne or Forest Hill. I think these are two of the areas that the member for Forest Hill has not visited in the last number of years; although I hear that she is very much focused on visiting taxi ranks in the inner city, because they are very important. I guess it is important to engage with taxidivers and to put your point of view as to how you believe you should be engaging with that particular industry. On the odd occasion you might express an opinion as to how the taxi ranks in this very important industry should be dealt with. I commend Kirstie Marshall for her support of the taxi industry —

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

### **Barengi Gadjin Land Council: early years awards**

**Ms PULFORD** (Western Victoria) — I would like to congratulate the Barengi Gadjin Land Council on receiving the third annual early years award for its Welcome Baby to Country ceremony.

The Barengi Gadjin Land Council Welcome Baby to Country ceremony celebrates the birth of indigenous babies in the Wimmera-Mallee region and acknowledges the role of parents, carers and families in their growth and development. The early years awards are presented as part of the Brumby Labor government's \$3 million Best Start program.

Aboriginal Best Start projects have been established to ensure that local communities and organisations have every possible opportunity to influence outcomes for their children and families. This is part of the government's commitment to ensuring that every Victorian child has the best start in life. The project also provides information, resources and assistance to indigenous families on children's health, learning and wellbeing. The awards acknowledge the power of partnerships between government, community and parents in delivering quality childhood services.

The Barengi land council received an award certificate and \$10 000 towards professional development. I would like to pay tribute to Horsham Rural City Council and Delkaia Aboriginal Best Start for their contribution to such a wonderful and innovative program.

### **Kew Residential Services: site development**

**Mr D. DAVIS** (Southern Metropolitan) — My matter today concerns Kew Residential Services, which I have talked about many times in this chamber over a number of years. As members of the chamber will remember, the Select Committee on Public Land Development reported recently. As a part of that process we sought to arrange a meeting with the Premier. We heard from the Premier that he was unwilling to meet with us. We then sought to meet with Lisa Neville, the Minister for Mental Health, to pick up some suggestions about the site which were made in evidence by Kew Residential Services, particularly the parents association.

Mr O'Donohue will remember the striking evidence, as it was put by Brian Walsh and Dr Lindsay Grayson, that there was still a prospect of using some of the facilities on the site in an ongoing capacity as a centre for those with disabilities from around the state. In discussion and debate with the developer it was suggested that this could be done as a part of the development at Kew Residential Services only by agreement. They made the point that the developer, because of the current property climate, may well be prepared to talk openly to the government and reach a conclusion on the contractual arrangements that would enable the retention of some of these facilities.

Unfortunately Lisa Neville, the minister, refuses to meet with this group. I think that is a shabby and un-Australian attitude. She should be prepared to meet with the group. She has sought to fob off parents and she has sought to do that in an outrageous way. I call on her to meet with the parents.

### **Women: suffrage centenary**

**Mr LEANE** (Eastern Metropolitan) — Today I would like to speak about a great event that was held at the Swinburne University Wantirna campus — it was a forum for more than 50 year 10 and 11 girls from 15 different schools in the eastern suburbs. Maxine Morand, the Minister for Women's Affairs, attended the forum and gave a presentation to the students on the history of women gaining the right to vote before encouraging the girls to sign one of the 358 banners that are travelling across the state this year to mark the 100th anniversary of Victorian women winning the right to vote.

The forum was well attended, and a presentation was given by Nicki Lees, who represented Amnesty International. She spoke about women's rights and women's international voting rights. Alex White of the

Queen Victoria Women's Centre Trust also made a presentation about positive body image and new digital media. The event was mediated by a former member of this house, Helen Buckingham, who did a fantastic job and also gave some insight into the history of women's right to vote and the struggle they had to achieve that.

I would like to thank my office staff for organising this event and doing a wonderful job once again.

### **Economy: small business**

**Mr O'DONOHUE** (Eastern Victoria) — The Victorian economy is facing a difficult and uncertain period. Growth will be weaker and job losses are anticipated. Small businesses, which are often the economic and social backbone of the community, will do it tough. All of us can help during this difficult period. I ask all the residents of the Eastern Victoria Region to shop locally, to support local small businesses and to try to buy Victorian, Australian or, if possible, locally produced goods and services. By helping others we can help ourselves.

### **Arthurs Seat chairlift: safety**

**Mr O'DONOHUE** — The Arthurs Seat chairlift has been a part of the Mornington Peninsula tourism industry since it opened in 1960. It is an iconic feature of the Mornington Peninsula landscape. Sadly it has been closed since May 2006 for safety reasons. WorkSafe has taken a particularly belligerent approach to Mr Richard Hudson, the operator. Despite repeated attempts, he has been unable to reopen the chairlift.

Safety, of course, should be the paramount concern, but it would appear that WorkSafe has not been willing to work with Mr Hudson to see this very important piece of infrastructure reopen. I call on WorkSafe and the responsible minister to work with Mr Hudson so that the safety concerns which still exist can be resolved as soon as possible and the chairlift, which is so critical to Mornington Peninsula, can be reopened for the summer holidays.

### **Financial services industry: funds guarantee**

**Mr FINN** (Western Metropolitan) — Since the 1980s we have been told to prepare for our retirement. Paul Keating, during his disastrous reign as federal Treasurer, urged Australians to put money away for their retirement as the pension, in his own words, 'would just not be enough in years to come'. Peter Costello, clearly the greatest Treasurer this country has ever seen, abolished the appalling superannuation

surcharge that had been imposed by a previous Labor government.

Hundreds of thousands of Australians have done the right thing over those years, but now they do not know if or when they will be able to access their life savings, if those life savings are in non-banking institutions. This is a direct result of the Rudd government's guarantee of funds in banks. There is no other reason for the difficulties that so many hundreds of thousands of people find themselves in, and we can imagine how they must feel knowing that their money is there but they cannot actually get their hands on it.

What did the present federal Treasurer Wayne Swan say to those people? He said, 'Go to Centrelink', but that is the very reason the people have put money away — because they did not want to be dependent on the taxpayer. Compassion and Wayne Swan do not go together. Wayne Swan said, 'Go to Centrelink', but that is not good enough. The federal government must act to have the funds released so that these people can get on and enjoy the rest of their lives.

## PLANNING: WHITTEN OVAL, FOOTSCRAY

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

That amendment C75 to the Maribyrnong planning scheme be revoked.

I have several reasons for bringing this motion to the house. The most important reason is to ask the minister and the government to place on record a commitment to make sure that the community aspects of the development at the Western Bulldogs football ground, as agreed to with the City of Maribyrnong, will be honoured. I will outline those community issues and ask both the minister and the government to make those commitments.

The other reason for my concern is because the minister has not followed the protocols set out in the ministerial powers of intervention, planning and heritage matters. The minister has the power to intervene but it is a serious matter to take authority away from a local government right in the middle of its planning process. It implies that the local government is not doing its job properly. The minister's press release yesterday also suggests that it was not doing its job correctly, causing him to take over. The minister said he had 'struck an impasse' with the City of Maribyrnong in terms of the planning process. In fact nothing could be further from the truth.

The only things that could be further from the truth were the personal allegations against me that the minister made yesterday. I do not intend going into that any more except to say that it was obviously untrue. I am not convinced that there was a proper request for the minister to intervene, and there was no attempt to resolve the matter before the minister stepped in. The minister did not consult as required. I will take members through the procedure step by step later, but I will start by giving some background to this issue.

There has been a long history of support from the Maribyrnong City Council for the Western Bulldogs and for this development. I will give a brief chronology based on the documents I have received under freedom of information from the City of Maribyrnong and from council minutes. The current development process began in 2004; in fact I was a councillor at the City of Maribyrnong at that time. The council contributed \$30 000 to the Western Bulldogs for a feasibility study into redeveloping Whitten Oval. The study was not completed, but later in 2004 the Western Bulldogs received a mix of funding for the redevelopment from federal government, state government, the Australian Football League, and directly from the Western Bulldogs. A heads of agreement, including a project management plan, was executed at the end of 2005. At that stage it did not include an educational facility.

The Western Bulldogs made planning and funding applications to the council, and it all proceeded fairly quickly. It took the council just on four months to approve the planning application, which is a very short turnaround for such a major project. The permit was granted in 2006. Conditions on the permit included items from the heads of agreement — recreation area, child-care centre, offices, a function centre, club-associated retail space and a car park. Two floors of the John Gent Stand were excluded from this planning permit because the detailed plans had not yet been developed for this area. The intention was that these floors, as outlined in the heads of agreement, would house a function centre.

This was so far so good, but around this time the council started hearing that the Bulldogs were considering taking the development in a different direction. In November 2006 council wrote to Campbell Rose, the chief executive officer of the Bulldogs, seeking confirmation of the proposed uses. The Bulldogs did not respond for two months until February 2007, the day after the plans were endorsed, based on the permit conditions.

As at February 2007 the Bulldogs were actively and openly talking about changing the permit, but despite this

and despite urging from the council and from state government the Bulldogs did not lodge a planning application with council for those floors of the John Gent Stand until April this year. In the meantime the Bulldogs basically went to ground. The project control group meetings stopped happening. The group had not met for six months. It has to be remembered that this was a critical time to make sure that this project went ahead.

Everybody started to get worried that this meant the community elements of the project might be in jeopardy. The public advertising of the changed permit was well under way when council got its first hint of intervention from the state government.

On 22 July this year Minister Jennings wrote to the council, and I will talk about that letter later. Two days later, on 24 July, the minister intervened. The first the council knew of this intervention was through the media. One of the reasons the Bulldogs claim they had to ask for an intervention is that the club was on the brink of financial disaster unless the plans were approved rapidly.

It has to be said the council has been incredibly generous in providing financial support for the Bulldogs over many years. It has bent over backwards to help the club financially. It also has to be remembered that Maribyrnong is not by any means a wealthy council. It did this to help the club because it is recognised by the council, by the community and by me that this club is an absolute icon in the western suburbs.

In 1990 the redevelopment of the John Gent Stand was meant to be jointly funded between council and the Bulldogs, but council covered the whole cost of \$4 million with an arrangement that the Bulldogs would repay \$9.9 million. As at November 2006 the club still owed council \$1.7 million from that loan. Council wrote off just over \$1 million of that debt and secured the remaining \$750 000 by registered mortgage debenture charges over the assets of the company. There was an agreement to accrue rent interest from November 2001, but to date the council has not charged any interest to the club. The Bulldogs asked council to release it from the mortgage debenture so that it could seek another loan. Council agreed to release it on the satisfactory completion of the Whitten Oval development. Satisfactory completion would mean that the development would include items agreed to in the heads of agreement — community sports facilities, conference facilities, open space and so on. The council also agreed to allocate \$1 million over three years for the landscaping component of the redevelopment.

In 2004, as I said earlier, council contributed \$30 000 to the Bulldogs for a feasibility study. In 2007 the council offered the Bulldogs freehold land owned by council at a peppercorn rent to help facilitate the construction of a child-care centre. Council wished this child-care centre to be a not-for-profit organisation.

Council has demonstrated that it will not stand in the way of a good working relationship with the Bulldogs. It will help with money, it will help with planning issues and it will negotiate. If the Western Bulldogs are having problems with the development, they are not caused by council, so there is no need to take the planning process away from council. The problem has certainly not been caused by council officers, as they have acted incredibly professionally and helpfully. The council minutes gently refer to considerable officer time being devoted to the project; and I would have to say, having been on council during some of this period, I absolutely believe that.

The project control group, which is chaired by the Western Bulldogs director and brings together various groups, including council, to oversee the project, did not meet between December 2007 and July 2008. The heads of agreement was clear and signed off by both the council and the Western Bulldogs, and there was never going to be a problem approving a development that included open space, facilities for other sporting associations, such as the Western Region Football League, the Victorian Women's Football Association, junior teams from western region who might wish to train at Whitten Oval, and regionally focused facilities including conference, board and meeting rooms and associated office space, as well as a facility for the provision of child care. These are the issues on which I seek reassurance from the minister that a guarantee from that heads of agreement will be honoured.

I just spoke about the child-care centre. Council officers have been trying to complete the lease with a clause that council can charge a commercial rent for the use of land if the centre is run by a profit-making group. This condition was agreed to in the outline of the lease but despite several attempts by council officers, the Western Bulldogs have not finalised the lease. Given that the symbolic first sod was turned in October 2007, I think we have reason to be a bit worried that the Western Bulldogs may be moving away from their commitment to a not-for-profit child-care centre.

The heads of agreement also refer to facilities for other sporting organisations. I would like to ask the minister and the government whether the new plan will allow the Western Region Football League to move into the Whitten Oval from the Yarraville Oval, to a site that

meets its needs and is affordable. It also needs to be said about these smaller leagues that they are doing an amazing job in the western suburbs, especially with underprivileged children, where they use sport as a diversion from crime and drugs.

I would like the minister to talk about the kind of input he has had from the Western Region Football League and the Victorian Women's Football League. Have these groups told the minister they are being fairly treated by the Western Bulldogs? Are they being given the office space, conferencing and meeting facilities that they require? Are they being given enough space at an affordable rent that can enable them to move in? If these groups are not accommodated, then the minister should explain why he is stepping in to approve a plan that is a big step down from the heads of agreement. I seek assurances from the minister and the government that this commitment from the Western Bulldogs with the City of Maribyrnong will be honoured.

Whitten Oval is on Crown land, and the council is the committee of management for the land. Council leases it to the Western Bulldogs under a 25-year lease, which commenced in 1996. There are two pieces of legislation created for the reserve — the Footscray (Recreation Ground) Lands Act 1968 and the Footscray (Western Oval Reserve) Act 1981. The 1981 act amends the 1968 act.

According to these acts, council and the minister have to consent to any lease, and the land is to be used for sport, recreational and associated purposes. So far, for example, commercial offices, educational facilities and medical suites providing services for the general public would be problematic. Council has repeatedly asked for a schedule of proposed uses from the Western Bulldogs without success, and I seek an assurance from the minister and the government that in taking over the planning authority, they will also take over a commitment to ensure that the proposed uses will remain as sport and recreation.

I would like to talk briefly about the proposal for the Victoria University to contribute a large amount of money to put in a new sports science campus at Whitten Oval. It is also very interesting that the issue is coming to Parliament this week, because last week Victoria University announced that it intended cutting 250 staff. Victoria University is proposing to cut nearly one-quarter of its teaching staff, yet it can afford to give the Western Bulldogs, as I understand it, up to \$8 million. Although that is part of this issue, it is not the main thing I want to talk about.

When the Bulldogs started negotiating with Victoria University on the idea of putting some of the campus on Whitten Oval, they should have gone to the City of Maribyrnong to discuss it. They must have realised that such a significant change in use would have to be advertised. The Bulldogs did not apply for a permit for the changed use until April 2008, even though they had been urged to do so at a meeting in August 2007, almost a year before. Council started the statutory consultation process straightaway, and members were due to consider it at their planning meeting on 16 September this year. In fact if that had been done we would have had a result by now.

On 22 July this year council received a letter from Minister Jennings, which I obtained under freedom of information. The letter basically says that Mr Jennings disagrees with council about the law and that sports education is within the leasing powers under the act. Unfortunately the letter ends with a threat. It says that in any case the government can if necessary amend the Whitten Oval act to allow the project to go ahead. I can only imagine how the mayor and council officers would have felt about receiving such a letter.

Two days later, partway through the consultation, the planning minister stepped in and appointed himself the responsible authority, preventing members of the public from having their say about a development in their own suburb. I have to say at this point that most days I actually walk past the Whitten Oval when I go to West Footscray station to catch the train, so this proposed development is in my backyard. The minister also amended the planning scheme to allow the use of this zone for an education centre.

The Bulldogs have lost no time in making derogatory comments about the council in the media. They said that the council had refused a planning permit, which is not true, and that council had jeopardised the Bulldogs' financial future, when the truth is that the council has bent over backwards to help the club. This all happened on 24 July, but we have had to wait until October for the minister to put the amendment on the notice paper. Now we have a debate in the Parliament about whether to allow that amendment. Why? This was meant to be faster and more certain than simply allowing the democratic process to proceed, which in fact would have concluded in September.

I would not have a problem with the minister's actions if they made sense or they followed the guidelines. Why did the minister step in there but not in Port Campbell, where the local community is worried that a new development will cause the Great Ocean Road and the headland to crumble into the sea caves? The Port

Campbell issue fits the criterion of being of genuine state significance, but the minister has resisted many requests by members of the community and this Parliament to step in and take control.

The general practice note, *Ministerial Powers of Intervention in Planning and Heritage Matters*, sets out how the minister should use those powers. I will walk members through the six steps under the heading 'How will the minister use these powers?'. Firstly, there should have been a written request to the minister. Whatever the purpose was for the intervention, the minister's reasons for intervention include that:

The Western Bulldogs Football Club has requested this intervention.

I have asked the minister for more information about this twice in question time, including just yesterday, when the minister was not able to confirm that the request had been made in writing to him. I have also asked the minister for a copy of the request, which he has not been able to provide under either FOI or following a direct request to his office. The minister should not intervene in a matter after a phone call or a letter to someone else — in this case, possibly the Premier. The guidelines state that the request should be made in writing and should address the criteria set out in the practice note.

The next dot point in the practice note sets out that the Bulldogs should have consulted council about the proposal. As members know by now, the Bulldogs dragged their feet for a year on this, but the council acted immediately to get the permit process under way.

The next dot point, on page 2, sets out that the council and the Bulldogs should have attempted to resolve any dispute and clearly identified any outstanding matters. I think it is quite obvious that that has not happened.

The second dot point on page 2 sets out that the minister should have consulted the City of Maribyrnong before considering the case on its merits. The minister definitely did not do that. The minister's reasons are stated at no. 8 — there are two no. 8s; I am talking about the second of them — under the heading 'Consultation', and I quote:

No formal consultation has occurred in the drafting of the amendment.

The third dot point on page 2 sets out that the minister should have considered the need to consult affected parties, and this clearly has not happened. The council was not consulted. The residents and other affected parties were being consulted by the council when the minister intervened and stopped that process.

The final dot point under this heading sets out that the minister should have acted so as not to unreasonably delay the decision. The minister's action, however, has delayed the decision. We would have had a decision by now if the minister had left it with the council.

We also need to consider the guidelines under the heading 'When will the minister consider using these powers?'. The minister's reasons refer to the first criterion and part of the fourth criterion. A subcategory of the fourth criterion is that:

the matter is unlikely to be reasonably resolved by the processes normally available.

I do not think there is any evidence for this because there was no attempt to resolve the issue. The council had given one permit without delay and was already advertising the changed use. It had a memorandum of understanding, it had a heads of agreement and it had two acts of Parliament. It was actively assisting by funding the project — offering to forgive debt to help the club get more funding. There is no reason to believe the matter could not be resolved by the process normally available.

These are the most important issues I want to raise. If the minister had promised to honour the commitments made by the Bulldogs to the council, I would not have considered raising this motion. Before I moved it today it was quite clear that this motion would fail. I proceeded with it in the hope that I would simply achieve the things that I have set out today.

I would like the minister to place on record his assurance that he will make sure the Bulldogs honour the community football and other commitments that the local council and community consider so important. I ask the minister and the government to answer my questions about the process.

I have one more thing to ask: will the minister ensure that if a university campus goes ahead at Whitten Oval, the pokies will be gone before the classes commence? I think it is fair enough to ask for these commitments to be on the record, because while this amendment gives the minister the power to approve a development, the enforcement responsibility, as I understand it, will still fall on the City of Maribyrnong. The council will have to enforce any breaches, so it would be good for it to know that, despite everything else the minister has said about it, he will honour its commitment to the community.

**Mr GUY** (Northern Metropolitan) — I do not intend to make a long speech on this topic. I note the comments and detailed analysis that Ms Hartland has

given in relation to the redevelopment of the Whitten Oval in Footscray.

It should be noted from the outset that the redevelopment of the Whitten Oval is a project that has been around for some time — I understand it has been around for nearly 4 years. It was Prime Minister John Howard who unveiled some federal money to upgrade the oval and surrounds around the start of 2004. If my memory serves me correctly, \$8 million was committed by the Howard government to the upgrade, to include health and leisure facilities on the site and social services such as those focusing on youth issues, drug issues, alcohol abuse and truancy. From the point of view of the redevelopment of the oval, yet again we are looking at another Johnny-come-lately approach from the government, which is now saying that this is part of the redevelopment of Footscray and should be included in a whole-of-Footscray approach. In fact it had been on the drawing board for some time before this government decided to look at Footscray and take it seriously as a major centre for Melbourne's west that deserves to have money put forward to upgrade its centre and the facilities around it.

I also note from his own material circulated this morning — I must say I did find this somewhat concerning — that in taking control of the site, in seeking to become the responsible authority for it, the minister has not even bothered to communicate this decision to the responsible authority. This is from material circulated by the government this morning in this chamber, signed by Genevieve Overell from the Department of Planning and Community Development. I find it astounding that, given the scale of the project and the obvious community concern with the process around the upgrade of the Whitten Oval, the minister did not even bother communicating his intentions to the council in question.

It is interesting that we have, just yesterday, gone through a very detailed discussion and debate in this chamber about the Labor government's attitude to local government and the state government taking local government for granted. Here we have another example of the government having indeed rolled up, decided on a point of view and not even bothered to tell the council. I find it absolutely astounding that the minister would seek to become the responsible authority for a project of this size, and yet his own department is saying in black and white that no notice of the amendment was given. The minister did not consult the responsible authority. It says something about the management of the project from the government's point of view.

I will not go over the full chronology of the history of the project because Ms Hartland has done that comprehensively. In September 2005 the council endorsed heads of agreement, which at that stage did not include an educational facility, for the upgrade of the Whitten Oval. In March 2006 the Western Bulldogs Football Club lodged a formal funding submission with the City of Maribyrnong, and it is my understanding the council considered that in July 2006. In April 2006, before the council considered it, the planning permit for the redevelopment was lodged.

In August 2006 the council resolved to issue a permit with conditions, which I understand was issued on the next day. The permit was for all the things that had been agreed: child-care centres, offices, a function centre, a club, associated retail space and a car park. Around this time the council started hearing that the Bulldogs were considering taking the development in a different direction. That is what I understand has been presented by the council.

The project has been around for a long period. This project and its details have been known for some time. In August 2007 a meeting was called by the state government, including the Department of Sustainability and Environment (DSE), the council and the Bulldogs, and the Bulldogs were again urged to submit the plans as soon as possible, which was obviously desirable to make sure that the project got up and running.

What we see from the facts leading up to the July 2008 intervention by the planning minister is that it appears that for its part the government has not been open and transparent about the process under which it has managed the redevelopment. I would certainly say that it has been somewhat difficult for many people surrounding the redevelopment to comprehend why the government has tried not to take all of the community with it on such a large redevelopment. I do not think there are many people — in fact I have not come across anyone — who think redeveloping the Whitten Oval is a bad idea. It is a very good idea; it is a terrific idea. What needs to be done in the western suburbs needs to be done at Footscray. It would be a terrific decision for any government to put money into upgrading this facility.

**Mr Finn** interjected.

**Mr GUY** — Indeed, Mr Finn is quite right; \$8 million was initially put forward by the Howard government. What has concerned many people has been the process around this whole decision and getting to a stage where we have to have ministerial intervention for a project that should have been able to stand up on its own two feet as it is. As things stand at

the moment the Liberal Party and The Nationals will not be supporting the disallowance motion. We do not want to do anything which may present a threat to the project proceeding as it is. Although we understand the significant concerns many people have — Ms Hartland and many others have raised them — with the processes and the matters leading up to this stage of the project, it is our view that we will not support the disallowance motion. We share the concerns but want the redevelopment to happen as quickly as possible. That is something we believe is needed for the western suburbs at this point.

Before I conclude, in looking at the whole redevelopment and its importance to the western suburbs and for many people, we should remove the politics from this debate and get on with it to make sure that the proper process is being followed and that the redevelopment occurs as soon as possible. It was with a somewhat perplexed mind that I read a press release on this very issue from the planning minister yesterday. I have to say I found it rather surprising, because the planning minister, in seeking to make this a non-political matter, issued a press release and I understand conducted a phantom press conference in the western suburbs where he accused the Liberal Party, The Nationals and the Greens of being in an unholy alliance to scuttle the redevelopment, which is quite bizarre.

**Mr Finn** — Before or after lunch?

**Mr GUY** — Mr Finn, I find it amazing that it was before lunch, so there is no excuse for the behaviour of the minister. His press release opens with the line:

The Victorian opposition's collusion with the Greens is putting in jeopardy a major redevelopment in the western suburbs.

We are here discussing a disallowance motion which has been moved by a democratically elected member of this chamber. The government may not like the fact that people from other political parties are elected to this chamber, and we have seen its attitude and its point of view from yesterday's debate on the local government bill, but it is not collusion to put a motion to the chamber and debate it in a forum such as the Legislative Council where the people of Victoria elect us to debate these issues. This is not collusion; this is called democracy. The minister went on to say in his press release:

I am deeply disappointed that the Western Bulldogs are being made a political football.

That is what the man who actually issued the press release said. He rolled up to the Whitten Oval to

conduct a press conference and accuse other parties of collusion. We are engaging in a form of democracy, but this is supposedly collusion. The minister is saying that we are the ones who are now using this issue as a political football.

**Mr Koch** — It is spin.

**Mr GUY** — Not just spin, Mr Koch; I think the minister may believe the earth is flat. He goes on to say at the end of the press release:

... the disallowance motion brought forward by the Greens party was frivolous and grounded in extreme political ideology.

If anyone is grounded in extreme political ideology, it is the minister who has shown that he is someone who is exceptionally inflexible in a range of policy areas in his own portfolio. He frequently yells out in the chamber, 'Those in glass houses', so maybe I should put it back on the minister. Maybe he, in his glass house, should not be the one throwing stones. I would say this press release and the way the government has managed this issue from the intervention to this press release and beyond show that the minister is increasingly erratic in his behaviour, and holding press conferences on phantom issues is quite bizarre.

While we are talking about media opportunities, it is no wonder the *Herald Sun* published a story last week headed 'Crisis prompts reshuffle speculation' which states:

Sources said that Mr Madden was a probable victim of a cabinet shake-up ahead of the 2010 election.

We are not surprised when there is this kind of ridiculous material. The article continues:

A member of the planning minister's own right faction said Mr Madden had not performed particularly well and only remained as a third-term minister because of his public profile from his AFL success.

If that is what you need to be a minister in the government, then it is sad. It is a shame we have come to this. It is a shame the government has decided to politicise this important issue for the western suburbs.

As I said, the coalition will not be supporting Ms Hartland's motion, although we share her concerns about the way the government has managed the planning application and the planning procedures for this project.

**Mr VINEY** (Eastern Victoria) — I had a few things I was going to say on this, but Mr Guy stole all my lines.

**Mr Guy** interjected.

**Mr VINEY** — Mr Guy is defending himself before I have even made the accusations! There is no doubt that there has been yet another unholy alliance and collusion between the Greens political party and the Liberal Party; that is why this motion is here.

**Mr Finn** interjected.

**Mr VINEY** — If it is not the Liberal Party in collusion with the Greens, then it is at least Mr David Davis. Clearly Mr Davis agreed that this matter should be brought on. Mr Guy did a sterling job of trying to make a silk purse out of a sow's ear here. He tried to find a way to criticise the government, but I would contend that when Mr Davis, the Leader of the Opposition, agreed to the Greens bringing on this motion he did not have a chat with Mr Guy. I know Mr Guy has had some very happy reasons for being unable to be completely attentive to work over the last week or so, and I congratulate him on those very happy reasons, but I do not think Mr Davis had a talk with Mr Guy about it, because Mr Guy would have said, 'Come on, we don't want to have that debate. Why would we want to kill off a project for the western suburbs that will deliver 250 jobs? Don't do that'. Perhaps Mr Davis talked to the Leader of the Opposition in the other place, Ted Baillieu — no, I do not think he did that, either. I think this was a unilateral decision, and I think members on the other side have been caught out.

The Leader of the Opposition has come into the chamber. Members opposite are now trying to find a way of making a case for the fact that Mr Davis has exposed all of them to a ludicrous motion to overturn a decision which is going to allow a project to develop in the western suburbs for the Western Bulldogs and which will deliver 250 jobs into the region.

This collusion between the members of the unholy alliance has obviously been going on for some time, because on 12 August the Star News Group published an article in which Ms Hartland criticised the decision of the minister to call in the project to provide some certainty and get on with it, which is exactly what Mr Guy was saying needs to happen. Then the Liberal Party allows a motion like this, which potentially threatens the project, to be moved. On 12 August the Star News Group reported that Ms Hartland said she was against the project. The article says:

She is sounding out National, Liberal and Democratic Labor MPs.

'We would need their support to be able to get through,' she said.

Back in August — two and a half months ago — Ms Hartland was colluding with the Liberals, The Nationals and the Greens to bring this motion on, and she admits to that. Here we are, two and a half months later, doing exactly what she wanted. General business time has been provided to the Greens by the opposition to bring this on.

This unholy alliance is going to fall apart. It is good to see Mr O'Donohue in here because, as I said in the debate last night, Mr Hall did not think much of the Greens in November 2006 when his last spot on the ticket for Eastern Victoria Region was under threat from the Greens. Now there is a coalition between The Nationals and the Liberal Party, so who is the poor bunny who is going to get no. 3 on the Liberal-National ticket now? It is going to be Mr O'Donohue unless he takes out Philip Davis for the no. 1 spot, because they have done a deal that locks in The Nationals for no. 2. This unholy alliance that brings on these sorts of motions and has a record of voting together on nearly 70 per cent of occasions will not be so attractive to Mr O'Donohue in November 2010. He will not be so keen on that when he is fighting the Greens for the last spot.

**The ACTING PRESIDENT (Mr Vogels)** — Order! Mr Viney should speak on the motion.

**Mr VINEY** — I take your guidance, Acting President. Let me just say that there is an alliance that provides the Greens with these opportunities to bring on this kind of motion.

What was the intervention by the minister all about? Let us get to the fundamentals of what this intervention was about, and what calling in this planning scheme was all about. What was faced was a situation where the council was conflicted by the fact that it was the committee of management for the Whitten Oval and then it tried to deal with a planning permit application. Quite properly the council put in place a series of processes to resolve its way out of that clear conflict. It is not a conflict brought on by anyone being at fault. It is not a conflict that was anything other than a procedural conflict between the council as committee of management for the oval and the council in its role as the planning authority. As a result of the processes the council correctly had to put in place to enable this conflict to be resolved and to enable it to properly consider the planning application, there were considerable delays in resolving the issues. There were considerable delays to ensure that there would be a process that made any

determination by the council on the planning matter beyond question in terms of the conflict.

There were then a cascading series of problems that occurred as a result of that proper process by the council. They arose from the fact that the builder was undertaking the project and required payment, and that Victoria University was not able to provide funding to the project unless it had a project with a planning permit. Potentially the whole project was going to fall over, and quite properly the minister exercised his authority under an act of this Parliament — —

**Mr Guy** interjected.

**Mr VINEY** — Mr Guy well knows the act, and I do not think his questioning of the minister's processes does him any favours in his role as shadow minister. Quite properly, under the process — —

**Mr Guy** interjected.

**Mr VINEY** — Mr Guy is a new chum in this place, so he should not start throwing stuff out about that; I am more than happy to take it on. Mr Guy well knows the planning processes involved, and the minister properly exercised his responsibilities — not just his authority to act but his responsibility to act. The minister exercised that responsibility to ensure the project proceeded.

**Mr Guy** interjected.

**Mr VINEY** — The minister does not ever tell a council that he is about to exercise his responsibilities and authority as the planning minister to call in a project. Since when would a minister ever advise a council of that, providing opportunities for people to take all sorts of legal actions as a result? You do not do it. The minister considers the matters before him and makes an appropriate decision. When Mr Guy was working in Mr Kennett's private office we had a planning minister in this state who called in projects willy-nilly. He called them in if a mate rang him up and said, 'I've got a bit of a problem with a project'.

What we have is a minister who, when presented with the evidence of the cascading problems as a result of the council trying to resolve the issues properly with its potential conflict as the committee of management, and when those cascading issues became apparent and when the fact that it was likely to cause significant financial difficulties for the Western Bulldogs Football Club and potentially knock over the whole project became apparent, exercised his responsibilities to call in the project to provide some planning certainty and to deliver what everyone agrees — even Mr Guy

agrees — is an outstanding project for the western suburbs, and I understand it will deliver around 250 jobs. Even Mr Finn is silent on that: it is hard to keep Mr Finn silent on anything in this place, but even he has to acknowledge that 250 jobs over in the western suburbs is a pretty good thing to deliver.

The proposal we have today is what you get when a whole range of people with various interesting and nutty views come together and say, 'We don't like development, we don't like this, we don't support that project', because it might cause a bit of stress in their neighbourhood; 'We don't like that project', because it will add to some esoteric environmental issue; and 'We don't care about 250 jobs'. When all those sorts of nutty views mix together, we end up with a motion like this that will try to kill a project.

In a press conference yesterday David Smorgon indicated that if this motion were to pass, it would be a very dire situation. He said he hoped the motion would be defeated in the upper house. On the motion he said, interestingly:

To think that someone from the Greens party wants to stop this development, I suggest to that person ... they should come out here and have a look at what is happening ...

He went on to say:

... I applaud the state Labor government for what they have done for the people in the west, and I applaud the minister again today for coming out strongly and speaking against such ... actions as contemplated by the Greens.

But he went on to say that if this motion were to pass:

The club would probably not survive given the financial repercussions ...

If the proposal from the Greens political party is not pandering to the oddball views of a collection of characters to try to pull all those votes together, to shore up votes for the upper house seat they hold in Western Metropolitan Region, then perhaps it is about the current council elections. Perhaps it is about trying to create an environment where there is some conflict and where the Greens can use a bit of leverage to garner a few more seats on the council out there. Perhaps that is what it is about. I think this is the Greens learning about wedge politics, trying to create a little interest in minor sectors and trying to cobble all those things together to create some kind of momentum and wedge.

The government is very pleased to be able to assist the Western Bulldogs Football Club, Victoria University and the other partners involved in this project. The government is very committed to jobs, and particularly in the current international financial environment,

which is impacting on Australia, it is absolutely vital that we push on with projects and create opportunities for jobs and economic growth, particularly in areas like the western suburbs of Melbourne.

The government absolutely rejects the proposition to kill this project and to destroy the Western Bulldogs Football Club and the potential jobs in the area. We will not support in any way the motion before the house.

**Mr FINN** (Western Metropolitan) — First of all I must declare an interest in this debate in that I am a member of the Western Bulldogs Football Club, and between 1996 and 1999 or 2000, or thereabouts, I was a member of the Victoria University of Technology council, so I have a degree of knowledge of both those organisations. Members might wonder why somebody like me — somebody who has a long association with and a deep and abiding love for the Richmond Football Club — would be a member of the Western Bulldogs Football Club.

**Mr Leane** interjected.

**Mr FINN** — No, I have not given up on the Tigers; not at all. Next year will be a very big year for the Tigers. Let me just say that when I was first elected to represent the new Western Metropolitan Region I was and still am firmly of the view that a healthy Western Bulldogs Football Club, known as the Doggies, is good for the west of Melbourne.

I made an appointment to visit Whitten Oval and went down to have a chat with Campbell Rose, the chief executive officer (CEO) of the Western Bulldogs Football Club, and with a number of other people down there. I have to say that at that point I did not have a great deal of knowledge of what the Doggies had planned, but that changed over the course of about 2 or 3 hours as Cam Rose took me meticulously through what their plans were, showed me what was going where, and left me in no doubt that what was planned as part of the Whitten Oval development would be a fantastic thing for the western suburbs.

I was left with no doubt about that at all, and I was enthused — to the point that when Campbell Rose sat me down in the boardroom and pulled out the receipt book, I found myself reaching into my pocket and handing over the Visa card to buy a Western Bulldogs membership. That just goes to show you how good a salesman Cam Rose is.

**Mr Thornley** — A good insurance policy.

**Mr FINN** — It is not a bad insurance policy either, Mr Thornley. That shows the degree of my enthusiasm

for what the Western Bulldogs are doing with this project and do in the west generally. I have to say very honestly that what the Western Bulldogs are doing in the west of Melbourne is an example to every other football club in the league. Over the last year or so the Richmond club has been moving into the sorts of areas the Western Bulldogs club has been involved in for some time, and that is a very good thing.

Given some of the poor publicity that football clubs — or probably more the footballers than the clubs themselves — receive from time to time it would be a good thing for other football clubs in the Australian Football League, the Victorian Football League or wherever to look at what the Doggies are doing in the west and to adopt some of their practices. I was and remain very impressed with what the Western Bulldogs are planning for the Whitten Oval, and was very concerned when I heard that Ms Hartland was preparing to move this motion today.

I have to be up front and say that the government is not without fault in this. It was interesting to hear Mr Viney, who has unfortunately left the chamber, address us on this subject. My understanding, according to the 3AW 'rumour file' on radio this morning, is that there will be a ministerial reshuffle on Melbourne Cup day. I wonder why that would be done on Cup Day!

**Mr Guy** interjected.

**Mr FINN** — And they are all nags, Mr Guy! They should all be sent to the knackery — or most of them, anyway. The reshuffle next week may well see that — if you read between the lines, if you hear the dogs barking the stories on various corners, you might believe it — and Mr Madden, the current planning minister, is in for the chop. He is going to the political knackery.

**Ms Lovell** — He's off to the knackery!

**Mr FINN** — He is off to the knackery, and he will not be a happy man come Tuesday of next week. What we heard from Mr Viney was not so much a speech as an audition for the ministry. I wish him well in the feat he is attempting.

The Minister for Planning has just walked through the chamber — he will be doing that quite a bit in the next sitting week after he gets dumped in the reshuffle on Tuesday. I am sorry, Acting President, I should not be distracted by the minister, or anybody else for that matter.

We heard from Ms Hartland quite a comprehensive chronology of events and what has happened with

regard to this project over a long period of time. However, I want to put a slightly different view on this. It seems to me, through my involvement not just with the Western Bulldogs but also with a number of other groups throughout the western suburbs, that within the Maribyrnong City Council and people associated with it there is an extreme left-wing group that hates football. These people regard football as alien to their culture. They do not want the Western Bulldogs to succeed; they do not want this project to get up.

I invite Mr Guy to come with me to visit Robbie 'Bones' McGhie, whom I am sure he is aware of. He used to play for Richmond back in the 1970s, and for the Doggies before that. He is the coach of the West Footscray Football Club, which has its ground just around the corner from Whitten Oval. As we speak the club is being kicked out by the Maribyrnong City Council for the duration of summer. It is being kicked out of the rooms it built as a football club. This is just another indication of how these extreme elements in the Maribyrnong City Council regard people who choose to play football as a form of recreation. It is something I do not understand, but clearly these people see football as something that has to be fought in some way; perhaps it is the blokey culture or something that they take exception to.

I was told very early in the piece that the Maribyrnong council had gone out of its way to frustrate the Whitten Oval redevelopment. My very great concern is that if this project is handed back to the Maribyrnong council, that frustration will continue and it will not just kill the project, it will kill the Western Bulldogs. The Western Bulldogs have invested a great deal of money in this project. In fact to a fair degree the club has invested its future in this project. I do not want anything to threaten the future of the Western Bulldogs Football Club. It would be a disaster for the west of Melbourne to lose the Western Bulldogs.

As I said earlier, this is a great project for the west of Melbourne. One of the things that has concerned me over the last 24 to 48 hours or so has been the criticism, either implied or direct, of Campbell Rose, the CEO of the Western Bulldogs, and David Smorgon, the president of the Western Bulldogs. I have to say that I think Campbell Rose is one of the best operators I have ever met in my life.

**Mr Thornley** — Good man!

**Mr FINN** — I think he is a very good man, Mr Thornley. He is a superb operator. What he has done for the Western Bulldogs should be held up as an example for all to follow. For anybody to criticise him

as being slack or uncooperative or playing games with regard to this project is quite ludicrous. It is absolutely nonsensical. I know that Cam Rose bleeds for this club. He might actually live at Whitten Oval, because he is there almost 24 hours a day doing what he can to help his club. He is a professional sports administrator, but he takes his job much further than we would normally expect. David Smorgon is a well-known industrialist and businessman in Melbourne. He is very much respected by those who know him. He did not have to take over as president of the Doggies, but he has done that and has led the Western Bulldogs from a place where I am sure no football club would ever want to be: not just in football oblivion but almost in financial oblivion. When David Smorgon took over as president the Western Bulldogs were on the point of bankruptcy. Now it is only a few weeks since they almost played off in a grand final; it is probably a pity that they did not, but that is a personal opinion. David Smorgon has done an extremely good job for the Western Bulldogs and I think for the west of Melbourne generally.

For those two gentlemen to be vilified by opponents of this project in the way they have been is disgraceful. It is despicable. I say to both Cam Rose and David Smorgon, 'Well done and keep up the good work', because each of those gentlemen is doing a great job.

I will conclude my remarks very shortly, but the project we are talking about today is about ensuring that the west of Melbourne no longer puts up with being second class. We have copped this for years. For decades we have been regarded as being substandard in some way. It is projects like this one at Whitten Oval that will raise the western suburbs out of that malaise. It will give the western suburbs the sort of self-respect they should have. I think anybody in the west who opposes this project does not have the best interests of the western suburbs in mind.

I had a quick look yesterday at the Maribyrnong *Leader* newspaper website. There were a number of responses to a story with the headline 'Libs say they won't move to skittle Bulldogs'. I had not read the article but some of the comments were pointed out to me. I suggest Ms Hartland also look at some of the comments, because if she thinks she is going to get any votes on this in the western suburbs, she might have to think again. A Randal Killip wrote at 3.41 p.m. yesterday:

I would call on all Bulldog supporters to contact Colleen directly, she is our representative in the upper house, and perhaps point out to her that she needs to represent all people of the west and not just the tree-hugging yuppies.

