

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 19 October 2005**

**(extract from Book 6)**

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## **The Lieutenant-Governor**

Lady SOUTHEY, AM

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**Standing Orders Committee** — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

### Joint committees

**Drugs and Crime Prevention Committee** — (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.  
(*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

**Economic Development Committee** — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

**Education and Training Committee** — (*Council*): The Honourables H. E. Buckingham and P. R. Hall.  
(*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton.

**Environment and Natural Resources Committee** — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

**Family and Community Development Committee** — (*Council*): The Hon. D. McL. Davis and Mr Smith.  
(*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

**House Committee** — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

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**Library Committee** — (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

**Outer Suburban/Interface Services and Development Committee** — (*Council*): Ms Argondizzo and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

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**Road Safety Committee** — (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.  
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**Scrutiny of Acts and Regulations Committee** — (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.  
(*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

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

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

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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**Deputy Leader of the Opposition:**  
The Hon. ANDREA COOTE

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The Hon. P. R. HALL

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The Hon. D. K. DRUM

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Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP



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**Wednesday, 19 October 2005**

The **PRESIDENT** (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

### ROYAL ASSENT

Message read advising royal assent on 11 October to:

**Crimes (Contamination of Goods) Act  
Melbourne Lands (Yarra River North Bank  
(Amendment) Act  
Sentencing and Mental Health Acts  
(Amendment) Act  
Sports Anti-doping Act.**

### RACING AND GAMBLING ACTS (AMENDMENT) BILL

*Royal assent*

The **PRESIDENT** — On 11 October 2005 the Clerk of the Parliaments presented the Racing and Gambling Acts (Amendment) Bill for royal assent. The Governor, acting on advice from the government, declined to assent to that bill. The Clerk of the Parliaments has been informed that assent to this bill will be delayed for a six-week period.

**Hon. Bill Forwood** — On a point of order, President, it is interesting when we receive a message like that from the Governor. The people of Victoria, and perhaps this Parliament, would like to know the reason why. I invite the government to explain to the house the reasons why the Governor declined to assent to the particular bill in question.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I do not have detailed information as to why this has occurred, but I am happy to seek it from the appropriate minister and provide the relevant information to the honourable member.

**Hon. B. N. Atkinson** — Further on the point of order, President, can the minister provide it to the house and not simply to another member? The house deserves an explanation.

The **PRESIDENT** — Order! The matter raised is a matter for the government, as was rightly pointed out. The minister has indicated that he will get the information and make it available. It is not a matter for the Chair to rule on. It is up to members of the house as to whether they are satisfied with the process the minister will follow in providing advice.

### PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of  
**Hon. T. C. THEOPHANOUS** (Minister for Energy  
Industries).

### TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr **LENDERS**  
(Minister for Finance).

### TREASURY LEGISLATION (REPEAL) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr **LENDERS**  
(Minister for Finance).

### LAND TAX BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr **LENDERS**  
(Minister for Finance).

### PETITIONS

**Taxis: rural and regional**

**Hon. P. R. HALL** (Gippsland) presented petition from certain citizens of Victoria requesting that the government immediately introduce measures that will lift the subsidised operation of country taxi services to the level given to Melbourne-based taxis and to initiate reforms that will enhance the viability of country taxi services so that they can continue to meet the needs of country Victorians (111 signatures).

Laid on table.

**Planning: Kyneton Bowling Club**

**Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Minister for Planning act in accordance with law and return the land leased by the Kyneton Bowling Club Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the committee of management of that land under the Crown Land (Reserves) Act 1978 (58 signatures).**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

***Alert Digest No. 12***

**Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 12*, including appendices.**

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Dairy Food Safety Victoria — Minister's report of receipt of 2004–05 report.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2004.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2004–05.

Fisheries Co-Management Council — Report, 2004–05.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 92.

Melbourne Cricket Ground Trust — Minister's report of failure to submit report for 2004–05 to the Minister within the prescribed period and the reasons therefor.

Melbourne Market Authority — Report, 2004–05.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2005 and Summary of Variations notified between 16 June and 30 September 2005.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2004.

Mount Buller Alpine Resort Management Board — Mount Stirling Alpine Resort Management Board — Reports for the year ended 31 October 2004 (3 papers).

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2004.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2004–05 report.

National Parks Advisory Council — Report, 2004–05.

Parliamentary Committees Act 2003 —

Government response to recommendations in the Drugs and Crime Prevention Committee's report on the Inquiry into Violence Associated With Motor Vehicle Use.