One Percentas wrote, also at 3.41 p.m.:

The Greens are against spending on education, and improving educational facilities.

Do the Greens believe that the current economic climate reduces our need for skills training in the western suburbs?

Warren Berry wrote at 3.15 p.m.:

Stick to hugging trees Colleen or be prepared to feel the wrath of 30 000 irate Western Bulldogs members!

I think those three contributions to that website pretty much sum up the way people in the west are feeling about this project. This is something that will benefit the western suburbs of Melbourne enormously. It will bring something to the west that we have not had before. I ask each and every member of this house to take that into consideration. I ask those members who care about the west, those who would like to see the west grow and people there do the sorts of things that people in other parts of Melbourne enjoy doing, to oppose this motion. I ask members to support this great community project in the west. I ask members to support the people of the western suburbs of Melbourne, and I ask the house to oppose this motion.

**Mr THORNLEY** (Southern Metropolitan) — I also rise to oppose this motion. Like Mr Finn, I declare that I am a member of the Western Bulldogs Football Club, and have been for a very long time. I had the great privilege of serving as the club's no. 1 ticket-holder for a number of years some time back. That was during the years, as Mr Finn indicated, when the club was in some difficulty. It is a source of great pride to me personally and more importantly to all Bulldogs members and, I am sure, many people in the west and generally to see the strength the club has been built to over recent years. I completely endorse the comments of Mr Finn in respect of the extraordinary service of David Smorgon as president and Cam Rose as the best chief executive officer this football club has had in all the time I have been associated with it.

It is particularly disappointing to me that we have a motion in front of us that, but for the vagaries of who might decide to lead their caucus where, could actually see the destruction not just of this project but of this football club. This motion, if passed, would have serious consequences. We have had a fair bit of frivolity in this debate, but that is largely, I think, because the Liberal Party has now decided it will vote against the motion. The Liberal Party decided to bring forward a motion in the chamber that but for the vagaries of politics may have destroyed this football club, but I am glad it has now had some sense and decided to vote against this motion —

**Mr Guy** interjected.

**Mr THORNLEY** — You scheduled it, Mr Guy. What we have here is a process dispute which is not about the project. We do not have a dispute about whether this is a good project or not. Not a single member has got up in this chamber and said, 'This is not a good project' or, 'This project should not go ahead'. What we have here is a bit of a tantrum about process. I am not going to say that the process was perfect — very few things in life are perfect.

The question is: what should we do about this project and this motion at this time? Those who have complaints about the process should feel free to air those complaints. If they want to come into this chamber and move a censure against the government because we should have done this or that, then they should feel free to do that. It is a democracy. As Mr Guy points out, members are entitled to raise issues in the Parliament. I could not agree more, but members have a responsibility to raise them responsibly.

If the opposition wants to have a go at the government, saying it did not like the way the minister consulted, that he should have used a different piece of paper or something — and they may even be legitimate issues — then so be it. The opposition should come in here and address those issues, but not support a motion in this chamber that but for the vagaries of politics would see the destruction of this football club. That is not a responsible approach.

I say to those members who claim to be process kings — who claim that the process is what matters, that the process is sacred and that even if we are going to blow up the actual result, then that is okay — why did you not think about the process you used to make your point about process? Why did you not move some sort of censure motion that says, 'This house condemns blah, blah'? We could have had the same setpiece speeches and we could have had the same political result — and we would have not put a football club at risk. That is what this motion does. If it succeeds, it is likely to lead to what the club's president said yesterday and what Mr Finn outlined — that is, the potential destruction of this football club. It is absolutely snatching defeat from the jaws of victory at the point when this club has rebuilt itself from scratch.

The substance of the motion is very serious. Members may have points they want to make about process and about the local council elections, as Mr Viney pointed out — and it is just a wild guess that that may be the case given how proximate those elections are — but this motion, for all the process junkies in this place who are most concerned about process, is a very serious process.

It is now the end of October 2008; it is not July. A decision regarding this issue needed to be made by the end of July and the decision was made by — as best as I can ascertain in this debate — the only adult in the room. The minister had to settle a squabble that had been going on for a long time. I am not sure everyone distinguished themselves in the way that squabble was conducted. I will not say that my good friends at the Western Bulldogs Football Club were completely blameless in this squabble. It is rare when there is a squabble that everyone is completely blameless. But at some point someone had to make the decision.

In a democracy the person who makes that decision at the end of the day is the minister. The allotted hour had come — a decision had to be made by the end of July. The minister, as the only adult in the room, stood up, made that decision and let this project proceed. People may disagree with that decision and with the way it was made, the process or all those things. They are entitled to do that. We can have a forensic investigation of that for a while. But what we should not be doing in late October with the project moving ahead is agreeing to a motion that would leave a half-finished development and a bankrupt football club. That is not the way to prosecute whatever grievance you may have about this process. That is a completely irresponsible approach. The fact that yesterday the president of the football club was out there pleading with the Parliament not to destroy his football club is evidence of how serious that is.

If in the middle of a global financial crisis you have a non-profit organisation that has significant lenders and you go out there and try to blow the place up, that is an incredibly irresponsible action. It is the same sort of irresponsible action we saw regarding the Members Equity Bank a while ago.

This Parliament is the place where grievances are debated. It is the place where people are entitled to be represented. But with those rights come responsibilities. When little partisan tick-tacks here or our little process tantrums start having an impact on real people's lives and on real organisations — whether they are a bank or a football club — then we need to think a little more seriously. If we are so concerned about process, then let us use the right process to address our process concerns without doing things that impact on people in the real world and putting 250 jobs at stake at a time when we need all the economic activity we can get in the construction of this magnificent project — let alone considering the impact on a huge number of people if you torpedoed the football club.

Sometimes members walk into this place not understanding the power they hold. If 21 members put

their hands up and supported this motion today, we would destroy a football club. That is a very significant power, and it is one that has to be exercised with some responsibility. The role of the minister in this issue was powerful. He made a decision because someone had to. It was pretty clear that this dispute was going to go on, that people had got upset with each other and that there was all sorts of stuff being brought in. Somebody had to actually stand up and make a decision, and the person elected to do that did that. That decision has been made. Trying to take action that would sabotage the entire thing as a result of a disappointment in the process is an extraordinarily irresponsible thing to do.

I think the development actually exemplifies the type of project that we want to see. Not only are we seeing a magnificent redevelopment of this facility, which, with the better training facilities and better support that will be available, will hopefully enable the club to achieve its long-held on-field ambitions, but it is also a better example, as my colleague Mr Finn has said, of deep interaction with the community and of working together with the educational institution.

I thought it was particularly interesting that we were dragging in this other dispute, this other squabble, that is going on at Victoria University at the moment, as evidence somehow of what is wrong with this development. This is a classic case of two organisations that do not have enough resources on their own working together to find a way to do something of mutual benefit — that is, a joint project. It is an absurd argument to say that because Victoria University is short of cash it should not have pursued a joint project which will cost it less than building one itself.

This project is a great example of how organisations can work together to achieve mutual benefit, and to do that this decision had to be made by the end of July. The decision was made, and those who were unhappy with the outcome will achieve nothing in any way proportional to their distress about the process by blowing up the project, by sabotaging the project or by potentially putting this entire football club — not just the project — at risk.

This is something that has escalated from a he-said-she-said dispute to something that is now quite serious. We are playing for sheep stations here. This motion is very serious, and I am pleased that the opposition has chosen to oppose it. I was disappointed that the opposition decided to give it priority in its current form. If the opposition wanted to have a go at the government, it could quite easily have moved a motion to condemn us or do whatever you do in the motions we debate on Wednesday mornings. We could

have had the usual setpiece play, without putting a bunch of lenders on their jitters, without putting a football club at risk and without creating a five-alarm fire over a decision that has come and gone.

I oppose this motion, and I am pleased to hear that people on both sides of the chamber will also do so.

**Ms HARTLAND** (Western Metropolitan) — I do not intend to respond to the personal attacks that have been levelled at me today, except to say I was well aware of what I was doing when I took on a powerful Australian Football League club. I certainly did not do it to achieve votes. I take on issues on the basis of whether a democratic process has been undertaken, and I do not believe that in this situation a democratic planning process has been fulfilled. The community has not been allowed to participate and its rights have been taken away. Members should remember that there are several hundred people living directly around the football ground who should, in the usual democratic way, have had the opportunity to have a say about this project. I am extremely disappointed about the fact that neither the minister nor the government actually answered any of my questions about supporting the things that are currently in the memorandum of understanding, in relation to whether there will be a not-for-profit child-care centre and a home for the Western Region Football League and the Victorian Women's Football League.

I still believe the planning process is inadequate. A document Mr Guy read earlier today clearly states that no notice of amendment was given and that the minister did not consult the responsible authority. That came from Genevieve Overell, chair of the activity centres task force in the Department of Planning and Community Development. There are huge flaws in this process, and it is extremely unfortunate that the government has not seen fit to give guarantees to the community and to the Maribyrnong council that it will support the things in the memorandum of understanding and that it will support a community focus in this development. Never, in anything that I have done, were my actions about not supporting this development. It is about the process — it is about a democratic planning process.

**Motion negatived.**

**TRANSPORT: 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, 11 November 2008, a copy of the following ministerial briefing documents —

- (a) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
- (b) 'Frankston bypass EES — indicative project costs' (ministerial briefing note MBN011034) registered by the former Department of Infrastructure on 3 April 2008;
- (c) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
- (d) 'EastLink-ConnectEast DRP underwriting agreement — novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
- (e) 'Siemens braking system' (ministerial briefing notes MBN011050 and MBN011051) registered by the former Department of Infrastructure on 8 April 2008;
- (f) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/102013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
- (g) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
- (h) 'Media interest and progress with grade separation study' (re Springvale Road, Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
- (i) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
- (j) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
- (k) 'DTF review into VicRoads costs and maintenance' (ministerial briefing note MBN011139) registered by the former Department of Infrastructure on 29 April 2008;
- (l) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
- (m) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
- (n) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.

This is part of a series of motions that have been moved in this chamber recently. These are important

documents because they go to the heart of what the Minister for Public Transport knew about a number of key transport issues facing our community, including the grade separation at the Springvale Road, Nunawading, rail crossing; the nature of the M1 Freeway heads of agreement; VicRoads costs and maintenance; the status of AusLink; and the braking system. I can elaborate in detail why the opposition and the chamber should be concerned to find out what the minister knew about a number of these points.

Clearly the minister has been informed. In my view, she is a weak and failed minister who has not understood what is required in her portfolio. But it is clear that there has been a flow of information to her by the bureaucracy. This chamber is entitled to assess the performance of the minister. The chamber is entitled to assess what the minister knew and when she knew it. It is important from the perspective of transparency and openness of government that we understand what this minister knew when a number of key decisions were made. Why the minister made certain decisions will be made clearer to the community.

In a number of cases I think there is a strong argument that the minister has not understood key aspects of her portfolio. For example, I am very interested to see in the 'Metropolitan rail franchising (MR3) market engagement trip' briefing note precisely what the minister was told about these matters. It will also be of great significance for the community to understand precisely what the Minister for Public Transport understood with respect to the 'EastLink-ConnectEast DRP underwriting agreement — novation' briefing note.

The government made some announcements in regard to the 'Frankston bypass EES — indicative project costs' briefing note, and the status of those precise announcements recently is something that needs to be cleared up for the community. Whilst the government said it was proceeding with the bypass at Frankston, it is unclear on what the terms and arrangements would be. A key aspect of proceeding with that is whether an EES (environment effects statement) process will be undertaken, and the costs of an EES are a part of that. What was in the minister's mind as she was making these public statements and announcements? Was the Premier also aware of some of the points that are in these briefing notes?

I do not propose to make a long contribution here. I believe it is important that these matters be subject to public examination. This chamber is the best mechanism to deal with this, given that the government's freedom of information process has become so cumbersome, time-consuming and in many

cases ultimately fruitless. The search to understand and hold government to account is a very important one that will be advanced by this motion being carried.

I make the point in regard to the documents to be tabled in this chamber yesterday by 4.00 p.m. — documents being sought through Mr Barber's motion and statement of priorities documents being sought through a previous motion of mine relating to Melbourne Health and Barwon Health — that the government has sought to frustrate the release of those documents. I want to put on record my concern about the government's blocking of the release of key documents about the performance of two major hospital networks.

The process by which the chamber is able to obtain documents from government, from ministers and from departments is a very important process. I place on record my wish that the government will reconsider its obstructive approach. We will certainly be pursuing the government to ensure that documents are provided, as is the privilege of this chamber.

**Mr BARBER** (Northern Metropolitan) — The Greens will be pleased to support this motion. We were also pleased to receive the Attorney-General's letter yesterday in relation to other documents being called for under other similar motions. Given that he has now committed himself to a date for meeting those requests from the Parliament, I am certainly going to take him at his word and hold off moving any further motions to advance those requests. However, I would comment that the government is now in a bit of a pickle on this matter. It is something that it has brought upon itself through the absolutely capricious way it runs the freedom of information (FOI) system.

These are documents that, if the FOI act was functioning as it should, would be requested and turned around and received within the statutory time lines — within 30 days or 60 days. Not long ago that is exactly how the act worked. Now there is an absolutely Kafkaesque approach to the way FOI is managed, the result of which is that these sorts of requests have now become the business of Parliament and apparently the business of cabinet. Ministers will find themselves in cabinet meetings doing the work of what is normally taken care of by a lowly FOI officer, which is to scrutinise a document and work out what sorts of exemptions they need to make, what material they might be willing to release and what consequences flow from that. It would be timely for the government to reflect on the consequences of the way it has decided to run the FOI act when it comes to receiving these sorts of parliamentary motions.

**Mr VINEY** (Eastern Victoria) — Here we have yet another situation where the opposition, again in collusion in this unholy alliance with the Greens, is using the house to call for things it could probably request by other means. As I have said before, there is nothing to stop people accessing other processes to try to obtain information in a pretty open and accountable government. Certainly the things that we have put in place — —

**Mr P. Davis** — Open and accountable? Just release the documents when they are asked for!

**Mr VINEY** — I do not think I need Mr Davis's help. I am perfectly capable of responding to the motion before the house. No amount of yelling and carrying on from up there in that backbench is going to change what I am about to say. The government will properly consider the request in accordance with the sessional orders and in accordance with the considerations this government must have in regard to executive privilege. We have been through these things before.

**Mr P. Davis** interjected.

**Mr VINEY** — Mr Davis knows that is not the case. As I said, we will consider releasing the documents in accordance with practices that were not invented by this government and were not even invented by the Kennett government. They involve issues of executive privilege. Neither side of this place can claim the invention of the fundamental tenets of executive privilege because they are deeply ingrained democratic principles designed to ensure that in a civil society under a Westminster system there is a proper process of government and government consideration.

If Mr Davis and other members of the opposition do not understand that, then I am really surprised. I think they do. We have had plenty of debates on this issue. I recall Mr Davis even bringing out history texts in various debates on this matter, and he well knows there is a longstanding and important tradition in our Westminster system of democracy. It is very important that the executive government is able to receive frank and fearless advice from its public servants. It is absolutely critical that it is able to do that. If that were to be breached — if the issues of cabinet confidentiality and the appropriateness of advice to the executive from the public service were to be breached — a whole series of things would follow as a consequence and our democracy would be much the poorer.

They are absolutely important principles that this government will defend. Frankly, so would Mr David

Davis and Mr Philip Davis — who has a lot to say on the back bench — if they were in government. They would absolutely defend the importance of executive privilege and the deliberative, in-confidence processes of the cabinet. They would, as we do, defend the need to protect information relating to confidential deliberations of executive government. They, along with us, would also respect that information obtained by the executive on the basis that it would be kept confidential should be kept confidential. They, as we do, would also defend the fact that confidential legal advice to the executive government should not be released. They, as we do, would consider it inappropriate to release information that would otherwise jeopardise the public interest on a number of bases where the disclosure might prejudice national security or public safety, prejudice law enforcement investigations, materially damage the state's financial or commercial interests, prejudice intergovernmental and diplomatic relations, and prejudice legal proceedings.

These are fundamental principles that the government has outlined to the house on countless occasions. I am simply saying that the opposition can request documents through the process it has established in the sessional orders of this house, and the government will properly consider the request. We recognise that the house has made that resolution and that the opposition will go through the process of requesting documents. We think it is unnecessary; there are plenty of other ways the opposition could obtain information. We think it is an unnecessary waste of the time of the house. As both Mr Pakula and I have said on a number of occasions and as the Leader of the Government in this house has said on a number of occasions, that information can and will be released by the government subject to those issues of proper consideration by the government in relation to executive privilege.

It is a fundamental principle we will defend and will stick to. No amount of cajoling and calling from the back bench is going to change the government's position on this in any way, shape or form. If it is appropriate we will release documents. We accept that the house has made the resolution it has. We respect the Parliament, unlike the other side when it was last in government. The opposition did not respect the Parliament, nor did it respect the processes of accountability. We have instituted those processes and some protections with the reinstatement of ministers appearing before the Public Accounts and Estimates Committee, ensuring the security of the Ombudsman and the Auditor-General and enhancements to the freedom of information program that the previous government made much more difficult for people to access.

We are prepared to provide information. The only proviso on that is in relation to the issues of executive privilege that have been outlined to the house on countless occasions, as I say, by myself, Mr Pakula and the Leader of the Government. They were outlined to the house in a letter to the Clerk only yesterday. The government will consider the request in accordance with the matters I have just outlined.

**Motion agreed to.**

### ESSENDON AIRPORT: FUTURE

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to move the motion that is listed on the notice paper in my name. I think it is important to put on the record the issues the opposition is raising in this motion, and as part of my contribution I will argue in some detail why we should retain the important airport at Essendon. I move:

That this house —

- (1) notes that on page 13 of the Victorian Labor government's July 2008 submission to the federal aviation review, the Minister for Industry and Trade states that Essendon Airport 'should be closed';
- (2) recognises that up to 1500 jobs will be directly at risk if the Victorian Labor government's proposal to close Essendon Airport proceeds;
- (3) realises that the Victorian Labor government's policy of closing Essendon Airport will further reduce the state's competitiveness and add to the succession of massive job losses in Victoria;
- (4) acknowledges that if the Victorian Labor government's proposal to close Essendon Airport proceeds, then it will bring to an end the airport's long and proud history in the northern suburbs of Melbourne as a provider of high-value employment and business;
- (5) recognises that the closure of Essendon Airport will lead to a large escalation of smaller aircraft at Melbourne Airport and that this will damage Melbourne Airport's efficiency and competitiveness;
- (6) understands that because of its strategic location the Victorian Labor government's policy of forcing police and emergency aircraft services from Essendon Airport will blow out response times, especially for rural and regional communities;
- (7) condemns the Victorian Labor government for its proposals to close Essendon Airport and turn it into a greedy, money-grabbing housing and commercial development site; and
- (8) recognises that the Victorian Labor government's policy of closing Essendon Airport is not in the best interests of Melbourne nor Victoria and must be stopped.

The underlying view of members of the opposition is that Essendon is an important airport that has served Victoria for many years.

**Mr Finn** — For 90 years.

**Mr DALLA-RIVA** — For nearly 90 years, since the 1920s. It has been an important part of the development of Melbourne and Victoria for those many years. It has of course been an international airport. In fact the runway has the capacity to take the landing of a 747 — although I am reliably informed that if a 747 did land they would have to pull it apart, because it would not be able to take off!

**Mr Finn** — No, at a push it could get up!

**Mr DALLA-RIVA** — At a push it might get up. It just shows what infrastructure there is at that airport. I was very pleased last week to visit Essendon Airport. It is certainly in a condition that needs some support from government. After nine years in government — —

*Honourable members interjecting.*

**Mr DALLA-RIVA** — The pain continues for Victoria. It is over nine years now, and it will be nearly 11 years by the time we go to the next election. The facts are that members of the government have continually snubbed — —

**Mr Lenders** interjected.

**Mr DALLA-RIVA** — I think it is important that Mr Lenders is engaged in this debate, because he is a star witness in one of the documents I will be happy to present later. I will like seeing the offender caught with the smoking gun, so to speak, when Mr Lenders turns around and votes against the motion.

Having said that, it is important to understand where this motion emanated from. In July 2008, Theo Theophanous, then Minister for Industry and Trade, on behalf of the Victorian government made a submission on the development of a national aviation policy statement issues paper. On page 13 it states:

In this context, Melbourne 2030 recognises the current role of Essendon Airport in providing specialised functions related to aviation, freight and logistics, but notes that in the medium term this facility should be closed as an airport and transformed into a significant employment and residential precinct.

If you read between the lines of this submission you see that it comes out of Melbourne 2030, which is about developers and development. We are obviously seeing the real intention and what this government is about. The flawed 2030 strategy does not allow development,

and now the government is trying to find other locations for development, irrespective of the impact that may have. Opposition members consider that ludicrous, certainly in the current climate.

Our submission on that issue, which is dated 23 June 2008 and which I prepared, was a bit more forthright. We welcomed the aviation review. We considered it a timely review, and we reflected on the lack of opportunities provided by the Victorian state government for this important industry. Apart from the announcement of flights here or there and some good news stories, government members really have nothing to add. They do not have any aviation strategy. They rely on the relevant organisations to do what they have to do. Often we find the Minister for Industry and Trade standing up in here, saying, 'Isn't it great that we've done this?', when in fact the industry has been doing what it has to, without much support from this government.

**Mr Finn** interjected.

**Mr DALLA-RIVA** — I think Mr Finn is right in saying that the strategy is to screw down the aviation industry, to push it into confined areas and not to provide vision, future development and opportunities. Essendon Airport is one of those areas. Just because it is surrounded by homes, as are Tullamarine and Moorabbin airports, and it is in a Labor-held seat, that does not mean it should be taken for granted.

In the opposition's submission on the importance of the aviation industry we referred to a number of significant concerns. There is a failure by this government to build a case for the federal government to adopt an open skies policy; there are excessive state taxes that undermine our competitiveness in the aviation sector; there is a failure to invest in regional airports and build synergies with the regional aviation sector, particularly with tourism; and there is an ongoing concern about turning Essendon Airport into a housing development in what we believe is a short-term cash grab, ignoring the strategic importance of this airport. We also believe excessive residential development under major flight paths will put at future risk Melbourne Airport's 24-hour, curfew-free operation, and we consider that there are lost opportunities in attracting international business to Melbourne and Victoria.

If members speak to people at Essendon Airport, they will be told about the opportunities that could be afforded with the way the aviation industry is progressing currently. If the government had a vision, its members would understand that after 9/11 some dynamic things have been occurring in regional, or

what would be classed as non-international, city-based airports around the world. Melbourne is not unique. Around the world other cities have what were once international airports and they have not removed those airports. They have found there are some competitive advantages in using those airports for some commercial operations, and that could enhance operations in Victoria.

I put on the record also the hard work of a former federal minister for transport, the Honourable Mark Vaile. He was quite innovative in terms of working forward. Obviously Mark Vaile worked tirelessly to help develop the 2003 Melbourne Airport master plan and to boost passenger numbers to Melbourne Airport.

**Mr Lenders** interjected.

**Mr DALLA-RIVA** — This is the point. The Treasurer says, 'What did his electors think of him?'. In the end, you stand in a place like this as a minister doing what you believe is right for your state, not concerned about what on the odd occasion you think might not be right for your electorate. This is why this Labor government is where it is: because we have a minister who is more worried about what the electors in his area think than he is about the good of the state. That is exactly the reason we have the problem we have now. It has come to the point where government members are more worried about their preselections and their backyards than they are about what is good for the industry.

This is amazing, because members will find out that the Treasurer — whom I will call the offender at the moment, because I am about to try to convict him on the evidence I will present — speaks with a forked tongue. I do not know if that is unparliamentary, but later on members will find out where the Treasurer previously believed the airport should be — that is, unless there is another J. Lenders in the ALP. Heaven help us if there is, but there may well be! He is wounded. I could have been a bit more aggressive, but I would have had to withdraw.

As I stated in my submission, Essendon Airport is an important feeder airport for light aircraft, light industry, tourism, pilot training and police and emergency services aircraft. Approximately 1500 people are employed by more than 100 unique businesses situated at Essendon Airport, with these businesses having links across Melbourne, Victoria and Australia. It has a long and proud history in the northern suburbs of Melbourne as a provider of high-value employment and business.

**Mr Finn** — North-western suburbs.

**Mr DALLA-RIVA** — North-western, northern, eastern, southern — the whole lot. The fact is I cannot believe that in the current climate we have a government that wants to close an industry, strip 1500 jobs and dismantle 100 businesses.

**Mr Finn** — And sabotage Tullamarine.

**Mr DALLA-RIVA** — I will get to Tullamarine. Police and emergency services aircraft are strategically placed at this airport, thereby limiting the impact on Melbourne Airport. It is strategically located to be able to access major cities and regional areas in a timely and efficient manner. Later I will talk briefly about my colleague in the other place, the member for Gippsland South, Mr Peter Ryan, who is also out in the regional areas and is expressing concern about this closure, because people in regional and rural areas understand the importance of Essendon Airport for their needs.

It is a significant concern that the state Labor government proposed the closure of Essendon Airport in its 1999 and 2002 state election campaigns. In 2000 it voted against a motion in this chamber to support the continuation of aviation at Essendon Airport. It enacted the flawed Melbourne 2030 planning strategy, which recommends the permanent closure of Essendon Airport. I think it is disappointing that the Victorian Labor government has failed to understand the importance of this strategic Melbourne-based airport, preferring to turn it into some money-grabbing housing and commercial development site. The policy of closure countervails any longer term strategic plan or vision for Essendon Airport and aviation in general, and the state opposition believes it is not in the best interests of Melbourne or Victoria to close such an airport.

The view of the opposition is that the closure of Essendon Airport will have a significant impact on Melbourne Airport and the smaller Moorabbin Airport. The *Melbourne Airport Economic Impact Study* that was undertaken in April this year highlighted the small number of light aircraft using Melbourne Airport and the fact that that was one of its key strengths. Members should be aware that 97 per cent of Melbourne Airport's aircraft movements are by aircraft heavier than 7000 kilograms, whereas in Brisbane and Sydney those figures are 86 per cent and 92 per cent respectively. What does that mean for the aviation industry? It means that you have an international airport in Melbourne that is not impinged upon by light aircraft flying in and out. It means that you do not have the potential risk of light aircraft interacting with significantly heavier aircraft. The new Boeing A380 is a significant aircraft. Melbourne Airport and the government have invested in making the aircraft — and

I applaud that. But why would you on one hand support an increased number of heavier aircraft at Melbourne Airport and on the other close Essendon and mix that light aircraft traffic in with it?

In our view Labor's proposed closure of Essendon Airport and the transfer of light propeller aircraft to either Melbourne or Moorabbin airports will significantly impact upon Melbourne Airport's environs overlay, which is the acoustics aircraft noise intrusion. There is a zone that surrounds Melbourne Airport which is designed in such a way that it limits the amount of noise that the heavier aircraft make. Those members who have been out at Melbourne Airport recently will have noted that the aircraft are becoming quieter and quieter. One of the advantages of the Boeing A380 is that it is a very quiet aircraft despite its size and engine capacity. What we are going to have, though, are smaller light aircraft flying in and out of some of those areas.

We believe also that the impact of moving the police and emergency services aircraft to the Melbourne Airport will result in delays. If heavy aircraft are arriving — you can imagine the number of in-flights and out-flights there are at peak hour — and there is an emergency helicopter that needs to fly or a police emergency that needs to be attended, it puts the emergency services in an awkward position where they have to wait. It might only be for 5 minutes, it might be for 10 minutes or it might be for 20 minutes, but it delays the process. In our view the closure would also have a financial impact on business, tourism, pilot training and rural and regional Victoria.

I thought it was important to point these matters out as I bring the verdict down on the Treasurer. One of the documents that was introduced by Victorian Labor is called *Developing Victoria — Labor's Jobs and Industry Plan — Platform for a Brumby Labor Government*, and it is stamped by the Parliament of Victoria Library, March 1996, Australian Labor Party, Victorian branch, 1996, authorised and printed by J. Lenders, 23 Drummond Street, Carlton South.

**Mr Lenders** — A good man!

**Mr Finn** — Even if he does say so himself.

**Mr DALLA-RIVA** — If he does say so himself. As I said, we could not be so unlucky as to have two. We have here a Treasurer who makes interjections, but I think it is important to table that document. At page 36 it states:

In government, Victorian Labor will initiate an infrastructure study and development program aimed at the integration of

transport infrastructure to maximise Victoria's position as the transport hub of Australia's south-eastern seaboard.

And it goes on:

In the short to medium term (and in the context of the principles contained in the financial management paper), projects to be considered will include:

...

encouraging the redevelopment of the Essendon Airport in consultation with the community and the commonwealth government.

Why is it that when in government it changes? In 1996 the then budding Treasurer of this state released a policy saying that when in government the ALP would encourage redevelopment of Essendon Airport in consultation with the community. Not much has changed since that time. From 1996 to today is not a hugely lengthy time, yet we have a policy document by the then Labor opposition saying Labor would retain Essendon Airport.

It probably assessed it as much as we are assessing it now — that is, it is an important infrastructure and is important for aviation. What has happened along the way, to be blunt — which is in paragraph 7 of my motion — is the money-grabbing perspective has come into play. The government has become hooked on taxing, hooked on the development side and hooked on land tax and stamp duty, so that it now sees a wonderful opportunity for a substantial area close to Melbourne where it can strip out the taxes.

Have we seen recent examples of that? Kew is a good example where we now see multidevelopments. That wonderful site could have been used for something else. Let it be said for those who oppose the motion that there will not be any free-flowing green pastures at the old Essendon Airport. This will be a substantially overdeveloped site.

**Mr Finn** — What about the infrastructure?

**Mr DALLA-RIVA** — The infrastructure, Mr Finn, is another issue. The government and those supporting the airport's closure will find that they may wish to retain the airport. While they may be concerned about the aircraft flying over their homes, they would be in a different position if literally thousands of homes were jammed into that area. Later I will talk about the risk of aircraft in that area, because it is one of those misnomers.

It is important to understand that the government continually moves towards closing down the airport, although it did not do so in 1996. It was then realistic; it

said it was a good location, it had a vision and a dream about what it was doing. That happened under the then Brumby opposition, but when the former Premier, Steve Bracks, was elected he obviously saw an opportunity to get rid of the airport. The government should reflect on its 1996 policy and acknowledge that its later policy position was wrong.

Where does Melbourne Airport stand in relation to Essendon Airport? Not surprisingly Australia Pacific Airports has indicated in its submission that Melbourne Airport is Australia's second-largest airport in terms of international and domestic passengers and freight. We have heard the minister in this chamber over a period talk about the wonderful growth in the aviation industry and how that industry is important, but I put on the record the impact of the closure of Essendon Airport.

At page 39 of its submission Australia Pacific Airports states:

There is very little activity at Melbourne Airport that can be classified as general aviation ... virtually all of the activity that might be classified as general aviation is associated with freight activities being coordinated by various operators who handle freight from domestic and international services and some maintenance at the south of the airfield. General aviation for the north of Melbourne is facilitated by Essendon Airport and the south by Moorabbin Airport. We strongly support the ongoing operations of both these airports. We do not believe that aviation activities at Essendon Airport are creating an unacceptable impact on surrounding areas (which probably experienced greater noise impacts when Essendon was Melbourne's major domestic and international airport) ...

That is what I said earlier. It continues:

For the reasons set out above, even if substantial public funding was to be made available to relocate the activity at Essendon to Melbourne Airport, the vast bulk of that activity is not compatible with the efficient operation of a major international airport with the largest average aircraft size in Australia.

I repeat part of that submission, because it is important to put in everyone's mind that:

... even if substantial public funding was to be made available to relocate the activity at Essendon to Melbourne Airport, the vast bulk of that activity is not compatible with the efficient operation of a major international airport with the largest average aircraft size in Australia.

It is saying that closing Essendon Airport will have an adverse effect on Melbourne Airport and its capacity to be an efficient operator and an international airport. It will impact on its efficiencies in doing what it can do. As I said earlier, the closure of Essendon Airport will bring smaller propeller aircraft on a significant international and domestic major airport.

**Mr Finn** — A disaster.

**Mr DALLA-RIVA** — It will, Mr Finn, be a disaster. There are risks associated with light aircraft mixing with large aircraft. The removal of emergency services aircraft out of Essendon Airport either to Melbourne Airport or wherever else — I do not know where the government is proposing to put them — will delay response times and certainly delay the crucial response times in regional and rural Victoria. I know that regional and rural members of this place will be making contributions to debate on the motion, and I look forward to hearing rural government members speak in favour of closing Essendon Airport because I do not think deep down they support the closure. It will be interesting to hear if former minister Broad, now representing a regional and rural area, supports the closure of Essendon Airport.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Economy: global financial crisis

**Mr D. DAVIS** (Southern Metropolitan) — My question is to the Treasurer. As Victorian Treasurer, what share of responsibility does the minister accept for the fact that a National Australia Bank (NAB) business survey shows that Victoria has the weakest business confidence in Australia?

**Mr LENDERS** (Treasurer) — I think the simple answer is none, but I will go into a bit more detail. We have had so much during the month of October: we have had six surveys from banks to date on what they forecast the growth of the state of Victoria will be, and the NAB's survey is at the bottom of that range. We have also had a survey from the International Monetary Fund (IMF) which forecasts the growth rate of Victoria to be more than 1 per cent higher than that of the NAB forecast. What the NAB shows in its survey is what I have certainly been saying to this house, and what I think anybody who is out in the community knows — —

**Questions interrupted.**

## SUSPENSION OF MEMBER

**The PRESIDENT** — Order! This is the third time today that a telephone has rung in the chamber. I know who the owner of the mobile phone is, and I ask him to leave the chamber for 30 minutes.

**Mrs Peulich** — Honest Adem!

**The PRESIDENT** — Order! I know Mrs Peulich does not want to join him!

**Mr Somyurek withdrew from chamber.**

**Questions resumed.**

**Mr LENDERS** (Treasurer) — We now have a situation where business confidence is lower than it was a period of time ago. Mr Davis asked a question about what my personal responsibility for this situation is. Unfortunately, it is a crazy question. As Treasurer I am part of a government which works to build business confidence. We have done so in a number of ways. As a government in May this year we brought down a budget that forecast — —

**Mr D. Davis** interjected.

**Mr LENDERS** — When Mr Davis leaves this place I believe there is a job going for an ostrich feather plucker; there is a skills shortage in that area. Perhaps that is the job he should be looking at rather than as an economic commentator. Perhaps an ostrich feather plucker would be a more appropriate job for him than an economic commentator. I say to Mr Davis that a budget was brought down in May to deal with the serious economic issues of a global slowdown. It was a budget that focused on the long term, building and investing in skills — and we have seen the skills statement and the innovation statement — reducing tax rates to make Victoria a better place for business to do business, and delivering on services. Skills, infrastructure and services are three important areas in the budget.

A budget was put in place to position this state. The basis of Mr Davis's question to hold an individual responsible for one bank's survey — which is one out of six, not counting the IMF — is to have a myopic Victorian vision that ignores what is happening in the world. In case Mr Davis has not noticed, we have an international financial situation where the G20 governments and the central banks of all these areas have noticed that there is an issue of banks lending to banks and have addressed it. Under the guidance of the G20 we have share markets across the planet dealing with short selling and other issues, and if Mr Davis has not noticed, that is an issue. If we go to what business confidence in the state of Victoria is, it comes down to a range of issues. They are not state issues. We will take responsibility in this state for what we do, and we will be part of a national and global effort to deal with those issues.

What I say to Mr Davis is: look to the budget, look to the measures that were put in place and applauded by the business community as a way forward for this state,

and look to the long term for infrastructure and skills development. He should look to those before coming into this place and yet again talking down the great state of Victoria and our capacity through those investments to be better positioned than other jurisdictions to deal with these times of global turbulence.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I note the survey shows that Victoria had lower business confidence than even New South Wales. The minister was right in alluding to other bank surveys, and I want to ask him about the National Australia Bank survey in relation to some other information. The ANZ Bank growth forecast for Victoria for this financial year has been revised down to just 1.25 per cent. The new growth forecast for Victoria for this financial year by Access Economics is 1.4 per cent. Both forecasts are less than half of the May budget forecast of 3 per cent. I ask the Treasurer: will the low level of business confidence lead to these growth forecasts being downgraded even further?

**Mr LENDERS** (Treasurer) — I have certainly commented in this house before on the fact that as a government we forecast financial figures five times a year — far more often than the government Mr Davis was involved in did — and that we will be putting out fresh forecasts later this year with the midyear budget update. The government will do that, taking into consideration all the relevant factors. The fact that six banks and the IMF have figures out is obviously an issue the Treasury will look at. Treasury will also look at its own forecasts.

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr Davis really should consider his career after this place as an ostrich feather plucker. That would probably be of more benefit than his contribution to the economy. What I would say to him is that it is a serious question about economic forecasts going forward. As I have said in this place before, there are a couple of things about this. You work in collaboration with the rest of the nation and the G20 on dealing with the serious issues of investor confidence, business confidence and consumer confidence. I think that trashing the state and rubbing your hands with glee over one bank out of six's assessment of the future, ignoring the IMF and not waiting for the measured forecasts that will come, is irresponsible.

Our budget in May was designed for a slowing economy. As a government we will unequivocally govern for this state, and with confidence we will face

our electors on the last Saturday in November 2010. We have no fear of that, and we will be held responsible for our stewardship, as we should be. I do not think it is helpful for Mr Davis to perform antics in the meantime. What I say to him is that these are serious economic times. We will give a midyear budget update in December.

I also say to Mr Davis, with his penchant for forecasting, that if he looks at where the all ordinaries index was on 30 June and then looks at where it was at close of business yesterday, he will notice that it has dropped by 30 per cent in less than three months. If he looks today — and the last time I looked was about an hour before I came into question time — he will see that the Dow Jones index has gone back up 10 per cent.

If Mr Davis thinks that a running commentary on forecasts is helpful for anything other than for him to put out a scaremongering press release, he is in la-la land. We will put out a measured response in December. I advise him that he may find the alternative career I have suggested for him more productive.

**Innovation: Better Place program**

**Ms TIERNEY** (Western Victoria) — My question is for the Minister for Environment and Climate Change, Gavin Jennings. Can the minister please inform the house how the Brumby government is supporting innovative approaches to reducing vehicle emissions?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Tierney for her question and for the opportunity to talk about a very exciting initiative that I had the good fortune to be associated with last week, which was the Australian launch of an international program known as Better Place. It is a very exciting opportunity which will lead to the rollout of electric cars throughout the global community.

When we talk about electric cars we are not talking about hybrids but cars that plug in and have reusable, rechargeable batteries. It is an issue that Mrs Coote has an interest in. She has had her moment in the sun in relation to the types of batteries that may be in the existing technology. I look forward to, and the rest of the international community can look forward to, the next iteration of lithium-ion batteries, which will be the next change in technology that will lead to even greater efficiency in batteries in their ability to have a longer shelf life, to be recharged and to drive the electric cars of the future.

The important aspect of Better Place is that it has already established momentum in Denmark, Israel and

the United States. Last week an important international collaboration was announced between Better Place, AGL as a local energy provider, and Macquarie Infrastructure, the infrastructure investment arm of the Macquarie Bank. They have formed a collaboration to roll out the infrastructure that will be required to make sure we can replenish battery charge and replace batteries all along the eastern seaboard of Australia.

This is a very exciting project. The locations where Better Place started — Denmark and Israel — are relatively small compared to the Australian land mass. If the proposal works here — in terms of being able to provide the infrastructure through which batteries can be recharged and replaced quickly and effectively at service centres — and if that infrastructure can work across Australia, it will work anywhere, because of the tyranny of the distance covered by commuters in Australia. As a business model and as an infrastructure development issue, it is an extremely exciting prospect that Australia, and indeed Melbourne, will become the third place where Better Place is rolling out this exciting development.

Across the globe Better Place has partnered up with manufacturers — Renault in Europe and Nissan internationally — to make cars. We hope there would be some form of development in the investment and manufacture of cars that may ultimately benefit the nation. But in the first instance it is developing the infrastructure to support electric cars that is the essential part of this collaboration, and it is very exciting that Better Place has chosen Melbourne to be its home.

I congratulate Shai Agassi, the leader and founder of Better Place internationally. He is a relatively young man with extreme dynamism and vision who is trying to shift the paradigm about how infrastructure is created to support electric cars into the future so that we can get the monkey off our back with our reliance on oil — in terms of both our contribution to greenhouse gas emissions and the pressures that peak oil projections place on the global community. He has shown outstanding leadership in this field, but he is not alone. At the announcement he was joined by Idan Ofer, the chairman of Better Place; Jeff Dimery, representing the energy supplier AGL; and David Roseman, the head of the infrastructure and utilities advisory at Macquarie. They joined me in the announcement, and I was very happy to be in their company and show our government's encouragement of emerging technologies and of lower emission transport solutions that will assist in rising to meet our environmental challenge and lead the potential for greater innovation and technology in this community and in our economy.

This is part of the future. Our government is clearly associated with the establishment of hybrid car manufacturing in Australia. We are taking that further through our support for Better Place. We will support other approaches to reducing the emissions profile in the transport sector and supporting quality transportation options for our citizens. We think Better Place could not have found — literally — a better place to arrive than Melbourne, Victoria, to drive that investment across Australia.

### **Economy: global financial crisis**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer. Given the global financial crisis, what action is the Treasurer taking to actively promote Victoria as a destination for foreign investment?

**An honourable member** — A good question.

**Mr LENDERS** (Treasurer) — It is a good question, and I thank Mr Rich-Phillips for his question about what action I am taking to promote Victoria as a good place for foreign investment. What action is the government that I am part of taking? It is extensive action that the government is taking. We have put in place a series of proposals to encourage investment in this state. The fact that last year we had in excess of 51 000 net new jobs created in the state — of which I think approximately one sixth came out of investment facilitation projects — shows there is a strong amount of action.

My colleague Mr Theophanous in question time in this house about a month ago described a series of ventures he has undertaken in getting some of the airlines to come into Melbourne, which should be an issue near and dear to the hearts of Mr Rich-Phillips and his friend Mr Dalla-Riva. In my own portfolio there are a number of areas — firstly, it is about getting the business regulation regime in this state right and then showing the world that this is a good place to do business, with low taxes and low regulation. I invite Mr Rich-Phillips to discuss with me the reducing-the-regulatory-burden targets the Premier has set for me — 5 per cent a year for the next five years. When I talk in boardrooms, they are the things that encourage investment — domestic or foreign.

I am not a big traveller. As a minister I have been overseas twice in seven years, so I am not a big traveller. Perhaps Mr Rich-Phillips suggests I should do it more. But what I can say to him is that in January this year I spoke to the finance sectors in Shanghai, Tokyo and Beijing about the importance of investing in

Victoria, because Victoria is a hub for the Asia Pacific. If Mr Rich-Phillips was listening, yesterday in this house the issue of a carbon trading scheme and the options of Melbourne and Victoria being a hub for that were raised.

The basics for bringing investment and business into this state remain the core of what this government does — getting our skills up so that this is a good place to invest in a skilled workforce and to invest in infrastructure, whether that is in freight logistics or in any of the other areas where infrastructure assists us. They are the two core underpinnings of what makes this a good place to do business. But above and beyond that it is about reducing the regulatory burden and facilitating investment in a raft of initiatives. We are confident that Victoria is a great place to invest, and we are seeing the consequences of investment. Last year there were more jobs created in this state than in any other state in this federation, including the resource-rich states of Queensland and Western Australia, where they dig wealth out of the ground. Here it is created by human endeavour.

I am delighted to be part of a Brumby Labor government that is delivering the highest jobs growth of any state in the country and delivering investment support to put the environment in place for strong business investment. I am delighted to be part of it, and I welcome Mr Rich-Phillips's supplementary question, which will undoubtedly extol the virtues of this state and not trash it.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question was specifically about the role the Treasurer has played in this issue, and that is deliberate. His visit to the financial centres 10 months ago is obviously a world away from the environment we are operating in at the moment. The Queensland Treasurer recently said, 'Never before has it been more important for Queensland to foster relationships with the investors who help finance the massive infrastructure requirements of our growing economy'. Given that Andrew Fraser is personally promoting Queensland in key global financial centres at the moment, why is the Victorian Treasurer not pursuing the same strategy?

**Mr LENDERS** (Treasurer) — I am amused. Mr Theophanous asks questions every day in this place about how he travels too much, about how he is out of the state too much and about what value he brings for it. He comes into this place and talks about investment facilitation project after investment facilitation project

that he has undertaken as Minister for Industry and Trade, and the opposition ridicules it. Mr David Davis gets as excited as a demented puppy every time there is a Department of Innovation, Industry and Regional Development report on travel, saying, 'How can we justify being out there?'. Then in the next breath Mr Rich-Phillips comes into this place and accuses me — a minister, of all things — of not travelling enough! I recall his esteemed leader, Mr David Davis, having a go at me for my trip to New York, Shanghai, Beijing and Tokyo being a waste of taxpayers' money. I recall his Waste Watch spokesman, Mr Dalla-Riva, salivating over the same thing, and here Mr Rich-Phillips is saying I do not travel enough!

As Treasurer I meet leading chief executive officers (CEOs) — for example, this evening I will meet a CEO of an international company in this house. I will meet them to extol the virtues of Victoria as a place to do business; I will do that. I will travel where I need to — I am a reluctant traveller, but I will do it because the job requires me to — in order to go to these international gatherings, meet with people and spruik the state of Victoria. If he is talking about the industry and trade portfolio, if my recollection is correct, today is day 17 of my being Acting Minister for Industry and Trade, and we have had two parliamentary sitting weeks in that time.

**Mr Guy** — Calm down!

**Mr LENDERS** — Mr Guy says I should calm down. I am excited — I have never been accused of not travelling enough in my life. I am interested in Mr Rich-Phillips's new standard; perhaps he would like to accompany ministers on overseas trips.

However, the serious point, and I welcome Mr Rich-Phillips's question for that, is if he is endorsing the Victorian government and ministers spending even more time and more effort travelling to facilitate business, then I will take that on board, and I will hold him to it when in future his colleagues David Davis and Richard Dalla-Riva condemn ministers for doing exactly that thing. I look forward to that.

Secondly, you do not travel for the sake of travelling. A minister should travel overseas for a particular purpose. Mr Andrew Fraser holds portfolios other than his Treasury portfolio. If Mr Fraser wishes to travel, good on him. I will travel as my job requires me to. However, Mr Rich-Phillips and the house can rest assured that this government will leave no stone unturned in getting decent investment in the state of Victoria, because the issues that matter to us are confidence, jobs, jobs and more jobs. This is important

to make Victoria an even better place to live, work and raise a family.

### **Footscray: transit city**

**Mr EIDEH** (Western Metropolitan) — My question is for the Minister for Planning, Justin Madden. Can the minister update the house on how the \$52.1 million Footscray renewal initiative will deliver a more vibrant, attractive, sustainable and safe town centre for the people of the western suburbs?

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Mr Eideh for his interest in this matter. I know he is very conscious of the progress that is being made on a number of fronts in Footscray. It has been one of those matters that has gained a lot of interest in this chamber.

**Mr Finn** — Have you spoken to the shopkeepers down there? Go down and have a talk to the shopkeepers and see what they think.

**Hon. J. M. MADDEN** — I take up Mr Finn's interjection, because recently I was in the heart of Footscray to open the mall works. On that occasion I thanked the retailers for their patience, because you cannot do a major refurbishment of a shopping centre with having a little bit of impact on the retailers. However, the retailers will see the benefits for years to come of the renewal and the investment being made in Footscray.

As a result of the \$52.1 million being invested in the Footscray renewal initiative we are seeing a number of components of the overall project coming to fruition or realisation. The first is probably the most symbolic but also the most relevant, and that is the new footbridge and forecourts at the Footscray railway station. I have talked on a number of occasions in this chamber about the enormous opportunity Footscray station offers to Footscray, because not only do a significant number of metropolitan trains come through that gateway but a number of regional fast rail trains also come through that gateway. It is a great connector for the suburban network and the regional network, hence this investment is important.

I am not sure if Mr Finn has walked across the footbridge lately, but it is idiosyncratic — a bit like Mr Finn. It also lacks substance. The bridge is a bit flimsy — a bit like Mr Finn. One of the things we are providing is a new and modern footbridge. It will have a number of direct impacts on the community. About 12 000 patrons come through the Footscray station, and most of them use the station footbridge. We will see a

new footbridge which will be over 6 metres wide, so it will allow for an enormous amount of pedestrian traffic. It will cater for those with a disability — the current bridge is not disability compliant, but this will be. It will include large lifts to provide access to each platform and the bridge itself. In addition, it will provide security cameras, lighting and architecturally designed canopies.

We are not getting a lot of rain at the moment, but if you are on the footbridge in inclement weather, you know about it, because you end up saturated before you catch the train. We will have a canopy across the bridge. As well as that, there will be bicycle channels up the stairways, so those of us who want to take bicycles on the trains will be able to guide them up the channels rather than trying to load them into the lifts or carry them up the steps. I look at my colleagues on the other side of the chamber and suspect that they will not get much use out of those channels, but I would like to encourage them to do so.

One of the great components of this project is that it is being done in conjunction with the Maribyrnong City Council. I want to compliment the Maribyrnong City Council for the great work and collaboration it has undertaken. I know Mr Finn is an enormous sceptic when it comes to collaboration, because he cannot spell the word let alone pronounce it. However, collaboration is at the heart and soul of delivering this project.

In addition, this investment is in combination with the strategic work revealed in *Planning for all of Melbourne*. It delivers on the vision of the community of Footscray and a vision for all of Melbourne. In planning for all of Melbourne we will make not only Footscray but all of Melbourne the best place to live, work and raise a family.

### **Industry and trade: Gulf Cooperation Council free trade agreement**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is for the Acting Minister for Industry and Trade. Given that the total annual trade in goods between Victoria and the United Arab Emirates is worth more than \$660 million and that motor vehicles account for more than 40 per cent of that total, has the minister or his department made a formal submission on the free trade agreement with the Gulf Cooperation Council?

**Mr LENDERS** (Acting Minister for Industry and Trade) — I thank Mr Dalla-Riva for his question. Clearly there is a theme here today — my personal

accountability for the state of the planet. I am flattered that the opposition is so obsessed by this issue today.

What I can say to Mr Dalla-Riva on issues of industry policy and trade is that we as a government are focused on these matters. We as a government have put trade officers in place around the world to facilitate investment in the state of Victoria — unlike other states, not mentioning any very large ones to our north and south of Queensland, which rely on Austrade to do this sort of work. The Victorian government has intervened in this area to facilitate trade.

I am sure Mr Dalla-Riva's supplementary question, like all the other ones, will be designed to trash the state, as they always seem to be. But I can say to the member and the opposition that we have worked diligently to encourage manufacture and trade in this state. We have seen employment growth in this state — an average of more than 1000 jobs a month since we were privileged to be elected to government back in 1999.

We are seeing a very turbulent world economy. As I said to Mr David Davis earlier, the all ordinaries dropped 30 per cent in three months and then went up 10 per cent in a day. The single largest issue for manufacturing is probably the value of the Australian dollar. It has fluctuated between 98 cents and 60 cents since, I think, the start of May, when it was at its peak of 98 cents. We will continue to work with — —

**Mr Koch** — Answer the question.

**Mr LENDERS** — I know Mr Koch likes to interject, but I will answer Mr Dalla-Riva's question in my own way. We will continue to work on the things that matter in getting this state moving, which are facilitating investment, building on the skills of our community and investing in infrastructure. We will work in collaboration with industry on getting all these issues on the agenda to work through the difficult global times we face. However, Victoria is a great place. It has got a great community. It has a greatly skilled workforce. We are investing in infrastructure, and the state is well positioned to come out of these difficult global times better than most other places.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — I think it is clear from the minister's non-answer that nothing has occurred. Meanwhile our trade competitors, including the European Union, China, Japan, New Zealand, Singapore and India, have all been making strong progress when it comes to — —

**The PRESIDENT** — Order! We do not need a speech, but a question.

**Mr DALLA-RIVA** — It is a question, President.

**The PRESIDENT** — Order! Get to it, please.

**Mr DALLA-RIVA** — This is about the free trade agreement, and I am explaining that there are other jurisdictions engaged in it. They have all been making strong progress; they have all been negotiating this bilateral free trade agreement with the Gulf states. My supplementary question is: in relation to important Victorian manufacturers, why has the government not taken any action on this important issue?

**Mr LENDERS** (Acting Minister for Industry and Trade) — I have answered Mr Dalla-Riva's supplementary question in my substantive answer.

**Economy: Export Connections network**

**Mr ELASMAR** (Northern Metropolitan) — My question is also for the Acting Minister for Industry and Trade, John Lenders, and I ask: how will the recently announced Export Connections network create jobs and give Victoria's exporters the support they need to succeed in the global market?

**Mr LENDERS** (Acting Minister for Industry and Trade) — I must admit question time in this place is very interesting — government members are so nimble afoot. Yesterday Mr Leane picked up a perfect segue to an opposition question, and today Mr Elasmarr picks up a perfect segue to a question. If anybody has any doubt about the spontaneity of questions, I suggest that they look at *Hansard* for yesterday and today. I congratulate Mr Elasmarr on a logical segue to Mr Dalla-Riva's question. I am delighted to answer his question on Export Connections and the things the Victorian government is doing to facilitate exports from the state.

Last week I announced a \$4.8 million commitment for Export Connections, which is a new interactive online network designed to streamline information sharing and assist by providing important ingredients to give Victoria's exporters a competitive edge worldwide in what are challenging times.

As I said to Mr Dalla-Riva, it is all about opportunities and being positioned to take them. The roller-coaster ride in the value of the Australian dollar that we have seen in the last six months is clearly one of the most significant issues facing exporters. A range of programs including Export Connections, the Opening Doors to Export plan and the Victorians Abroad program have contributed to Victorian goods and services exports

going up by more than 34 per cent in the nine years since we were privileged to be elected to government.

These are not just statistics; these programs have done an extraordinary amount to assist Victorian companies. For example, in the last financial year 3480 companies were provided with assistance, and 1167 companies participated in individual export programs. These are exactly the ways in which government can assist businesses in a competitive and volatile global market to do what businesses are good at — that is, carrying out their business in a competitive international environment. These are the things that the Department of Innovation, Industry and Regional Development and the Victorian government are focusing on to build on the competitive skills of Victoria's own workforce — its own people.

The government's investment in skills, in infrastructure and in assisting our people overseas, rather than the hollow rhetoric espoused by many of those opposite, is necessary to assist us in creating more jobs in the state and more exports from the state.

It is also worth expanding upon what we as a government have done to facilitate this. In addition to my colleague Mr Theophanous's well-deserved rewards for the travel involved in bringing jobs to this state, as he has outlined in this house, the Victorian government operates 11 business offices worldwide, and a 12th will be opened later this year in Kuala Lumpur. The existing offices are in places like Frankfurt, San Francisco, Chicago, New York, Hong Kong, Shanghai, Nanjing, Dubai, Tokyo and Bangalore.

The government will continue to work in partnership with exporters to give them the capacity to get more exports overseas, particularly at the opportune moment now with the devalued Australian dollar, which presents great opportunities. I look forward to working with great Victorian companies to make Victoria an even better place to live, work, work in new export-related jobs and raise a family.

**Information and communications technology:  
regional infrastructure**

**Mr VOGELS** (Western Victoria) — My question without notice is to Gavin Jennings, Acting Minister for Information and Communication Technology. As part of the Bracks government's fast rail projects in Ballarat, Geelong, Bendigo and Traralgon, VicTrack rolled out a new optical fibre network alongside the rail lines, which, it was claimed, would deliver competitive broadband services to these regions. Apart from

VicTrack, what information and communications technology (ICT) providers have connected to this multimillion dollar fibre-optic cable?

**Mr JENNINGS** (Acting Minister for Information and Communication Technology) — I thank Mr Vogels for the opportunity to talk about the important role the Victorian government is playing in supporting the rollout of important communications technology. Victoria is one of the few jurisdictions across the nation that recognises that as a government priority.

Until recently, with the arrival of the Rudd government, we have consistently seen a lack of commitment at the federal level to making sure that infrastructure was provided right across the Australian community. We see the benefits of making sure we provide good-quality, fast and accessible broadband technology and optical fibre connections throughout Victoria. We understand the importance of the economic benefit to regional communities that may be derived from that. We support quality education in local communities. These are among the reasons why we have invested, and continue to invest — a feature of the innovation strategy was ongoing investments — in these infrastructure rollouts to support development across the community. It is a feature of our ongoing interest, both in terms of our investments and in terms of the federal rollout of new ICT in the near future through a significant \$5 billion program, that access is provided to all members of the community.

I understand the importance of this matter. For the reasons that the Victorian government has embarked upon rolling out the technology — the reasons I have described — we will continue to roll it out. As the member may have predicted, because of my acting responsibilities in this field I may not be able to give the most detailed, esoteric response to his question about the range of organisations or communities that may have taken the opportunity to get connected to this rollout. I am very happy to take advice on that matter and respond to him accordingly. But certainly from the government's perspective, we are committed to making sure we have well-connected communities right across Victoria. That is the underlying logic of our investment strategies and is why we took the opportunity to use a major infrastructure rollout across Victoria to make sure communication is an essential part of the fabric of economic development and developing the skills base of communities. That is the reason why we have embarked upon it; that is the reason why we will stay in the space. In terms of the absolute details of his question, I will have to take advice on the matter.

*Supplementary question*

**Mr VOGELS** (Western Victoria) — I thank the minister for his answer. On 11 August the Minister for Information and Communication Technology announced the Brumby government had earmarked another \$20 million for the development of fibre-optic cable from Bendigo to Mildura and Geelong to Warrnambool. As the government failed to win any tenders from the original fibre-optic links laid and paid for by taxpayers, will the minister call for expressions of interest from information and communications technology providers before proceeding to spend another \$20 million of taxpayer funds for these recently announced projects?

**Mr JENNINGS** (Acting Minister for Information and Communication Technology) — I am grateful that Mr Vogels asked me the first question to provide me with the opportunity to outline the logic of intervention in the state of Victoria and to make sure that we are committed to our communities, to make sure not only that we provide physical infrastructure, such as train lines, but that we in fact understand the importance of connecting communities so they can have a better skill base, better access to information and underpin economic activity. That is the reason why we are doing it; that is exactly why we are in the space.

In terms of Mr Vogel's question about the most appropriate form for the tender to be rolled out being the capability to maximise the opportunities for private sector investment, we are very keen to maximise those opportunities to leverage off what is clearly a public commitment to the state of Victoria. In terms of what is at the heart of the question — in fact, leveraging better private sector investment — that is actually something we appreciate.

We take your advice on that matter. I think in terms of the way in which the process unfolds, the maximum investment from the private sector would be well appreciated by the state of Victoria, but we will not shirk our obligation and commitment to supporting regional communities across Victoria.

**Housing: affordability**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to John Lenders, the Treasurer. Can he advise the house how the Brumby Labor government is making it easier for first home buyers to purchase a house?

**Mr LENDERS** (Treasurer) — I thank Ms Mikakos for her question and her ongoing interest in the great

Australian dream of people buying their own home. In the May budget, this government — as part of a strategy of both encouraging growth in regional Victoria and intervening in construction in regional Victoria at a time when we knew the economy was going to grow at a slower rate — extended its first home buyers grant to people in regional Victoria so there would be an extra \$3000 for those people. So a person in regional Victoria would receive the original \$7000 the state pays, a further \$5000 if they are buying a newly constructed home, and a further \$3000 on top of that to encourage growth in the housing sector, stimulate construction and, most importantly, meet that goal of first home buying.

We, as a government, absolutely welcome the recent contribution from the commonwealth of the first home buyer boost to add to this. A person in regional Victoria can now get a \$29 000 combined commonwealth and state contribution towards buying a newly constructed home in regional Victoria, provided that the tests are met. We absolutely welcome that — firstly, for what it does for the aspirations of those first home buyers and secondly and significantly, for what it does as a stimulus at a time of economic slowdown in that area.

**Mr Drum** interjected.

**Mr LENDERS** — Mr Drum is predictable. If he were to just cross the border of his electorate into Moama or possibly even go a bit further north and into Queensland, he would find that if you are looking, for instance, at a regional centre house and land package and if you were to take Wendouree in Victoria as an example, which has a \$185 000 median house price and a land price of roughly \$90 000, by the time you take the stamp duty off-the-plan concession in Victoria, which no other state has — and all the rest of it — you are talking of cash in hand for a Victorian first home buyer of \$27 090 after stamp duty is paid.

In regard to an equivalent example in regional Queensland, like Carole Park, you would get \$21 000. So you would be \$6000 better off in regional Victoria than you would be in regional Queensland. If Mr Drum likes, I can give examples — —

**Mr Drum** — On a point of order, President, the Treasurer is quoting off-the-plan figures, and he knows for a fact that off-the-plan figures for regional Victoria — —

**The PRESIDENT** — Order! That is not a point of order.

**Mr LENDERS** — Actually the only excitement I have seen that is anything like that today — although it

would probably be more appropriate to mention Mr Rich-Phillips — concerns one of my staff members who is in the United States, who shook hands with Barack Obama in Virginia yesterday. He was even more animated than Mr Drum, and that is really saying something. Matt Nurse is my staff member —

**The PRESIDENT** — Order! He was on holidays; the minister should come back to relevance.

**Mr LENDERS** — Yes, he was on holidays, but he was animated, let me assure you, President.

**Mr Jennings** — That was not on the plan.

**Mr LENDERS** — No, that was off the plan. Ms Mikakos raised the issue of what we are doing to assist first home buyers. We absolutely welcome and embrace the first home buyer boost from the commonwealth. Today my colleague Mr Holding, Minister for Finance, WorkCover and the Transport Accident Commission, will introduce legislation to facilitate that first home buyer boost being joined onto the existing homebuyers grants in Victoria, because we want Victorians to invest and to buy their own homes. This is a great package to make Victoria an even better place to live, work and raise a family.

### **Innovation: stem cell research**

**Mr KAVANAGH** (Western Victoria) — My question is for Mr Jennings, the Minister for Innovation. It relates to a topic that was raised yesterday in the house regarding cloning for stem cell research. I refer to a letter written by an emeritus professor of medicine, Professor Martin, at the University of Melbourne. It was a letter that I think was received by most members, and it shows that already, over the last 12 months, cloning for research purposes has been absolutely superseded and is now completely redundant. It concludes:

As it stands now, there is no basis for any further efforts to achieve therapeutic cloning using the transfer of adult cell nuclei to human eggs. Indeed it would be irresponsible to attempt this.

I ask the minister: what changes have been made to government policy in response to this fundamental change in research technology?

**Mr JENNINGS** (Minister for Innovation) — I am happy to answer the question from Mr Kavanagh. Every time I talk about stem cells I pre-empt the eventual arrival of his question and probably matters that he will raise in consideration of a matter that I will not pre-empt by talking about what is on the notice

paper. I am well aware of Mr Kavanagh's enduring interest in this matter.

When I talk about the funding that has been provided by the state of Victoria and joined in a collaborative effort by the New South Wales government in recent times in supporting stem cell research, I take the opportunity to talk about the parallel stream of embryonic stem cell research with induced pluripotent stem cells, which is the alternative stream that Mr Kavanagh and other members of the community have a greater degree of confidence in because it is derived from other forms of tissue rather than through somatic cell nuclear transfer (SCNT). I have taken the opportunity to reflect on the intention of the government through its funding arrangements to test the validity and the application of these various forms of stem cell research.

I understand Mr Kavanagh is not alone in having ethical considerations about SCNT stem cell research; others in the community share his concern. However, what Mr Kavanagh purports to be the accepted scientific wisdom is an assertion which I refute. That it is well established and recognised and that there is no longer a valid reason to pursue SCNT stem cell research are assertions I reject.

Part of the scientific research program that we have in Victoria, part of what is happening around the world and part of the collaboration between ourselves and the California Institute of Regenerative Medicine is to test what is the appropriate application of that field of scientific endeavour and what benefits the community may derive from it.

I am happy for us to be tested in this field and I am happy for us to see the relative effectiveness of these two forms of the significant streams of stem cell research, but I do not accept that there has been unequivocal scientific evidence to fall on one side or the other. I will assert in this place, in the public domain and in subsequent debates, in terms of providing support for research into the future, that there are still many reasons why we should continue with determination to explore the application and effectiveness of stem cell research.

### *Supplementary question*

**Mr KAVANAGH** (Western Victoria) — If the obsolescence of cloning as a research technique can be shown to the satisfaction of the minister, would that not warrant, indeed necessitate, a change in government policy?

**The PRESIDENT** — Order! In my opinion Mr Kavanagh is asking for an opinion, which is contrary to the standing orders.

**Mr Jennings** interjected.

**The PRESIDENT** — Order! I am sure the minister can answer, but the question is whether the Chair will allow it to be answered. I will allow Mr Kavanagh the opportunity to rephrase his supplementary question.

**Mr KAVANAGH** — If it is demonstrated to the satisfaction of the minister that the cloning technology is now obsolete, does he intend to change government policy?

**Mr JENNINGS** (Minister for Innovation) — I thank the President for the opportunity to allow Mr Kavanagh to ask his question because it still warrants some personal opinion of mine and in terms of my responsibilities, but I am happy to outline what the sequence of events would be. In terms of the evidence and in terms of the commitment to research, I do not desert for 1 second from what I have said in my substantive answer. There are still many reasons for us to pursue with vigour the potential for SCNT research.

If the hypothetical situation of Mr Kavanagh's assertion came to be the scientific opinion that I would accept, then subsequently I, as a part of the government, would have some opportunities and obligations to share that with my colleagues and, with the collaboration within the policy development process of the government, to determine what the appropriate policy framework may be, and then, if necessary, to lead to legislation.

But at this point in time the Victorian government absolutely reaffirms its commitment to the legislative framework that we have in place in Victoria, to support the scientific research that we have in place and to consider — on the basis of the best evidence, the best science and the best ethical considerations — our position going forward. At this point in time we have got a lot of work to do.

### **Planning: central Dandenong**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Planning, Justin Madden. The Brumby Labor government is committed to the rejuvenation of key areas of economic and social significance through its Transit Cities program. Can the minister update the house on recent steps taken by the Brumby government in partnership with the private sector to revitalise central Dandenong?

**Hon. J. M. MADDEN** (Minister for Planning) — In my previous answer I was talking about Footscray as a gateway to Melbourne and the opportunity for renewal, rejuvenation and investment in Footscray as a transit city. In the same sense, in the south-east, Dandenong offers an enormous opportunity for job prospects, urban renewal, development and additional investment, but particularly for job opportunities in that south-west corridor. We are working in conjunction with the private sector through VicUrban to make sure that we bring the vision for rejuvenating Dandenong to fruition.

Recently I launched a state-of-the-art facility for the Grenda bus corporation at its new \$15 million site on Cheltenham Road. Grenda Corporation has a remarkable story. In 1945 George Grenda bought a bus business with six buses, and today Grenda Corporation — I think it is in its third generation — has 470 buses in its fleet and employs more than 800 staff in Victoria alone. As well as that, it has investments interstate and overseas. It really is iconic, not only in terms of the community and as a business in the local area but also as a family-owned business that started small but has grown exponentially over many years. It is a testament to the great work of the Grenda family.

What is really critical here is that in relocating the business and entering into a partnership with VicUrban, we were able to free up land around the southern side of the Dandenong railway station. As well as that, we have invested \$8 million to upgrade Cheltenham Road, which provides improved access off EastLink to central Dandenong. There will be further works to make sure this is improved.

As well as that, we have seen recent major milestones, particularly with the expression-of-interest advertisement for the new government services building in Dandenong. This is a \$70 million-plus building which will stimulate economic activity in the area and co-locate and concentrate service provision. It will provide in the order of 456 full-time construction jobs in and around this project precinct going into the future.

In terms of vision for Melbourne, investment not only in transport and in land use but in particular in renewing some of these critical transit city centres to provide additional jobs — particularly a diversity of jobs in these locations — will assist in the growth and development not only of Melbourne but the greater metropolitan region, even into the peri-urban areas, and give advantage to those in regional Victoria. Through this investment and through these partnerships and the great work of the government and the private sector, we are continually improving Victoria to make it the best place to live, work and raise a family.

**Sitting suspended 12.55 p.m. until 2.04 p.m.**

## ESSENDON AIRPORT: FUTURE

**Debate resumed.**

**Mr DALLA-RIVA** (Eastern Metropolitan) — As I indicated before question time and lunch, this is a motion about saving Essendon Airport, and it has eight points. In my contribution I have been going through the motion and noting those points. In addition, the opposition has noted the July 2008 submission by the Minister for Industry and Trade to the federal government on the development of a national aviation policy statement. We have recognised the Victorian government's policy of closing Essendon Airport and the consequent reduction in the state's competitiveness in the aviation industry and losses associated with that. There are approximately 1500 jobs and 100 businesses that are directly related to this important industry. We have also acknowledged the importance of Essendon Airport in terms of Melbourne being a provider of high-value employment and business. Point 5 of this motion:

recognises that the closure of Essendon Airport will lead to a large escalation of smaller aircraft —

and I think I have produced enough evidence, certainly from Melbourne Airport, in terms of some of the issues — in particular the police and emergency aircraft services operating out of Essendon Airport and the blow-out in response times. I will return to this later in relation to point 6.

It is clear when you look at *Melbourne 2030* that the intent of the government is one of money-grabbing. The Treasurer of the state, John Lenders, placed his name on a policy announcement in 1996 under Mr Brumby's platform statement, *Developing Victoria — Labor's Jobs and Industry Plan*, espousing the retention of the airport. For the record, I am very pleased — having just sat through question time — that Mr Lenders has actually developed an industry plan. It is something that we on this side of the house have been calling for for a long time. In 1996 he could do one. We know he is the Acting Minister for Industry and Trade. It might be worthwhile if he actually — —

**Mrs Peulich** — No — standing in, not acting.

**Mr DALLA-RIVA** — He is there part-time. In 1996, the *Developing Victoria — Labor's Jobs and Industry Plan — Platform for a Brumby Labor Government*, authorised and printed by J. Lenders, 23 Drummond Street, Carlton South, 3053, quite

clearly outlined on page 36 the short to medium-term projects to be considered. These included:

encouraging the redevelopment of the Essendon Airport ...

Even when in opposition the Labor government agreed that it would be important to keep it open, and I think it is important to acknowledge that. It is also important to acknowledge that the Liberal Party has never proposed to close Essendon Airport, and we have been steadfast in that resolve. One of the issues we have always looked at is what Essendon Airport can deliver and what it can provide, and its place in our policy position is clear.

It is interesting to look at the section 'A more prosperous city' in *Melbourne 2030*. Clearly it is less prosperous if you are in the aviation industry, because the government talks about its initiatives on page 85. One of them, under 4.3.6, is:

Protect Melbourne Airport's 24-hour curfew-free operations ...

Yet the document says also that it will work towards closing Essendon Airport. It says at 4.3.9:

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

I am obviously going to have to say that as it states 'Complete and implement the Victorian aviation industry strategy', I look forward to it being tabled in here.

**Mr Finn** — Don't hold your breath!

**Mr DALLA-RIVA** — I think it is with the manufacturing industry strategy and the financial services strategy. It is sort of there somewhere in the ether — somebody is looking at it somewhere in some far-off land. I look forward to hearing where the Victorian aviation industry strategy is at, if Mr Lenders gets up in his role as Acting Minister for Industry and Trade to indicate that as well.

**Mr Koch** interjected.

**Mr DALLA-RIVA** — It might be one page; it might be on a sheet of paper, as Mr Lenders said yesterday.

The government's move is to close the airport and turn it into a significant employment and residential precinct. It is already a significant employment precinct as it is and there are significant residential areas around it. There seems to be no rationale for closing it, other

than the issues of supposed noise and accidents. I will go to them in a minute.

Mr Kelvin Thomson happens to be the most unfortunate member of Parliament. He was in the then Victorian state opposition. He left, thinking he would never be a minister — —

**Mr Finn** — In 1996 he jumped.

**Mr DALLA-RIVA** — He jumped in 1996, thinking, 'I'd better go to the feds because it might be a safer bet'. He went there — —

**Mr Finn** — They lost the next election.

**Mr DALLA-RIVA** — Labor lost the next federal election and then the state opposition became the state government, and of course it had all its ministers but Mr Thomson was on the federal backbench. Then he became a shadow minister before the next federal election and decided he wanted to write something. That all fell out, so he was pushed to the backbench, and then federal Labor fell into government and he missed out again. That is for the benefit of those who aspire to be ministers.

I actually know Kelvin, and I am sure he would find much humour in the fact that wherever he has gone — —

**Ms Mikakos** interjected.

**Mr DALLA-RIVA** — I do not know him so well that he needs to write a letter about me! Having said that, I have met him on the odd occasion. I think he has got it wrong this time as well. He talks about the federal Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese. Maybe before he submitted this to the federal aviation review he might have spoken to Mr Albanese. I will leave it there for a later time; it may fall out.

He got it wrong, because he said:

I am making this submission in relation to Essendon Airport, which is located within my electorate.

He should be standing up for his electorate, but he said:

I am making this submission to propose that aviation policy incorporates a phasing out and relocation of aircraft from Essendon Airport.

What a great local member! It gets worse, because who backs him up? He said:

I believe Essendon Airport is past its use-by date as an airport and I have discussed this in my joint submission with Mrs Judy Maddigan, MP, the state member for Essendon ...

So the state member for Essendon in the Assembly and the federal member overseeing Essendon are both saying, 'Get rid of it. We don't want people being employed. We don't want an aviation industry'. I do not know what they want but they do not want that industry there. They still think there will be some grassy green land in an area that once had 707s regularly landing and taking off.

**Mr Finn** — It will be turned into a block of flats.

**Mr DALLA-RIVA** — It might, indeed. That is my concern. I have always asked what those supporting the closure of Essendon Airport are proposing will be there. If they think it is going to be an open green play area, I suggest that they go to where the Kew Residential Services cottages were and see how much green land is there — it is amazing!

We have some responses. Mr Paton put in a submission publicly criticising Mr Thomson. In his email of 26 June 2008 to Mr Thomson he said:

I'd like it to be known that I disagree with the comments in relation to Essendon Airport ...

Mr Thomson talked about the fact that there are accidents emanating from Essendon Airport. In fact only three accidents have been reported over the past 30 years. He also submitted that an enormous amount of pollution emanates from the airport. As I said, I went there last week and I must say that given the pollution that comes off Tullamarine airport and around that area of Bulla and the whole freeway system there, he is really plucking at straws.

The local resident says:

I am a long-time resident and have no issue with the airport, its noise or supposed fumes. I have more issues with the fumes coming from the Tullamarine and Calder freeways. As for safety, it can be argued that these roads are more dangerous and cost more lives than the airport has.

I think that is a fact. He then goes on to talk about the importance of the lifesaving function for the whole of Victoria and says:

The Victorian ambulance service uses Essendon, and the driving time ...

This is an important point that has not been picked up. Everyone says, 'Look, just put the emergency service aircraft into Melbourne'.

**Mr Finn** — No, it can't be done.

**Mr DALLA-RIVA** — It can't be done. The arguments are that it is an international and domestic

airport. It is designed for commercial and freight aircraft. The other suggestion is to put them at Avalon. As has been pointed out many times, aircraft land there and getting to the Alfred and the Royal Melbourne Hospital takes longer.

**Mr Finn** — Or the Royal Children's.

**Mr DALLA-RIVA** — Indeed, Mr Finn, the Royal Children's. If a fixed-wing aircraft lands at Avalon, let's say at 8.00 a.m., and the ambulance has to travel to the Royal Children's Hospital with a young person inside it, it may take a long, long time. I am concerned that the proximity of the airport to the hospitals is important. People seem to forget that. Again I am trying to work out the rationale for wanting to close Essendon Airport.

Another response was sent by Mr John Eacott, who says:

The supporting evidence relied upon by Kelvin Thomson is weak and often irrelevant. There is a gross misunderstanding of many issues ...

He goes on to talk about some of the issues. He says that the air quality on the freeway and the Northern Ring Road is more noticeable than from Essendon Airport. He goes on to quote what Kelvin said, and this is important:

Had public feedback been sought, the government would have known that the strong majority of residents want aviation activities to be relocated.

He says:

Where is the proof that a 'strong majority' support this claim? One hundred and twenty residents attending a meeting is far from a majority!

I object strongly to this assertion by Mr Thomson —

and, by default, the state Labor government!

There is a range of other submissions by various people. Each of them talks about the Victoria Police Air Wing and the Royal Flying Doctor Service. Members based in country Victoria who vote against this motion will be sending a clear message that they do not support these important services, because by default the closure would relocate the services into an area which may not be feasible, for instance in terms of bringing patients into our hospitals in a timely manner. I, for one, do not want to support that.

One of the submissions, from Clayton Simmons, states:

One of the complaints of those wanting this airport closed is the alleged fumes.

He goes on to say that the Tullamarine Freeway produces a much greater volume of fumes. If the government proceeds with closing Essendon Airport, what does it propose to put there in its place?

**Mr Finn** — A block of flats.

**Mr DALLA-RIVA** — I think it will be more than a block of flats. I think there will be significant overdevelopment, and that is going to be an important issue.

There are many other submissions that people can download from the website. The issues are pretty much the same. Many people are in support of the retention of Essendon Airport because they believe it is important for a range of reasons. They cover the whole cross-section of reasons — medical, private, charter, and training requirements.

A Mr Thomas says in his submission:

1. Aviation at Essendon is a very fundamental need of a whole section of our community ...
2. Communities and development around the airport may be well established, but none that complain outdate the airport itself ...
3. People complaining about airports are in all probability using other airports ...

He goes on to talk about the fact that the neighbouring communities need to understand that the replacement for the airport may actually be worse than the airport that people are complaining about.

I know that other members wish to speak so I will wind up my contribution. I thought it was important, though, that even some of the Labor members acknowledge the importance of the airport. In a members statement of 7 May of this year Ms Tierney raised the issue 'Budget: ambulance services'. I will simply read what Ms Tierney said:

I rise to mention the record \$185.7 million Brumby Labor government budget boost for ambulance services, which will significantly increase access to vital services in communities across Victoria. The two new medical helicopters, a proposed single statewide ambulance service, and new or expanded ambulance services based in 59 towns and suburbs across Victoria is a massive boost for health services. One of the helicopters, to be based at Essendon Airport, is to transport ill and injured babies, children and adults as part of a retrieval system.

So is Ms Tierney going to come in here and vote against this motion after explaining to the Parliament that she supports the location of one of those important helicopters? If she does, the electorate will have to know. Her electorate will have to know that she does

not stand up for rural and regional Victoria. Does she want the helicopter to be placed somewhere far away from the important nearby hospitals? Because that will be the end result. I just hope that Ms Tierney does the right thing if it goes to a vote.

This is an important motion; it is not a motion that should be taken lightly. There has been a lot of angst. On 17 October The Nationals' Mr Peter Ryan, the member for Gippsland South in the Assembly, who has responsibility for rural and regional development, was out there. He has received an enormous number of petitions from people around country Victoria calling for the retention of Essendon Airport because of its proximity to country Victoria. He has listed a range of issues, which I know my country members on this side, who will be supporting the motion, will talk to. There is more support for retaining the airport than there is for closing it. Whilst I respect and understand people's concerns about the airport, it is not noisy and it is not a pollutant; it is a good environment for an industry which needs support, not a dogmatic approach by a government that is more interested in the short-term money grab than the security of a vital industry for Victoria, and Melbourne in particular.

**Ms MIKAKOS** (Northern Metropolitan) — I am pleased to be able to speak on this motion and indicate the reasons the government will be opposing it. The reasons are that the motion contains factual inaccuracies and it is part of a scaremongering campaign by the opposition. It is a desperate and cynical attempt to scaremonger amongst country Victorians, and I think the facts speak for themselves in relation to this issue. The opposition knows full well that there is no proposal to close Essendon Airport. Any change to Essendon Airport is ultimately a decision for the federal government and something for the medium to long term that would involve full consultation with the community. I think Mr Dalla-Riva himself acknowledged that, because he quoted federal Labor MPs at considerable length during the course of his contribution.

**Mr Finn** — Only one.

**Mr Dalla-Riva** — Only one, and he represents the area.

**Ms MIKAKOS** — Okay, he quoted Mr Kelvin Thomson, a very capable member of Parliament, who has expressed his views on this issue, but as Mr Dalla-Riva knows full well and has acknowledged in his own contribution, this is a federal government decision.

It is wrong to say that there is a proposal to close Essendon Airport. Future options for Essendon Airport have long been canvassed in the *Melbourne 2030* document, which is the government strategy for containing urban sprawl and addressing the issue of population growth in our state, and since the Melbourne 2030 policy was formulated back in 2000 the issue of Essendon Airport has been in the public domain. The opposition has said nothing about that until now; it has taken eight years for it to catch up on this debate and engage in a cynical attempt to scaremonger amongst country Victorians.

As members would know and understand, the Victorian government's submission to the aviation review addressed a range of issues in relation to curfews. The submission indicated that since the 1980s, Victoria has planned to ensure that its major airports can operate in a 24/7 curfew-free environment, and Melbourne Airport's 24-hour-a-day, seven-day-a-week operation in particular provides a huge competitive advantage for our state and needs to be protected. It is important to note that 12 per cent of current international services operate during the hours when other major airports are subject to curfew restrictions.

We all know very well the type of debate that people in Sydney have been engaging in for many years in relation to curfew restrictions and the impact of noise from their major international airport. It was evident in the 1950s that Essendon Airport had already been constrained by residential development that had occurred during the early 20th century. Curfews at Essendon Airport have been the result of this, and while the airport remains operational these curfews need to remain in place.

In this context, Melbourne 2030 recognises the current role of Essendon Airport in providing specialised functions related to aviation, freight and logistics, but notes that in the medium term this facility should be closed as an airport and transformed into a significant employment and residential precinct. It is important that members read the actual wording contained at page 85 of the *Melbourne 2030* document in relation to this proposal being canvassed as something that may or may not be undertaken in the medium to long term.

In relation to consultation, the Victorian government's submission also noted that there is scope to improve consultative arrangements between the commonwealth, state and local governments, airports and the community in relation to a range of areas related to airport planning and development. In this respect it is Victoria's experience that there is no uniform consultation model appropriate for all airport

development and operations. Indeed it may be preferable in some instances to convene several forums when addressing community and stakeholder issues.

Both Melbourne and Moorabbin airports have active local government, community and stakeholder consultative and information-sharing arrangements. These processes are currently in development in relation to Avalon Airport. As I said before, if we look at the experience in Sydney we can learn a lot from these types of issues, and that is why we have acknowledged and recognised there is scope for improvement to these consultative arrangements.