Government response to recommendations in the Road Safety Committee's report on the Inquiry into Crashes Involving Roadside Objects.

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

Bass Coast Planning Scheme — Amendment C23.

Cardinia Planning Scheme — Amendment C65.

Wellington Planning Scheme — Amendment C27.

Whitehorse Planning Scheme — Amendment C52 Part 2.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 122.

Firearms Act 1996 — No. 124.

Fisheries Act 1995 — No. 123.

Mental Health Act 1986 — No. 127.

Public Transport Competition Act 1995 — No. 128.

Road Safety Act 1986 — Nos. 126 and 129.

Supreme Court Act 1986 — No. 125.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 125.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 123, 124 and 129.

Terrorism (Community Protection) Act 2003 — Report 2004–05, from the Chief Commissioner of Police, pursuant to section 13(3) of the Act.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2004–05 report.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2004–05 report.

**Proclamation of the Governor in Council fixing an operative date in respect of the following Act:**

Melbourne College of Divinity (Amendment) Act 2005 — 20 October 2005 (*Gazette No. G41, 13 October 2005*).

## MEMBERS STATEMENTS

### Aged care: federal policy

**Hon. ANDREA COOTE** (Monash) — On Monday I attended an aged care forum conducted by Andrew Robb, the federal member for Goldstein, in Highett. It was very well attended by a whole range of aged care providers. The guest speaker was the federal Minister for Ageing, Julie Bishop. She gave an enlightened and knowledgeable speech. She listened to what the service providers had to say to her, which was extremely interesting, and she took on board their concerns. She explained that aged care was a top priority for the federal government — indeed under the Howard government there has been a 140 per cent increase in funding since 1996.

The industry is also very much and very eagerly awaiting the federal government's industrial relations changes because flexibility in working hours will be a huge bonus in the aged care sector. Many of the people entering work in this sector want flexibility. They want to be able to go into this area. A number of mature-age workers are going back into aged care, and the industry itself is crying out for and saying it is looking forward to the industrial relations changes that will be implemented by the Howard government probably next year. Those changes will make a huge difference to this industry. We all welcome having more mature-age workers in this industry, which is a growing concern for this country.

### Kong Chew Society and Cantonese Opera Association

**Ms ARGONDIZZO** (Templestowe) — On Sunday, 16 October, I represented the Premier at the Kong Chew Society's 165th anniversary and the Cantonese Opera Association's 45th anniversary at the Collingwood town hall. The Cantonese Opera Association was established in Melbourne in 1960 and is continuing after 45 successful years.

I attended the festivities in order to be present at the performance of Brendan Hui, who is a constituent of my electorate. Brendan's performance was all the more remarkable because he is only 10 years of age and is an extremely talented operatic singer. Brendan was exposed to Cantonese opera due to his family's influence. He was only five years of age when he gave his first operatic performance. Those who know Brendan describe him as a shy little boy.

However, when Brendan is on stage he is calm, confident and fully composed. Brendan's musical

talents extend to his competency in both piano and violin. His exposure to Cantonese opera has assisted him in learning about Chinese culture and history. He has also learnt to read and write Chinese as a consequence of learning Cantonese opera — a skill I am sure he will find useful in the future. I wish Brendan every success in his future endeavours and hope his talent in Cantonese opera will continue to develop.

### Tongala: community health service

**Hon. W. A. LOVELL** (North Eastern) — The Tongala Community Planning Committee, together with the Tongala and District Memorial Aged Care Service, has proposed a plan to establish a community health service in Tongala.

Tongala suffered a loss of health services when the Tongala Bush Nursing Hospital closed. At that time it was proposed that it should be replaced with an aged care facility as well as a community health service. Currently community health services in Tongala are provided by a range of public and private agencies. Some of these services are delivered in Tongala; however, some are delivered in nearby towns. A community health service will provide a focal point for the delivery of these services and create an identifiable presence for health service delivery in the Tongala community.

The plan to establish a community health service received a tremendous boost when the board of Nestlé announced that it would provide a \$250 000 grant to start the project. The prospect of additional funding from the federal government is looking extremely positive, and a meeting has been arranged with the state Minister for Health in the other place, Bronwyn Pike, to discuss the prospect of state funding for the building and recurrent funding for a community nurse.

I urge the Minister for Health to support the Tongala community in its endeavours to establish a community health service, and I commend the Tongala community on its vision for the provision of health services in Tongala.

### Police: Reassurance Policing program

**Ms MIKAKOS** (Jika Jika) — With an impressive backdrop featuring the Victoria Police rescue helicopter and other police vehicles last Wednesday, 12 October, saw the announcement of an innovative model of community policing coming to the Maidstone and Braybrook areas. Local schoolchildren and residents joined the Minister for Housing, Ms Broad, Victoria Police acting assistant commissioner, Sandra

Nicholson, the mayor of the City of Maribyrnong, Michelle McDonald, and me at the launch of Australia's first Reassurance Policing pilot program.

Reassurance Policing aims to tackle one of the most significant aspects of community safety — the gap between people's perception of crime and actual, real life statistics. It was developed in the United Kingdom as a way of talking directly with the community about what makes people feel unsafe and how police can respond. It is the first time the Reassurance Policing model has been trialled outside the UK, and it will complement the successful neighbourhood renewal initiatives currently running in the local area.

Our crime rate falling for the fourth consecutive year to a record low confirms Victoria's status as the safe state, with evidence showing that the reported crime rate has fallen a massive 21.5 per cent since 2000. The Bracks government's investment in community safety is making our homes, our streets, our suburbs and our towns safer. The Bracks government will contribute \$142 000, including \$94 000 from the Victorian Law Enforcement Drug Fund, towards the 18-month pilot with a view to extending the Reassurance Policing program to other parts of Victoria if the pilot proves successful.

I take this opportunity to pay tribute to the commitment of all the project partners, the residents of Braybrook and Maidstone and many others who contributed to the development of the projects. If the enthusiasm —

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

### **Kerryn Manning**

**Hon. DAVID KOCH** (Western) — It is a pleasure to congratulate Kerryn Manning on becoming the world record holder for the number of harness racing wins in a career after her 2133rd win at Terang last week. In reaching this remarkable achievement Kerryn, who lives at Great Western, has officially become the most successful female harness racing driver worldwide.

Kerryn's illustrious career began after driving her first winner at Ararat in 1993 as a 16-year-old. Now 29, she continues to rewrite the record books. In 2000–01 Kerryn became the first female to win the Australian drivers premiership and has been the nation's premier driver every year since. This year Kerryn is already well on her way to claiming her sixth straight title.

Kerryn is the only Australasian to drive 300 winners in a season, and she has repeated this success for the past three years. She set a world record for the most wins in

a season by a female driver with a staggering 371 winners over a 12-month period in 2002–03. In February this year Kerryn became the first female to drive the winner of the nation's oldest classic, the Alabar Victoria Derby, and in May she became the youngest person in Australasia to drive 2000 career winners.

My best wishes to Kerryn as she now sets her sights on being both driver and trainer of an Interdominion winner.

### **Industrial relations: federal changes**

**Mr SMITH** (Chelsea) — I wish to bring to the attention of the house the fact that the con continues — Prime Minister John Howard's industrial relations con. It is now officially farcical. Today I read comments from young people involved in these TV commercials advertising how good these proposed industrial changes are and how they are going to impact on them. These young people are now saying they were conned into making the commercials: that their bosses — these people who love them — came along and requested that they take part in occupational health and safety videos, which are now appearing as industrial relations adverts on national TV.

The fact that this government will go to any length to con not only workers but employers should be condemned. We now find we have to wait another 14 days to hear what is going to be lowered onto us — the boom that will be lowered onto workers. This is a joke in my opinion.

We have the leaders of the Anglican and Catholic churches and the Salvation Army — strong allies of John Howard — coming out and complaining about the Prime Minister's industrial relations changes. It is a disgrace, but let me say this: I am not suggesting that we are not grateful. We on this side are very grateful, because his government has given us the opportunity to win the next election, and we should thank him for it.

### **Hospitals: ambulance bypass**

**Hon. D. McL. DAVIS** (East Yarra) — My matter today is about asking the government to come clean on the ambulance bypass figures. What we know in Victoria is that in metropolitan Melbourne there were 2250 hours of ambulance bypass last year — almost 94 days: 3.29 days at the William Angliss Hospital; 7.3 days at the Austin Repatriation and Medical Centre; 8.6 at Box Hill Hospital; 10.65 at Dandenong Hospital; 10.8 at Frankston Hospital; 2.02 at Maroondah Hospital; 6.96 at Monash Medical Centre; 18 at the

Northern Hospital; Royal Melbourne Hospital, 14.08; 5.12 at St Vincent's Hospital; 2.74 at Sunshine Hospital; 16.55 at the Alfred hospital and 5.45 at the Western Hospital. As I said, that is a total of almost 94 days on bypass in metropolitan Melbourne.