However, at least two previous attempts to establish stakeholder engagement forums at Essendon Airport have not proved sustainable. Key issues affecting the development and day-to-day operations of the airport became overshadowed by debate as to whether the airport should be operating at all.

Decisions on master plans and ensuring development proposals should involve early consultation and collaborative assessment of proposals in the broader policy context, involving consultation with state government, councils and local communities. These consultative processes need to include potential impacts of development proposals adjacent to airports on flight paths or flight safety, as well as how to manage areas of an airport where there may be risks of death or injury related to airport operations.

Mrs Peulich and others would understand the community concerns that were expressed in relation to an accident that occurred quite recently on the other side of town in her electorate. There is a need for better community understanding of the inputs to our aviation system and flight path planning. Depending on the nature and role of each airport, there would be benefit in establishing or re-establishing noise consultative committees to address noise impacts from airport operations.

The government has consistently said that Essendon Airport currently provides a vital array of functions. There are no current plans for its closure, and the government will involve local councillors, businesses and the community in any debate over the future of the airport, as well as the federal government which actually controls the airport.

It is not for the state government to open or control Essendon Airport; it is the responsibility of the federal government. As I said before, Mr Dalla-Riva acknowledged that in his contribution. In this regard it should be noted that a cursory glance at the Essendon

Airport website will show that it refers to the airport submitting a new master plan to the relevant federal minister, Anthony Albanese, who is, I point out, another very good member of federal Parliament.

In relation to aspects in the motion that relate to the Victorian Labor government's policy and the claim that is made of the government forcing police and emergency aircraft services from Essendon Airport, I point out that the Brumby Labor government is providing \$20 million to support emergency service operations out of Essendon Airport. The government is committed to ensuring that our ambulance services have the resources they need to provide Victorians with the very best care, and the state government has expressed its views about these issues through the aviation review.

However, the current emergency service facilities need to be upgraded for safety reasons, and emergency services will continue to operate out of the airport. A reading of the Essendon Airport website would be enough to see that, far from closing the airport, Linfox, as owner of the airport, is redeveloping it in a way that will retain it as an aviation centre.

We in the government see this motion as an embarrassment for the opposition, Mr Dalla-Riva and members of the Liberal Party and The Nationals. As I said, it is a cynical attempt at scaremongering amongst country Victorians. It is factually incorrect; the facts speak for themselves.

As to the position of the other minor parties, and I know that as yet Ms Hartland has not made her contribution to debate on this motion, as I understand it both the Greens and Mr Kavanagh have previously indicated that they see opposition business as an important part of the operation of this house and they do not think the time of the house should be wasted on cynical political exercises that use language that condemns the government for one thing or another.

I point out that in fact this motion uses that kind of language, in that it explicitly condemns the government for something that I have shown to be inaccurate. It is a scaremongering campaign. The government will be watching with some interest the position that both the Greens and Mr Kavanagh, on behalf of the Democratic Labor Party, take in relation to this motion given its very political nature and the inaccurate statements that Mr Dalla-Riva made in his motion. With those words, the government indicates it will be opposing the motion.

**Ms HARTLAND** (Western Metropolitan) — I take on board the comments from the previous speaker. The

Greens take non-government business time very seriously. We do not bring frivolous motions to this house, even though I was accused of doing that this morning.

The Greens support the Close Essendon Airport Campaign because we believe that as a community group it has firsthand knowledge of what is happening out at Essendon. We will not be supporting the motion.

Before I read out a statement from the Close Essendon Airport Campaign I would like the government to address a couple of issues — they have been covered partially — including exactly what is going to happen to the emergency vehicles now located at Essendon. What plans are there for those vehicles? Has the issue been addressed? Is there enough room at Tullamarine to manage the number of planes that are currently at Essendon?

I would like to read out a statement on behalf of the Close Essendon Airport campaign which has been written for me by Helen van den Berg. This group feels that it is often not heard in public, and so I have agreed to read this on its behalf. It says:

The motivation for the Close Essendon Airport campaign continues to be our concern for our families health, safety and general quality of life.

Our demand for closure is based on:

- the lack of an adequate safety buffer zone at the end of the runways which abut residential housing;
- the health impact of chronic sleep disturbance caused by aircraft noise;
- the impact of avgas on air quality, health and amenity;
- the misuse of taxes to keep a redundant airport and marginal operators in business.

Given that Essendon Airport was destined to close when Melbourne airport was opened in 1971, we have to ask:

- Why are our families expected to live with this chronic threat to our safety and wellbeing?
- Why is it that an airport that has not made a profit for decades remains open?
- Who is financially benefiting from the airport's operation and the abuse of our families?

**Mr Finn** interjected.

**Ms HARTLAND** — Mr Finn, community groups are entitled to have their statements heard even if you disagree with them. The statement continues:

What is it costing the taxpayers of Australia to maintain this outdated airport?

Why are a few marginal airline operators and private jet and helicopter owners allowed to maintain their privileged stranglehold on land that is owned by the commonwealth, via taxpayers, which is supposed to be used for the common good?

Those of us who moved into the area on the understanding that the airport would close have been betrayed, misled and ignored. Our local area is in fact a sacrifice zone, where our rights are trampled upon, our families are abused and our desire and efforts to improve our local community are mocked.

We hear repeatedly from Liberal and National Party politicians and some of their 'well-heeled' supporters, who have a long history of using the airport for their personal convenience that Essendon Airport must remain open for the benefit of regional Victorians and that relocating emergency services from Essendon to Tullamarine will put at risk the lives of critically injured Victorians.

The facts do not support these extravagant claims. Their arguments are in fact 'red herrings'. The travel time for a fixed-wing aircraft to and from Mildura is 4 hours. Yet airport supporters categorically state that the extra minutes incurred, if the service operates from Tullamarine, will alter the outcome ...

...

Aviation must be relocated from Essendon and the site must be brought under the state and local planning schemes. The land could be used for affordable and sustainable housing, retirement villages, long-term care and student accommodation.

...

The aviation needs of the mid-20th century are not relevant in the 21st century and the challenges we face. Community expectations on what is acceptable have changed since the horse and buggy era. The Close Essendon Airport campaign will continue until Essendon Airport is closed and our families have the same safety and amenity that other Victorians including those in regional areas take for granted.

As I said, I read this out because I think the voice of community groups such as Close Essendon Airport Campaign are often not heard, and sometimes they are treated with a great deal of disrespect. That is why I have done it today on behalf of that community. The Greens will not be supporting the motion.

**Mr FINN** (Western Metropolitan) — It gives me a great deal of pleasure to support the motion today moved so eloquently by my friend Mr Dalla-Riva. Essendon Airport is very close to my heart. As a longstanding chairman of the Keep Essendon Airport Committee and as somebody who led the campaign over a decade ago to keep that airport open and functioning as an airport, it is something I see as crucial to the future of aviation in Melbourne and Victoria and crucial to the north-western suburbs of Melbourne.

I was a little confused when I heard what the government had to say. As Mr Dalla-Riva pointed out, we know that the Labor Party has a long history of wanting to close down Essendon Airport going right through the 2002 election policy, the 1999 election policy and the Melbourne 2030 strategy. We know the Labor Party has a very strong history of wanting to close down Essendon including by the federal member for Wills, Kelvin Thomson, and the member for Essendon in the other place, Judy Maddigan; you can line them all up.

However, members should keep in mind the submission made by the Victorian state government to the National Aviation Policy Statement Issues Paper which was presented to the federal government in July. That document states:

In this context, Melbourne 2030 recognises the current role of Essendon Airport in providing specialised functions related to aviation, freight and logistics, but notes that in the medium term this facility should be closed as an airport and transformed into a significant employment and residential precinct.

I read that with some significant interest. It jogged my memory just a little. I went to *Hansard* to have a look at an answer that the then Minister for Industry and State Development gave me last year when I asked if the Victorian government supported the closure of Essendon Airport as proposed by the federal Labor Party. Members should keep in mind that this was before the election of the Rudd government. On 21 June 2007 the minister said:

Essendon Airport plays a very important role, particularly in the delivery of air services throughout regional Victoria. It is used extensively for that purpose, and it is used by the Victorian government on occasions for that purpose. It is a very important facility, and we expect it to continue in that role in the future.

It was on 21 June that Minister Theophanous said that. Yet less than a year later the Victorian government is saying it wants to see the airport closed in the medium term.

On that same day Minister Theophanous replied to a supplementary question from me:

All that I would say is that from the point of view of the Victorian government, we think that it serves a very good function as an airport, and it should continue to operate in that function.

I went up to Minister Theophanous privately after question time and congratulated him on the statement he had made. I thought the Victorian government had at last snapped out of it and had realised that the airport is extremely important to Victoria, to aviation in Victoria,

to regional and rural areas in Victoria, to employment and to the welfare of working families — need I say — throughout the north-western suburbs of Melbourne, given that some 1500 people are directly employed at the airport and many thousands of others are dependent on the airport for their living.

I was very pleased to hear the minister make that statement in the house in response to my questions on that day. So it was something of a surprise when it was pointed out to me that in July this year the government had apparently done another backflip. Now, from listening to Ms Mikakos today, it seems the government has done another backflip. We have flip-flop all over the place here.

I am not exactly sure what the government's policy is at this time. Is it, as Mr Theophanous said in June last year, that the state government supports the retention of Essendon Airport as an airport? Or is it, as put forward to the federal government in July this year, that the state government wants Essendon Airport closed in the medium term? I cannot answer that question; I hope somebody from the government can, or at least will at some stage.

The reasons to keep Essendon Airport open are multitudinous — they could keep me going for days — but I will resist the temptation to do that, because I know there are a number of other speakers who wish to contribute to the debate on this important matter. As I mentioned, the 1500 jobs that are directly dependent upon Essendon Airport are vital to the north-west of Melbourne. We already have a situation where the economic outlook for this state and this country is looking very dodgy, very shaky indeed. Take 1500 jobs out, and that is a lot of wealth out of an area that desperately needs those jobs. If you take the livelihood of 1500 people away from them, that is something that will really hurt. That is a lot of families who will not be able to pay to send their kids to school, will not be able to pay their mortgage or their rent and will not be able to make their car payments. That is a lot of money. The loss of 1500 jobs is going to cause a lot of human suffering, but apparently that is something supporters of the closure of Essendon Airport do not particularly care about.

One area that has been underestimated in the argument over Essendon Airport is the impact that any closure of Essendon Airport will have on the Melbourne international airport at Tullamarine. There is no doubt — it is a fact — that Essendon Airport effectively acts as Tullamarine's third runway. If Essendon Airport were to be closed, a third runway would need to be built at Tullamarine almost

immediately. That will cost a lot of money. Is the state government going to kick in the millions upon millions of dollars needed to upgrade Tullamarine airport to give it that third runway in place of Essendon Airport? That is something I would like to hear the Treasurer respond to. Will he put his hand in his kick and come up with the money needed to provide that third runway to replace Essendon Airport?

Most importantly, as Ms Mikakos touched upon when she was talking about the problems faced in Sydney, the impact Sydney airport has had upon people who live up there has been an ongoing sore for many a long year. Recently I was up in Sydney and I went for a walk through Balmain. I was surprised, given that it was a fair distance from the airport, by the effect the planes have on a place like Balmain. We do not have that problem in Melbourne, because the planning has created a system whereby Tullamarine airport is out of the way a little bit. We have areas the planes can fly in. Whilst I live near Melbourne Airport — I can walk into the backyard, look up at the sky and see the planes take off; it is almost like they are taking off in my backyard — I can look at the planes and say, ‘Ah, the serenity’, as they take off. That situation has been created by planning, and it has worked very well indeed.

The other reason that Tullamarine airport works so well is that Essendon Airport takes the light planes. You can ask any aviation safety expert in the world, and they will tell you that big aircraft and small aircraft just do not mix. It is dangerous. If you want to see planes fall out of the sky, if you want to see collisions, if you want to see dangerous situations in perpetuity, then you close Essendon and put the small planes into Tulla. It is as simple as that. This is a major safety issue that we are looking at, and the closure of Essendon would be a major blow to the aviation standing of Tullamarine and the aviation step ahead that Victoria has enjoyed over many years.

There are a number of issues that can be raised, but I want to touch on just two more. One is that the emergency aircraft at Essendon have become a vital lifeline to regional and rural Victoria. Many people throughout Victoria today are alive because their planes landed at Essendon Airport and they were able to get down the Tullamarine Freeway and into hospital. If, for example, as some have suggested, the emergency aircraft were to go to Tullamarine airport, there would be immediate problems. Firstly, there would be security problems. Given the security situation we have all faced since 11 September 2001, there is no way you can have a situation where a plane can just land and an ambulance can go out and take away whoever is inside

the plane. That just cannot happen. You have to have security measures.

While they are being followed precious minutes are ticking away, and there is no doubt in my mind that if we faced that situation lives would be lost. People would die as a result of the wasted time they would have to go through. It is more than just an economic argument; what we are talking about with the closure of Essendon Airport is, for country Victorians, a matter of life and death. I am not exaggerating that: it is a matter of life and death, because those extra minutes — however many: 15, 30, whatever — would be the difference between people living and dying. I implore the house to take that into consideration. Do not tell country Victorians that they must put their lives on the line because Essendon Airport has to go. Essendon Airport plays a vital role and is a lifeline between the hospitals — the Royal Melbourne, the Royal Children’s, the Royal Women’s — and regional and rural Victoria. It is no exaggeration to say that lives will be lost if Essendon Airport is closed.

There is a final issue I wish to address — and there are a number of others that I would have liked to address, but time constraints have calmed me down just a little. Those in the community in the immediate vicinity of the airport who wish to close Essendon Airport are few and far between. Every poll that has been taken of local people has shown that the majority of people in the north-western suburbs — those who live around Essendon Airport — support the retention of Essendon as an operating airport. Every poll — every single one, going back 20 years — has shown that local people support Essendon Airport because they know the benefits it brings not just to the immediate area but to the general aviation industry, which is very much the lifeblood of that part of Melbourne.

But I have to say to the house and to those people who say that the airport is a nuisance and upsets local residents and so forth that the airport has been there for almost 90 years. Anybody who made a conscious decision to move there before the airport was established would at this stage be coming up on 110 years of age. If you can find me a 110-year-old resident in that general vicinity who moved there some 90 years ago, I would be happy to talk to them. In the meantime, there are very few people who complain. They are very few in number but I say to them, ‘If you did not want to live near an airport, why did you buy your house? You knew there was an airport across the road’. The airport has been there for almost 90 years.

**Ms Hartland** — They were told it was going to close.

**Mr FINN** — I heard Ms Hartland say they were told that the airport was going to close. I am not sure who said that. I would be interested to have a chat to Ms Hartland and find out who said that. Perhaps it was some shonky real estate agents, I do not know — far be it for me to cast aspersions on real estate agents. It may well be that people who wish to sell their land have taken people for a ride. However, the reality is that the airport has been there for close to 90 years and it is serving the Victorian community, Melbourne and the local community very well indeed.

As I said in a statement to this house not long ago, Essendon Airport has the overwhelming support of the majority of the people in Western Metropolitan Region. It has the overwhelming support of the majority of people in the north-west of Melbourne, and it most certainly has my support. I hope and pray that it also has the support of this house.

**Mr DRUM** (Northern Victoria) — My contribution to the debate on this motion will be brief. I want to commend Mr Dalla-Riva for bringing this motion before the house. The role Essendon Airport plays is extremely important to Melbourne and to country Victorians, and we need to ask the government to detail its position on this airport. My understanding from responses given to various questions in the other house was that the Brumby government and the Premier had intimated that the government would close Essendon Airport. It was somewhat surprising to hear Ms Mikakos say that that is not the case and that the government is yet to decide what it plans to do with that site.

**Ms Mikakos** — I never said that. I said there were no current proposals.

**Mr DRUM** — I think *Hansard* will show that Ms Mikakos said there is no proposal to close the airport. There either is or there is not, and I think this is an opportunity for future speakers from the government side to simply state the case in a clear and concise manner. The government is either going to close it or it is not going to close it, or the government is undecided. When I prepared my contribution to this debate I was of the opinion, and I think Mr Dalla-Riva and all other coalition speakers were of the opinion, that the government had made a decision to close this airport.

The services that are offered from Essendon — the air ambulance fleet, the police air wing and firefighting aircraft, other essential services such as flight training and aircraft charter and the maintenance facilities located at the airport — are absolutely crucial to country and regional Victorians going about life on a day-to-day basis. The proximity to the hospitals, which

previous speakers from the coalition have raised, is a crucial issue and something that will need to be addressed. There is no other airport within anywhere near the time frames we currently enjoy with the short trip up the Tullamarine Freeway and down Flemington Road. This is an extremely important problem that needs to be addressed by the government if it is planning to take this facility away. Should the government try to locate these services at Melbourne Airport at Tullamarine the increased traffic would place undue pressure on the city's main domestic and international airport. People have also spoken about the possibility of using Moorabbin, Point Cook or Avalon airports, but the geography and the distances associated with getting from those locations to hospitals in central Melbourne will mean additional time would be required.

The aspect of the location to the north of the city in relation to firefighting efforts is something we need to keep relevant in this debate. Firefighters are sometimes summoned from northern Victoria to go to Mangalore, which is sometimes used, or Essendon to fly into the high country or the Mildura region, as happened four years ago, and occasionally they need to fly interstate. They are needed very quickly. Should we need additional help from interstate or international firefighters to fight a bushfire on our doorstep, we will need the ability to receive that at somewhere like Essendon Airport.

I concur with Mr Dalla-Riva and Mr Finn. They highlighted some of the major issues that will face this government if it proceeds with the closing of Essendon Airport. The government has yet to explain how it is going to deal with a whole range of important issues should it proceed with the closure.

We have heard some people talk about not wanting to have the problems that exist in Sydney. It is worth remembering that Bankstown Airport in Sydney is Australia's most commonly used airport. There are more flights taking off and landing at Bankstown Airport as Sydney's second airport than at any other airport in Australia. Here we are with a vibrant second airport in Essendon Airport and we are thinking about closing it. That is going against the trends in some of the other major cities of this country.

Claims about toxic fumes have been allayed. Claims about the curfew that is supposedly broken have been allayed. The curfew is still well enforced; it is only broken in emergency cases. The safety record is sometimes used by proponents of the Close Essendon Airport movement. In my opinion that was very well

answered by the group put in place to make sure that Essendon Airport remains an operating airport.

Essendon Airport plays a crucial role in servicing regional Victoria. Many small privately run businesses need access to this airport, and proximity to Melbourne makes regional airports viable. If people are going to fly in from Hamilton, Portland or Sale and get dumped 50 minutes away from the CBD (central business district), it will not be worthwhile for them to use these regional air services. The idea of getting rid of Essendon Airport and moving the services an additional 30-minute drive away from the CBD will have a very detrimental effect on the future viability of those other air services.

We need to be cognisant of these issues. We need to make sure that if the government continues down this path it comes up with some genuine solutions so the people who are running these businesses and the people who are going about their daily lives can continue to do so in a manner that is not all about what is best for Melbourne but is all about what is best for regional Victoria and Victoria as a whole.

**Mr EIDEH** (Western Metropolitan) — For many years Essendon Airport, situated just 11 kilometres from the central business district, was a vibrant and bustling airport that was essential for our state. It was our major airport, and served the state very well, but it is no longer needed. Essendon Airport today is a shadow of its former self. It is better known for its business park aspects and the growing number of businesses which are settling into the site. None of this would have been possible when it was a busy, vibrant airport. It would have been too busy and potentially too dangerous, but that is not so today.

**Mr Finn** — Been there lately? When was the last time you went to Essendon Airport?

**Mr EIDEH** — I drive there every day.

**Mr Finn** — Have you been to the airport?

**The PRESIDENT** — Order! Mr Eideh through the Chair, without Mr Finn's assistance.

**Mr EIDEH** — Today the airport is, in so many ways, surplus to the needs of the community, but I say that with respect because of the great service it gave our state and the economic benefits that it once brought. There are so many businesses at the airport, such as car yards, the future head office of Linfox and so many more — that is proof that even those who have the lease of the airport know that today the airport serves a greater purpose than just for air travel.

There are those in the community who argue that the airport is noisy and dangerous. In my lifetime there have been several serious crashes resulting in a number of fatalities there, but without getting into those arguments or discussing whether residences should be allowed to remain so close to an airport, I am more concerned that the facility could now be put to better use.

Even allowing for new business developments there, the total land-holding is well over 305 hectares. Imagine how many beautiful homes could be built there; imagine how many gorgeous parks could be established for the benefit of the community; imagine the many ways such a large space could be opened up rather than having it closed off for an airport that is only 5 kilometres from Melbourne Airport, which is regarded by many as the gateway to Victoria.

It is important to imagine how many jobs could be created in the building of new homes and new businesses, and then the thousands who will enjoy the benefits of that superb location. The state government has consistently said that Essendon Airport provides a vital functional area for specific industries.

I inform Mr Drum that there are no current plans for its closure. The government would involve local councils, businesses, communities and the federal government, which actually controls the airport, in any debate about its future as an airport. In terms of emergency services based at the airport — —

*Honourable members interjecting.*

**Mr EIDEH** — This is the current plan; that's what I'm saying.

The government is providing \$20 million to support the operation of emergency services based at Essendon Airport. The Brumby Labor government is committed to ensuring our ambulance services have the resources they need to provide Victorians with the best care. The state government has expressed its view through the federal aviation review; however, the current emergency service facilities need to be upgraded for safety purposes. Emergency services will continue to operate from the airport.

The state government has said it prefers to close the airport. I am aware this is a controversial issue in the area, but having received many deputations and letters, I am of the opinion that Essendon Airport should close and that valuable land asset should be put to better use.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise in support of

Mr Dalla-Riva's motion this afternoon in support of the retention of Essendon Airport. I have listened with interest to the debate over the course of this morning and this afternoon, in particular to the government's position on the motion. It is interesting to note that two government speakers we have heard from today, Ms Mikakos and Mr Eideh, have differing positions — —

**Mrs Peulich** — Two positions and one faction.

**Mr RICH-PHILLIPS** — We have heard two positions from government members about the government's interest in Essendon Airport. Mr Dalla-Riva quoted Mr Theophanous, who answered a relevant question during question time last year and indicated that it was the government's view that Essendon Airport was an important asset for Victoria in its current role as an airport. We subsequently heard Mr Theophanous's position following the election of the Rudd government — it was far less committed to the retention of Essendon Airport.

Ms Mikakos indicated that the government has not adopted a position about wanting to close Essendon Airport, yet a submission was made to the federal aviation review on the Victorian government's behalf by Mr Theophanous, indicating that the government's view is that the airport should close and be redeveloped for residential use.

It is interesting that this debate has been held with a very narrow perspective. A lot of the focus has been on Essendon Airport as a single piece of infrastructure, not having regard to its contribution to infrastructure in the Melbourne basin. Mr Dalla-Riva raised a point, as did Mr Drum in his contribution, about the significant role Essendon Airport plays as a reliever airport in the Melbourne basin.

Statistics published most recently by Airservices Australia for the year to June 2008 show that Essendon Airport had around 53 500 aircraft movements. Melbourne Airport, just up the road from Essendon Airport, attracted 198 000 aircraft movements. Essendon Airport has an additional approximately 50 000 aircraft movements which have been diverted there from Melbourne Airport. It does not take a genius to figure out that if Essendon Airport were not available in its present location, a lot of that air traffic would be forced to use Melbourne Airport.

In his contribution Mr Finn referred to Essendon Airport as the third runway of Melbourne Airport. I submit that that is a very good way of looking at it. Essendon Airport is an important reliever airport for

Melbourne Airport. It takes a lot of the overflow traffic that is not ideally compatible with Melbourne Airport; it accommodates it in a way that is far better for air traffic flow around Melbourne than having all that traffic at either Melbourne Airport or being diverted to Point Cook or Moorabbin airports.

In the late 1990s when this issue was previously raised — and it has been raised many times since the opening of Melbourne Airport in the 1970s — an exercise was undertaken as to what the impact would be on traffic flow at Melbourne Airport if the emergency services traffic which operates in and out of Essendon Airport were to be diverted. The air ambulance, the Victoria Police air wing — and, I might add, the government charter flights when the Treasurer or the Premier jump on a business jet to go to Mildura — all fly from Essendon Airport. That emergency services traffic amounts to roughly 10 000 movements a year or 20 per cent of all movements at Essendon Airport. The effect of moving that traffic from Essendon to Melbourne Airport and mixing it with the heavier, faster traffic would be to create substantial delays at Melbourne Airport.

Ms Mikakos said in her contribution that one of the great assets and one of the competitive advantages Victoria has is a curfew-free airport at Melbourne that is not capacity constrained. The reality of closing Essendon Airport and moving the emergency services traffic, not to mention the other general aviation traffic, would be to cause that type of congestion at Melbourne that Ms Mikakos herself said is an undesirable characteristic to have at Melbourne. The government seems to have a position of closing the secondary asset and clogging up the primary asset, but on the other hand it says that the availability of the unconstrained primary airport at Melbourne is an asset to the state. The government cannot have it both ways. It cannot argue that Melbourne is a great asset and then try to impede its operation by transferring traffic that is not necessarily compatible into the mix at Melbourne Airport.

Greater Melbourne has lost many airports over the last 20 years, most recently in July when the airfield at Wallan was closed. In the 1990s airfields at Berwick, Moorooduc and Whittlesea were closed; the base at Laverton was closed. In the 1970s, an airport at Port Melbourne was closed. Melbourne has lost a lot of aviation infrastructure in the greater Melbourne basin over the last 20 to 30 years. Inner Melbourne is now served by only three airports: Melbourne, Essendon and Moorabbin.

Point Cook, while it exists, is a former RAAF base. It is not yet operating in a way that adds to the aviation

infrastructure capacity in the Melbourne basin. It is used as a training field on a very limited basis. It has not been properly commercialised by the federal government. It is in a state of limbo as to its future commercial role. Obviously it would be an important asset, adding to the aviation infrastructure in Melbourne if it was to be commercialised in the same way as Moorabbin Airport on the south-eastern side of Melbourne. That would certainly be an important future role for Point Cook if the commonwealth decided to pursue that, but at this point it has not and so the availability of aviation infrastructure in Melbourne is limited to Melbourne, Essendon and Moorabbin airports.

By contrast and looking at another widely dispersed city, within a 35 kilometre radius of central Los Angeles there are no fewer than nine public use airports. From Santa Monica down through LAX (Los Angeles International Airport), Hawthorne Municipal and the airfields out to the east of Los Angeles there are nine airports in the immediate 35 kilometre radius of central Los Angeles. By comparison, in Melbourne there are three, so Melbourne is not overly serviced by aviation infrastructure.

Essendon plays an important role as a reliever airport for Melbourne. It also plays an important role during periods of bad weather in Melbourne. Essendon and Melbourne airports are the only two airports available in the east of Melbourne that have an instrument landing system. Moorabbin Airport does not have an instrument landing system, so in times of very bad weather Essendon is the only acceptable alternative for landings on the city side of Melbourne. If Essendon were not there, traffic would have to divert to Melbourne Airport in times of bad weather but Melbourne is already experiencing delays because when operations are carried out in bad weather, they necessarily involve more time per operation and the traffic flow is not as efficient as it is in good weather. Essendon plays a very important role in bad weather in relieving air traffic congestion in the Melbourne basin.

On the issue of air safety, in her contribution Ms Hartland was making some comments on behalf of residents or one of the action groups from Essendon —

**Mr Finn** — Very few residents.

**Mr RICH-PHILLIPS** — Mr Finn says, ‘Very few residents’. I do not know that Ms Hartland was making her own comments, I think she was making comments on behalf of that group.

**Mr Finn** — A very small group.

**Mr RICH-PHILLIPS** — That small group is out at Essendon. It is worth bearing in mind the safety record because much has been made of the fact that there have been three significant accidents at Essendon in 30 years: in 1978, 1986 and 1993. Some people would attempt to use that fact to say it is terrible, that Essendon should close and that it has a terrible safety record, but its record should be compared with other safety records.

Ms Mikakos talked about accidents and referred to the recent accident at Moorabbin, on the other side of town. For Ms Mikakos to draw on an incident at Moorabbin Airport and somehow use it as a justification in a debate on Essendon Airport is like saying an accident on the Monash Freeway should be drawn into a comparison with safety on the Tullamarine Freeway. It is a complete nonsense to try to group airfields together and to suggest that because there was a single incident at Moorabbin, it is somehow relevant to this debate on Essendon.

Likewise we could compare the safety record of the airport at Essendon — as I said, there have been three significant incidents in 30 years — with the record on the roads surrounding Essendon Airport. The data that is immediately available from the VicRoads crash statistics database goes back only five years. It shows that in the five-year period between 2002 and 2007 there were some 305 incidents on the roads surrounding Essendon Airport that involved either fatalities, serious injuries or other injuries to either pedestrians, people in cars or innocent bystanders on the roads. A far greater number of people have been injured or killed on the roads in the immediate vicinity of Essendon Airport in five years than have been killed or injured in 30 years through operations at the airport. When we talk about the safety record of the airport, that should be kept in context with what is happening day to day on the roads in the immediate vicinity.

Mr Dalla-Riva referred to some submissions that have been made to the federal aviation review that is currently under way. The Victorian government has made an official submission. There has also been a joint submission made by Kelvin Thomson, the federal Member for Wills, and Judy Maddigan, the member for Essendon in the other place. Mrs Maddigan also made a submission by herself in which she basically ran many of the arguments we have heard today. She has run the argument that Essendon Airport is redundant in Melbourne. The basis of Mrs Maddigan’s argument is essentially that because we have Melbourne Airport and Avalon Airport, we do not need Essendon Airport.

Mrs Maddigan's submission suggests that Avalon would be an acceptable alternative to Essendon.

That is like saying because we have the Geelong Freeway we do not need the Tullamarine Freeway; because we have a freeway down there we do not need a freeway in the north; because we have the Eastern Freeway we do not need the south-eastern freeway. It is a nonsense argument. They serve different markets. You cannot simply say we will take away Essendon Airport because we have Avalon Airport, which is one of the bases of Mrs Maddigan's arguments.

Essendon Airport plays a vital role in the overall aviation infrastructure surrounding Melbourne. It plays a vital role in handling emergency services traffic. It plays a role in supporting the charter flights used by the Premier, the Treasurer and other ministers when they are travelling around Victoria. It plays a vital role as a reliever airport for Melbourne Airport and an important training role as one of only two airports on the central side of Melbourne that has an instrument landing system for both bad weather and training flights.

Essendon Airport is an important and irreplaceable part of Victoria's aviation infrastructure. It should be preserved and supported by this Victorian government, not used for a quick sell-off and land grab to gain stamp duty revenue.

**Mr KAVANAGH** (Western Victoria) — I would like to make some comments in support of Mr Dalla-Riva's motion. I should first confess to an emotional attachment to Essendon Airport. Having grown up very close to it I have fond memories of large-propellered aeroplanes flying overhead. It stopped conversation in the house. You could not talk while they were in the vicinity, but it seemed to be fun at the time. It was also fun to go up and welcome my uncle back from international flights. When I was 32 days old I had my picture taken for the first time ever at Essendon Airport as my mother introduced me to my grandfather. The photo was taken by the *Age* newspaper and had a DC-9 in the background. That photo is on my wall at home. It looks much like a scene from *Casablanca* — the movie, not the city.

As has been pointed out by many members today, Essendon Airport is a crucial link between Melbourne and rural and regional Victoria for air ambulances. Every year around 130 babies are landed in emergency situations at Essendon Airport. I will not go into all the details because I think Mr Rich-Phillips did an excellent job in outlining the facts of the case and presenting the arguments. The argument, however, that Essendon Airport is too close to the city is really missing the

point. Essendon Airport is so valuable because it is close to the city. It is valuable in emergencies to enable people, especially from outside Melbourne, to reach some of those crucial facilities in circumstances where time is of the essence.

The only thing I would add that has not been stated by other people is that I observe as a frequent visitor to the airport that development seems to be encroaching too closely to the runway of the airport. I think this is something the government — it is a commonwealth responsibility, but the state government also has a role — should pay attention to. It seems to the casual observer that a margin of error is required at all airports and a sufficient distance between runways and buildings must be maintained. To the uninformed observer it looks as if it is getting too close.

I support Mr Dalla-Riva's motion. Normally I am reluctant to support a motion that includes condemning anybody. It is not something I feel good about, but apart from that the motion is a very good one; therefore I will support it in spite of that.

**Ms PULFORD** (Western Victoria) — The Melbourne 2030 process first raised the issue about the medium to long-term future of Essendon Airport in 2000. It has taken Liberal Party members eight years to work out that this is an issue worthy of their consideration. It is a spectacular effort on their part. I welcome them to the discussion. But I think talk of planes falling out of the sky and 9/11-style security considerations and Mr Finn's comments that if anything happened to Essendon Airport people would die are pretty unhelpful contributions to the debate.

This motion is pretty much a fantasy. It is irresponsible. It is outrageous. The Liberal Party is just making this up. The management and regulation of airports in this country is a matter for the federal government. By contrast, Mr Drum was perhaps a little confused when he said that as far as he was aware the state government has a plan to close Essendon Airport, but I assure him this is not true. There is no plan to close Essendon Airport.

This decision would be a matter for the federal government, and it would be a medium to long-term decision at that. Any decision to relocate the functions of Essendon Airport would require extensive consultation with all affected stakeholders. Currently our airports serve us well. Tullamarine has no curfew. When I am at other airports, Sydney in particular, I am always struck by how early the whole show shuts down. It is a massive competitive advantage for Victoria that our airport operates round the clock —

12 per cent of flights into Tullamarine occur when airports in other cities have curfews. I am sure many members opposite have had experiences of those 1.00 a.m. departures, unpleasant as they can be. It is better than not having them at all. The airport at Avalon continues to develop.

The Liberal Party is unable to articulate its plans if elected about whether or not water should run through the Sugarloaf pipeline. Clearly for the Liberal Party the concept of medium to long-term planning is something that just blows its mind. This government can walk and chew gum at the same time. We acknowledge that, longer term, there are questions about the suitability of the current location of Essendon Airport, but there are no plans to close the airport. The government is investing in the airport. Linfox is investing in the airport. Anybody who has been to Essendon Airport in the last 12 months would see massive change and redevelopment at that airport. There are very noticeable investments going on at the moment.

Essendon plays a vital role for Victoria, and that is why there are no plans to close it — which makes a mockery of this motion. Earlier Mr Finn was talking about planes running into each other in the sky, terrorists on tarmacs, and trauma victims dying on the tarmac. It was a really unhelpful contribution to the discussion about Victoria's medium and long-term airport needs. It is easy to find information about the new master plan if members care to look at the Essendon Airport website, as it has recently been provided to the federal aviation minister, the Minister for Infrastructure, Transport, Regional Development and Local Government in the federal Parliament, Anthony Albanese.

In response to some of the comments made by members about emergency services, the government is investing \$20 million in Essendon Airport to support our vital emergency services. Our patient retrieval system is fantastic, and it is a successful system that is bringing people from all over Victoria to places where they can receive specialised care. It is an incredibly high priority for this government that people throughout Victoria receive as high a standard of care as they possibly can, irrespective of where they live. Emergency services will continue to operate out of Essendon Airport.

The future for the airport is optimistic. There is investment in emergency services support. There is private sector investment by Linfox. As I have said, there has been a noticeable change to the landscape in the last 12 months. I can only imagine that this is an exercise in scaremongering in regional Victoria as Liberal Party members wander around talking about

natural gas, schools and hospitals and go through the budget papers looking for something that did not get funded to make their point and to raise false hopes in people. This is an irresponsible exercise in spooking people about an airport closure, about a state government decision to close an airport when it is a federal government responsibility, and where there is no decision. It is complete nonsense. It is a complete fabrication. I think it demonstrates the lack of fitness to govern of the Liberal Party in Victoria.

It is a completely ridiculous motion. Members of the opposition should be ashamed of themselves. It does not deserve the time of the house.

**Mrs PEULICH** (South Eastern Metropolitan) — That was a kindergarten show! It was disgraceful. It shows that Ms Pulford is totally out of her depth, and if she is concerned about her future career, she would have been better advised to sit down and to shut up. It was absolutely disgraceful. But not only that, she told fib after fib.

Either the Premier, Mr Brumby, is right, or Jaala Pulford is right. Perhaps she is running for the leadership. I do not know. For her to imply that somehow there is nothing in it and it is all just a fabrication of the opposition is laughable and contemptible, and to suggest that this serious debate should not be had in this chamber, in this Parliament, is outrageous, Ms Pulford, and you know it. It is absolutely outrageous and you ought to be ashamed of yourself.

**The ACTING PRESIDENT (Mr Somyurek)** — Order! Mrs Peulich should direct her remarks through the Chair.

**Mrs PEULICH** — Thank you, Acting President. I completely support the motion brought to this chamber by Mr Dalla-Riva and endorse the comments that have been made by other members of Parliament.

I also note that in relation to Essendon Airport there are more positions on the Labor side of politics than there are in the Kama Sutra! We have had Ms Mikakos saying there is no intention to close the airport, Mr Eideh suggesting that indeed it is a good way to go in response to the community and there are enormous opportunities there and Ms Pulford saying that this is somehow a figment of the imagination of people not only on this side of the chamber but also out there in the community. Clearly she has not read her own Victorian state government submission in July 2008 to the national aviation policy issues paper.

**Mr Finn** interjected.

**Mrs PEULICH** — Yes, a very short time ago. Under the subheading ‘Curfews’ it says:

In this context, Melbourne 2030 recognises the current role of Essendon Airport in providing specialised functions related to aviation, freight and logistics, but notes that in the medium term this facility should be closed as an airport and transformed into a significant employment and residential precinct.

That position has also been on the *Melbourne 2030* web page for some time. Dare I say that what Ms Pulford has said is in direct contradiction to what Mr Brumby said in the Parliament on 9 September. I imagine that Peter Ryan, the member for Gippsland South in the Assembly and the Leader of The Nationals, would make sure that he got the facts straight, and people can check *Hansard*. I quote that because it is on a piece of paper I have here that I hope I can use to ridicule and humiliate a member of Parliament who has got up and delivered a bunch of untruths. What Mr Ryan says in his press release dated 9 September 2008 is this:

When asked in Parliament today if it was Labor’s policy to close the airport —

the reference in the media release being to Essendon Airport —

the Premier replied in the affirmative.

I suspect that the Premier knows a little bit more about the Labor Party position than does Ms Pulford, who quite clearly has still not taken off her training wheels and perhaps ought to take a bit more time to familiarise herself with some of the issues, rather than embarrassing herself and the party.

Members know that for a long time it has been Labor policy to close Essendon Airport. It is outlined in *Developing Victoria — Labor’s Jobs and Industry Plan*, produced by the Victorian branch of the Australian Labor Party, dated 1996 and available in the parliamentary library. One of the dot points on page 36 of the policy talks about:

... encouraging the redevelopment of the Essendon Airport in consultation with the community and the commonwealth government.

I also think there is just a little bit of toing and froing about the meaning of ‘medium term’. We all know what ‘medium term’ means for the Labor government here in Victoria: it means ‘after the next state election’. I have got up to speak to show support for Essendon Airport, which of course was our major airport until the 1970s, and the crucial role it plays not only in providing regional services but also in supporting a base for Victoria Air Ambulance and Victoria Police Air Wing

and being, as I said, a key link between country and regional Victoria and Melbourne’s elite medical services. In 1997 I spoke in support of Essendon Airport, and I am very pleased to get up and speak on the issue again today. The issue is very important for the many reasons that have been outlined by previous speakers.

There is also a local reason why I am speaking on this issue, and that is the impact the closure of Essendon Airport would have on other airports, including Moorabbin Airport, which is, of course, in the heart of the Legislative Assembly’s Mordialloc electorate. Aviation capacity has increased steadily from the time Moorabbin Airport opened some 40 years ago, when there was a lot of green space around it. Ms Mikakos talked about the difficult planning and policy issues involved in resolving some of the interface challenges between encroaching residential development, which is allowed by state and local government policies — particularly those of the state government and especially in the context of its high-density 2030 policy — and the existing aviation operations. That is a problem at Moorabbin.

Most people accept the importance of Moorabbin Airport in also providing regional services. The angst and the problems are in the increasing number of trainees. Whilst at the moment there are something like 250 000 or maybe a few more air traffic movements annually, the master plan is to double the capacity. That is predicated on the assumption that Essendon Airport will close. The difficulty with the trainees is that when you spread those figures across an entire week they do not look too bad, but most come out on the weekend. People who had homes in the area when Moorabbin Airport was established were not subjected to the incessant noise of propellers literally above their heads, possibly every 15 seconds on a weekend. There is no residential amenity, and the community has an entitlement to some level of peace.

When under this Labor government Essendon Airport is closed, which we know will be after the next state election, the residential amenity enjoyed by people in the suburbs of Dingley, Mentone, Mordialloc, Aspendale Gardens, Carrum and probably Bentleigh will be significantly reduced. It was initially intended that many of the trainees would stay above the industrial area, but the encroachment of residential development means that many of them are actually regularly flying over the residences in the vicinity of Moorabbin Airport.

The safety record has been pretty good. Fatalities are recorded, but reports of accidents are not necessarily

published as frequently as they occur, including of course accidents involving helicopters. As residential and other development increases, those safety factors will escalate. The level of concern in the community should not be underestimated. There is always an opportunity to express the views and concerns of community members. Many of them exercised that opportunity during the aviation review conducted by Minister Albanese, and I understand also during the current review of the master plan for Moorabbin Airport.

The Greens' position is interesting. They must understand that whatever position they take on Essendon has ramifications for Moorabbin and the amenity and peace that people around Moorabbin Airport enjoy. One of the local organisers, Cr Rosemary West, who I understand is very involved in Greens politics, has been campaigning vigorously on issues of open space and environmental policy. If there is one significant environmental issue in matters affecting Mordialloc and Carrum it is the plan to double aviation capacity at Moorabbin. Although the track record on safety has been good, there is a concern that it will deteriorate, particularly as the tower is manned until only about 5.00 p.m., I understand. I do not believe that extending that time will necessarily address all the issues.

Just to place it in context, like Ms Hartland I will also quote the remarks of a constituent, a Mr R. G. Wright of Mentone, who on 15 June wrote a letter on this issue. Often people who have moved into an area and who complain about aviation are portrayed as somehow being selfish. We are not saying that the government should get rid of the airport at Moorabbin. We are saying, 'Don't force all the trainees onto Moorabbin when you close Essendon Airport'. The concerns obviously exist everywhere, and they are captured fairly well by this gentleman, whose letter I will quote briefly:

Here is the reality. On any given day the noise can be continuous and annoying; on weekends it is usually worse, and over the summer holiday period it is virtually intolerable. The only relief is from bad weather, such as fog, which slows down activity and/or closes the airport.

He goes on to say:

Airport noise cannot be likened to living near a major road or railway. Aircraft come and go in different directions, at varying heights, at different speeds, perform different manoeuvres — not confined like motor vehicles or trains to road or rail.

There is also a safety issue here which should be a major concern for anyone involved in civil aviation. Inevitably there will be a crash, perhaps a mid-air collision. There have, for

example, been three crashes involving helicopters in recent months (one at Moorabbin), yet we still have these high-risk machines flying over dense residential areas.

He concludes by saying:

... you need to understand, realise and take on board that recreational flying has come to be a licence for the few to intrude upon, annoy and endanger the many, and this must change. Leisure flying should be like any other recreational activity — conducted so it does not affect the right of others to enjoy their lifestyles.

We are not opposed even to an increase in commercial flights at Moorabbin, but the interface between recreational flying and the rights of residents has got to be struck in a better and more informed way. The consultation process has been poor in the past. I suspect it will not be better in the future, although I certainly hope it will be. The member for Mordialloc in the Assembly, Ms Janice Munt, sits on the local consultative committee at Moorabbin Airport, as does Cr Rosemary West. What have they done? They have done absolutely nothing. In fact, having checked *Hansard*, I do not believe Ms Munt, who is a representative of an area most dramatically affected by this issue, has raised it on a single occasion.

Relying on the government to consult in the medium term — which means after 2010 — is not going to give a lot of solace to people at Essendon or Moorabbin. I certainly urge all members to vote for this motion. We know why Labor wants to close Essendon Airport: it wants to cash in on it. Who knows what arrangements and deals may have been struck, what promises may have been made? It is not about recreational open space; it is about collecting the stamp duty and the revenue and flogging off property and land. That is what it is all about. In terms of the distinction between state and federal Labor, we know it is all the same coffer when it comes to campaign donations. What does it show about the level of support for regional Victoria that even in the medium term — which we know means after 2010 — Labor plans to close Essendon Airport? What does it mean? It is an absolute sell-out, and we have seen a consistent display of the same attitude in relation to regional and rural Victorians in recent times.

What will the closure of Essendon Airport do to the capacity at Moorabbin? It will double it. I will declare a conflict of interest — I moved into Dingley a year and a half ago, not realising the magnitude of the concerns. At the moment when I sit in my home at the weekend it is not unusual to get three helicopters or light training aircraft a minute flying overhead at 400 metres or 500 metres — three a minute! I believe that is unacceptable. Aviation must somehow be guided so

that these trainers can fly over the industrial areas — and a very large industrial area surrounds Moorabbin. The current situation cannot be allowed to continue, and it certainly cannot be allowed to grow with the closure of Essendon Airport.

Currently there is a federal review on and there will be an early review of the master plan. I have certainly been encouraging members of my community to make submissions, and as I said, I believe the interface between airports, which we have to retain, and residential amenity and control of housing needs to be negotiated. If we want to maintain these important facilities and services, we should not permit planning schemes and planning authorities to allow development right up to the perimeter.

Obviously this has been government policy for a long time — again, in contradiction of what Ms Pulford said. I quote from *Melbourne 2030*:

The government will work with the airport operators to ensure that future development of the site encourages uses that support and enhance the state's aviation industry generally and take into account potential growth that could result from the closure of Essendon.

So clearly it is on the cards: there ought to be no misconceptions about this government's plan, and certainly a high level of concern has been indicated to me by an increasing number of people whom I have surveyed and with whom I have been talking over the time since I was elected to represent the area in November 2006.

There has been a clear lack of connection in the planning process with the impact this would have on the flight paths of Moorabbin, obviously with the area built up, and this needs to be addressed, whatever the outcome is of the review of aviation and of the master plan. Yes, the Moorabbin Airport has been there for a long time. The commercial flights are not a problem; they stick to their flight paths. The trainers are a problem. Closing Essendon Airport will magnify the problem many times over for the suburbs of Dingley, Cheltenham, Mentone, Aspendale and Carrum — Carrum and Mordialloc are the two important suburbs — as well as Bentleigh. I certainly support without reservation Mr Dalla-Riva's motion.

**Mr HALL** (Eastern Victoria) — I want to take just a couple of minutes of the Council's time to register the views of the people of Eastern Victoria Region in respect of this matter. Those views are very strong in terms of favouring the retention of Essendon Airport for a great range of services. Many people have commented during the course of this debate on Air

Ambulance Victoria, the Royal Flying Doctor Service and the Victoria Police Air Wing. They all see Essendon Airport as a very important base for the activities of those organisations, which are certainly not confined to Melbourne but extend all over the state.

I also want to mention the fact that Essendon Airport is the base for a large number of charter services that operate throughout the state of Victoria. I would be surprised if most country members had not at some time or other utilised a charter service out of Essendon Airport. I know there are plenty of operators in the Gippsland region who use Essendon as a landing and pickup point for their services. One of the comments I heard from a previous speaker was to the effect that these services could perhaps be relocated to Tullamarine airport, and I agree with the comment that was expressed by Mr Finn that Tullamarine works as it does because it just deals in large commercial aircraft services and not the small ones. If they operated out of Tullamarine, not only would some of those smaller commercial services, particularly the charter services, impact upon the bigger charter services and the international and interstate flights, but the presence of much smaller aeroplanes would cause chaos and perhaps impose more safety risks.

People from country Victoria have repeatedly stressed over the years the importance of maintaining Essendon Airport for the services it currently provides. I echo their views in this very brief contribution to the debate in the Council. I thank Richard Dalla-Riva for moving this motion. It is an important one, one to which I am sure country Victorians would give their wholehearted support, and I do so on behalf of the people I represent.

**Mr KOCH** (Western Victoria) — I look forward to making a contribution to the debate on this important motion moved by Mr Dalla-Riva and hope that the house supports it across the board. This is an important motion for regional Victorians. I was interested to hear the contributions from government members: first from Ms Mikakos, who was unaware of what the Labor Party platform is and said that Essendon Airport is not going to be closed; second from Mr Eideh, who lives in the western suburbs and travels past Essendon Airport on a regular basis and who has left us in little doubt that it should be closed — as a freight forwarder I can reason with some of his argument; and third, from Ms Pulford, a regional Victorian who looks after Western Victoria Region with me, Mr Vogels, Ms Tierney and Mr Kavanagh, and who certainly lost the plot in many ways in relation to the importance to regional Victoria of Essendon Airport. I am sure that if regional Victorians picked up *Hansard* and read some of her contribution they would support the argument

put forward by my colleague Mrs Peulich in relation to training wheels. It became apparent today that they are still in place on what would have to be one of the most important issues raised in this house. Mr Hall left us in no doubt in his contribution of the importance to people in many areas of Eastern Victoria Region of Essendon Airport.

I see Essendon Airport as making three contributions to Victoria. The first is its impact on air traffic at Melbourne Airport. As my colleague Mr Rich-Phillips indicated, air traffic movements at Tullamarine are of the order of 190 000 to 200 000 a year, and there are in excess of 50 000 at Essendon Airport. A 25 per cent increase at Tullamarine could not easily be accommodated. Another important contribution is the all-weather opportunity for instrument landing, which no other airport in the metropolitan area beyond Melbourne Airport offers aircraft in bad weather or when they are in difficulties and need an instrument landing.

The thing that is important above everything else is safety, and Essendon Airport handles the flights of the Royal Flying Doctor Service and the Victorian air wing, which convey people who have been injured in accidents or when there are major health problems in regional Victoria. The airport's proximity to the city and our hospitals, as Mr Kavanagh pointed out, is one of its biggest pluses, and that would never again be possible. That is historic, and we want to preserve it for as long as we can.

The third important thing is the servicing of the people and industries of regional Victoria not only by moving people but by moving freight. Much international freight comes directly into Melbourne Airport, is relocated to Essendon Airport and is then distributed across regional Victoria to the various industries, be they commercial, agricultural or otherwise.

On those three grounds it is important that we retain Essendon Airport. Regional Victorians dread the day when a government of any colour could give serious consideration to closing the facilities at Essendon Airport. Obviously Essendon Airport came into its own for regional Victoria in 1972 after the opening of Melbourne Airport at Tullamarine, and it has served regional Victoria and the state impeccably over that period.

It amazes me that we have papers written in 1996 by the current Treasurer indicating how important it is to retain Essendon Airport as a central airport for Victoria, particularly regional Victoria, but since then in Labor's platforms of 1999, 2002 and again in 2006 — and more recently in answer to questions in the Legislative

Assembly from the Leader of The Nationals, Mr Ryan, to the Premier — the government has said that its ultimate aim is that Essendon Airport be taken out of service.

The number of jobs at Essendon Airport is something that should be recognised — there are 4500. Marvellous opportunities have been created, especially since the direct factory outlets have opened within the Essendon Airport area. To take these things away overnight and replace them with housing is something this government has completely misjudged, although there is no doubt that there is a cash grab running from an urban development point of view.

I also have correspondence from as recently as this year indicating that people whose properties back on to Essendon Airport have no concerns, they wish it to remain and they see the opportunities that are afforded to Victoria through having this airport located only 10 kilometres out of the central business district.

One of the other concerns reflected by this motion is the lack of acknowledgement by the Brumby government of aviation in Victoria. It was only back in June that we saw this government walk away from the opportunity of having a second international airport for Victoria at Avalon. In my opinion Geelong and western Victoria have been cheated of the business opportunities that this airport would have afforded. There is little doubt that tourism down the west coast, up through Halls Gap and back through Sovereign Hill and Ballarat has been a loser for not having that opportunity afforded to it.

We have heard continually from Mr Theophanous, Minister for Industry and Trade, about his important contribution to Victoria in bringing all these services to the state, particularly airline companies. I can assure members that the proposal for AirAsia X to fly a direct link from Avalon to Kuala Lumpur and the Far East was undertaken solely by the Linfox group — it did all the groundwork. The minister tried to take the glory in relation to AirAsia X, the international operations of which — through lack of support from both the federal and state governments — have been relocated to Tullamarine. It is a great loss to the Geelong area and to the western Victorian community.

Last weekend there was a two-page supplement in the *Geelong Advertiser* from the member for Lara in the other place, John Eren, and the federal member for Corio, Richard Marles. They were trying to get a lot of mileage out of what they had done and the contributions they had made to the area. Mr Marles fell over at the first corner. Having been elected to the federal government last November, he could not

convince his colleagues of the importance of Avalon and of getting it up as an international airport, although assurances had been given not only to the managers of Avalon but certainly to the Geelong community that he would do so. Mr Eren is noticeable by his absence at Avalon — he has not been there in recent times, and he did not take part in the debate or in the promotion of Avalon as an international focus.

Regrettably, as recently as 26 October we have seen that the major cornerstone flight out of Avalon — the Jetstar Avalon–Perth–Avalon daily flight — has been relocated to Tullamarine, and the government did not lift a finger to stop that. It does not support Avalon to the degree it deserves. The government has turned its back on Geelong and on western Victoria. If Essendon suffers the same fate as Avalon, regional Victoria will be a very big loser in relation to what Essendon offers right across the board, particularly in the area of emergency flights. I was a recipient of one of those successful flights one morning at 3.00 a.m., coming in from Hamilton with my youngest daughter. The service is to be applauded for the manner in which it handled her case. More importantly, we believe it was the opportunity to land within 10 minutes of the Royal Children's Hospital that saved my youngest daughter's life. People may think the timeliness of those flights is not important and that you can send people another half-hour out of town, but until you are confronted with that situation I do not believe you have any idea of the impact that timeliness, or lack of it, can have.

Our other colleagues, certainly those on this side of the house, have demonstrated the importance of retaining Essendon as the second major airport for Melbourne and Victoria, and for this debate to go anywhere beyond supporting the motion, we need to say well done to Mr Dalla-Riva. He was supported by Mr Finn, Mr Rich-Phillips and Mrs Peulich as well as by Mr Hall. It has been clearly demonstrated why Essendon is so important to Victoria and more particularly to regional Victoria. It is my opinion that we have to look past the city-centric line this government continues to run. If anything happens to Essendon, we fear it will be without consultation. The government will run its line of spin, and it will not be valid. It will be a major loss to all of us beyond the tramlines in regional Victoria.

I encourage regional colleagues on the other side of the house to come to grips with the importance of Essendon to the constituents they represent, and to give serious consideration to supporting the motion before the house today. It will be on their heads if anything becomes of Essendon and if they do not give serious consideration to the opportunity to retain Essendon as a

viable airport — not only for Victoria but more especially for their constituents in regional Victoria.

**Ms LOVELL** (Northern Victoria) — I also rise to support the motion moved by my colleague Richard Dalla-Riva. I congratulate him not only for moving this motion today but also for the work he has done to expose the plans of the Brumby and Rudd governments to close Essendon Airport. He did the research and established this issue, and together with the Leader of The Nationals in the other place, Peter Ryan, he has worked very well to bring this to the attention of the people of Victoria. Certainly the people of country Victoria are infuriated by the proposal, which places us at risk.

My colleagues have talked about Essendon being a vital commercial link for Victoria, but most importantly it is a vital link for our air ambulance services and other emergency services. Essendon Airport is home to four air ambulance aeroplanes, which can reach most of country Victoria within an hour. In country Victoria our health services do not have the capacity to cope with major traumas or with many of the illnesses that face country people. We need to be able to move patients quickly and efficiently to the major hospitals in Melbourne, and Essendon Airport is that vital link.

As Mr Finn said earlier, mixing small planes with large planes at Tullamarine would be a disaster because of the dangers of mixing these two elements — small planes and commercial aircraft. It would also be a disaster because of the congestion it would create. We all know that emergency aircraft are given priority, but Tullamarine is a commercial airport; it works to timetables, and it is not going to be efficient for the airport and certainly not for our emergency services to have flights put on hold while emergency services take off or land. It certainly will not be efficient to have emergency services aircraft held up while they wait for other aircraft to vacate the tarmac before they are able to land or take off. It will put lives at risk if we add this extra time to those flights.

Last year 4432 fixed-wing flights and 769 helicopter transfers landed at Essendon Airport. As my colleague Mr Koch said, it is most important that we land them as close as possible to the centre of the city so patients can get to our major hospitals. Minutes may cost lives. To have aircraft coming into Tullamarine — that extra half-hour travel time plus the additional time to get in and out of Tullamarine and through the various levels of security that need to be maintained at that airport — may put lives at risk, and we do not want to see that happen. Of those 4432 fixed wing and 769 helicopter transfers, 136 carried infants as part of the Newborn

Emergency Transport Service. Newborn babies born in country Victoria who have complications need to be transferred to the Royal Women's Hospital as quickly as possible. In addition to the air ambulance flights that come into there, the Royal Flying Doctor Service made 6896 landings at Essendon Airport in 2006–07.

But it is more than just the air ambulance that uses Essendon Airport; it is also used by the police air wing and our firefighting aircraft that are so vital when we need to fight bushfires. As we know, the Premier has been out there warning us that this year may be our worst bushfire season ever. For those of us in north-eastern Victoria who have lived through the 2003 and the 2006 fires, the thought of a worse bushfire season this year is absolutely horrific.

It is quite daunting to have your home threatened by bushfire and to see the effect that a bushfire can have on communities far and wide. Even though I live in Shepparton, I travelled right throughout my region in 2003 and 2006 and saw the horror of the fires firsthand. Even as far away as in Shepparton, where we were, on most days during that period the sky was like it is in the middle of winter: you would have sworn you were in deep cloud.

There was no sunshine because of the smoke that lingered in the valley; the visibility was very poor, which meant that the firefighting helicopters and other equipment could not land at Shepparton. It is vital that we have an airport like Essendon Airport where aircraft can land and from which they can service the areas threatened by bushfires.

If Essendon Airport were to close, as the government is saying, and our emergency services used Avalon Airport rather than Tullamarine airport, that would add an additional 40 minutes in travel time for ambulance transfers from Avalon to hospitals in the central Melbourne area. As I said, just extra minutes can mean lives — and an extra 40 minutes in travel time is too much to factor into medical emergency transfers.

Essendon is a vital link for all medical emergency transfers in Victoria, from country Victoria to Melbourne. Even Ambulance Victoria's operations manager Paul Holman has said that Essendon is the best location for the air ambulance. I am sure he wants to see it remain there.

I would like to read, from the Save Essendon Airport Group website, a firsthand account from Debbie Martin of Portland, talking about her son. She says:

Our son critically ill and in need of a life-saving operation was supposed to be flown by helicopter but it would have to

refuel so we were sent a plane from Essendon. It took 6 hours for the plane to come as our son's life hung in the balance till the PETS team arrived, and we were quickly flown to Essendon and speedily on to the Royal Children's Hospital for a life-saving operation. Had we had to go to Tullamarine airport, it would have been much longer and more traumatic. We need our Essendon Airport.

As I said, Debbie Martin is from Portland; the people of Portland have fought very hard to get their helicopter service in place. It was the Premier who said the people of Portland were too far away to care about. We do not think the people of country Victoria are too far away to care about; they are far enough away that they need to be supported. They need the vital service that is provided by the air ambulance, and they need to have the air ambulance service land at Essendon Airport.

My father was a patient who used the air ambulance. In his last few months of life my poor dad was in horrific pain from bone cancer and needed to come down to Melbourne for treatment. To transfer him was a traumatic event, not only for him because of the pain but for all of us as well to see him going through that pain. To have had to transfer him by road would have caused him not only discomfort but severe trauma from the pain.

The air ambulance service was able to provide him with the transfer much more quickly and efficiently and with the least amount of discomfort that he could possibly have endured, even though he was in severe pain and discomfort the entire time he was being transferred. The air ambulance service is a vital one. We have major trauma units but they are not as equipped as the Melbourne hospitals. We do not have the full services that are needed for chemotherapy, radiotherapy and other services. We need that link to get people from country Victoria to the major hospitals in Melbourne. I congratulate Richard Dalla-Riva on moving this motion. I hope Essendon Airport remains open.

**Hon. J. M. MADDEN** (Minister for Planning) — I want to make a contribution to this debate. I rarely, if ever, make a contribution to debate on opposition business in this place, because seldom do I seek to dignify the issues the opposition usually brings up. But on this occasion I want to give some reflections of my personal experience, having spent all of my life living in the shadow of Essendon Airport.

I grew up in Airport West, I lived for a time in Aberfeldie, and I now live in Essendon with my family. If you live in the north-west, in that part of Melbourne, you come to accommodate the airport as just part of your lifestyle, of the way in which you live. But I have many mixed emotions about the airport. As I said, I

grew up in Airport West, and obviously the name of the suburb reflects where it is located: it is located at the end of the western runway — and when I say ‘at the end’, I mean it is located at the very end of the runway. Where is the buffer? There is no buffer. The buffer is the freeway, the tramline and Matthews Avenue at the western end of the runway.

Likewise, if you live in Strathmore it is at the eastern end of the runway. The houses about the absolute perimeter of the airport — to the point that as a child I could never work out when travelling from time to time through Strathmore towards Pascoe Vale Road why there seemed to be extraordinary lamps on posts shining up at the sky located on quarter-acre blocks between the houses that people lived in. It was only later on in my adolescence that I discovered these were actually the lights that lit up the runway for the planes arriving at and departing from Essendon Airport at the eastern end of the runway.

At the other end there is probably just a hint of a buffer to the north as you get towards Strathmore Heights, but even then the houses at Strathmore Heights generally about the perimeter of the airport. If there were a buffer, there is a little bit over Moonee Ponds Creek. To the south there is the freeway, there is the Bulla Road interchange and there are people living in Niddrie or North Essendon — again, without any buffer. If you have lived in or visited those houses you would know that the crockery on the shelves rattles when the planes take off and land. My friends jokingly referred to the location where I grew up in Airport West as the Paris end of Airport West because the crockery on our shelves did not rattle — but it rattled on my friends’ shelves.

I have fond memories. Some of those fond memories are of when I was a child and I was at the airport during the holiday period on a walk with the families. We would go and play on the elevators and drive people crazy. We would watch the flights arrive. We would put 10 cents in the binoculars and watch the big jets land. As well as that we saw the Queen arrive. I am not a monarchist of any sort, but we were waving flags as kids along Matthews Avenue when the Queen arrived from Essendon Airport — likewise, for Lyndon B. Johnson, so I am going back a while here; also I was there for the arrival of the Beatles. I am not sure I got to see the Beatles but I was certainly engrossed in the excitement of it. So I have mixed memories.

One of the things you appreciate if you live in the area is that whilst you accommodate it, you live with it and it is part of where you live — and it has not in many ways diminished the land values in that area because of

the proximity to the city — it looms as a bit of a threat. I will relay a couple of stories, but one in particular stands out very strongly, regardless of any policy basis or any position on industry. My comments today are not to imply anything more than just to relay this story, and it stands out very strongly in my mind.

About 30 years ago — it might be 35 years; I recall from memory rather than from any advice or notes — I was a child in Airport West, and on one particular warmish summer evening a series of sirens went off at the airport. There was a large number of sirens in the region, and an enormous plume of smoke rose from near the airport. If you live in the surrounding suburbs, you can see the water tower in the distance. On this occasion the plume of smoke continued to rise, and it got fiercer and stronger. The power in the surrounding suburb went off. We all wondered what that meant. Many of our neighbours were standing in the street speculating about what it was, and many rumours were spread. It was only later that we realised the true story.

The true story was that a gentleman by the name of Sam Gully — no doubt Bernie Finn would recall this story because I think he lived in the area at around that time, and we are of a similar age — had gone to visit the country property he and his family were about to move to. It could have been in Kilmore, or I think it might have been in the Bulla region. He was probably of European extraction; there were many people in our suburb like that — post-war migrants. He had settled in the suburb of Airport West, but he had chosen to buy an acreage and eventually move his home there. As he drove towards Essendon Airport he saw this plume of smoke. He could not access Matthews Avenue because of all the emergency services. He drove back onto the freeway that ran alongside the airport, as it does now. As he drove back along the freeway to try to work out why he could not access his home, it became self-evident. He could not access his home because a wheel on one of the planes leaving the airport had inadvertently clipped the tramlines in Matthews Avenue, and the plane had tumbled into the front of his house, exploded on impact and not only destroyed his house but incinerated his family — his wife and children. I remember very strongly the images in the papers in the following days of Sam Gully on his knees beside the open grave of his family, in tears, watching a series of coffins being lowered into the ground.

For those who live in the area, in the rain shadow of Essendon Airport, there is no buffer. Regardless of what you think industry should or should not do, regardless of what you think land use should or should not be and regardless of the operation of the airport, the threat is always there.

On another occasion I think it was a de Havilland, if I know my planes, that crashed into a house in Cooper Street, Essendon. Fortunately nobody was killed, but the house was destroyed. The road has never been the same, so if you drive down the street, you can identify the bump in the road outside the house where that occurred. That paralleled the Garuda flight that attempted to land, thinking it was landing at Tullamarine. It was only when the pilot made radio contact with the control tower to ask why they could not see the relevant display lights as the landing gear was being lowered and they were approaching the runway that they discovered they were approaching the wrong airport with the wrong size plane, which could have easily overrun the runway and ended up at the Bulla Road exit of the freeway.

I wanted to relay those stories to put in context the experience of someone who has lived and continues to live in the flight path of Essendon Airport and who knows people who continue to live there. It does not affect their land prices. Their land prices will probably not be affected whether the airport is closed or not. But what it does do is remind people on a day-to-day basis that while it is a beautiful place to live and a great community, there is always the threat of an imminent disaster, which people are not ready to acknowledge more broadly on behalf of those people who live in that community.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I must start by rounding off the Minister for Planning's comments. While I understand his concerns, the issues surrounding potential imminent death from an airport exist at Tullamarine airport, Moorabbin Airport, Sydney Airport and every airport around the world. As a policeman I attended a crash where a plane had hit powerlines and saw the direct result of what occurred. But equally I attended many road accidents. The argument I have heard throughout the debate that it is a dangerous site implies we would have to close all roads and suspend all trains and every other form of transport because there is an inherent risk of injury. It is the nature of humans engaging in some form of transport. The other day I saw a cyclist get collected by a taxi across the road. He was seriously injured — enough to be taken to hospital. Do we therefore close all bike lanes because they are a danger?

This is the argument I have heard through the debate. I believe we have an aviation safety record that is second to none. I understand the concerns the minister has raised, but to bring up in the debate an accident that occurred 30 years ago is a long stretch from the reasons to oppose the motion before the chamber.

In terms of the motion I am a bit confused. The motion starts at point 1, which I need to reaffirm to members of the chamber because they are somewhat confused. The motion states:

That this house —

- (1) notes that on page 13 of the Victorian Labor government's July 2008 submission to the federal aviation review, the Minister for Industry and Trade states that Essendon Airport 'should be closed' ...

We were therefore somewhat surprised when Ms Mikakos, a parliamentary secretary, stood up and said the government did not mean the airport should be closed and that it has no plans to close it. When we interjected, the member said the government was not going to close it. I am not using her words, but she inferred that the government is not going to close the airport. We then heard from Jaala Pulford. Ms Pulford could have handled this motion a lot better than she did — coming in here and flippantly raising points that had no relevance and lacked detail. However, she too was unable to fully express the view that the airport would be closed. Mr Eideh was the only one who said the airport should be closed — we were very certain about that. The other people who have said it should be closed are the Premier and the Minister for Industry and Trade. We have a lot of confusion about where we are going with this motion.

The very first point, and the basis on which the other points in the motion are to be measured, has been questioned by the government. If the government does not believe the airport should be closed, it should say it. At the moment we have this mishmash of statements from members saying it should or should not be closed or that maybe in the government's longer term plans it is going to close, but it will not in the short term — or it will. From my side of the chamber it was embarrassing to hear Labor members talk about this motion and be totally confused about what it is.

We heard from Ms Hartland. As much as Mr Finn may not, I respect the views she expressed. I disagree with them for the reasons I outlined in the early stages of the debate. This is about the security of an industry. At some point people need to understand the importance of this industry to Melbourne and to Victoria. A raft of country members on this side of the chamber, from The Nationals and from the Democratic Labor Party, have all said that the removal of this airport would increase the risk of injury or death for those coming from regional and rural Victoria.

I was somewhat put off by the dismissive nature of Ms Pulford's contribution, especially when Mr Koch

got up and gave a real, personal example of the benefit that Essendon Airport has been to him — and I am sure it has been of benefit to countless families.

Mr Finn has had a long association with Essendon Airport, and he put forward the issues very eloquently, as he always does. Mrs Peulich raised an issue relating to Moorabbin Airport and nearby areas being saturated with prop aircraft after the closure of Essendon Airport.

Mr Rich-Phillips put the risk of death into context by comparing it with the number of road accidents resulting in serious injuries or fatalities on the freeways and roads of the surrounding area. We should be fair dinkum. In five years there have been 305 serious injuries or deaths on those roads, as opposed to a very small number connected with the airport. I think that argument is a bit lost.

Mr Rich-Phillips also raised the issue of a modern metropolitan city — a big city — having a number of airports surrounding it. Mr Hall put forward the perspective of regional Victoria from the point of view of The Nationals. I put on the record my thanks to Peter Ryan, the Leader of The Nationals in the Assembly, who has taken the lead on this issue in the country. There is much concern about this issue.

I also put on the record my deep concern that the members opposite — Mr Viney and Mr Scheffer from Eastern Victoria Region; Ms Broad and Ms Darveniza from Northern Victoria Region; Ms Tierney and Ms Pulford from Western Victoria Region; and Mr Eideh, Ms Hartland, Minister Madden and Mr Pakula, who is not here, from Western Metropolitan Region — have not been standing up for this airport. They should be saying, ‘No, Premier, we want it to stay open’. There are no logical reasons for closing the airport, other than those stated in the missives of a few — the potential for death, which we have disagreed with; the potential for pollution, which is clearly not an issue given the number of freeways in the area; the issue of supporting the emergency service vehicles of rural and regional Victoria; and the like. There is a raft of issues. I am very concerned about those country members who have not stood up for it.

I understand Mr Kavanagh’s concerns about paragraph (8) of the motion, and perhaps I could have softened it slightly. However, at the end of the day paragraphs (1) to (8) represent a fair assessment. I am still confused as to where the government stands. This debate has made the confusion of the government clear. It has no industry policies in a raft of areas, and now we find that it does not have a policy on what to do with Essendon

Airport, even though submissions by the minister for trade refer to it.

In summing up, the motion is sensible. It has support from this side of the chamber, and it should be supported, because it is about standing up for an industry that has received no direction from a government that is focused on stamp duty and revenue. We heard in the debate that the government is more focused on putting in high-density housing as a solution. In the end the people in the area will probably wish they had the airport instead.

**House divided on motion:**

*Ayes, 17*

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

*Noes, 20*

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

*Pair*

Atkinson, Mr	Pakula, Mr
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**Motion negatived**

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

*Concurrent debate*

**Mr LENDERS** (Treasurer) — I move:

That this house authorises the President to permit the second-reading debate on the Assisted Reproductive Treatment Bill 2008 to be taken concurrently with the second-reading debate on the Research Involving Human Embryos Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008.

I will speak very briefly on this motion. I argue that there is a strong logic that these bills be debated concurrently. This is not an unusual parliamentary procedure, and it is certainly one that, in a form, has happened before on these bills. In no way does this preclude a member from speaking on any of the bills. By the nature of the second-reading debate as a cognate debate, at the end of the debate obviously there will be separate votes on all the bills and separate consideration of all proposed amendments to the bills. There would be a cognate debate on the motion for the second reading of the bills. I urge the house to support the motion.

**Mr D. DAVIS** (Southern Metropolitan) — I support the motion moved by the Leader of the House in this case, and I believe there is an argument for it because the bills are linked. There is legitimate debate to be had about which order they are voted on, and we may have a further discussion about that.

I also make the point that the Parliament does not have before it — and does not yet have — the full report by the Scrutiny of Acts and Regulations Committee on the issues covered by the bills. I know a number of members wish to see that report before the Parliament prior to any division, and in a number of cases I know members would prefer to see the report before the debate takes place.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens have considered this motion by the government to have the three bills — the Assisted Reproductive Treatment Bill, the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill — debated in a cognate debate. We do not agree that these three bills live comfortably together, so I have drawn up a proposed amendment to the motion put by the government.

Put simply, with regard to the proposed amendment to the government's motion — and I have flagged this with the Leader of the Government during discussions — we see some affinity between the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill; however, we believe the Assisted Reproductive Treatment Bill is a much wider ranging bill. The other two bills are fairly short and technical bills; they have a natural affinity, but the Assisted Reproductive Treatment Bill contains much more wide-ranging provisions. That bill requires a more comprehensive debate. My amendment to the government's motion would allow the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill to be debated cognately, while the Assisted Reproductive Treatment Bill would

not be part of the cognate debate but be debated separately thereafter.

Therefore, I move:

Omit 'Assisted Reproductive Treatment Bill 2008 to be taken concurrently with the second-reading debate on the Research Involving Human Embryos Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008' and insert 'Research Involving Human Embryos Bill 2008 to be taken concurrently with the second-reading debate on the Prohibition of Human Cloning for Reproduction Bill 2008.'

As I understand it, that would mean that the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill would have to be discussed together first because they amend the Infertility Treatment Act, and those amendments would need to go into the Infertility Treatment Act before that act could be amended by the Assisted Reproductive Treatment Bill.

That is the Greens' view on the cognate debate. We think it is more sensible to debate those two bills together — which should not be a long debate — and then to debate the Assisted Reproductive Treatment Bill separately because it covers much more wide-ranging issues, none of which are particularly related to the other two bills.

**Mr VINEY** (Eastern Victoria) — The government will not be supporting Ms Pennicuik's amendment, and Mr Tee will further discuss the detailed reasons for that decision. Let us be clear: the cognate debate does not prevent separate votes on each of the pieces of legislation. There is no need to have repetitive contributions in this place on these bills. They can be easily discussed in one simple debate, and we can avoid hours of repetitive debate by being sensible about how we manage the business in the house.

We want to provide the maximum opportunity for members to be able to contribute to these bills, which are clearly related bills, and the sensible way of managing that is in a cognate debate. The government will not be supporting the amendment.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Liberal Party will also not support Ms Pennicuik's amendment to the motion moved by the Leader of the Government. We believe these three bills are sufficiently linked to justify a cognate debate on the three bills. Obviously the order in which they are put for their second-reading votes is important, given that there are consequences arising from some bills that impact on others. But the matters covered by the three bills are sufficiently related and

certainly members on this side of the house — although they are exercising a conscience vote — have indicated they want to range across the various matters covered by the different bills. Therefore it would be appropriate that these bills be dealt with in a cognate debate.

**Mr TEE** (Eastern Metropolitan) — The one core central theme to the three bills is the Infertility Treatment Act. All the bills in one way or another deal with the Infertility Treatment Act, so there is a clear logic to having a cognate debate when what we are really doing is separating out and dividing the Infertility Treatment Act into three. As part of that we are — particularly in relation to the Assisted Reproductive Treatment Bill — also seeking to make significant amendments, but the logic is clear: it is one bill, where the subject matter has been divided into three.

In terms of the opposition's concerns about the order, we would be more than happy to have a discussion about finding a logic to apply to which order is most appropriate.

**Amendment negatived.**

**Motion agreed to.**

## DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL

*Introduction and first reading*

**Received from Assembly.**

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

## WATER (COMMONWEALTH POWERS) BILL

*Statement of compatibility*

**For Mr JENNINGS (Minister for Environment and Climate Change), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Water (Commonwealth Powers) Bill 2008.

In my opinion, the Water (Commonwealth Powers) Bill 2008, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The bill refers powers to the commonwealth in order to give effect to the agreement on Murray–Darling Basin reform entered into at COAG on 3 July 2008. The bill will enable the commonwealth to implement commitments under that agreement by enacting legislation to:

introduce a new governance regime for Murray–Darling Basin water management;

extend coverage of the commonwealth/Australian Competition and Consumer Commission (ACCC) water market and water charge rules; and

allow the basin plan to address critical human water needs.

### Human rights issues

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

Section 20 of the charter provides that a person must not be deprived of their property except in accordance with the law. A deprivation of property is in accordance with law if it occurs pursuant to a law which is formulated precisely and is not arbitrary.

Section 20 may be relevant to this bill in so far as it refers powers to the commonwealth to make water market and water charge rules that apply to all entities within the basin and their transactions (instead of just those currently within the scope of the commonwealth's constitutional powers). This could result in future restrictions on bodies that charge regulated water charges and on irrigation infrastructure operators in terms of their ability to charge for access to irrigation networks or services and to restrict the trading of certain irrigation rights held against the operator.

However, any future imposition of restrictions as a result of the commonwealth making water market or water charge rules would be in accordance with law (the Commonwealth Water Act 2007) and not arbitrary. It is therefore considered that the bill does not limit section 20 of the charter.

### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any rights protected under the charter.

GAVIN JENNINGS, MLC  
Minister for Environment and Climate Change

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr LENDERS  
(Treasurer).**

**Mr LENDERS** (Treasurer) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The purpose of this bill is to give effect to the agreement on Murray–Darling Basin reform signed by Murray–Darling Basin first ministers on 3 July 2008. This agreement is known as the reform intergovernment agreement, or reform IGA.

Through the reform IGA, basin governments committed to:

a new governance regime to manage water across the Murray–Darling Basin;

allowing the proposed basin plan to address planning for critical human water needs in accordance with the basin governments' intentions as expressed in the reform IGA;

extending the commonwealth Australian Competition and Consumer Commission water market and water charge rules to cover all water service providers and transactions.

**Murray–Darling Basin governance**

The basin is currently managed according to the 1992 Murray–Darling Basin agreement between the commonwealth, New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory.

The agreement is a cooperative arrangement to manage the basin's shared water and other natural resources through a ministerial council and commission.

However, it was timely for all parties to rethink the governance arrangements in the 1992 agreement, and consider alternative models to manage a future in which water availability is expected to decline through drought and climate change.

The reform IGA outlines a new management regime.

The new regime creates a new, independent, skills-based Murray–Darling Basin Authority, a new ministerial council and a new basin officials committee, and reallocates the current functions and powers of the Murray–Darling Basin Ministerial Council and commission between these new entities.

A key principle in the reform IGA guides the reallocation of these functions and powers: that while the authority would be required to give effect to ministerial council and basin officials committee decisions, it would have more autonomy in exercising its day-to-day technical and operational functions.

Importantly, the authority is obligated not to exercise any of its new powers and functions in a way that could affect state water-sharing arrangements without agreement from either the ministerial council or the basin officials committee.

These new arrangements will allow the authority to undertake the day-to-day running of the Murray River system in an efficient manner, while still ensuring that state water-sharing arrangements remain protected and unchanged.

**Critical human water needs**

Critical human needs are the highest priority for communities dependent on water in the Murray–Darling Basin. Basin

governments have recognised this by agreeing to a three-tiered arrangement to manage future water scarcity.

Under tier one, normal water sharing in accordance with the new Murray–Darling Basin agreement applies.

Tier two sharing arrangements will begin when there is uncertainty that enough water will be available to cover the evaporation and seepage losses incurred when delivering critical human needs water throughout the system. The water required to cover these losses is termed conveyance water.

Under this tier, providing sufficient conveyance water will be a priority.

Tier three will begin when water availability is extremely low, perhaps unprecedented. Under this tier, the ministerial council will decide how water is to be shared on an ongoing basis in response to the conditions at the time.

Importantly, under all arrangements, states remain responsible for meeting their own critical human water needs requirements.

The basin plan will specify the conditions under which each tier will commence and cease. The basin plan will also describe planning arrangements to make sure sufficient conveyance water is provided for under tier two.

Any arrangements specified in the basin plan will not affect state water-sharing arrangements unless the ministerial council or basin officials committee agrees.

**Australian Competition and Consumer Commission**

Recognising that a uniform approach to regulation is sensible, the Australian Competition and Consumer Commission's role in setting water market and charge rules will be expanded.

The new arrangements mean that the water market rules set by the commonwealth will now cover all relevant bodies within the basin, not just those within the scope of the commonwealth's constitutional powers.

The water charge rules will also now cover all bodies within the basin that charge regulated water charges and therefore a more comprehensive array of transactions.

However, both metropolitan and rural urban water users will remain unaffected by these changes.

**Victorian Water (Commonwealth Powers) Bill 2008**

To give effect to these arrangements, basin governments have approved a new Murray–Darling Basin agreement to replace the 1992 agreement and have also agreed to a limited, text-based referral of powers to the commonwealth.

In accordance with this commitment, the Victorian Water (Commonwealth Powers) Bill 2008:

refers certain specified matters relating to the Murray–Darling Basin to the commonwealth Parliament for the purposes of section 51(37) of the commonwealth constitution; and

makes necessary consequential amendments to the Victorian Murray–Darling Basin Act 1993 and other acts.

The new arrangements bring together the commonwealth's basin plan and Murray-Darling Basin Authority with the Murray-Darling Basin agreement and states' water management frameworks.

I now turn to the bill.

The bill refers specified matters to the commonwealth so that it can amend the commonwealth Water Act 2007. These matters include:

attaching the new Murray-Darling Basin agreement as a schedule;

expanding the functions and powers of the Murray-Darling Basin Authority and the basin community committee to include those set out in the new Murray-Darling Basin agreement;

inserting a new part into the commonwealth Water Act that requires the basin plan to deal with providing conveyance water and critical human water needs in accordance with the intent of the reform IGA;

replacing part 4 of the commonwealth Water Act to extend the reach of the water charge and water market rules within the basin to cover, respectively, all bodies that charge regulated water charges and all irrigation infrastructure operators;

inserting a new part 4A into the commonwealth Water Act to allow a referring state to choose to apply the water charge and water market rules in its jurisdiction beyond its portion of the Murray-Darling Basin;

providing for the staff, assets (other than those related to Murray River operations and Living Murray initiative) and liabilities of the Murray-Darling Basin Commission to be transferred to the authority in accordance with the reform IGA. Transitional matters are also provided for.

In accordance with normal protocol, the version of referred text agreed between the parties to cover these matters is formally tabled in only one state Parliament. I can inform the house that this text was tabled in the South Australian Parliament on 23 September 2008 by the Honourable Karlene Maywald, MP, Minister for the River Murray. For the information of members, a full copy of this referred text, which is referenced in this bill, is available from the parliamentary library.