But that is not all. The fact is that all the hospital early warning system diversions have been held secret by this government. They have not been declared by this government, and it is about time it told local communities how many hospital early warning system diversions occurred at hospitals like Frankston and the Royal Melbourne — —

**Mr Smith** interjected.

**Hon. D. McL. DAVIS** — Mr Smith, you should explain to your local community how many times — —

**The PRESIDENT** — Order! Through the Chair, Mr Davis.

**Hon. D. McL. DAVIS** — Mr Smith should explain how many times the hospitals in his electorate were on bypass or ambulance diversion. It is about time local journalists, local councils and local communities were told, as well as the broader spread of our state, which has every reason — —

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

### Commonwealth Games: flags

**Hon. J. G. HILTON** (Western Port) — On Monday I presented second team flags to Mornington Peninsula Shire Council. They were the flags of Bermuda, St Helena and the Falkland Islands. This is the fourth flag presentation I have been involved in, the others being in Cardinia, Bass Coast and South Gippsland. South Gippsland is not in Western Port Province but is within the Eastern Region, which I am looking forward to representing post 2006.

At all these handover events the enthusiasm has been almost palpable. Whilst we know that the Commonwealth Games will be a terrific event with 4500 athletes, 90 000 visitors and 16 sports, the games themselves will only last 11 days. However, the great sense of community the games have developed will last a lot longer, and I have been particularly impressed by the plans of all my councils to welcome the competitors from their second teams and make their experience of Victoria really memorable. I congratulate all my Commonwealth Games committees. They are doing a fantastic job.

### Carers Week

**Hon. BILL FORWOOD** (Templestowe) — This week is Carers Week, and it is appropriate that the house consider the contribution made by unpaid family carers and others to the community in which we live. Some people are saying these days that it is involuntary slavery, and I know that in the *Walk a Mile in My Shoes* discussion paper no. 2 it is said that it is offensive that parent-carers are coerced by omission into caring for adult children with dependent disability until the parents die or are so frail that the system is forced to take over.

Now is a good time to consider the plight of the Krupjak family, for example, who have two profoundly disabled sons and who have had an attack made on them by WorkCover. We could remember that Australian Bureau of Statistics figures show that in Victoria 93 000 people with disabilities are living with parents who provide assistance to them. We know that in Victoria there are only 300 respite beds providing 15 600 weeks of respite per year. If you do the sums, it works out that those families are likely to get four weeks of respite once every 24 years.

Carers Week is the time that we should remember carers and the extraordinary contribution in terms of not just dollars and cents but humanity they make in the community — —

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

### Industrial relations: federal changes

**Mr SCHEFFER** (Monash) — Last Wednesday I attended a public meeting at the St Kilda town hall addressed by Australian Council of Trade Unions secretary, Greg Combet, on the Howard government's proposed workplace laws. Greg Combet is a genuine community leader who speaks directly with clear intelligence and heart. He deserves the phenomenal support he gets wherever he goes. People respect the courageous campaign Greg Combet led against James Hardie to make sure asbestos sufferers are fully compensated for the company's scandalous neglect.

As local member I was able to tell the gathering that the Bracks government and all Labor MPs are opposed to the new industrial relations laws and that the Victorian government is working with other states on a High Court challenge to those laws. The Victorian government wants the Howard government to guarantee that no Victorian worker will be worse off and that existing award entitlements, such as overtime

penalty rates, shift allowances, redundancy pay and access to training, will be protected. The Bracks government deserves credit for ensuring that Victorian public sector employees will continue to receive existing award conditions and that these protections will be enshrined in legislation.

The Bracks government has also said it will establish a workplace rights advocate to inform and advise Victorian workers about the industrial relations changes and to monitor and publicise the impact the Howard industrial laws will have. Through the workplace advocate we will be able to see exactly how those laws are impacting on the community, and the evidence produced will inform and be an ongoing campaign tool to help finally throw them out. I congratulate the St Kilda and Albert Park branches of the ALP for organising the public forum.

### **Hazardous waste: Nowingi**

**Hon. B. W. BISHOP** (North Western) — Given the community interest in the government's release of the 3000-page, 5-volume environment effects statement (EES) document, it is the intention of my office to prepare a kit for the public that will focus on the flaws in the government's report regarding the appropriateness of siting a toxic waste dump in a pristine Mallee area at Hattah-Nowingi. Given the time constraints imposed, and even with a one-month extension, it is unreasonable for the government to expect a layperson to read and interpret the huge amount of material involved and write their own submission to the panel. I might add that some people have not yet received the package.