Along with these specified referred matters, the bill also refers a limited subject matter amendment power to the commonwealth. In relation to this amendment power, Minister Garrett in his second-reading speech of 25 September 2008 presenting the commonwealth Water Amendment Bill 2008 to the House of Representatives noted that the commonwealth government has committed to securing the agreement of the basin states before proposing any amendments to the commonwealth Water Act based on these referred subject matters.

He further noted that in recognition of the cooperative underpinnings of the limited referral of power by the basin states, any amendments proposed by the commonwealth government would be consistent with the principles of the July 2008 reform IGA. The Victorian government welcomes this commitment.

Basin governments have come a long way from the flawed takeover proposed by the previous commonwealth government on Australia Day in 2007, proving cooperation offers the best way forward.

I commend the bill to the house.

**Debate adjourned for Ms LOVELL (Northern Victoria) on motion of Mr D. Davis.**

**Debate adjourned until Wednesday, 5 November.**

## VICTORIA LAW FOUNDATION BILL

### *Second reading*

**Debate resumed from 28 October; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Ms PENNICUIK** (Southern Metropolitan) — Yesterday I outlined a series of projects that have been undertaken by the Victoria Law Foundation over its 40 years. I should note that that was not an exhaustive list of the projects undertaken by the Victoria Law Foundation but a selection of activities and achievements. The Greens are very supportive of the activities of the foundation and of its continuation.

The bill aims to modernise and refresh, as the Attorney-General said in his second-reading speech — which were interesting words — the Victoria Law Foundation. As I flagged yesterday, the main concerns of the Greens with the bill are around the constitution and membership of the foundation, as outlined in clause 7 of the bill.

I have amendments, which I am happy to have circulated.

**Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — The amendment is fairly simple. The amendment would add to the end of clause 7 that the groups which should be consulted by the minister would include the Federation of Community Legal Centres.

The current board is made up of people with little or no knowledge of the community legal sector. There is no representation from community legal centres. My amendment seeks to redress that. Given that the aims of the Victoria Law Foundation are centred around providing information and education about the law to the community and to the legal profession, and the

community is the greater emphasis, there is a gap in representation on the board.

This bill, as Mr Tee alluded to yesterday, comes about because of a review and a report into the law foundation which was finished in July last year. The report made the point that the membership of the board is weighted in favour of legally qualified members, with a smaller representation from the community legal sector, which I am not sure is exactly the case; there are a very few non-lawyers, and the membership is representational.

They report recommended, given the need to streamline the role and direction of the Victoria Law Foundation, that it would be timely to consider reorienting the membership to be based on skills needed to take the organisation to its next phase. There is a bit of conflict between having a representational board and a skills-based board. They are not mutually exclusive. You can have people who are representative of organisations and have skills.

**Mr Rich-Phillips** — One would hope so.

**Ms PENNICUIK** — Hopefully they do, yes. And they could have the skills outlined in clause 7(2) of this bill, such as management of community organisation, financial management grants administration, marketing, communications and publishing. But I would also make the comment that the staff employed by the foundation can also have these skills. It is not necessarily essential that the board members themselves have those skills, but I believe it is essential that the board has representation, knowledge and experience from the community legal sector, as it is the community which is the target of the majority of its work.

I also flagged that I have an amendment to Mr Rich-Phillips's amendment that was circulated yesterday. I understand it is nearly ready to be circulated. In effect my amendment to Mr Rich-Phillips's amendment does the same thing as my previous amendment, which is to insert representation from the community legal sector into the groups that would be represented on the board. The Greens are basically supportive of the other aims of Mr Rich-Phillips's amendment, which are to retain the independence of the Victoria Law Foundation and the independence of the groups that nominate representatives to the foundation, to not have that independence handed over to the Attorney-General.

It is the Greens' view that, as much as possible, the appointment of boards, be they the Victoria Law Foundation, the ABC or any public institution or

authority, should be at arm's length from the government. Having the Attorney-General appoint people to boards — whether or not it is in consultation with or on the recommendation of other bodies — is not at arm's length of the government; in essence it is a political appointment.

We know about the politicisation of the board of the ABC, for example. The Greens' position is that we should follow the UK model, which has an independent organisation that appoints people to boards. That is not done through the ministers, the Attorney-General or whichever relevant minister it might be. That is what we should be moving towards in Australia. That is why we are supportive of the aims of the amendment of Mr Rich-Phillips, which preserves the independence of the Victoria Law Foundation and does not have the Attorney-General as the person who appoints board members.

My second amendment to Mr Rich-Phillips's amendment 6 inserts representation for the community legal sector on to the board, which I think will be an asset to the foundation. I have had discussions with representatives of the Federation of Community Legal Centres, and they are amenable to being represented on the board. Given the role of the foundation in community education about the legal system, it is appropriate that they be there. The Greens are generally supportive of the bill.

**Ms MIKAKOS** (Northern Metropolitan) — I am pleased to be able to make a brief contribution on and to indicate my very strong support for this bill. During the years that I served as Parliamentary Secretary for Justice I got to know the work of the Victoria Law Foundation very well, and I want to indicate my support for the work of that organisation.

Members, in their work as local parliamentarians, would be familiar with the range of publications the law foundation has provided us with to assist our constituents to demystify the legal system. I have a number of those brochures in my office reception area. They include such titles as *Dogs, Cats, Neighbours and You* and *Neighbours, the Law and You*, and we all know that neighbourhood disputes can be a fraught issue for our constituents. They often relate to issues that people feel very strongly about such as overhanging trees, dilapidated fences which are falling down, and so on. So these brochures and the other publications that the Victoria Law Foundation provides can be very useful tools in helping our constituents understand how the legal system works.

The law foundation celebrated its 40th year last year. I have a publication here which talks about highlights since it was established in 1967, originally through provisions contained in the Legal Profession Practice Act 1967. It was many years later that it was given its own stand-alone act, creating it as a statutory body. I will now detail some of the highlights in the history of the Victoria Law Foundation.

In 1974 the VLF provided initial funding for practical legal education at Leo Cussen Institute. This is an important body for Victorian lawyers as it provides training for people to do what is an alternative to articulated clerkship and to enable them to be admitted to legal practice in our state. In 1981 it funded an inaugural study into sentencing in burglary offences.

In 1994 it provided establishment funding for the Public Interest Law Clearing House. This is another organisation for which I have a great deal of respect in terms of the types of cases that it takes up in the public interest — test cases to promote, in particular, a human rights framework in our state. In 1999 it provided establishment funding towards the disability rights legal service, Villamanta; and in 1990 it provided establishment funding for the Environment Defenders Office.

There are many other examples of the types of publications, research or initial funding that the law foundation has provided to important initiatives in this state. Its grant program is important in providing funding for these types of projects and initiatives that help to provide greater access to justice for Victorians.

As I said, in my capacity as Parliamentary Secretary for Justice, I was involved in launching some of these initiatives on behalf of the Victoria Law Foundation. I have spoken in this house about some of these projects in the past. For example, on 6 July 2006 I was involved in launching a Chronic Illness Alliance website called the 'workwelfarewills' website, which was designed to assist chronic illness sufferers with free legal advice.

It was an alliance of a range of organisations such as the Asthma Foundation, beyondblue, the Cancer Council of Victoria, the Victorian office of Diabetes Australia, Epilepsy Victoria, the Hepatitis C Council, Leukaemia Victoria and the MS Society of Victoria, just to name a few. That website provides information to people suffering from chronic illness about issues such as superannuation, welfare entitlements, disclosure, health and privacy, as well as powers of attorney, guardianship and wills. This is an important initiative that was made possible through funding by the Victoria Law Foundation.

Back in August 2005 I had the opportunity to launch a training package entitled 'Valuing Volunteers' for volunteers at community legal centres. This package was developed by the Peninsula Community Legal Centre in partnership with Chisholm Institute of TAFE, and again was funded through a grant from the Victoria Law Foundation.

In February 2007 I was honoured to be involved in launching and speaking at the launch of the *Bringing the Law to the Community* DVD, which was an initiative of the Migrant Resource Centre North West Region in partnership with the African Community Development Centre. The DVD was funded jointly by Consumer Affairs Victoria and the Victoria Law Foundation. It provides information in Arabic, Amharic, Dinka, Somali and English to new settlers or refugees coming to Victoria particularly from the Sudanese, Ethiopian and Somali communities. It provides them with important information about day-to-day life, but particularly legal information about things like buying and owning a vehicle, mobile phone contracts, family violence issues and the role of Victoria Police. This important initiative was made possible only through the support of the Victoria Law Foundation.

I pay tribute to the work of the foundation, particularly that of the members who have served on the board over the 41 years of the existence of the Victoria Law Foundation and Professor Kathy Laster, who was the executive officer of the foundation for just over five years. During the time that I was Parliamentary Secretary for Justice she was a very capable person who steered that organisation well, with great insight and leadership in providing support for the types of initiatives that I have spoken about.

Members will be familiar also with the Law Week activities that are run every year and which again are about demystifying our legal system. Many events are provided to enable the community to better understand the law and how our legal system works and to have an opportunity to talk to stakeholders, in particular members of the judiciary and others in the legal profession.

The bill builds on the important work of the Victoria Law Foundation. It is about modernising the legislation. For example, for the first time it introduces conflict of interest provisions in relation to board members. It is about focusing the work of the foundation so that it will not overlap with the activities and functions of other organisations that have been established since the foundation itself was established 41 years ago. The bill is also about modernising the foundations of governance

structure, reducing the maximum number of board members from 16 to 8 and replacing a representative board with one whose members have wide and varied skills and experience. This is of course consistent with the trend in appointments to boards and statutory bodies which recognises that we need to have an open recruitment approach that appoints people with an appropriate skill set.

I note that in the comments made by members of the opposition and Ms Pennicuik on behalf of the Greens some concerns have been expressed about the Attorney-General appointing all the members of the board, suggesting that somehow that will politicise the board. I find that interesting. They are obviously making the inference that members of the public who have been appointed by other ministers to statutory bodies, boards or advisory committees are in some way part of government, that they are not independent and do not take their role seriously. I consider that quite an insult to those individuals.

If we consider health boards, for example, the Minister for Health has appointed people to hospital boards, including a former Leader of the Opposition, Mr Doyle. Perhaps members of the Liberal Party are suggesting that Mr Doyle has become a propagandist for the Brumby Labor government!

It is a very narrow focus to make those kinds of inferences and, as I said, it is quite an insult to members of the community who as members of statutory bodies put in a huge amount of time and effort in contributing to the work of government and providing valuable input to government about how those services and organisations work. I have absolute confidence that if the Attorney-General were to appoint all the members of the board of the Victoria Law Foundation, those people would exercise their functions in an appropriate way and would add value to the excellent work that the foundation has been doing for the past 41 years.

I do not want to say anything further because Mr Tee has covered the contents of the bill in considerable detail. For those members of Parliament who perhaps do not know very much about the Victoria Law Foundation, I reiterate that the foundation is an excellent body. It provides very useful services, grants, information and activities that enhance our justice system, and we should all be supportive of that body. This bill will help enhance the work of the foundation so that it can continue to provide for a more accessible justice system here in Victoria. I commend the bill to the house.

**Mr EIDEH** (Western Metropolitan) — Some 41 years ago the Victoria Law Foundation was established to improve access to justice. Over the years it has played a very responsible role in our system of justice, even though most Victorians would not be aware that it even exists. This exceptional body is responsible for the provision of grants that enable our exceptional network of community legal centres to function, particularly within community legal education, and it coordinates the highly successful Law Week which is particularly enjoyed by students and others.

In its 41 years the very objectives and the governance structure of the foundation have not been reviewed and that is something that this bill seeks to rectify. The bill is based on extensive consultations and inquiries regarding the foundation and it is endorsed by its stakeholders. The bill redefines the structures, purposes and governance of the Victoria Law Foundation. It also takes into account a number of changes that have been effected since the original act was passed all those decades ago. Members of the foundation will be appointed only after consultation with key stakeholders listed in the bill. It will act to improve information about the law and this will only enhance the activities that it currently performs.

Reflecting other acts and modern society, the bill will ensure strict regulations regarding the possible pecuniary interests of its members are followed, just as such controls and requirements apply to members of this house. The statutory president, who until now has been our Chief Justice of the Supreme Court, will be replaced by an appointed chairperson. Other provisions relate to its various financial powers.

The Victoria Law Foundation is a credit to all its stakeholders and to all who have served it over the years. Their integrity and their commitment to the law have made the foundation the overwhelming success that it is. This bill will not detract from that success, but rather will build upon it. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed on Tuesday,  
11 November.**

## MEDICAL RESEARCH INSTITUTES REPEAL BILL

*Second reading*

### Debate resumed from 12 September; motion of Mr JENNINGS (Minister for Innovation).

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to make a contribution to debate on the Medical Research Institutes Repeal Bill on behalf of the opposition, which strongly supports the bill and looks forward to it being enacted as soon as possible. The bill has been on the notice paper for a while, and as we are now at the end of October I do not propose to talk about it for very long.

The bill effectively repeals the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 and allows for the transfer of all property rights, liabilities and staff to the new bodies — Baker IDI Heart and Diabetes Institute Holdings Limited and the Prince Henry's Institute of Medical Research.

The bill is designed to alleviate the administrative burdens on Prince Henry's. Under the Financial Management Act 1994 Prince Henry's is required to prepare a report on its operation and must also prepare financial statements for the Auditor-General. These financial reports, being tabled at the moment, are due before 31 October each year. Prince Henry's is also required to provide midyear and end-of-year financial reports to the Minister for Finance, WorkCover and the Transport Accident Commission. The bill will complete the final step in the amalgamation of the Baker Medical Research Institute and the diabetes institute.

Under the Corporations Act 2001 the bill will abolish the former bodies and transfer all their rights, property, assets, liabilities and obligations to the new bodies. A similar process occurred recently in the Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007, bringing the institute in line with the Corporations Act 2001 — which members on this side of the chamber supported. I visited the Howard Florey Institute — I still call it by the old name — in November last year with its director, Professor Mendelsohn, and it was quite amazing to see how, with the legislative change, it had been able to move forward. I suspect that will be the case with this legislation: the two organisations will collectively be the sum of two parts — a lot stronger than two separate entities and a lot stronger than one large entity. They will become a significant new body but effectively under the same terms and conditions, and all the entitlements will carry

over from the former bodies so that employees do not miss out. There will be no cessation of entitlements — which we sometimes read about in the newspapers — as often happens when a company finishes up one day and another is started the next.

The commencement day specified in the bill is 1 January 2009. The bill also provides that the Governor in Council will be able to make regulations under part 3 of the act, which contains provisions of a savings and transitional nature. As I said, this is not a significantly detailed bill. It establishes the new board under part 3 and outlines all of its requirements.

By way of background, this legislation was initiated by the Department of Innovation, Industry and Regional Development, and there was consultation with the respective boards and executives of both institutes over 12 months. Both institutes should retain the same taxation status, operating as not-for-profit organisations, and I think that is important in trying to attract people to work there.

This is not a complex bill; it is a machinery bill. It will work similarly to the Howard Florey repeal bill of May last year. I do not propose to labour much longer on this. I wish it a speedy passage and look forward to the new institute being an effective provider of the services that it has been providing, but doing so in a more coordinated and strategic way into the future. I look forward to positive outcomes in both the heart-related and diabetes-related fields.

**Ms HARTLAND** (Western Metropolitan) — I thank the previous speaker for outlining the technical details of this bill. Because this is a process bill the Greens will be supporting it.

**Mr THORNLEY** (Southern Metropolitan) — I also rise to support the Medical Research Institutes Repeal Bill. I thank my colleague Mr Dalla-Riva for outlining in fairly simple terms the purpose of this bill. I will just add a few contextual comments.

The bill sets these institutes free to pursue their own destinies without having to come back to us. It was probably advantageous at some point for these institutes to have status under acts of Parliament — the gravitas that lent them and the protections it afforded them — but these days for large, complex and highly professional organisations it is really just a drag on their capacities to have to fulfil the many requirements of an entity that is covered by an act of Parliament. And, frankly, it takes up the time of this Parliament dealing with matters that could just as easily, if not better, be dealt with by setting these organisations free in their

own capacities to pursue their destinies and their important missions without the need for statutory oversight of this type from us.

This bill does that. It is hard to see any downside to that, which is why nobody is opposing it. It is very much in line with what the government is seeking to do as part of the national reform agenda commitments to reducing regulatory red tape. This is the type of regulatory environment that is not adding any value to the process. If anything, it is impeding the flexibility of these organisations, so by getting out of the way we are letting them pursue their destiny unimpeded, and focusing the attention of the Parliament on more important matters. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Mr JENNINGS** (Minister for Innovation) — By leave, I move:

That the bill be now read a third time.

I thank members who have contributed to the debate for their unqualified support for the bill.

**Motion agreed to.**

**Read third time.**

**COURTS LEGISLATION AMENDMENT  
(COSTS COURT AND OTHER MATTERS)  
BILL**

*Second reading*

**Debate resumed from 12 September; motion of  
Mr LENDERS (Treasurer).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to contribute to debate on the Courts Legislation Amendment (Costs Court and Other Matters) Bill. The coalition is hoping to be in a position to support this bill; however, that will be contingent upon what happens to this bill during the committee stage. Many members will be aware that one of the most contentious issues of legal proceedings is the issue of costs. After a civil matter is determined, particularly a lengthy complex civil matter, there is then the need to determine what costs the respective parties are to incur.

This bill goes to the heart of addressing that element of legal practice in this state. The bill establishes the Costs Court which will be part of the trial division of the Supreme Court of Victoria. The role of the Costs Court will be to determine matters relating to the awarding of costs in cases across the various jurisdictions — Supreme Court, County Court, Magistrates Court and Victorian Civil and Administrative Tribunal (VCAT) — where it is necessary for either costs to be determined in a particular case or where a dispute arises with respect to costs between a party and a solicitor.

To the extent that this will create a specialised area of the judiciary that is responsible for cost matters to the extent that it will lead to efficiencies in addressing costs matters, it is something that the opposition parties welcome. The Costs Court will be structured so that it will have a costs judge appointed by the Chief Justice of the Supreme Court. The costs judge will be an associate judge. The Parliament dealt with the issue of associate judges earlier this year, with the establishment of the position of associate judge replacing the previous position of master of the court. In a sense the bill is in a similar vein in that it replaces the role of taxing master with the costs judge under the Costs Court.

Obviously there are transitional provisions with respect to transitioning from the current way in which costs are dealt with across the different jurisdictions to the combined jurisdiction of the Costs Court. It provides for transfer of files at the end of a proceeding in the other jurisdictions to the Costs Court so that matters can be determined. It also allows for the creation of regulations that have retrospective effect back to the point at which the associate judges were introduced. That would suggest that the way in which the associate judges legislation was introduced by the government earlier this year was less than favourable in its approach, given that a regulatory power has had to be introduced by this bill with retrospective effect back to when the associate judges legislation was passed.

The bill also expands the membership of the Legal Costs Committee which is established under the Legal Profession Act 2004 to include the chief judge, the chief magistrate and the president of VCAT, or their respective nominees. The area where this side of the house has some concerns relates to a power that the bill creates for the Attorney-General to direct the Legal Services Board to pay an amount out of the Public Purpose Fund to link to the Legal Costs Committee and to the Costs Court for dealing with matters that are laid down under the functions of the Costs Court.

The view of this side of the house is that the functions being assigned to the Costs Court by virtue of this

legislation have traditionally been ordinary functions of the various court jurisdictions: that is to say, the Magistrates Court, the County Court, the Supreme Court and VCAT have all had to deal with cost matters for as long as they have been hearing matters. It has been a standard administrative function, if you like, of the courts to provide directions and judgements with respect to cost matters in cases they have heard.

The fact this is now being brought together in a single Costs Court does not, in the view of this side of the house, change the fact that it is a necessary and normal administrative function of the court to make orders with respect to costs, and therefore this side of the house does not believe it is appropriate that the Attorney-General be given the power to raid the Public Purpose Fund in order to fund the Costs Court.

The cost of determining cost matters has been an administrative function of the courts and has been paid out of their existing budgets. The fact that it is now going to be dealt with through a single jurisdiction known as the Costs Court should not give rise to the need for additional funding from the Public Purpose Fund. The Public Purpose Fund is established from the interest that is paid on solicitors' trust funds, and those funds are used for a number of purposes that are laid down under the Legal Profession Act, including contributing funds to the cost of running legal aid here in Victoria. It is the position of this side of the house that the Attorney-General should not be able to dip into that fund to fund what are essentially core functions of government in running the courts, and in this case in running the Costs Court. We do not accept that provision in the bill, which is clause 15. The clause is headed 'Funding activities' and states:

The Attorney-General may each financial year direct the Board to pay an amount out of the Public Purpose Fund to the Legal Costs Committee for the purpose of carrying out the Committee's functions ...

under the relevant section. It is not the view of this side of the house that that is an appropriate use of the Public Purpose Fund. Those functions of the Costs Court committee are ordinary core functions of government. They should be funded in the same way as they have been traditionally, simply as an element of court operation in the various jurisdictions. The fact that they are brought together in one jurisdiction does not alter that. Accordingly, it is the view of the coalition that we cannot support clause 15 which grants that power to issue directions to the Attorney-General, and therefore we will seek in the committee of the whole to delete clause 15 to remove that capacity for the Attorney-General. We will reserve our position on the second reading of the bill. We are happy to support the

creation of the Costs Court to the extent that it will bring efficiencies to the judiciary in dealing with cost matters. If clause 15 is deleted and that power is not granted to the Attorney-General the coalition parties will be happy to support the legislation. However, if we are not successful in having clause 15 deleted it is our intention to oppose the bill.

**Mr TEE** (Eastern Metropolitan) — I welcome this bill which is another innovation for our courts. It will reduce the cost, complexity and delays in our legal system. For the first time in Australia it will establish the Costs Court, and this new court will deal with costs matters arising from the Supreme Court, the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal. It will be a one-stop shop jurisdiction for matters dealing with costs.

Obviously in the legal profession costs have been a difficult issue. It is not the glamorous end of the profession; it can be seen as tedious and difficult. It is complex, and an industry has developed and been built up around the issue of costs, adding complexity, delay and cost. This proposal is to have a one-stop shop to bring together the expertise around costs with a view to providing a simplified way forward. We will have a division of the Supreme Court which will be presided over by an associate judge appointed by the Chief Justice of the Supreme Court. It will become a repository of expertise. It will ensure that we have a uniform application of principles and a uniform application of procedure across all jurisdictions. We want to get rid of some of the artificial distinctions between the various court jurisdictions.

There are a number of historical distinctions that add nothing to the efficiency of the courts, and this is one way of reducing that complexity. It will increase efficiency, and it will increase the capacity of magistrates who for the first time will be relieved of the burden of doing cost taxation. It will free up magistrates to do other important work to ensure that more Victorians are able to access our court system. It is an important innovation, and one that will lead to increased efficiency and responsiveness for our courts, allowing better and more access to justice.

The proposed amendment deals with a provision to look at the issue of research in relation to costs. Again the proposal is that we increase efficiency by providing some funding for research. There might be easier and better models for us to deal with the issue of costs. The question is: where is the research funded from? The Public Purpose Fund has been identified as the key source of that funding. The reason for that is obvious. The Public Purpose Fund, which has over \$1 billion in

assets, is a vehicle that under the legislation that sets up the fund has research as an appropriate usage for those funds.

It is important that that vehicle is used for research in relation to costs because, as I said, costs is a complex and difficult area. It is a bureaucratic area that is not glamorous, and unless government intervenes we will muddle along for the next 200 years in the same way that we have for the last 200 years. Unless we take a step and say, 'Hang on a minute. Let's have a look to see if there is a better way' and unless the government and this Parliament do that, we will continue muddling along in a way that does not help the community. It is an important function which is entirely consistent with the statutory purposes of the Public Purpose Fund, and it fits neatly into the uses for that fund under its legislation.

The second proposal, which I think is objected to by the opposition in its amendment, relates to the regulation of the industry. Again, what is being proposed is that where a solicitor or a barrister is accused of imposing an excessive cost structure on a client that client has a capacity to seek to have the bill reviewed, and there is a mechanism under which costs can be reviewed in order to determine whether or not it has been manifestly unfair. It goes to the regulation of the profession; it goes to the regulation of barristers, solicitors and legal firms. It makes sure there is a capacity for review and for us to keep an eye on what the profession is doing so we can ensure that the profession is operating in a way which is not manifestly unfair. The bill seeks to fund that vehicle using money from the Public Purpose Fund. Again, regulating the industry using the Public Purpose Fund is not new. Currently it funds the Legal Services Board, the Legal Services Commission and the legal practice list of the Victorian Civil and Administrative Tribunal.

What we have is a fund that funds the regulation of the profession. That is what you would hope the Public Purpose Fund would be used for because the Public Purpose Fund is made up of funding from solicitors' trust accounts, and the regulation of that profession ought to be funded by the profession. That is why those two provisions are in place. It is difficult to see, once you look at the historical context and at the legislative context, that money ought to be taken out of the general fund to fund the regulation of the legal profession. I am not sure why the argument is that the general fund ought to be used to fund research into costs. Those are matters that should appropriately and properly be funded out of the Public Purpose Fund. It is a large fund with over \$1 billion worth of assets. It is there under its act to be used for exactly these purposes, and the purposes that have been set out are entirely consistent

with the current practice and with the legislation. We will oppose the amendments.

**Ms PENNICUIK** (Southern Metropolitan) — The bill before us, as outlined extensively by Mr Rich-Phillips and touched on by Mr Tee, basically sets up a new division under the Supreme Court that will deal with cost issues, which were previously dealt with separately by the three court jurisdictions. The Greens have no problem with this major aim of the bill: that is, in essence, what the bill is about.

However, I have spent quite a bit of time looking at clause 15, the clause which the amendment foreshadowed by Mr Rich-Phillips proposes to delete. I have had discussions with the government and with others about what this might mean. Since my discussions with the government yesterday I have done my own research into the clause.

The clause has two parts. Basically it will allow the Attorney-General every year to direct the board of the Public Purpose Fund to do two things. One is to pay an amount to the Legal Costs Committee for the purpose of carrying out the committee's functions under new section 3.4.25A(3), set out in clause 12 of the bill. It reads, in part:

- (3) The Legal Costs Committee may inquire into and report to the Judges of the Supreme Court, the judges of the County Court, the Chief Magistrate and the President of the Tribunal on the following —
  - (a) alternative structures to the existing scales of costs;
  - (b) inconsistencies in scales of costs ...
  - (c) any other matter which the Committee believes could make the conduct of litigation less expensive."

The words that are important there are 'may inquire', which conjure up ideas of research, which Mr Tee referred to and which the government advisers spoke to me about. Research into these issues, as Mr Tee has said, does not get done because it is not an attractive area of research and could be considered a bit dry.

I have conveyed to the government that I can see a small justification for money that is in the Public Purpose Fund being used to undertake research in this area. However, clause 15 does not restrict itself to that. It also inserts the following new subsection, which says:

- (2A) The Attorney-General may each financial year direct the Board to pay an amount out of the Public Purpose Fund to the Costs Court —

not to the committee but to the court —

for the purposes of carrying out the Court's functions under Division 7 of Part 3.4 of Chapter 3.

That refers to chapter 3 of the Legal Profession Act, which I have looked at.

Division 7 is quite long but none of it refers to research. As Mr Rich-Phillips has pointed out, it refers to activities that are undertaken in respect of costs in the Magistrates Court, the Supreme Court, the County Court and the tribunal already — out of the courts' budgets. That is how it is done. This part of clause 15 proposes to take money from the Public Purpose Fund, which is not to be used for general activities of the courts, and direct it to that. Not only that, the clause provides for no restraint on the amount that can be taken out. Under the current situation with the Public Purpose Fund there is a provision for the Attorney-General to take money for the Victorian Law Reform Commission, and there is a specified amount that goes to Victoria Legal Aid, which is 35 per cent of the Public Purpose Fund every year.

As Mr Rich-Phillips has said, and I totally agree, the Public Purpose Fund would be misused under the second part of clause 15. Unless another proposal is put forward to knock out the second part of clause 15 and leave in the first part — which, if you look at the part of the act it refers to, you see goes to the issue of inquiry and which could be research into costs, the inconsistencies in costs and better ways of running costs — I am inclined, and the Greens are inclined, to support the amendment proposed by Mr Rich-Phillips on behalf of the Liberal Party.

I go on to say that there is nothing anywhere to prevent the Legal Costs Committee — if it wanted to undertake that research under clause 12 of the bill which inserts the new section 3.4.25A — from applying to the Public Purpose Fund for a grant to do that research. Even if this clause is removed from the bill there is nothing to prevent the Legal Costs Committee, which will continue the existence it already has, from applying to the fund like any other entity or anybody can. Any 'body', in quotation marks, can under the act apply to the fund to do legal research. There would be nothing fatal for this bill by the deletion of clause 15, but I would be amenable to the deletion of just the second half, which is the part I think is inappropriate.

It is unfortunate that we have to concentrate on this clause of the bill because the rest of the bill is good. The establishment of the Costs Court is a good idea, and we are supportive of that. But the problem is with this clause. I have said what I wanted to say about it. It really is inappropriate for the activities of a court to be funded from that fund.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak in support of the Courts Legislation Amendment (Costs Court and Other Matters) Bill. This bill is more than a housekeeping matter and it is much more than an administrative exercise; it is about streamlining the current processes that are now clogging up our criminal and civil courts. It is about providing an efficient and effective way of dealing with complex, time-consuming taxation and cost matters currently before our courts.

The bill establishes a Costs Court with powers and functions to operate as a division of the Supreme Court of Victoria. There has been extensive consultation with the judiciary, beginning in 2003, and there is strong support and broad agreement on the need for a Victorian Costs Court.

The Victorian Costs Court will relieve judges and magistrates of the burden of time-consuming taxation functions that will be best carried out by a single Costs Court, established expressly to provide efficiency and uniformity of procedures. The court will be staffed by suitably qualified court registrars and the Chief Justice of the Supreme Court of Victoria will appoint a costs judge. There is also capacity under this bill for the Chief Justice to appoint an associate judge to act as an acting costs judge as required.

The main purpose and function of this Costs Court will be to introduce an effective, uniform method of dealing with the complex taxation matters that are slowing down our judicial system. One Costs Court and one jurisdiction to cover all tiers of justice — the Supreme, County and Magistrates courts and the Victorian Civil and Administrative Tribunal — in Victoria. This new court will relieve all the other Victorian courts by providing timely justice in the resolution of current cost disputes. For these reasons, I commend the bill to the house.

**Mr THORNLEY** (Southern Metropolitan) — I rise to speak in favour of the Courts Legislation Amendment (Costs Court and Other Matters) Bill. This bill is a very sensible piece of legal reform. It arose out of the review of the office of master and court costs. A couple of things came out of that review, the first of which was dealt with by the Courts Legislation Amendment (Associate Judges) Act 2008. As other speakers have indicated, this bill takes all of the taxation tasks that are performed by masters in the Supreme Court and by registrars in the Magistrates and County courts and at the Victorian Civil and Administrative Tribunal and puts them into a unified jurisdiction — the Costs Court — so they can be dealt with expeditiously and consistently in that environment.

It seems to me to be a very sensible reform, one which is evidently sufficiently sensible that it is being supported by all parties here. It ought to leave the important but somewhat distracting matter of costs out of the general flow of litigation, so the courts can focus on their primary task of resolving disputes. The matters associated with the money to pay for that litigation will be left to be resolved in a single court with its own jurisdiction.

That is uncontentious. As I understand it, the only matter that is in discussion is the use of the Public Purpose Fund for a couple of specific things. The first of those is to do research generally, and I think this is particularly important, on what happens with costs and ways costs can be brought down in future. It is exactly this type of research and development that tends not to get done in an industry like this. We all focus on the recurrent costs and the recurrent business system, but nobody focuses on thinking about the fact that it could be done better, faster, cheaper. It is unambiguously a very good thing that as part of this very sensible reform we are recognising right up-front that we are going to be able to fund some research to ensure that we are not just administering costs effectively but we are actively thinking of ways that costs can be reduced and efficiency increased for the benefit of all litigants. Possibly the only detriment is to the lawyers, and some of us are recovering lawyers so we can cope with that. I understand that that matter is not in discussion.

The second function, which is somewhat in discussion, is to be able to access the Public Purpose Fund to enable research into specific instances where there may have been misconduct or some other malfeasance related to costs in legal activity that has been scrutinised in the Costs Court. This is also clearly important. If you have a Costs Court, it is clearly important that on the hopefully rare occasions when there is some evidence that costs are inappropriate or there has been some form of malpractice or some other activity by counsel and solicitors who have been representing parties in litigation has not been done properly and inappropriate costs have been levelled in some form, the court has the power and therefore the resources to investigate and review those matters and ensure they can be treated effectively.

As I understand it from the previous speaker, there has been some sense that the fund would be used to fund the activities of the court and that this is some sort of backdoor way of relieving the public purse generally of funding a court. I understand that that is absolutely not the case. Both of these drawings on the Public Purpose Fund are for very specific and important purposes. As I indicated, this is firstly for public policy research on the structure of costs and how to improve efficiency; and secondly, for the investigation of matters where there is

some indication of some form of impropriety or incompetence to ensure those matters can be dealt with.

I think that appropriately quarantines access to the Public Purpose Fund to two very distinct and definable matters which are clearly public purposes. They are not public purposes in the sense that anything in the public sector might be a public purpose or anything in this court generally might be a public purpose but are two quite specific things. With those additional comments and context, I commend the bill to the house.

**Mr EIDEH** (Western Metropolitan) — I rise to support the Courts Legislation Amendment (Costs Court and Other Matters) Bill. This is yet another bill that I would describe as basically being a machinery bill, one which is supported by the majority of members in this house because it is simply a matter of procedure and does not of itself create any new laws or introduce anything that is controversial.

This bill will establish a Costs Court, thus adding to the effective administration of our judicial system. However, while it will have jurisdiction over relevant areas across all three levels of courts within our hierarchy, it will effectively be a division of the Supreme Court of Victoria. The Costs Court will be placed under the authority of an associate judge and will follow all relevant normal avenues of appeal.

I commend the Attorney-General in the other house and the Brumby Labor government on yet another example of their sincere commitment to the effective administration of justice in our state. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed later this day.**

## MEDICAL RESEARCH INSTITUTES REPEAL BILL

*Declared private*

**The PRESIDENT** — Order! I have had the opportunity of examining this bill, and I am of the opinion that it is a private bill.

**Mr JENNINGS** (Minister for Innovation) — I move:

That this bill be dealt with as a public bill.

**Motion agreed to.**

## GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL

### *Second reading*

#### **Debate resumed from 16 October; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr HALL** (Eastern Victoria) — This afternoon it is my pleasant task to report on the Greenhouse Gas Geological Sequestration Bill on behalf of The Nationals and the Liberal Party. From the outset I can inform the government that we are supporting this piece of legislation.

The bill, as it is, is described appropriately by a couple of sentences in the minister's second-reading speech. It is a bill to:

... facilitate and regulate carbon capture and storage in onshore Victoria ...

The minister has also described this bill:

The bill creates a framework to facilitate and regulate the injection and permanent storage of greenhouse gases.

It is an important bill particularly when the subject of climate change is very much at the forefront of public considerations. The content of this bill, the setting of a framework to allow for sequestration of greenhouse gases, is an important one in the context of that public discussion which is occurring at the moment.

The bill is of considerable length — it runs to 323 clauses. You, President, would be pleased to know that I do not intend to comment on all those clauses by any means at all. But I can inform the house that the bill is largely based on the Petroleum Act. When reading this bill I can see traces of similarity between provisions in the Mineral Resources Development Act and this bill.

The main features of this bill are many and varied but they cover such issues as who owns underground storages and at what stage that ownership passes from one to another. It also contains a provision which deals with exploration permits and the conditions attached to them — that is, exploring geological sub-ground structures that may be suitable for the storage of greenhouse gases. It also has a provision about retention leases and, as well, it has licences for gas injection.

It also covers other matters relating to planning and what sort of planning processes have to be observed when seeking and using subterranean storage areas for greenhouse gas sequestration. It also sets out fairly extensively a consultation process which also covers

the consent process for land of particular interest that is privately owned. There are some detailed clauses relating to those matters.

The bill also has a section on compensation, setting out the circumstances in which compensation may be payable to landowners or other people affected by such developments. It has a range of enforcement measures contained within the bill itself, and it covers a range of administrative matters. So it is that those 323 clauses fairly adequately cover, I think in the coalition's view, matters relating to the potential search for and ultimate use of subterranean storage areas for greenhouse gas geosequestration.

I think it is important to note that sequestration in this bill applies to more than just carbon dioxide, which is the most common greenhouse gas that might come to our lips when discussing this topic. But it also covers the other six greenhouse gases that have been identified in the Kyoto protocol, which has been signed off by the Australian government. They include methane and a list of others. I have not got my sheet of paper which lists those other gases, but I can assure the house, and I am sure it will be confirmed by the government, that the bill covers all six greenhouse gases as signed up to in the Kyoto protocol. But the primary desire in this piece of legislation is to explore the various possibilities of sequestration of carbon dioxide particularly as it relates to a by-product of brown coal used for power generation.

It is interesting to observe that we have been talking about geosequestration for some time now. Although there is a trial, I understand, occurring in Western Victoria at this very moment, we are still in the very formative stages of having significant opportunities to sequester carbon dioxide. This is an issue that the government should take note of and do what it can to accelerate some of the developments for geosequestration given that invariably there will be a considerable time period between the exploration, a feasibility study and the implementation until we get to a commercially viable implementation of some of these programs. There is always going to be considerable time involved between a demonstration and arriving at a final product and process.

We need to move quickly on this issue. As I said, we have been talking about it for some time now, and I am glad that this framework legislation is before us today. Hopefully it will be the catalyst for an accelerated effort to try to bring forward the commercial viability of geosequestration.

This legislation is terribly important for people in the Latrobe Valley because 85 per cent of Victoria's power

needs is produced by the burning of brown coal to generate electricity and another 5 per cent also comes from the Latrobe Valley in the form of gas generation. Therefore the Latrobe Valley area accommodates and provides for about 90 per cent of Victoria's power needs in total and, as I said, 85 per cent of that originates from the burning of brown coal.

Some people have suggested that under a national emission trading scheme the future of brown coal-fired power stations is not good, but I was pleased to see in the government's energy statement which was delivered by the Premier in the Latrobe Valley two weeks ago that the government acknowledged we are going to be reliant on brown coal for some time yet for the electricity needs in this state. I welcomed that statement from the government, although I read through the energy statement and found there was not much else in it but at least there was recognition that there needs to be an accelerated effort to put in place measures to ensure that under an emission trading scheme the viability of brown coal-fired power stations still exists. If that scheme is to be introduced by 2010, which I understand is the will of the commonwealth government, we need to move quickly on these issues.

It is also interesting to note that under the proposed emission trading scheme, or carbon reduction and capture scheme — whatever title the federal government has used with respect to this matter — it has various stages of implementation, but certainly it is expected to begin by 2010 and accommodate 75 per cent of greenhouse gas emissions, mainly through industry, electricity production and transport. Those are the three major contributors the government seeks to address by 2010. There is a staged introduction to other sections of the community, including agriculture, by 2015. Forestry is another industry which the federal government expects will be incorporated within about that time frame to 2015.

There is still a lot of work to be done in trying to implement a carbon reduction scheme nationally. We all look forward to that work continuing, particularly those of us who represent country electorates and especially Eastern Victoria Region, because that scheme and its impact on the viability of our industries, particularly agriculture-related industries, is certainly very significant. We look forward to developments of that nature.

With respect to the viability of brown coal-fired power stations a variety of measures are being undertaken now. For example, the drying of brown coal before it is burnt has again been demonstrated and assessed for its feasibility. There is a process called mechanical thermal

expression, and a pilot plant has been operating for a couple of years with respect to that process, without definite plans to introduce it on a commercial scale. Carbon capture is not the subject of this bill but it relates very closely to this bill because at various power stations now trials are being undertaken to capture carbon and later potentially store it underground.

I repeat an earlier comment that many of these measures are in their pilot project stage. It is very costly to establish such demonstration plans but it is happening, although slowly, and by 2010, which is very close now, those issues need further resolution, if not complete resolution.

It is also important to acknowledge that there is 500 years' supply of brown coal in the Latrobe Valley. If in the next 500 years brown coal is the chosen source of primary fuel for the generation of electricity, we have 500 years' supply left in the Latrobe Valley. There is also a lot of other work going on exploring alternative uses for brown coal, and some of these have been around for some time. The coal-to-oil project would be one that most members are aware of, and there has been considerable input by Japanese companies into the feasibility of turning brown coal into oil. That work proved it can be done and it was suggested that it might be economic to do so when the price of oil hit over \$100 a barrel. It has been over \$100 a barrel for quite some time now, but it is a very big commercial decision to embark upon a process which would turn brown coal into oil, and to my knowledge the technology to do that is sitting idle at the moment because there is not an investor prepared to pick it up at this point in time.

There are some other active exploration licences that this state government has issued to various firms. Some of those are looking at producing a biodiesel from brown coal. Others are looking at utilising brown coal for fertilisers, and others are exploring how it can be more environmentally sensitive when used as a fuel for energy production. There is a fair bit going on with respect to what has broadly been described as clean coal technologies, and geosequestration is an important component in many of those alternative uses for brown coal and could make some of those commercial decisions viable.