The residents of this region are working people. They include teachers, doctors, nurses, bus drivers, mums and dads, agriculturalists, farmers, winemakers, council workers, checkout operators, students, kindergarten teachers and panel beaters. These are among the people whose very futures are at stake in one form or another because of this flawed proposal. Every person who resides or works in this district will feel the fallout of this project should it proceed. Every person deserves the opportunity to put forward their individual case for the dump not to proceed. They will not do that purely on emotional grounds, because I intend to enable people to be informed of the flaws in the government's EES that make this project untenable.

Working with the Save the Food Bowl Alliance I intend to make the arguments clear. I intend to make obvious the commonsense reasons why the project is wrong. The panel will hear first hand from the residents of this region why the dump should not proceed.

### **Engineering excellence awards**

**Mr VINEY** (Chelsea) — On Thursday, 13 October, I attended the engineering excellence awards sponsored by Engineers Australia. I commend Mr Agnelo Duarte, the chairman of Engineers Australia, Victorian division, for an outstanding evening. The evening was a celebration of innovation and engineering excellence in Victoria. I was there as a representative of the Bracks government who, through the Department of Innovation, Industry and Regional Development, provided \$25 000 in sponsorship for the industrial development manufacturing award. I particularly acknowledge the highly commended winner of that award, the Loy Yang power unit three major outage.

The organisations involved were Loy Yang Power, John Holland SMP, Siemens Ltd, Silcar Maintenance Services and Sinclair Knight Merz. I want to acknowledge the winner of that award — ANCA's RX7 compact precision manufacturing machine. It was organised and engineered by ANCA Pty Ltd. It was an outstanding evening and I congratulate not only the winners of those awards but the winners of all awards at the event.

### **Lions Club: Wheelers Hill**

**Hon. ANDREW BRIDESON** (Waverley) — I would like to congratulate the Lions Club of Wheelers Hill which held its third banquet auction on 8 October at the Village Green Hotel in Glen Waverley. The night was a great success and raised in excess of \$22 000. The proceeds from the night will be split fifty-fifty between two very worthwhile causes: the Lions wilderness camp Licola and the Lions hearing dogs project. Those of the almost 200 people in attendance on the night who bought goods gained excellent value for their money. The night comprised a silent auction followed by a vocal auction. The major items auctioned on the night included a holiday for two, comprising airfares and accommodation, to Port Vila, which sold for \$2100. A St Kilda jumper signed by St Kilda champion Robert Harvey sold for \$420, and a coffin donated by Syd Peek and Daughter Funeral Directors sold for \$1700.

The Wheelers Hill Lions Club is a very active, hardworking service club working for the benefit of the community in the City of Monash. In addition to holding this charity banquet auction, the club is currently heavily involved in conducting eye health information sessions through the Lions eye health project. I would like to put on the record the names of John Brown, the club president, and other members of the banquet auction committee: Robert Birch, David

Dickens, David Wymond, Ian Bjorkman, Bert Morton, Gary Edwards and John Odgers and thank them for their efforts.

### Anti-Poverty Week

**Ms ROMANES** (Melbourne) — I understand this is also Anti-Poverty Week. As part of its Anti-Poverty Week activities St Mary's House of Welcome in Brunswick Street, Fitzroy invited members of Parliament to join its team of staff and regular volunteers to serve breakfast to the many people who visit daily for meals. Many of these people have mental health and substance abuse problems. I was pleased to join four other MPs across three parties and both houses of the Victorian Parliament. As I was leaving, the Attorney-General in another place was arriving to participate in the second breakfast sitting.

St Mary's House of Welcome is part of a network of services and programs run by the Daughters of Charity for homeless members of the community and disadvantaged people in need of various kinds of support. I thank day centre team leader, Roseanne Murphy, and the chief executive officer, Tony McCosker, and their staff, especially Lara whose idea it was to invite MPs along. I thank them for the invitation and the warm welcome the MPs received. It was a very worthwhile experience and a great opportunity to gain greater insight into the way such services are delivered to meet the needs of clients. Congratulations to St Mary's House of Welcome for a great initiative.

### Australian Alpine Valleys Agribusiness Forum

**Hon. W. R. BAXTER** (North Eastern) — On Thursday last I had the pleasure of attending the seventh annual general meeting of the Australian Alpine Valleys Agribusiness Forum, held at the Red Stag Restaurant at Eurobin in the Ovens Valley. This organisation started a few years ago in an endeavour to encourage greater productivity in agriculture in the valleys of north-eastern Victoria. There is an extraordinary potential to increase production, introduce new and exotic crops, expand exports and generally encourage excellence in agriculture in this region. The forum has been exceedingly successful in drawing attention to the potential of agriculture in the north-east. It has done some very good work indeed.