Earlier I noted that the government had tabled an energy statement when it sat in the Latrobe Valley two weeks ago, and while I said that was welcomed, again I feel it did not provide a great deal of direction for the brown coal industry in the Latrobe Valley. One of the things mentioned in that ministerial statement was the clean coal authority. This has been on the drawing

board for some time and I have asked questions over the last couple of years about where it is up to in the establishment of a clean coal authority to be based in the Latrobe Valley. The history of this issue goes back prior to the 2006 Victorian election when the Labor government's policy document called *Tackling Climate Change — Helping Victoria Play its Part*, said:

Labor will provide \$7.1 million for a clean coal authority in the Latrobe Valley to develop new clean coal industries for Victoria and investigate technology to capture and store carbon.

That policy in 2006 goes on to say:

The clean coal authority will develop a strategic plan which identifies the extent and appropriate uses of Victorian coal, coordinate research and development, and match appropriate clean coal technologies to the available coal.

The authority will also investigate the feasibility of constructing a major pipeline for transport and storage of carbon dioxide, known as a carbon capture and storage hub.

That was good policy. I know the people of the Latrobe Valley welcomed that promised injection of \$7.1 million for a clean coal authority to be established in the Latrobe Valley, but unfortunately we seem to be no further advanced than that policy statement of late 2006, despite the fact that in the last two state budgets this government again made reference to this particular body. For example, comments in the 2007–08 budget suggested a clean coal authority for carbon storage at a cost of \$3.9 million over three years.

In terms of funding commitments, that policy of 2006 spoke about a \$7.1 million fund. Here they are talking about \$3.9 million over three years to formulate a detailed strategy for a clean coal authority in the Latrobe Valley and for supporting other clean coal initiatives, including clean coal research and the Otway Basin carbon capture and storage pilot project. I would be happy to be corrected by government members if I am wrong, but to date there have been no definitive moves to establish a clean coal authority in the Latrobe Valley. If it is that this particular vehicle is going to be the one that is going to drive the demonstration, the exploration of clean coal technologies, then we need it now, particularly if we are going to meet emission trading scheme criteria by 2010.

This legislation, as I said, is framework legislation to establish a system to facilitate and regulate the sequestration particularly of carbon dioxide but also of other greenhouse gases. That is fine and well, and no-one can argue with that concept. I say to the government that we are happy to support this, but the government needs to deliver on its election promises and on its budget

promises for the last two years. It seems to me that that is not being done at this point in time.

Let us hope that from this legislation, if and when it passes through the chamber this evening, we see a renewed effort by the state government of Victoria to invest in such technologies that will ensure the ongoing viability of brown coal users in the Latrobe Valley and also address some of the important climate change issues that society as a whole is currently debating. I repeat that we will be supporting this legislation but urge the government to deliver on some of those promises to which I have referred.

**Mr BARBER** (Northern Metropolitan) — I think I will take a copy of this bill home with me and put it in my little box of knick-knacks and memorabilia, because one day I am going to want to pull it out and explain to someone that this was the moment when governments across Australia flipped over completely from techno-optimism to unbridled techno-arrogance. This was the moment a bunch of political cowboys delivered this bill to Parliament as a simple proposition that slid through at probably about 9 o'clock on a Wednesday night with very little concern, scrutiny or interrogation.

What is wrong with carbon capture and storage? I should address that first before we get onto the issue of what is wrong with this bill. It is unproven technology. I should qualify that certainly the different bits of technology that go together to make it work are all proven technologies — in fact they involve a number of processes and activities that have been going for a long time — but putting them together and using them as a technology across a whole industry sector, and, for that matter, the commercialisation of them, is a completely unproven, out-there, dark-side-of-the-moon concept at this moment. It is just a sexy thought in a group of people's minds.

Frankly, we do not have the time to go ahead and work on this group of technologies and prove them to find out if there might be anything in this or not; we simply do not have the time. We have to make deep cuts to our emissions, and we have to make them now. Even the enthusiastic backers of this technology — and I am not talking about the shysters going around with their PowerPoint presentation, I am talking about the International Energy Agency, the group that is up there with the big picture in promoting these things — are saying that it will be 10 or 15 more years away. The smart money in the industry, by the way, says the same thing, but I will come back to that.

Another problem with this technology is that there is very little known publicly about the availability and

status of suitable geological disposal sites. It is not really easy to get hold of maps to find out where they are. It is not easy to find out much about the actual sites. The really detailed information is in the hands of those one or two big players who have been pumping oil and gas and understand a lot about these holes in the ground.

The promise of carbon capture and storage is dragging down and deferring all those other actions the government should have been taking for years, should be revving up tomorrow. Already, as we know, it is sucking public money into what I predict will be a technological dead end but at the moment is pie in the sky.

Any research that has been done into this so far has been heavily subsidised from the public purse. I have no doubt in my mind that is just the beginning. When we are constantly having to prop this thing up to keep it going, to try to get it to life, it will play its own role in distorting those energy markets.

The long-term public liability for carbon capture and storage is highly problematic — and it is the subject of much of this bill. If the true facts were out there, and if they were being debated, it would be extremely unlikely to achieve public acceptance. The notion, put up in the discussion paper prepared by the Department of Primary Industries that led to this bill, that somehow we can jiggle around the nature and the duration of the liability between the operators and the government according to some sort of site-specific risk analysis worked out between the minister and the company would alarm people even more.

One of the greatest difficulties that the government would encounter if it were ever forced to really debate this with the public, as opposed to just making it one of those sexy side stories that flashes across the television for a moment and then disappears, is the requirement for indefinite and secure disposal of carbon dioxide. It is a highly dangerous pollutant. As a gas it is pretty inert, but, as we now know, it is possibly the most dangerous substance we have ever produced because it threatens the survival of the entire planet. Yet I believe there is quite a bit of public knowledge and acceptance that if there was accidental or unintended release of this sequestered carbon dioxide, over anything less than geological time frames, then the consequences would be potentially devastating.

What is wrong with this bill? Where do I start? First of all, the approach of this loosely coordinated set of state-based schemes with a recently worked out federal set of legislation for offshore deposits is absolutely the wrong way to go. If you are seriously thinking about this, and looking at the question soberly and you took it

as seriously as I take it, would you just have the different states kind of chatting to each other and whacking together these different bits of legislation? While they all come off the same cookie cutter, have they really had the deep inquiry that they need?

Secondly, there is the issue of onshore carbon capture and storage (CCS) operations that are actually feeding into an offshore disposal site, which would be under the control of the commonwealth. A lot of these sites — these holes in the ground — are interlinked in various ways that are not well understood. So you already have a jurisdictional problem that suffers from the same jurisdictional issues that every other exercise does in the Australian polity.

It is not to say this bill is not comprehensive: it is a comprehensive piece of legislation. The explanatory memoranda alone, which give us one paragraph on what each of those 323 clauses does, goes to 45 pages — just to skim through it to understand what the legislation is doing. The legislation appears to anticipate most eventualities that could arise out of the running of one of these operations. The problem is it guarantees us absolutely nothing in relation to those eventualities, except that the minister is in the driver's seat and that is the give away.

It is a process bill. It establishes a set of processes for the minister rather than guaranteeing protection of the environment, the public purse and of human welfare. That is the giveaway of what an absolute leap in the dark this technology is. We do not have a clue how it might play out so we write a piece of legislation that covers everything. It does not guarantee anybody anything, except perhaps the operators.

We study all these fossil fuel deposits — coal, oil and natural gas; how they came to be and where they are, and learn a lot. It is one of the best developed areas of geology for obvious reasons: people have been trying to find more of it for all these years. As you study it you marvel at the natural planetary processes that have occurred for all of that carbon-based matter to be down there, deep underground, in the first place. We stagger at the time scales over which they came to be there. Then we develop the absolute arrogance that says we can pull it out, turn it into a much more volatile form and just conveniently stick it back down there where it will stay in the same way off into the future of those same geological time scales.

By the way, if we are going to set up one of these operations, the minister can refer it to the Environment Effects Act but if he does not want to, he does not have to. He can put an advertisement in the paper and call for

comment. Given the failure of the Environment Effects Act — both the state act and its federal equivalent, our environmental assessment legislation — to deal with the issue of intentional carbon dioxide emissions, you would not be confident that it would be brought to bear in any meaningful way in relation to one of these operations.

I can give a particular example from recent history. The Longford gas development opened up a new gas field. The proposal was that when this was operating it would release a million tonnes of carbon dioxide per annum into the atmosphere. No environment effects statement is required. All this is happening during a period of general awakening that we as humans live in this little spaceship, Spaceship Earth, and we must think about how much care and attention the people orbiting earth give to their life support systems.

**Sitting suspended 6.30 p.m. until 8.05 p.m.**

**Mr BARBER** — Turning to the problems of this bill, it might have surprised some on the government side that the Greens are not coming in here with a raft of amendments and questions and wanting to go through the bill line by line. The intent and function of the bill are absolutely clear to us.

When you look through the bill clause by clause, the first thing you come to is the definitions clause, where you find a definition of ‘public interest’. I find it fascinating that for the purposes of the geological sequestration of carbon dioxide we create a special definition of ‘public interest’ — as if it were not the responsibility of every member here to consider that. In this case, the minister is given a checklist before deciding whether a particular project is to go ahead.

**An honourable member** interjected.

**Mr BARBER** — You need your moments of levity when you are a parliamentarian!

You then move down to a definition of ‘serious situation’, as if the minister would have to consult the legislation before being aware of what that was. We even get a definition of ‘sustainable development’, which I would have thought would have been some sort of overarching fact. I think the constitution of the state of Victoria should include a definition of ‘sustainable development’ under which all decisions are made and by which the activities of ministers, governments and parliaments would be guided and, if necessary, constrained. But, no, we have just stuck that in here for the convenience of applying the provisions of this particular bill, so the minister can get on and do what is

intended by this particular exercise, which is to inject carbon dioxide into the ground and get away.

The problem really starts with clause 16, which provides that someone who, having received a licence to inject carbon dioxide into the ground and do some monitoring of it, can have their licence cancelled or be required to surrender it and the ownership of that licence can then be transferred to the Crown. It is clear what this bill is about. I invite members to just to think about that. There might be 1 million tonnes of CO<sub>2</sub> being injected into the ground. There are concerns about it staying there. It might move sideways or it might move upwards and out into the atmosphere, but 1 million tonnes of CO<sub>2</sub> will be down there and it will belong to the people of Victoria. Let us say it is 50 years from now and that stuff is priced at \$100 a tonne. You will have a \$100 million liability just sitting there, ownership of it having been transferred.

For all the talk in the bill about monitoring, bonds and remediation and insurance requirements, at the end of the day, however you might like to structure those, you are betting against two things. One is that it will stay down there for a long, long time. The other is the monetised impact if it starts to escape and turn up in the atmosphere. Whatever the price of carbon is at that future time — and I expect it will be very high as years, let alone centuries, go by — that is our liability, not anything else, not anything that was agreed up-front or paid off or paid out or cashed out up-front.

At clause 112 we get the payment of long-term monitoring and verification costs, and the annual instalment amount is to be a percentage of the total estimated cost fixed by the minister. Throughout this entire bill, the details are simply left to the discretion of the minister; over and over again it is left to the discretion of the minister. It is not the sort of legislation that is there to protect the polity, let alone the environment, from the minister or from the government of the day, because clearly a government with a short-term majority or a minister who is in place for a pretty short time — most of them have pretty short tenures these days — is making a set of decisions that run out into the future for centuries and millennia, and that is where the techno-arrogance part comes into it.

At clause 218 we have the provision that insurance must be held — never mind that the company, let alone the insurance company, will probably not exist by the time these things start to come to bear or that they would not last long if they suffered such a liability. At clause 219 the rehabilitation bond is something that simply has to be acceptable to the minister, and so on and so forth. It is no different to the other totally

inadequate environmental legislation that we have in Victoria, in that it does not actually protect the environment; it simply gives the minister an administrative framework to implement.

One of the other things that is at the minister's discretion is information about the injection and storage of the CO<sub>2</sub>. Clause 236 contains the meaning of the release of information. The following clauses have descriptions of what the information is. There is a prohibition on the minister releasing at any time any of the following details provided by an applicant: the technical qualification of the applicant, the technical advice available to the applicant, and the financial resources available to the applicant. We are not allowed to know this. We are wearing the liability — either theoretical or real — and we are not even allowed to know those fundamental things, and yet we are meant to sign on to this.

To give this a bit of a reality check, members should have a look at the *Age* article of 4 October by Tim Colebatch, in which he reports on an International Energy Agency (IEA) report which estimates that in order to halve the world's greenhouse gas emissions by 2050, while developing nations are growing rapidly, the world would need to open a full-scale carbon capture and storage project every fortnight — and 'full-scale' means big, not like that 100 000-tonne project out in the Otway Basin; we are talking about millions of tonnes. This article informs us that according to the IEA, to date only four full-scale CCS projects exist in the world. There are four now. If we want this technology to make a major contribution to reducing our emissions, we need to open one a fortnight, through to 2050; and not one of those existent CCS projects actually captures carbon dioxide from a coal-fired power plant.

If, as Mr Hall earlier said, the Premier or any politician went to the Latrobe Valley and said, 'We will be dependent on coal for some time yet', they would be singing a lullaby. People are smarter than that, and in the Latrobe Valley they have been aware of this issue for about as long as the Greens have. They have been aware of this issue, and they have been studying the developments for the best part of 20 years, so any politician or any other person who turns up in the Latrobe Valley and starts talking to workers about this issue should realise those people have got a good head start on them.

Going down to the Latrobe Valley and telling people that carbon capture and storage is going to be a magical, bolt-on technology that will mean very little actually change in their lives is a false promise, as would be any promise that included 'We will be

dependent for some time yet on coal', because it lacks the sort of precision that people have come to expect on this issue. It would be much better to be honest with people and say, 'This is coming to an end. We do not know when that will be, but it will happen pretty fast when it does'. But people already know that carbon capture and storage is a lot more popular amongst politicians than it is amongst hard-nosed investors. For that reason the Greens are not going to propose a range of amendments to in some way try to improve this bill; the things this bill proposes are the things that we oppose. We think this is absolutely the wrong way to go.

In terms of the timing of this bill, we still have not seen the promised climate change response bill from the government — the one that was going to set the framework for the state government's response — and yet this piece of legislation is rocketing its way up the notice paper. Given that so far all these projects get the go-ahead when they get the public money, there is no particular reason to be introducing this framework at any given time. Private investors are not queuing up to invest in this technology in Victoria. There are just a bunch of boffins with their hands out, and a bunch of politicians thinking this is the best thing they have ever invested in and that they do not have to talk seriously about climate change. The question in our minds is not whether we can do it or how to arrange it; the question is, should we do it? The Greens' answer is no; it is too slow, it is too risky, it is too costly and it is irreversible.

**Mr THORNLEY** (Southern Metropolitan) — I rise to support the Greenhouse Gas Geological Sequestration Bill 2008. I am pleased to have had the opportunity listen to Mr Barber's contribution, and I may respond to some elements of it. Firstly, I shall talk about what this bill does, which might be a helpful discussion, and then I will address some of the concerns raised about it.

This bill is nothing more and nothing less than one of the enabling artefacts to create an environment where it is possible and practical to pursue carbon capture and storage (CCS). If you do not have a legal regime to govern how that is done, then clearly you cannot do it. This bill does not seek to solve every technical problem; this bill does not seek to bring about world peace; this bill does not seek to put the structure of the emission trading system in place or to do any number of other critically important things that we want to see done or that need to be done in order for us to address climate change. This bill seeks simply to be one of the many component parts necessary to enable us to investigate and utilise all the necessary tools at our disposal that may assist us in dealing with climate change.

Not to have a legal regime for carbon capture and storage is — and I think this was Mr Barber's point — a deliberate decision to say, 'We will not investigate; we will not proceed with carbon capture and storage in any form'. If we are not going to have a legal regime, that is a clear policy decision not just about a legal regime but a clear policy decision to say, 'Of all of the options for dealing with this massive climate crisis we are just going to take one and take them clean off the table'.

Mr Barber talks about arrogance. I cannot think of anything more arrogant than that. It is true there is a wide range of views about the time frame, the cost and the technical challenges involved in carbon capture and storage. There is a wide range of views among investors about whether they would be interested in investing in such infrastructure or having such infrastructure attached to their energy technologies.

It is the height of arrogance to come in here and say, 'Despite the wide range of scientific views and business views, despite the wide range of complex challenges in this debate, we are so smart this early in the game that we are going to take one of the potentially significant components of fighting climate change and we are just going to write it off right now. We are walking away from that one; we are going to focus on some others. We might walk away from a few of the others, too'.

I find that absolutely extraordinary. For example, Mr Barber is concerned about time frame. Let us talk about some of the things you can do with today's technology and with today's economics that might result in a significant reduction in greenhouse gas emissions. One of the most obvious things you can do — and this is something I have been advocating for some time and is something we are seeing happening — is to join a significant movement towards gas-fired power, which has two-thirds lower emissions than coal-fired power. Part of the joy of that is a lot of those gas resources are available in the Latrobe Valley, so we are able to continue to invest in that region, provide employment for the workers and potentially have new sources of power with significantly lower emissions.

That, I would have thought, is one of the components we would want to investigate. If we have opportunities for gas-fired power in the Latrobe Valley, that will drive a huge reduction in emissions as it is brought on stream. If you wanted to reduce those emissions further, you might want to capture and store underground the smaller amount of carbon emissions from that type of power generation. But you would not do that if you did not have a legal regime for carbon capture and storage because you made an ideological decision about that

being one component of the climate change solution that you are not even going to bother contemplating.

If we are going to wipe out any possibility of carbon capture and storage, we are also going to wipe out any possibility of carbon capture and storage from gas-fired power as well as from coal-fired power. Given that the biggest challenge in CCS is in the capture and not in the storage, you are basically saying that as for the easiest and most obvious opportunity for CCS — that is, building it into the flues of gas-fired stations — you are going to walk away from that as well. Why would you make that decision now? What is the cost of putting a legal regime in place?

It is not the big part of the game economically, but I point out to Mr Barber that it is arrogant for people to walk in here and say they know better than half the investors and half the scientists — that they know better than Sir Nicholas Stern, who says that CCS is one of the critical components of the way in which the world can deal with the challenge of emissions from coal-fired power. They say people are counting on the Australians to help lead the way because we seem to be ahead of the curve on this, but we all know that Sir Nicholas Stern must be a dill because he does not agree with Mr Barber. We should give him a call and say, 'Nick, we changed our mind; we are not even going to think about this. We are going to walk right away from it. We are not going to have any legal regime in place because it is so patently obvious to anyone with a brain the size of Mr Barber's that there is no solution. You have got it wrong'.

Is that what they are going to do? Mr Barber calls this arrogance. I find that extraordinary. Surely someone with a bit of humility in this situation would say, 'You know what? The challenge of climate change is a pretty big one right now and one that we do not have all the answers to'. There are a number of solutions that need investigation and some that require facilitation as much as anything else, so we can investigate them. If we do not create a legal regime we cannot even investigate. We cannot even look at the possibility of where CCS may be effective and where it may not, what the technical challenges may or may not be or what the economics may or may not be. By not having a regime we are in effect legally barring it from happening, which is an absolutely ridiculous policy position.

**Mr Barber** — Have you had the red jelly again?

**Mr THORNLEY** — If you have a go at my think tank, mate, I will have a go at your environmental policies, and we will call it even.

**The ACTING PRESIDENT (Mrs Peulich)** — Order! The member should address his remarks through the Chair.

**Mr THORNLEY** — Some of the criticisms that have been launched at this bill are very interesting. There is concern that there is a range of state-based bills. That is a fact of our constitution. The states have the power over the onshore regimes and the commonwealth has the power over the offshore regime. This, like so many other matters that we are dealing with through the Council of Australian Governments and elsewhere, needs, wherever possible, a harmonised set of regulations to manage it. The commonwealth has passed legislation which is being used as a model in the work that we are doing so we can have a harmonious regime to deal with the onshore and offshore challenges.

The legislation is criticised because it is comprehensive. It is among the early regimes, possibly one of the earliest legislative regimes, that have been put in place to deal with it. In that sense we are pioneers. The fact that we are trying to do a diligent job with it, that we are thinking through afresh some of the public interest issues — like the need for a technology that has not been used before, and if we are going to use this technology, what sustainable might be — I do not think is a source of criticism. It would seem to me to be a source of pride that we are thinking through those issues in advance. We are usually criticised for not thinking this stuff through.

I doubt very much that this bill will remain unaltered over the multi-decade life of CCS, and I do not think that is anything we should be ashamed of. We are trying to pioneer a legal regime to let this research proceed to its next level, to let the commercialisation proceed to the next level, and to learn from what we are doing and improve on it. We are criticised for trying to think through those problems in advance as best we can, and then through dint of experience to learn to get better answers for them is hardly a crime.

If it turns out that Mr Barber is right, and he is a lot smarter than Nick Stern and a whole lot of other people, and CCS turns out not to be a major part of the solution to climate change, then I am not sure we will have lost a lot from a few lawyers getting together and trying to have a decent crack at putting a regime in place in case we need one. But the reverse is absolutely true. Creating these things takes time and takes learning cycles, and it is a critical path item in ensuring that you can proceed as quickly as humanly possible. To not be thinking about these problems now is potentially to cause significant delays as this technology is developed at a time when we can least afford them.

It would seem to me that far from being foolish, we have got a comprehensive piece of legislation in front of us. This is one of the best examples of being deadly serious and committed to a policy platform. It is about trying to think in advance about the critical path items, then clearing a path and clearing the regulatory, legislative and other hurdles early. We need to move at the maximum speed at which science and economics allows, so we can determine where we do or do not end up wanting to use carbon capture and storage technology.

Mr Barber mentioned that in his humble estimation, and again he is probably smarter than the futures market boys, he is pretty sure that carbon will be well over \$100 a tonne at some stage in the future; probably much higher than that and probably for a very long time. I have to confess I have no idea whether or not that is true. But if it were true, then I suspect that with carbon at \$100 a tonne the economics of CCS would become very attractive very quickly. It is less attractive at a carbon price of zero dollars a tonne, but the whole point about this is that as we move into a world where we have a carbon price and the purpose of that carbon price is to provide an economic incentive for a shift to technologies that are lower in emissions, we need to ensure that all the available technology options are open, and that is what this legislation does.

I want to speak for a few more minutes about the importance of the Latrobe Valley and the resources there, both the human resources — the people in the communities — and the energy resources. We are clearly in a situation where we have an enormous energy resource. Our challenge is that the traditional utilisation of that resource has not, as it turns out with our new knowledge, been in a form that is sustainable to the environment. It would seem to make a fair amount of sense for us to think about whether there are other ways we can utilise that resource over time and about what a sensible transition plan would look like so we do not leave that resource stranded, so we do not have to start again, and so that we can do things in an appropriate sequence.

Mr Barber says that CCS is 20 years away, and that may be right; I am not the expert on that. But I also know that most of the solutions people like Mr Barber are advocating are also 20 years away. To get to the sort of industrial scale and economics that we would require, presumably we should now be doing two things, one of which is ensuring that we have interim measures in place — that is, ensuring that we have over the next couple of decades the bridge that gives us the best emission reduction we can find using today's technology at today's economics, while simultaneously

investing in a portfolio of opportunities which may be more significant and more successful but which will take a longer time.

We are all very excited about geothermal energy, and it may turn out to be fantastic technology, and evidently Australia has good prospects for geothermal resources. In fact, Victoria has particularly good prospects for geothermal resources. There are a few small plants up at Moomba in the Cooper Basin and elsewhere, and we are very excited about that. But anyone who thinks that that is going to give 8 gigawatts of power any time soon is dreaming. Does that mean we should stop working on it? Of course not. Is it economic when used with today's technology? Of course not. What should we be doing? We should be clearing the path and making sure that there are opportunities for that technology to develop. We should see how it competes with other technologies and when it can come on stream, at what scale and with what economics changes.

The same is true for wind power. The economics for wind power are not yet there. With manufacturing scale economics and further improvements in technology moving down the learning curve it may well get there in the fullness of time. As we get a carbon price, it will bring forward the economic viability of some of these technologies. But again, do we think we are going to get 8 gigawatts of wind power any time soon? Clearly not.

To criticise this because the full industrial scale implementation of it may be some time away seems to me to be an odd criticism when most of the things that Mr Barber and his people advocate are an equal time away, if not further. Surely, rather than trying to pick winners at this point we should be creating an environment where the range of possibilities are given a chance to compete, and if, among other things, that requires us to have a legal regime in place so that that development, experimentation and implementation is not halted in its tracks by legal roadblocks, then that would be a pretty sensible thing for us to be doing now.

I would make the same argument if we were introducing a bill to create a legal regime for geothermal energy, and it will surely need one. If we were bringing in a new legal regime to deal with tidal power, or to deal with solar energy or other things, those would be sensible things to do if they were necessary to clear roadblocks to ensure that the technologies can be developed to the maximum scale as quickly as possible.

I find it bizarre that people would oppose the very enabling possibility of one of the portfolio of options to address climate change. I find it particularly bizarre

given the enormous opportunities in the Latrobe Valley, and not just in coal in its existing form but in the many other forms that that coal resource can be deployed. There are exciting opportunities that are being investigated now — for example, coal seam methane in some of the deep seams in the eastern basin. If some of those opportunities for future growth come through, enormous opportunities for low-cost and much cleaner energy could be created in the Latrobe Valley.

One of the options that people talk about in coal seam methane is using liquid CO<sub>2</sub> instead of water as the driver fluid to get the methane out. That would require — surprise, surprise! — a legal regime not unlike this one. But of course we would not want to do work on any of those possibilities because then we might be enabling something that would give us in less than five years a two-thirds reduction in emissions for every megawatt that came on stream using that coal seam methane.

If we use coal separation technology, which separates the 20 per cent of brown coal that is methane from the 60 per cent that is water and the 20 per cent that is solid carbon, we may have yet another way of driving a massive reduction in emissions whilst utilising our brown coal resources, increasing investment, increasing employment and creating additional export opportunities. But if we wanted that to be truly clean, we would probably want to capture and sequester the carbon from those gas-fired stations as well. If we did not have a legal regime, we could not do that.

Opposing a legal regime is not just about opposing the possibility that you would retrofit carbon capture technology to the existing brown coal power stations, although we need to understand what the option is to do that as well. Opposing a legal regime in effective vetoes every other opportunity, including some of the most obvious opportunities, to have the biggest reduction in emissions in the shortest time period with the most attractive economics. Why in heaven's name you would oppose even the possibility of that is something I cannot comprehend. I commend the bill to the house.

**Mr VOGELS** (Western Victoria) — I would like to make a few brief comments on the Greenhouse Gas Geological Sequestration Bill. I endorse a lot of the comments made by the speaker before me, Evan Thornley. It is interesting that yesterday I was standing here agreeing with the Greens — who I thought did great work on the local government bill; we managed to change what the government was proposing — but tonight I am agreeing about 100 per cent with what Mr Thornley is saying. Maybe I am mellowing with age or something, I do not know. I find that interesting.

Of course we should be looking at geosequestration, carbon capture and storage.

Victoria became a great manufacturing state originally because it had lots of cheap energy. We now know that coal-fired power stations cause lots of greenhouse gas emissions, and we need to start looking at how we can deal with that. As Mr Thornley said, we need to look at gas-fired power stations. Hopefully two will be going ahead in the Western District in the not-too-distant future — one at Mortlake and one at Orford, which we all support.

We are looking at wind farms in the Western District, and I am a great supporter of wind farms, provided they are built in places where the local communities want them to be built. Chalicum Hills near Ararat is a great example of a community that wholeheartedly supports the wind farms, and no doubt there are other regions in the Western District that would support wind farms. I do not support putting them in places where the local communities are dead against them because they divide communities.

I also think there is a great opportunity for geothermal power, solar power and tidal power down at Portland, and I for one — I do not know who else in here is game to say it — think that nuclear energy will play its part in the future as well.

In March this year I attended the launch of Australia's first underground storage for greenhouse gases down at Nirranda, in our backyard. I was there with David Koch and some of the other local members. We were lucky to survive the day because the wind got to over 100 kilometres an hour, the tents just about blew away and we were all basically held down so we did not blow away. The power went off and the party pies were cold, but it was a great event anyway.

Trialling of carbon capture storage has been going on for quite a while. It was introduced by the Howard government, which put \$50 million towards a five-year trial project which monitors and has the potential to revolutionise carbon capture and storage. As Mr Barber said, it is in its infancy, but we need to check it out to see if it is possible.

About 100 000 tonnes of carbon dioxide will be injected into depleted natural gas reservoirs 2 kilometres below the earth's surface down at Nirranda. The liquefied gas will be trapped by deep mud and sink before calcifying and becoming part of the rock formation.

We know that greenhouse gases are already stored underground in Norway and Algeria and that storage

facilities are being developed in Canada and Japan. We are just part of the worldwide effort in developing this new technology. It is important that we support this legislation as Victoria with its massive brown coal deposits needs to play its part with carbon storage and capture.

A couple of things concern me. An article in the *Australian* of 25 July headed 'Power plants in danger — ETS will cripple coal' says:

Four out of five power stations in Victoria's Latrobe Valley, both coal-fired power stations in South Australia and several generators in New South Wales and Queensland could close down under an emissions trading regime designed to meet even a modest greenhouse reduction target.

While I fully support this legislation seeking technology to reduce carbon or greenhouse gas emissions, we need to be careful we do not throw the baby out with the bathwater. Victoria was Australia's leading manufacturing state because of its cheap energy resources. However, with the Rudd Labor government wanting to lead the world on emission trading, the impact, especially on Victoria, will be enormous. Energy prices have already skyrocketed and will continue to do so for Victorians, while our competitors in Asia do not face the same constrictions.

We are regularly informed — and I went to China last year — that in China a new coal-fired power station opens every week. The irony, of course, is that a large percentage of that coal comes from our very shores. We cannot construct railway lines and deep ports quickly enough to meet the shipping demands of overseas customers for coal.

I for one do not believe the atmosphere distinguishes between greenhouse gas emissions from Victoria, Australia, India or China — it all goes up into the same atmosphere. I find it hypocritical for us to be saying, 'We have to lead the world but in the meantime please come and buy as much coal from us as you can as cheaply as you can, because we're here, we're ready for business'.

Having said those words of caution, I support this bill and commend it to the house.

**Mr VINEY** (Eastern Victoria) — Normally a member rises to say they are pleased to support a particular piece of legislation. I want to amend that slightly to say I am happy to support any piece of legislation that will help our community and this society deal with the greenhouse gas and climate change issues that we are facing globally. I do so having listened to the contribution from Mr Barber, and suggest that Mr Barber's contribution indicates the

Greens' opposition to this legislation is based on an ideological opposition to coal. In my view that is flawed. In the current environment the globe is facing I do not think we should oppose anything that will help to find solutions to the emission of greenhouse gases into the atmosphere.

In his contribution Mr Barber made criticisms of this legislation and suggested that it was unnecessary to put in place the kind of regulatory framework provided by the bill without there being specific projects and proposals for us as a society, as a community and as a Parliament to deal with. That demonstrates a significant lack of understanding of the way investment works.

I have the view — and I have expressed this in this Parliament before — that the real solutions to climate change and greenhouse gas emissions will occur when there is financial incentive to look at developing those initiatives and changes in approach. Essentially, as simplistic and perhaps crass as it sounds, the solutions to climate change will be found when there is a buck in it. The solutions to climate change will be found when there is a capacity for investors to make a profit out of those investments and out of changed approaches to the way energy is produced in our society.

There is no point in denying that we need to produce energy — we need to have energy to drive the economy. It is not an option for society to close down. It is not an option for society to close down its economic activity — to close down the opportunities that we have enjoyed in this community through economic growth and jobs. The benefits that have flowed from economic growth across all aspects of humanity relating to education, health and social cohesion are based around people's capacity to earn a living and to look after their families. Therefore our solutions must have an economic base. The only way you can continue to have strong economies is to have energy that drives the way our society works and drives those jobs and the opportunities that flow from them.

If we work through the logic of that, if we want to continue to have strong economies and jobs and opportunities for people, we need to think about how they can be driven and created. Everything I have read and everything I have learnt over the years about this issue tells me that in essence we must shift our energy operations from a dependence on oil to a greater utilisation of electricity. If in our society we are going to use electricity to a greater capacity, we have to think about the ways it can be produced while minimising and ultimately eliminating greenhouse gas production.

Very few people are denying the issues associated with greenhouse gases and climate change. We have had debates in this place in the past where the opposition has had a different view to that of the government. I remember things like mandatory emission targets and others. I see Philip Davis over there smiling; he and I recall that debate well, I am sure.

If as a society we are to transfer our dependence on oil to one on electricity, we have to look at our capacity to do that. As much as we can all expect that perhaps in 100 years we will not be using the same kinds of bases for the production of that electricity and that in 100 years there will be a vastly increased use of renewable resources like tides and the sun and wind, there will have to be, as Mr Thornley said, a period of transition. If in 100 years we want to be using those renewable resources, we have to think about what we are going to do in the meantime.

In Victoria, and indeed in Australia, much of our capacity to produce energy is based on coal. We have to find a way to use that coal. It is a critical issue in the Latrobe Valley in my electorate. My view is that if we can get as close as possible to zero emissions into the atmosphere from the use of coal, then the Latrobe Valley and the communities around our coal resources in this state and this country will be very secure. There will be enormous opportunities if we can do that transfer.

Carbon capture and storage is one of the great opportunities to produce electricity using the coal resource on a substantial or massive scale that is difficult for many of us to understand. The science indicates that the storage of carbon underground is technically quite feasible. While there may be considerable work to do to develop the capacity to store carbon underground on a significant scale, it is technically possible. It is being done, and it will be done in increasingly improved and more efficient levels and on increasingly larger scales over the next 5 to 10 years. Mr Barber says it is 20 years away, and that may be so.

The real challenge technologically is the capture, particularly the capture of carbon in existing power stations. Where I disagree with Mr Barber is that this legislation is about providing the framework to give some security and some guidance to investors as to how the regulatory regime in relation to the storage elements of carbon where it is captured from the use of coal will work. One cannot expect to encourage the level of investment needed in this enormous opportunity if we do not provide that legal framework. We have to provide that legal framework in advance of expecting those levels of significant investment. This legislation is

about ensuring that we have provided the regulatory and legal framework for those investors to start to look more seriously at these opportunities.

I am more than happy to support this legislation. I would be equally happy to support legislation that improved the opportunities and regulatory framework for renewable energy investments. I have no doubt about the Greens political party's desire to see improvements in climate change. I question that the Greens hold any monopoly on that view; I do not think the Greens do have a monopoly on that view. However, we cannot deal with what is needed to maintain the social cohesion, the improvements in health and education and opportunities in our society if we are going to see a lack of investment, if we are going to attempt to, if you like, drive down the standards of living and economic opportunity in our society today. We must provide that regulatory and legal framework to enable people to make a dollar out of the changes that need to occur.

There may have been one time in my life, many years ago, when I would have believed, as I think the Greens do and as Mr Barber does, as he has indicated previously in the chamber, that the solutions to climate change and greenhouse gas emissions would be found in increased regulation — in saying people cannot produce greenhouse gas and then putting in laws to prevent it. That will not achieve anything like the level of change we need to achieve.

The only way we are going to achieve the levels of change quickly is to provide investment opportunities and incentives for people to make money out of changing the way we do things. This is one part of the process of making sure that there is a legal and regulatory framework that allows people to make a dollar and to make the investments that give them the security to make a dollar out of that change. That is what we have to do as a society: create change. We create change by incentive. We will not create change by telling people they have to do things differently alone. We have to use a combination of methods, which will include renewable energy.

I believe if we get this right, if we get carbon capture and storage right, the Latrobe Valley — the area I represent — has an enormous opportunity for the future. It can be a world leader. I have no problem with Australia and Victoria leading the world; I do not share Mr Vogels' concerns about that. It is by leading the world that we will be able to encourage change in China, India, the United States and all other parts of the planet to ensure that we provide a better future for our young people. I commend this bill to the house.

**Mr P. DAVIS** (Eastern Victoria) — You could be forgiven for thinking we operate entirely in a vacuum, but we should acknowledge that during Victoria's golden age in the 1850s, when this Parliament was first erected the designers had in mind the protection of legislators from the vagaries of responding immediately to the opinions expressed in the street that day. Legislators need to take a longer term view, rather than just listening to the parade that might happen past the front door at any particular time — so the walls of this building are very thick. It is a magnificent building. From not only an aesthetic point of view but also a design point of view it achieves its objective of providing legislators with shelter — in modern parlance it could be regarded as a sheltered workshop — so as to allow them to reflect on public policy issues of great import almost at a distance from the hurly-burly of the reality of life. The debate I have listened to this evening has caused me to pause and reflect on the fact that that is what we are doing.

There have been some erudite contributions, and I metaphorically doff my cap to those who have preceded me — and I include all speakers, some of whose points I agreed with and some with whom I disagreed — but fundamentally we need to get some context.

I will take a small example. An earlier speaker talked about how we could have electric cars, as if, magically, we can suddenly change the reality that the electricity those cars would primarily be powered by — if I understand the thrust of the argument — is the electricity which we are so concerned about causing carbon emissions. I am not sure how that solves the fundamental problem.

Other members have spoken about renewable energy sources. The obvious ones are wind, wave, solar and geothermal. They all have a place, but, meritorious as they may be, they will play a minor part — certainly with the existing technology — in contributing to energy alternatives to displace the existing source of the energy our society demands to undertake its necessary coexistence, industrial enterprise and transport needs. They are very minor contributors now, and they will be for the foreseeable future.

We have hydrocarbons such as gas, liquids such as diesel and — we must include this in the category — coal. All of these are related, and they all produce carbon emissions. The fact of the matter is clear: today we are dependent on them, and we do not have a substantial alternative technology or fuel source to provide for our energy needs. However, we do not talk about the elephant in the room — that is, nuclear

power. There is only one person who has mentioned it in the debate tonight, and that is Mr Vogels. It seems to me that we are in the strange position of having heard the urgings of Stern and Garnaut, tens of thousands of scientists around the world talking about the need to take immediate action and politicians waxing lyrical about solutions, while here in Australia and in Victoria the people we represent do not want to address the fundamental question: how do you substantially and quickly displace one fuel source — that is, hydrocarbons, including coal — with an alternative major fuel source? The only alternative in a substantial sense is uranium — it is the only fuel source — but the community does not want to take that direction. That is clearly the view, or at least the present view, of the Victorian and Australian community. We are not prepared to take that direction.

What options does that leave? Firstly, it requires some consideration about the nature of the debate. There is a general acceptance of the existence of climate change. I do not think even the most conservative sceptics would argue that we are not going through a period of some sort of climate change. The most sceptical people would acknowledge that rainfall is low. There has been a persistent, long-term drought on the eastern seaboard, and those closest to this effect — those in the farming community — well and truly acknowledge that. However, even in the farming community there is a large degree of scepticism and uncertainty. Even though they are paying a profound price for the lack of rainfall, many farmers see this as part of a long-term natural cycle. Who knows? We have not been around for very long, certainly in Australian terms. A couple of hundred years is not a long time in terms of the world's history. However, there is no doubt at all that in terms of the contemporary measurements available there is a global warming effect. There is debate around the contribution of CO<sub>2</sub> and other greenhouse gases to global warming, but there is now a general acceptance that we have to deal with it, if for no other reason than that the risk of taking no action is unacceptable, however sceptical you are. To do nothing is unacceptable.

So what should we do? It is true, as Mr Barber said earlier in the debate, that those who are engaged in the coal-driven power industry in the Latrobe Valley have well understood this issue for 20 years. It is quite clear that many efforts have been made over the years to look at alternative ways to use coal more efficiently, not just from a business case point of view but also from an emissions perspective.

The work and investment in mechanical thermal expression has progressed quite effectively, and more recently there has been a commitment to developing

carbon capture and storage technologies, which, again, are embryonic. But these technologies are essentially at an early stage of development. In my view it is not pragmatic at all to plan to realise a significant outcome in terms of emissions reductions from these technologies in the short to medium term. Therefore those technologies will not be available to have a substantial impact, even if they can have a substantial impact, for beyond a decade. That means that the time frames which the federal government is imposing on industry by its emission trading scheme commitments are such that there will be a significant economic impact.

I do not think the community yet understands that even Ross Garnaut has predicted that in the relatively short term there will be a 40 per cent increase in electricity prices — we are talking about the generation costs, not the retail price. I do not think the community understands the cost directly to the generators just in the Latrobe Valley — there is \$1.2 billion a year in additional costs relating to carbon permits. I do not think the community understands that on a national basis there is \$4 billion of costs a year for the national electricity industry for carbon permits. These are huge amounts of money which will have a profound effect on the Australian economy, particularly the Victorian economy which has and depends on a manufacturing base; Victoria's economic base was built on a low-cost power industry because of the Latrobe Valley brown coal seam, which has been underpinning economic growth in Victoria for 80 years. All of this is now at risk.

When I alluded to a sheltered workshop in which we operate, I sometimes think we are disconnected from the world because out there at the moment there is something happening that is resetting parameters candidly. The basis on which the federal government's greenhouse policy, and indeed the Garnaut report and recommendations, was written significantly preceded an international financial crisis which is going to endure for a very long time and will make the cost of implementing Garnaut's recommendations and the federal government's policy profound in terms of jobs in Victoria and Australia.

Therefore that means, in my view, one of two things. Penny Wong, the federal Minister for Climate Change and Water, is running a great campaign, saying, 'Steady as it goes; it does not really matter what happens with financial markets; it does not matter if there is a global financial meltdown; and it does not matter if there are millions of people in the world being pushed into unemployment; we are just going to proceed irrespective of any of those financial impacts. We are not going to worry about the impact on our domestic economy and on employment levels when proceeding

with the time frame that we set before the very big changes occurred to the world economic parameters'.