The fact that there were more than 70 people in attendance on Thursday night is a tribute to the board, under the chairmanship of Mr Peter Long of Wangaratta, who comes from an industrial background, not an agricultural background. He has led the organisation with a great deal of skill and has brought

on board men and women who have experience and innovative ideas as to how we can better manage natural resources in north-eastern Victoria. I think this organisation could well be the model for similar groups throughout Victoria. I wish it well in the future because it is doing a great job.

### GOVERNMENT: PERFORMANCE

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I move, by leave:

That this house condemns the government for —

- (1) failing in its election commitment to be open, honest and transparent; and
- (2) its blatant misuse of millions of Victorian taxpayers dollars.

I have the great honour of making a contribution to this motion. I do so under my current role as opposition spokesman for scrutiny of government. We will be providing other speakers, such as the Honourable David Davis and the Honourable Andrew Brideson, who have previously held positions involving waste watch or scrutiny of government. We are also looking to hear from the Honourable Wendy Lovell and Ms Hadden, who I think will be making their brief contributions from a country perspective. I look forward to Ms Hadden's contribution, having been through the period that I am about to outline.

**Hon. W. R. Baxter** interjected.

**Hon. RICHARD DALLA-RIVA** — I am aware of that, thank you. I will give Ms Hadden 10 minutes.

**The PRESIDENT** — Can you give her more?

**Hon. RICHARD DALLA-RIVA** — I cannot give her more, President, but I would love her to speak, because I am sure the honourable member could quite substantially outline some of the significant failings of the party she was once a member of. I look forward to the contributions to the debate. I am sure Mr Viney will make his typical contribution, as he does every Wednesday morning, and I am sure other members will make contributions as well.

I would like to consider some of the issues relating to the letter the Premier, Mr Bracks, wrote to the Independents on 12 October 1999. I have a copy of the ALP's response to the Independents charter, and it is important to put on the record exactly what was committed to by this supposedly open, honest and transparent government and to see exactly where we are

at six years down the track in respect of the commitment the Premier provided. We should also put on the record that the then member for Gippsland West in the other place, Ms Susan Davies, lost her seat in the 2002 election. Surprisingly — for a former Independent member — she became a Labor Party candidate for La Trobe at the last federal election. I am very pleased that Jason Wood won that seat instead. I note that I learnt from some investigation of Ms Davies that she subsequently returned to her position as the interface councils liaison officer with Regional Development Victoria.

**Hon. D. K. Drum** — The snout is back in the trough.

**Hon. RICHARD DALLA-RIVA** — Mr Drum said the snouts are back in the trough. In my 30-minute contribution I intend to show that this is well and truly the case with this government.

As Mr Viney shakes his head in disbelief, we need to put this in the context that when this government came into office the state spent something in the vicinity of \$19 billion a year. In the space of a short six years this government now spends well in excess of \$30.3 billion a year. We need to put this in context. The second part of the motion — about which I will talk a bit later — refers to the continual grab for cash from Victorian taxpayers. Members will see from my contribution that the government is doing everything it can to put its grubby fingers deep into the pockets of the Victorian taxpayer.

The Australian Labor Party responded to the Independents charter. The Premier made a commitment. He said the majority of Victorians who voted for the Victorian Labor Party did so on the understanding that they were voting for a Bracks Labor government that would ‘promote open and accountable government’ — I will demonstrate that that has not been the case — and ‘improve the democratic operation of Parliament’.

It is clear that the gag that has been applied in the house of review, this chamber, has been quite significant and severe. There is limited time now, and I will produce examples and actual facts. The problem with this government is that when you provide it with evidence and facts it comes back with spin. It has a mechanism for applying spin, because it spends taxpayers money on promoting itself and trying to reaffirm the belief that it is open, honest, transparent and accountable. It is anything but.

The Premier said he would:

Establish clear plans, strategies and targets to address the urgent needs of rural Victoria.

I look forward to the contributions to this debate from country members, but there is no doubt in the minds of rural Victorians that the government has substantially failed in its delivery of that commitment and promise. It said it would:

Introduce an improved code of conduct between government and all other members of Parliament.

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — I note again the interjections from Mr Viney. It is interesting that they come when you start to rely on issues of fact. We look forward to his contribution and diatribe. Point 1.2 is about rebuilding the Freedom of Information Act. The Premier said he committed the Bracks Labor government to ending the ability of ministers and departments to claim a cabinet exemption for documents that are merely attached to cabinet documents for the purpose of avoiding release.

In my role of undertaking scrutiny of government I have put in a freedom of information application relating to the public sector comparator that was considered prior to the 2002 election. There were communications between various parties, including ministers, in relation to that matter, bearing in mind that it was a number of months before the state election and a number of months before the Labor government made a rock-solid commitment that it would have the Scoresby freeway toll free.

I had put the application in. Those who are interested could look at the Victorian Civil and Administrative Tribunal’s hearing in the case of *Dalla-Riva v. Department of Treasury and Finance*. It is interesting that this open, honest and accountable government engaged a range of solicitors and barristers, including a QC, to fight the application, claiming that the documents were exempt as cabinet documents. It is amazing that the government spent literally tens of thousands of dollars defending itself from any exposure. The reality is, and I still stand by this, that the government had reviewed the option of getting a private operator prior to the October 2002 state election. It had considered it in August, and there were documents to that effect. But it fought and fought. That is a shame for Victorians, because we still do not know the full truth about the Scoresby freeway. So much for being open, honest and transparent! It spent Victorian taxpayers money on its legal mates to defend what should be an open process.

It is interesting to note that the government is quite prepared to spend millions and millions of taxpayers dollars on external legal advice. It is amazing, given that the amount is far in excess of what the government suggested in its early stages, when it said that it would rein in the costs. We had a review of the expenditure of the state government over the last 18 months, and the figures I have received show an amount of \$70 million being spent on external legal advice.

This is taxpayers dollars frittered away, I am sure, into other areas. What a blatant waste of millions of dollars of Victorian taxpayers money. It is amazing that this government, which came into office with a commitment to be open, honest and transparent, could literally spend tens of millions of dollars in just an 18-month period to cover up and avoid any public scrutiny it could receive. The Premier has made a commitment and said:

I commit the Bracks Labor government to regular meetings of the cabinet as a community cabinet in regional and rural Victoria.

That, of course, sounds reasonable. I have no issue with that; the issue is what the government has done with the application of this commitment. As the government went out there and held supposed community cabinet meetings, it came as no surprise —

**Mr Viney** — They are not supposed. They are real.

**Hon. RICHARD DALLA-RIVA** — As I said, I do not have a problem with them. But what did the Labor government do? We know, for example, that there was a particular meeting —

**Hon. Kaye Darveniza** — Kennett had them.

**Hon. RICHARD DALLA-RIVA** — We have hit a sore spot, because the government knows it is actually wasting and fritting away millions of taxpayers dollars on its spinfest. The reality that was uncovered by us through freedom of information — which we did not get easily — is that the government has spent absolutely tens of thousands of dollars on spin about community cabinet.

When Mr Bracks and the government went up to Maldon, the government did not even advertise it was going there. But what government members do is they go out there with their little cheques in their hands. If you look at some of the community cabinet documents, you can see that three or four factional hacks were there, the minister was there and that there was a paddock with nobody else in it. Nobody else knew that government members were there. But you find that the

government spends taxpayers money on glossy brochures after the event. After the government has gone, it grabs money from the taxpayers pockets, spends the money in the area and tells people how wonderful and great the government is.

The government is comprised of an absolutely incompetent bunch of people. The government is running this state, but the best its members can do is to go around and tell everyone how wonderful they are. I can tell the government that it will be remembered as a government that has done nothing but spent millions of taxpayers dollars on wasteful glossy brochures of spin. Labor government members are spin doctors. They deliver on nothing, but they spin and continue to spin.

As an aside, I did an analysis of the amount of spin that this government does. The analysis looked at the performance of this feelgood spin government since coming to office in 1999. How many times do you think the government announced the synchrotron? How many press releases do you think I found when the government announced the synchrotron — the Brumby big white elephant?

**Hon. D. K. Drum** — Eight!

**Hon. RICHARD DALLA-RIVA** — No, Mr Drum. Keep going!

**Hon. Andrew Brideson** — Was it 20?

**Hon. RICHARD DALLA-RIVA** — Keep going!

**Hon. Andrew Brideson** — Was it 25?

**Hon. RICHARD DALLA-RIVA** — The government mentioned the synchrotron in 26 press releases. Yet has it been delivered? No, it has not. How many times do you think the government announced the Spencer Street rail development? If you look at the press releases, the project was initially called the Spencer Street rail development. Then there was a period where the government wanted to call it the Southern Cross station. In the most recent press releases, the government forgot about the Southern Cross station because it could not spin it enough. It is now called the Spencer Street railway station again. The government announced this 23 times in press releases.