It seems to me that this legislation is but a very small part of a series of measures which need to be adopted to address, even in a small way, a process which would lead to a modification or reduction in the amount of greenhouse gas that is omitted. After all it is a fact that to do nothing is unacceptable. I think we all agree on that, and even Mr Barber agrees on that. But I think Mr Barber may be — and I do not want to verbal him — of the school of lobbyists which says we should shut down the brown coal power industry tomorrow if we can, whereas there is another school of thought that says that is just so ridiculous it is not worth a discussion.

So we have to find technological solutions to reduce emissions to satisfy the expectation that emissions will be reduced. As I said, there are a number of measures that are being developed but they will take a very long time. But it is important for us to accept that the government has an obligation to bring legislation into this place that will facilitate the development of those new technologies. I think I should therefore read into *Hansard* and remind people what the purpose of this bill is. The explanatory memorandum says:

The Greenhouse Gas Geological Sequestration Bill seeks to facilitate and regulate the large-scale commercial and sustainable injection and permanent storage of greenhouse gas substances in onshore Victoria as part of Victoria's commitment to the reduction of atmospheric greenhouse gas emissions. The bill seeks to provide certainty for investors with respect to their legal rights and obligations; certainty for other potentially affected interest holders and to provide the community with confidence that injection and storage operations will be undertaken in a manner which minimises risks to public health and the environment.

As has been pointed out previously, the bill reflects existing regulatory regimes in the Petroleum Act 1998 and the Geothermal Energy Resources Act 2005. I simply remind the house that that is the government's intention with respect to this bill, and it is a worthy intention. Having paid the government that compliment, I remind the house that we have had a number of debates in this place over recent years about the best policy approach to global warming or climate change, however people wish to express these concepts. It is essentially about looking at ways of developing alternative technologies. There was vigorous debate about the concept of transfer payments to developers of wind farm projects and transfer payments by way of massive subsidies, in effect, from electricity consumers to operators of wind farms without leading to a significant reduction in the amount of greenhouse gases being produced. It seems to be something that should be considered as part of this debate.

We would not want to see a repetition in the development of greenhouse gas sequestration of a regime which effectively just created another opportunity for what I described as profiteering without achieving a significant outcome in terms of the product we are seeking to achieve. Parliament will have a significant ongoing role of scrutiny with regard to the evolution of this regime. It is not just a matter of adopting a set of rules as parameters under which the government can authorise and license certain activities. We need to see those activities lead to a significant reduction in greenhouse gas emissions, and, importantly, the regime that is developed must ensure that the outcomes are directly linked to the investment of public funds when those funds are invested to produce a public benefit — in other words, for an industry-wide outcome rather than just for the profit of individual corporations.

Unfortunately I have to agree with the general construct in Mr Viney's speech, which was that we have to introduce some way for people to see a profit at the end of the day because that will drive technological change more quickly than anything else. I say I regret that I have to agree with Mr Viney because, generally speaking, when we debate matters before this house we tend to take opposing sides and I enjoy that part of debate in this house, but I cannot disagree with him on that point. There is no stronger motive for the corporate sector than to derive a profit. In the case of the Latrobe Valley power companies that are investing very heavily in these technologies now it is not just a matter of profit, it is a matter of survival, because without the development of the alternative technologies with the political will to roll in regulatory regimes that will price those businesses out of existence, they very quickly have to find technical solutions of their own. It behoves government to support them. The reasons for that are firstly, the massive dislocation there would be to the whole of our community if there were to be a significant reduction in available power generated in Victoria, and secondly, the impact on retail prices not just for business but also for residential consumers.

In addition, my view is that the opportunities for the Latrobe Valley are not as optimistic as Mr Viney sets out. Mr Viney quite reasonably tried to argue that the government has a benign view about the Latrobe Valley; it does not want any significant change, and he implied that we should just trust them, as they are from the government. I am afraid I do not trust the government; that is why I am here. I have a natural scepticism about government. Decisions need to be made by the community as far as possible, and in this

respect if we have the government running a regime the way it has with wind power in Victoria — —

**Mr Lenders** interjected.

**Mr P. DAVIS** — We are at risk of another very costly mess — a regime that is a blight on the landscape of country Victoria without producing a meaningful contribution to the reduction of greenhouse gas.

**Mr Lenders** — Don't talk about the Kennett government like that!

**Mr P. DAVIS** — Mr Lenders full well knows now that he has responsibility as Treasurer, and I am sure that he has had a better briefing than I received on the impact of the Victorian renewable energy target scheme, and he would perhaps give different advice were he in the position he is in now in relation to that bill had it come before cabinet while he was holding his present role as Treasurer.

I conclude my remarks by indicating that I support the bill, but it is qualified support because unfortunately, realistically and pragmatically it will be a long time before the technology associated with geosequestration is likely to produce a significant impact in terms of emissions. I am concerned about expectations that this is but another panacea, just as the government in the middle of the last parliamentary term threw in wind power as the government's solution then. This is the government's panacea now for this round of the political cycle.

I am incredibly sceptical about the basis on which the community is informed on these matters. If it is that we have a desire to seriously address in an effective way the issue of greenhouse gas emissions, I think we are at a point where the community is going to have to be more engaged in the debate than it presently is. That really troubles me, because I do not know how you engage the community in it.

So far it has been a debate that has been driven by very narrow interests. While there has been a fair bit of newsprint, I do not think the average elector in Victoria has a very well-developed understanding of the implications to them and to our community of the options of dealing with greenhouse gas reductions.

On the one hand there is a feelgood factor in saying, 'Yes, we will do our bit and we will change our light globe, we will turn off a few lights, and we will turn off the standby switch on the television and all of those things', but they are such a small contribution as to be in the net total sum relatively meaningless. However, they satisfy that need for individuals to believe they are

making a contribution. That is a problem for us, because I think we need to educate people that to make a contribution they are going to have to pay a very high price. They are going to have to pay a lot more for their electricity, and they are going to have to do it happily. I do not think they understand that yet.

They are certainly not prepared to consider that there may be another substantial option, which is nuclear power. If the Parliament were to consider legislation in regard to introducing nuclear power into Victoria at this stage, there would be quite considerable debate in the community, which is not presently there on these issues. If Mr Lenders wishes to introduce a bill in relation to nuclear energy, perhaps we would be able to engage the community more effectively in understanding these issues of principle and pragmatism about how citizens would be directly affected. That is my qualification.

I am saying we have a problem, that at one level the community is engaged and people feel they have to do something useful, and so there are small individual contributions made which do not have a significant impact at all. That can be seen especially by the market mechanisms that allow people to pay for green power. At an individual level they are prepared to pay a premium for green power — the benefit of which is quite nebulous in practical terms. However, they are not prepared to address the substantive issue in the medium term — and it is a medium-term question — of the cost to the community as a whole of dealing with greenhouse gas abatement. It is qualified support, but I will support the bill.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to make a brief contribution on this bill. It is a bill of interest to me as a member for Eastern Victoria Region, which encompasses the brown coal coalfields of the Latrobe Valley and the economic activity and jobs that are supported through that industry, which, more broadly, provides the great bulk of power to all Victorians and all Victorian industries and business.

If you accept global warming is a reality, or if you accept it is a possibility, or if you, as members of the Victorian Parliament, accept that we must comply with international obligations we now have or that there will be an emission trading scheme by 2010 or by some similar date, then you need to look at practical ways to reduce greenhouse gas emissions into the atmosphere. Broadly speaking, all contributors to this debate have accepted that premise. Whether as a result of decisions by the federal government and the laws of Australia that will come into being or our international obligations or whether as a result of our acceptance of

the science of global warming, then we need to do things to reduce our greenhouse gas emissions.

All speakers so far in this debate, save for Mr Barber of the Greens, have seen as one of the responses to this problem carbon capture and storage, or geosequestration. Other contributors have made the point that to enable effective carbon capture and storage you need a regulatory framework to encourage and permit that. In that context, that is what this bill attempts to do. For those reasons, this bill has the support of the coalition.

It is, in effect, like a strata title system. It creates a framework where individual companies or groups which capture carbon or other greenhouse gas emissions can have a regulatory framework that gives them security, but it has the inbuilt flexibility, through the powers granted to the minister, to deal with changes as they are presented. I am sure, as are other speakers, that the bill, as things change, will require future amendment.

As Philip Davis said, this bill should not be seen as the answer. There is a long way to go in improving the technology, despite the encouraging trials that have happened in western Victoria and elsewhere. We have a long way to go before we will relieve our dependence on coal — and brown coal in particular — and this bill should not be seen as the panacea. It is merely the starting point because it creates a regulatory framework. But that is required before anything else, and on that basis the opposition will support the bill.

**House divided on motion:**

*Ayes, 33*

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

*Noes, 3*

Barber, Mr ( <i>Teller</i> )	Pennicuk, Ms
Hartland, Ms ( <i>Teller</i> )	

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL**

*Introduction and first reading*

**Received from Assembly.**

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

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

*Second reading*

**Debate resumed from 10 October; motions of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise to speak as the notional lead speaker for the Liberal Party on the Assisted Reproductive Treatment Bill 2008, as one element of the cognate debate this evening. My colleague Mr David Davis will speak on behalf of the Liberal Party, again as notional lead speaker, on the Prohibition of Human Cloning for Reproduction Bill 2008 and the Research Involving Human Embryos Bill 2008.

The key purpose of the Assisted Reproductive Treatment Bill is to recast the framework in which IVF (in-vitro fertilisation) and surrogacy are available here in Victoria. One of the key elements of the bill repeals the existing Infertility Treatment Act, which has been the framework for the availability of IVF in Victoria for many years. As part of that repeal it has been necessary to introduce the Prohibition of Human Cloning for Reproduction Bill and Research Involving Human Embryos Bill, which reinstate those relevant sections of the Infertility Treatment Act which would be repealed as a consequence of the operation of the Assisted Reproductive Treatment Bill should this bill pass.

That goes to the issue that was raised during debate on the motion by the Leader of the Government that these three bills be debated concurrently. It goes to the issue of the importance of the order in which these three bills are actually put to the vote because the relevance of the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill arises only in the event that the Assisted Reproductive Treatment Bill is passed. For that reason, I submit that it is appropriate that the house consider the Assisted Reproductive Treatment Bill first at the second-reading stage, before putting the other two bills to the vote, as they are consequential on the Assisted Reproductive Treatment Bill.

As I said, the purpose of this bill is to recast the framework in which IVF and surrogacy are offered here in Victoria. With respect to assisted reproductive treatment, or IVF as we more commonly refer to it, the key purpose of the bill is to expand the range of people who are eligible to receive such treatment. One of the important changes the bill makes is reflected in the title, which will no longer refer to infertility. Infertility has been a necessary criterion for a person to receive assisted reproductive treatment in Victoria. The change in the title of the bill reflects the fact that under this regime infertility will no longer be a criterion by which a person will be eligible for assisted reproductive treatment. Under this regime the new test will be whether the circumstances of the woman who is seeking the treatment are such that without the treatment she is unlikely to become pregnant or give birth or is at risk of transmitting a genetic abnormality or disease to the child she would be carrying if she did not have access to assisted reproductive technology.

The effect of removing the infertility criterion for access to assisted reproductive treatment is that it broadens the scope of women to whom access to this treatment will be available. The criterion will no longer be a medical criterion — that is, infertility. The criterion will be that a woman is unlikely to become pregnant without the treatment. This means that a woman who is not in a heterosexual relationship will be able to access reproductive treatment. That is the intent of the change made by the bill: to no longer require a medical ground — the infertility of the woman — but to apply any other inability to become pregnant as a criterion by which assisted reproductive treatment will be available.

A woman who in the ordinary sense is fertile — that is, able to have children as a consequence of heterosexual activity — nonetheless will be eligible to receive assisted reproductive treatment if she is not in a

heterosexual relationship but in a same-sex relationship, or indeed is a single woman who, by virtue of being single and not sexually active, is not able to conceive a child. That is a major change in the way that assisted reproductive treatment will be available in Victoria.

One of the other significant changes that the bill introduces is a requirement for a woman who is seeking reproductive treatment and her partner, if she has one, to undergo a criminal records check and a child protection check, specifically looking for any sexual offences, violent offences or any history of where a child has previously been removed from either person. If such a circumstance prevails, then specific approval from the proposed patient review panel will be required for that woman and/or her partner, if that is the case, before that woman is able to receive assisted reproductive treatment.

The other key area where the bill changes current practice is in relation to surrogacy. The purpose of this bill is to make surrogacy available to any person, defined as the commissioning parent, who seeks to have a child by surrogacy. This can be a single woman who is seeking to have a child through surrogacy, it could be a single man who is seeking to have a child through surrogacy, or it could be a same-sex couple, either male or female, who would seek the assistance of a surrogate to have a child.

It is a greatly expanded regime by which surrogacy will be available in Victoria. My understanding is that under the current legislation surrogacy technically is available in Victoria, but in practice it is not used in Victoria because of the constraints around how it is available. This provision in this bill will dramatically widen the availability of surrogacy to essentially anyone who wishes to commission a child under this provision. It is ironic that the term the bill uses is ‘commissioning parent’, because the reality is that this regime would effectively make it possible for anybody who wanted to do so to commission a child, subject to the threshold test.

Importantly, the bill also makes changes with respect to how a child born through assisted reproductive technology or surrogacy is treated in terms of their parentage. As a consequence of the passage of this legislation a woman who has a treatment under this bill will be able to have her partner, a same-sex partner, nominated as a legal parent of the child that results from the treatment. This is a provision that would apply to children already born prior to the passage of the legislation, and it is a matter that has been the subject of substantial lobbying of the members of this chamber over the last week to 10 days by many people in

same-sex relationships who have had children previously and are now seeking the recognition of their same-sex partners as the parents of those children.

With respect to surrogacy, the bill provides for the commissioning parent or parents to seek a substitute parentage order from a court which would allow the commissioning parent or parents, if there are two, to be recorded as the parents of the child that results from surrogacy. Again, this could be a scenario in which partners in a same-sex couple would both be able to be designated as parents — either as the mother and another parent or as the father and another parent — of a child that results from surrogacy. This provision would also apply to children born prior to the passage of this legislation, so that any child who was born in that scenario would be able to have the parents designated on their birth certificate or on the surrogate birth register recording the details of the parents — the commissioning parents, to use the proposed term — as the parents of the child.

Those are the key provisions of this bill in recasting the framework for assisted reproductive technology and the framework for surrogacy in Victoria. It represents a vast widening of availability of both assisted reproductive treatment and surrogacy in Victoria. The Liberal Party has adopted the position of a free vote on this legislation, as it has on the accompanying two pieces of legislation that Mr Davis will speak to as the lead speaker.

I would now like to make some comments putting my own views with respect to this particular bill before the house. My view is that as a society, and personally, we should acknowledge that a child has the right to have a mother and a father. In our society we accept that there are many occasions when that does not occur — for reasons of death, disappearance, divorce or separation — and there are many children being raised in families which do not have a mother and a father, but we accept as a society that the ideal scenario is for a child to be raised by its two biological parents, its mother and its father. My view in approaching this bill, which departs from that ideal, that preferred position, is that we as a Parliament should have regard to the rights of a child to have a mother and a father above the rights of an individual or a same-sex couple to seek to have a child. There is no doubt that many of the parents who have contacted members regarding this bill, particularly many of the same-sex couples who have had children or seek to have children under this legislation, do so with the best of intentions, but I do not believe we can put their desire to have children ahead of the rights of a child to have a mother and a father. I believe those

rights must prevail over the rights of the single person who would seek to have a child commissioned under this legislation or a same-sex couple that would seek to have a child by virtue of one of the provisions of this legislation.

I believe this bill is ahead of community expectations surrounding IVF access and surrogacy. I believe this bill does not accord with what the community regards as acceptable access to those provisions, and I believe it goes against the best interests of a child, whereas we as a Parliament should seek to ensure that the child's right to a mother and a father is respected. For that reason I will not support this bill. I will be supporting the Prohibition of Human Cloning for Reproduction Bill, which is carrying forward the existing provisions of the Infertility Treatment Act, which were enacted in 2003, and also the Research Involving Human Embryos Bill, which carries forward the provisions from the 2003 amendments to the Infertility Treatment Act and the amendments of May last year. Both of those accompanying bills in this cognate debate reflect current practice; they are just carrying forward provisions out of the Infertility Treatment Act, and for that reason I will support them. I will not, however, support the Assisted Reproductive Treatment Bill.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to make a contribution on this very important debate on the three bills, being the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and the Assisted Reproductive Treatment Bill. The matters contained in these bills are found in the Infertility Treatment Act. This debate is about dividing the Infertility Treatment Act into three acts, which means separating the medical research provisions of reproductive technology from those dealing with the clinical treatment of infertility. It is about separating the research around stem cells from the clinical practice, advice and support that people who seek reproductive support receive.

The outcome, if the three bills are successful, will be that the Infertility Treatment Act will be repealed. The Research Involving Human Embryos Bill 2008 simply re-enacts part 2A of the Infertility Treatment Act, so there is no change in those provisions and there is no change in the law. Similarly the Prohibition of Human Cloning for Reproduction Bill 2008 re-enacts part 4A of the Infertility Treatment Act 1995. This bill, as the name suggests, prohibits human cloning. The bill also clarifies that research involving hybrid embryos is prohibited.

In essence, the first two bills are about reflecting the existing legal regime but separating those current

provisions into two separate bills. It is the third bill, the Assisted Reproductive Treatment Bill, which I suspect will cause most controversy, and it is that bill I wish to turn my attention to this evening.

The starting point for that bill was the 2001 Federal Court of Australia decision which found that the law that requires that a woman be married or in a heterosexual de facto relationship in order to access assisted reproductive treatment was invalid. The current discrimination has been found by the Federal Court to be invalid. The decision in *McBain v. State of Victoria* found that our law, as it currently stands, breaches the commonwealth Sex Discrimination Act 1984. The starting point of this debate, and the immediate issue for this Parliament, is to fix a law that is invalid.

I do not think we can in good conscience allow a situation to continue where employees offering reproductive health services are faced with an invidious choice, because the law as it stands today means that employees doing their day-to-day jobs are being forced to breach either the Sex Discrimination Act or the Infertility Treatment Act. This situation is intolerable and one we have a responsibility to address.

In 2002 the government asked the Victorian Law Reform Commission to review the law. Over four years the commission engaged in a major consultation exercise of gathering information and informing itself of the views of the community, and there was genuine and effective community consultation. The commission received 1000 submissions and participated in nearly 30 public meetings and forums. It issued a consultation paper, three occasional papers and three position papers before finally delivering its report to this Parliament in June 2007. It is the findings of that report that formed the basis of this bill.

As you would hope and expect, the driving force behind the work of the commission was very much the best interests of the child. The rights of the child were the cornerstone in the deliberations of the commission, and they are the cornerstone by which this bill ought to be judged. Focusing on the best interests of the child does not mean that the debate does not intersect with other rights, but while the bill may enhance those rights, its focus is on the best interests of the child.

The bill is not about the rights of parents, it is not about the church and it is not about the rights of homosexuals as such or the individual — other than where that individual is a child who might be born as a result of infertility treatment. I urge members to judge the bill by whether it delivers for those children who may be born as a result of the treatment. When considering whether

this bill delivers for the child, it is important that we bring to the table a clear mind and that our views are not coloured by any judgement about the decisions that are made by their parents. I believe, irrespective of the decisions made by their parents, children deserve the same rights and opportunities. Children in homes with lesbian parents or single mothers deserve the same rights and opportunities as my two children have, living with parents who are in a heterosexual relationship. There is no reason to deny children born of a lesbian woman or of a single woman the same rights and the same opportunities that my two children have.

The best interest of the child then is the underlying theme of the bill. Of course, that theme and the bill itself is really informed then by objective and informed reasoning. It is informed by a lot of the research that the Victorian Law Reform Commission (VLRC) undertook, and a lot of research that the commission paid regard to, and of course, the 1000 submissions that were delivered by the community, but also the views of the community that were expressed in those 30 or so public hearings that were held.

When looking at the current law, the VLRC found there were gaps in our regulations. For example, today doctors and counsellors who are concerned about a future child born from IVF (in-vitro fertilisation) may have a concern about the risk of harm for that future child. If they have that concern today, there is no guidance about how to deal with their patients. People today convicted of sexual or violent offences who have previously had a child removed from their care should not receive treatment without a proper assessment of the risk to the future child.

**Business interrupted pursuant to standing orders.**

## RACING AND GAMBLING LEGISLATION AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

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

## ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

### **Ambulance services: Bendigo**

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Health regarding the problems plaguing the Bendigo paramedic service. My request of the minister is for him to address these problems, including a chronic shortage in paramedic numbers, problems with the computer-aided dispatch system, and delays at the Bendigo hospital's emergency department. Recent media reports have highlighted the plight of central Victoria's paramedics, who are spread so thin that they have reported people are dying because ambulances cannot get to them in time.

At a meeting with paramedics last week the member for Caulfield in the other place, Helen Shardey, and I were informed of the extreme roster shortage throughout central and northern Victoria that has led to paramedics working excessive overtime and suffering exhaustion. One paramedic told of working a 10-hour day shift in Bendigo and then filling a night shift in Echuca to cover a roster shortage.

The paramedics also revealed that there are often no ambulances available in outlying towns including at Castlemaine, Inglewood, Rochester and Kyneton because of roster shortages, and staff from Bendigo's Arnold Street ambulance control room are having to attend call-outs because there are not enough paramedics on duty.

The paramedics also told how ambulance crews are regularly held up in casualty at Bendigo hospital because of a lack of beds. Crews often wait more than 2 hours before patients can be taken off stretchers, making the ambulance unavailable for emergency calls. This highlights the flow-on effect of the state Labor government's failure to plan for Bendigo's population growth and a failure to redevelop Bendigo hospital. The old hospital is not able to cope with Bendigo's population boom, which is driving more and more patients to the hospital's emergency department. When there are no beds for patients, they wait in the ambulance they arrived in, holding up valuable paramedics up for hours.

To make matters worse, Bendigo paramedics are reliant on a dispatch system that has trouble distinguishing between urgent and non-urgent cases. A dispatcher asks callers leading questions such as, 'Are you having trouble breathing?'. This often results in cases being allocated a much higher dispatch code than is actually required.

One paramedic told me he was despatched to attend to a woman with a dry mouth. This job was given high priority, and when the paramedics attended she said it was only a little drier than usual. According to the paramedics, they are lucky if 1 out of 10 of the call-outs that the dispatch system gives a high priority to are actual emergencies. Paramedics believe there needs to be a review of the dispatch system with the aim of improving practices that would then allow operators to better distinguish between minor and major urgent calls for help.

I request the minister to address the issues plaguing the paramedics in Bendigo by increasing staff numbers, resolving problems at Bendigo hospital's emergency department, and working with Ambulance Victoria to revise Bendigo's dispatch system to make it more effective.

### **Buses: Lake Bolac**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Community Development. Last Friday I had the pleasure of launching the Mt Gambier to Portland Transport Connections trial bus service in Nelson when over 40 community members were in attendance. It would be no news to people in this chamber that I am a serious fan of the Transport Connections program, because it is through that program that communities get together and determine the best way they can get to their medical appointments, do their shopping and get to their business appointments as well as to their educational commitments.

I know that community members around Lake Bolac have been heavily involved in these discussions. My request tonight is for the minister to consider funding a Transport Connections trial bus service from Lake Bolac to Ararat which will not only enable people around Lake Bolac but also those in Willaura and Maroona to access this fantastic service to Ararat but which will also connect up to the V/Line services to Melbourne.

### **Gippsland: flood recovery**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Treasurer, and I look forward to a more timely response than those that came last night. I refer to the matter of Gippsland flood recovery, and the absence of a detailed report on that recovery program.

**Mrs Coote** interjected.

**Mr P. DAVIS** — The Gippsland floods of 2007. Thanks for your help, Mrs Coote.

I requested a report of the Premier in February, and in September — seven months later — received a two-page letter that sought to put a gloss on the government's performance but which was notably short on specific information. The Premier said that the majority of flood recovery projects are complete or nearing completion. He was vague and less than transparent in trying to argue that the government has met its funding commitment to the recovery program, which illustrates the importance of the government providing a full and transparent evaluation and financial acquittal of the program.

A full and transparent report and evaluation of the program is important to the local authorities and communities of East Gippsland; that would provide a basis for assessment of the effectiveness of the program and identify lessons we may take for next time such a situation arises. But experience in the region demonstrates there have been deficiencies in the funding arrangements, which I particularly draw to the attention of the Treasurer.

I present the case of the Wellington shire, which had to undergo excessively bureaucratic processes for funding, and had to meet the commitments itself for up to six months. The shire experienced a sequence of delays in claiming reimbursement for expenditure on recovery works that it had to bear. It reported delays of up to six months to get approval for payment, the inconvenience involved in progressive invoicing during the course of projects, and the need to repeat the six-month claim cycle in cases where original cost estimates may not have been accurate due to the difficulty of obtaining solid information.

To make the point more effectively, the council had to spend an additional \$10 million over and above its own flood recovery budget to fund the works which the state government had committed to reimburse it for. So there was a significant cash flow challenge for the Wellington shire.

The shire has set out a case for a more flexible, more workable disaster relief financial arrangement, based on advance funding from the government, to resolve this issue. It also argues for the need for a statewide single agency to coordinate flood warning services.

I therefore ask the Treasurer to implement a disaster response strategy that provides for advance funding to local authorities and the flexibility to direct funding into priority areas identified at local community level.

### **Cathedral College, Wangaratta: project funding**

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Education, Bronwyn Pike. It concerns a school in my electorate, Cathedral College in Wangaratta. Cathedral College would like to embark on stage 1 of a construction development project to create a technology-arts centre which could include a metal, wood and plastics workshop, along with the necessary storage capacity and preparation areas and also areas for machines. The plan also provides for an entrance and, importantly, display areas. The school believes this will enable it to broaden its curriculum, providing the necessary support to students to develop career pathways in the local community.

I fully support this proposed project by Cathedral College in Wangaratta. I understand there is a state needs-based capital assistance program which allocates \$30 million over four years to assist non-government schools that have capital needs.

Given this, my specific request to the minister is that she provide some funding towards the cost of this proposed project by Cathedral College, Wangaratta.

### **Monash Freeway: noise barriers**

**Mrs COOTE** (Southern Metropolitan) — My issue this evening is for the Minister for Roads and Ports. It is in regard to the issue of motor vehicle noise on the new Monash Freeway extension.

**Mr P. Davis** — Which year?

**Mrs COOTE** — This year; thank you very much for your assistance, Mr Davis. There is a lot of anger in and around my electorate about the motor vehicle noise levels from the Monash Freeway. In this day and age it is salutary to understand exactly what impact noise has on our living levels and on our quality of life.

According to the Environment Protection Authority of Victoria:

Environmental noise impacts on people's lives through annoyance, sleep disturbance, reduced work or school performance, stress and anxiety, reduced enjoyment of home life and other physical health effects.

The difficulty with this particular road is that the increase in the volume of traffic and the lack of proper and adequate barriers will impact significantly on large segments along this corridor of my electorate.

A World Health Organisation study conducted in Austria showed that exposure to noise of over 65 decibels by day led to an increased risk of cardiovascular disease. Another World Health Organisation study was undertaken in Austria of 12 800 children who had been exposed to between 50 and 60 decibels of noise. It found that resulted in learning problems, sleeping difficulties, a rise in stress hormones and a rise in cardiovascular response.

I am certain that anyone concerned with these issues does not want to put this additional stress on families, on children in particular, along this corridor. But it is important for us to understand exactly what is happening and for something to be done about the issue as a matter of urgency.

The Brumby government has broken its own rules by allowing the decibel cap to be broken. That new cap puts the wellbeing of residents in jeopardy. I want to know why the government does not undertake the relevant research to reveal the full extent of what these impacts have been on the community.

The action I seek is for the minister, as a matter of urgency, to conduct a study into the long-term effects the Monash Freeway noise will have on the health and wellbeing of the people living along the corridor, particularly in my electorate but also in other areas.

### **Bushfires: Barmah fuel reduction**

**Mrs PETROVICH** (Northern Victoria) — My matter today is for the Minister for Environment and Climate Change and relates to recent prescribed burns in the Barmah State Forest, which were conducted earlier this month. According to eye witnesses, they were allowed to get out of control and for some time were left not supervised.

As members know by my previous statements in this chamber, I am a great believer in prescribed burns as a way of preserving and protecting our rural environment and natural habitats. This view was supported by the findings of the Environment and Natural Resources Committee *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria*, which found that this government has been negligent in its management of Victoria's public land.

On top of this we have had the Victorian Environmental Assessment Council *River Red Gum Forests Investigation*, which wants to lock these areas up and leave them, which shows a decided lack of understanding of how these areas have survived in the

past and the significance they have to the communities they have lived in harmony with.

The fact that this government has allowed this burn to happen, yet will not accept other fuel reduction methods, such as controlled cattle grazing, once again demonstrates its total lack of understanding of rural and regional Victoria.

This incident has unfortunately clearly shown that this forest area has been neglected for far too long, allowing dangerous levels of fuel to accumulate, and to top it off the DSE (Department of Sustainability and Environment) has then chosen the wrong time of the year to do something about it. You only have to ask any of the locals, and they will warn strongly against spring burns in this forest. With summer and hot, windy days on the doorstep, the danger of re-ignition is just too great.

Apparently the spokesman for DSE said that the reason for the burn was to regenerate moira grass. However, it seems this burn area does not have, and never has had, any moira grass. Instead, what it now has is a large number of habitat trees burnt to the ground. It is a disaster that should never have happened, and another example of appalling mismanagement by this government. A report on birdlife in the area not a month earlier showed the presence of 41 different species. I wonder how many there are today?

There appears to be a significant conflict in the official versus actual assessment of damage following this burn. My request to the minister is: will he confirm whether or not there is moira grass in this area, how many habitat trees were destroyed in this prescribed burn, and what other damage occurred, including wildlife injuries? I also request that the minister review, as a matter of urgency, the timetable for prescribed burns or other fire mitigation programs to ensure that other areas of significance to country Victoria are not threatened by his department's lack of local knowledge and common sense.

### **Member for Mordialloc: correspondence**

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Water through the Treasurer who is in the chamber. It is in relation to a piece of correspondence I received from the Labor member for Mordialloc in the Assembly, Janice Munt, MP, given that I live in Mordialloc. It was not a personalised letter, but nonetheless it was on her letterhead with a parliamentary crest and her campaign photographs at the bottom, including her poster with former Premier Steve Bracks and her Muntmobile, advertising and

inviting people to come and take advantage of a shower head exchange at the Southland shopping complex.

The reason why I raise this for the minister to investigate whether it was appropriate to have sent this sort of letter is that on the back of it are details one would expect to find on South East Water material. In fact, it has the South East Water logo and information about how to access certain information, how to contact South East Water and some of the policies.

I consider this to be a highly inappropriate politicisation of South East Water that in my years as a member of Parliament I have not witnessed. In trying to come to terms with the change of direction of South East Water I googled and noted that a new chief executive officer has been appointed — one Shaun Cox. He is now the managing director of South East Water and was appointed in March 2008.

When googling I also noted that he has been associated with some very controversial ideas in his role in Queensland — things like, for example, bringing in caps per day usage of 140 litres per person in return for a higher price tag; training residents to read their meters more accurately; and promoting that sort of regime in return for increasing the tariff.

I suspect this might foreshadow the direction of South East Water — that it is planning to not introduce stage 4 but to introduce capping of usage per person at 140 litres at a particular tariff and obviously increasing it very substantially thereafter. It may be that Mr Cox wants favours from this government to implement this new regime and that he therefore is prepared to give political favours.

I believe this is inappropriate. I want to know whether other members of Parliament have been afforded the same opportunity. I expect the minister to investigate the protocols that apply and what protocols have been breached. If he does not do that thoroughly, I will certainly take the matter up through other means — including, of course, with the Ombudsman.

### **Locusts: control**

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the attention of the Minister for Agriculture. It has to do with plague locusts which have been detected along both sides of the Murray River, in northern Victoria and southern New South Wales. It would seem that the two states have decidedly different policies on how to deal with plague locusts. To date there have been about 1500 sightings of hatchings on

the New South Wales side of the river, while only about 220 locust sites have been detected in northern Victoria.

We have to look at what can be done about this. In New South Wales the state government is locating the hatchings, and before the locusts are able to take wing they are sprayed by the government, which is purchasing the spray and using it on the locust hatching sites. Unfortunately, in Victoria we have an advertising campaign being run by the government telling farmers to be vigilant and to look out for potential hatchings. The farmers can then go and purchase the spray and find the time to spray locusts. If they do that, they will be doing a good job for other sites across Victoria.

I am asking the Minister for Agriculture if he is able to move to a situation where not only is the Department of Primary Industries able to offer advice about the types of chemicals that can be used but also where the department can purchase the necessary chemicals and supply the manpower to spray the locusts before they take wing. There is a 10-day window of opportunity for Victoria. Once these locusts have been identified, if they can be sprayed with the poisons that can be purchased by the government and using government department labour, maybe then, and only then, will we get to a situation where we can make a decided difference to the impact of these locusts — before they take to the wing and cause further damage in other parts of Victoria.

### **Road safety: roadside vegetation**

**Mr KOCH** (Western Victoria) — I raise a matter for the Minister for Roads and Ports concerning the unseen dangers motorists face on regional tourist and other roads. Recently two separate accounts were raised with me about the dangers of overhanging vegetation on roads in and near the Grampians National Park. The first instance concerned an older couple driving along the main tourist road between Dunkeld and Halls Gap. They were enjoying a pleasant drive through the magnificent scenery and admiring nature's capacity to regenerate itself after the horrific bushfires that devastated so much of the Grampians in January 2006.

When at the precise moment the front seat passenger looked up to see the immense tree limbs overhanging the road, she could not believe her eyes. Immediately she warned her husband, who was driving their four-wheel drive, that it looked like a branch was falling. As he looked up, he applied the brakes, but it was too late — a large limb came crashing down, crushing the back of their vehicle and smashing the rear windscreen.

Although shaken and shocked by the experience, neither occupant was badly injured on this occasion. While they hope their insurance will cover the cost of repairing their extensively damaged vehicle, they are amazed that such an incident could occur on this major tourist road managed by VicRoads. The following week they came into my office and expressed their disbelief about the management regimes in place that would allow dangerous tree canopies on this and other major roads with no duty of care to motorists.

The second instance involved the dangers motorists face when travelling on unfamiliar roads with overgrown vegetation on roadside reserves. Another constituent called into my office to express his frustration that VicRoads continues to ignore his pleas to remove vegetation, particularly at intersections of minor and major roads in the Victoria Valley adjoining the Grampians National Park.

He pointed out that the unchecked regrowth that blocks visibility at these intersections had caused him and other drivers to narrowly avoid serious accidents despite slowing to a stop before proceeding. It seems VicRoads' only remedy is to place signs warning motorists to slow down, not removing vegetation obstructions. Surely it should not take a serious accident or fatality to trigger better maintenance of this natural growth of vegetation, and tree canopies are clearly hazardous to motorists.

My request is for the minister to direct VicRoads and the Department of Sustainability and Environment to use better management procedures to assuage this significant problem vegetation, offering motorists greater visibility and safer passage when travelling these tourist roads.

### **Ambulance services: Frankston**

**Mr O'DONOHUE** (Eastern Victoria) — My matter this evening is for the Minister for Health, Daniel Andrews. It concerns the future of the mobile intensive care ambulance team based in Frankston, known as MICA 6. The MICA 6 unit in Frankston services Frankston and a large part of the Mornington Peninsula. When the MICA unit at Dromana is otherwise occupied, MICA 6 services the entire Mornington Peninsula.

The Frankston MICA unit has operated for over 35 years. In that time it has seen its catchment grow significantly. The age profile of its catchment has gotten older, which obviously increases demand for its services. The great benefit of MICA services is that with two highly trained paramedic specialists, a MICA

unit is able to provide on-the-spot services to injured or incapacitated persons. They are also able to carry specialist equipment in the MICA ambulance. That equipment and the presence of two highly trained crew members can be the difference between someone living and someone passing away.

As part of its reforms to MICA services, the government is planning to replace MICA 6 with a single paramedic officer in a sedan, and to create another position in Chelsea. The result of this may be shorter response times in some cases. Some more cynical people than me — some constituents who have contacted me — have suggested that the potential for shorter response times is driving the government's wish to abandon MICA 6. However, in situations where two paramedics are required there will be a longer period before substantive care can be delivered — that is, until the ambulance or MICA unit arrives. This additional time may be the difference between life and death.

This retraction of services to the Mornington Peninsula is another in a long line of service cuts to the peninsula, including the closure of the maternity unit at Rosebud Hospital and the merger of the Peninsula Community Health Service and Peninsula Health. What is also of concern to me is that it has been reported that MICA paramedics have been gagged from speaking about this issue. The action I seek from the minister is that he review the situation with a view to reversing his erroneous decision to remove the MICA unit from Frankston, so as to preserve this vital health service for the people of Frankston and the Mornington Peninsula.

### **Responses**

**Mr LENDERS** (Treasurer) — Ten members raised adjournment issues tonight.

Mr Philip Davis raised one for me in my capacity as Treasurer regarding the Gippsland floods and a response he received from the Premier. He also had some questions about lessons learnt. I can assure Mr Davis that on these matters we will work with local municipalities. I was surprised by some of the member's adjournment matter. I have had discussions with Wellington shire on a number of occasions. In particular I was at the opening of the Coongulla bridge and the Heyfield walkway in Wellington shire with Mr Davis. At that stage the shire was very appreciative of government support on this. Nevertheless, we are always open to ways we can improve disaster relief, always within the context that there is an established framework of commonwealth, state and local government in these areas. We will look at those issues, but I assure Mr Davis that whatever else is the case, we

as a government would like to see invoices for projects before we actually start paying them. I do not think that is what he was suggesting, but we will continue to work with local government on improving the response.

Mrs Peulich raised an issue for the Minister for Water, which I will discharge this evening. The nature of her query was essentially how could it be that Janice Munt, the member for Mordialloc in the Assembly, could write to her constituents offering them advice on how to access — —

**The PRESIDENT** — Order! Mrs Peulich is to speak on her point of order, and it had better be a point of order.

**Mrs Peulich** — On a point of order, President — which is a point of order — I believe the minister is inadvertently misleading the house. What he said was not what I said. I asked about the inappropriate use of the South East Water logo and information on parliamentary letterhead.

**The PRESIDENT** — Order! Mrs Peulich knows that is not a point of order.

**Mr LENDERS** — The issue of members of Parliament using their resources to communicate with members of their electorates, particularly on non-political matters, is one that I thought suggests that Mrs Peulich is a person in a glasshouse with a bazooka and not just throwing stones, given what she did in Cranbourne. But I will discharge the issue and say that if Mrs Peulich has a particular issue regarding a member using entitlements, she should raise it with the Speaker of the Legislative Assembly and not with a minister of the Crown.

**Mrs Peulich** — On a point of order, President, I asked the minister at the table to take the matter up with the Minister for Water in relation to the appropriateness of South East Water allowing its logo to be used by a member of Parliament in political communication. There is a precedent — —

**The PRESIDENT** — Order! Mrs Peulich is debating the point of order. I am conscious of the fact that the minister has answered Mrs Peulich's adjournment matter. She can correct me if I am wrong, but I think he suggested he would discharge her matter.

**Mrs Peulich** — On a point of order, President, I do not believe that the minister at the table is in a position to discharge a ministerial responsibility of another minister of Parliament.

**The PRESIDENT** — Order! Mrs Peulich knows full well, and we have had this discussion before, that when I am on my feet she is not on her feet. If she wants to debate with me, that is a different matter. The fact is that this matter has been discharged. Whether she likes it or not is of no relevance; whether she likes the fact that the minister can do that is of no relevance. I have stated this before in this house. The rules are quite specific. If she wants the rules changed, the opposition's side of the house has the capacity to do that. I suggest Mrs Peulich do that rather than continue to complain about the rules and my administering of those rules.

**Mr D. Davis** — On the point of order, President, this house has had discussions about the adjournment debate and the discharging of matters. But I would put it to you again, President, that it is impossible for the minister to discharge a matter like this that is the responsibility of the Minister for Water.

**The PRESIDENT** — Order! What is Mr David Davis's point of order?

**Mr D. Davis** — I am indicating that I think it is impossible.

**The PRESIDENT** — Order! I have already made my ruling, and I do not accept the point of order.

**Mrs Peulich** — On the point of order, President, I wish to make two points of order so I will take them in turn if I may. I ask that you, President, seek legal opinion in relation to your ruling, because I believe this goes outside your powers. It has inferences and direct relevance to the manner in which a minister executes his ministerial responsibility. I believe it is outside your powers, and I call on you to act, at your discretion, to seek expert guidance and advice on this matter. I believe your ruling is incorrect.

**The PRESIDENT** — Order! There is no point of order on that matter Mrs Peulich raised.

**Mrs Peulich** — On the point of order, President, I thank you for hearing me out — which did not occur two points of order ago — on this point of order. I believe that under standing orders it is every member's right to raise a point of order and to be heard. As a member of Parliament — and sometimes it may annoy someone who is presiding over a debate — I do not appreciate being cut short when I am trying to raise a point of order.

**The PRESIDENT** — Order! I will do it again, because Mrs Peulich clearly does not have a point of order. If Mrs Peulich wants to debate my actual ruling,

that is not a matter for her to raise a point of order about. If Mrs Peulich has a genuine point of order, she is entitled to raise it. That matter is not a point of order. I will say no more.

**Mr LENDERS** — I will refer the remaining eight items to individual ministers for responses.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.33 p.m.**