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — But the gold medal goes to the regional fast rail. In 1999 this government said, 'We are going to develop and deliver a very fast rail and we are going to develop and put

regional rail back in Victoria'. But I tell members this — —

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — The old spin doctors were cycling away, Mr Viney. They had the generators going because they were spinning so much.

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — How many times did the government announce that, Mr Viney? Not 10 times, not 20 times, not 30 times, but 36 times. The government has released 36 press releases on the regional fast rail. Well done!

**Hon. Andrew Brideson** — Fast or farce?

**Hon. RICHARD DALLA-RIVA** — It is a farce. The government still has not delivered it and has cost the taxpayers close to \$1 billion. It was going to leave a legacy to our future. Mr Viney should know this because he was part of the old Victorian Economic Development Corporation, State Bank and Tricontinental — part of the old Guilty Party. He and his factional mates were part of that.

How many times was the Mitcham–Frankston tollway mentioned in a press release? Only twice. The government did not want to know about that because it was bad news so it avoided it, but it put out the good spin. It just shows that this is a government renowned for spin, but the problem is that it is spending taxpayers money.

I turn to the spin of the community cabinet, a meeting that the Minister for Sport and Recreation has attended. The government insisted that the Maroondah City Council spend something like \$8000 or \$18 000 — I cannot remember — where it wanted to have windows blocked so it did not have anyone spying into its community cabinet meeting that was supposed to be open, honest and transparent. The government had its bloated snout in the trough of Victorian taxpayers. How do I know that? Because every other government before this one had never used taxpayers money to have cabinet fine dining. The Cain and Kirner governments and even the Kennett government did not do it, but when the Bracks Labor government came into power it immediately got its grubby hands into the taxpayers pocket. What did it do? Every time there was a cabinet meeting it would spend up to \$2500.

Previously the ministers would pay for it. It did not happen under the Cain and Kirner Labor governments, but the Bracks government decided that it had an open

cheque book of the Victorian taxpayers and will slam them every time it has a round-table factional meeting and spend \$2500 of taxpayers money. The government cannot help but keep its fingers out of people's pockets. Why? Its predecessors did not do it, but this government does. It is a shameful grab for something that is just a disgrace. This is a sound motion which should be supported even by some government members; but they will not support it because they are so entrenched in their own belief.

The amount of money that is spent on publications is fantastic! I say keep it up because as opposition spokesman on the scrutiny of government people keep giving many stories. The *Herald Sun*, the *Age* and other newspapers are giving me stories. It is too easy. It is like shooting apples in a bucket because the government cannot keep its fingers out of spending taxpayers money and it gets caught out time and again.

I shall give one example of a community cabinet meeting. The government spent on average about \$15 600 on photographs, printing, brochures and promotion in local newspapers after members attended the community cabinet meeting. In one of the freedom of information requests the Attorney-General paid \$20 to have a photograph of himself emailed to himself. Even down to the micro dollar the government has its hands in the taxpayers pockets. It is amazing. The disappointing fact is that the government spends millions of dollars each year. When the government visited Brimbank it got a couple of its factional hacks out there to be photographed with the ministers.

**Mr Smith** — They are not hacks.

**Hon. RICHARD DALLA-RIVA** — I apologise, they are not hacks in your faction, but they might be in others. The photographs are taken and then the glossy brochures are made up. In the city of Brimbank the government spent \$36 692.63 to send out 250 000 glossy brochures to the people of Brimbank. Well done! The government then went to the Shire of Baw Baw and spent \$18 134 for 72 000 publications. In the city of Stonnington the government spent nearly \$13 000 for 50 000 inserts. It went to the Loddon region and spent \$16 000 to publish 67 500 inserts. In six areas the government produced 463 000 printed documents at a cost to the taxpayer of close to \$100 000. You do not read about community cabinet meetings except after the event. That is disgraceful conduct by a government that is out of control. It has no accountability for its expenditure, and it needs to be held to account.

It is interesting to note the commitment made by the Premier in 1999. As Premier he said that in the Bracks Labor government he would personally commit — get ready for this because it may come as a shock because it has not been delivered — to instruct all ministers to answer questions directly and in a manner that does not waste the time of the Parliament.

During question time, apart from falling asleep and apart from ministers who avoid answering questions, the Leader of the Government has time and again refused to answer questions asked of him, yet the Premier made a commitment that he would make sure that ministers respond to every question. Ministers avoid questions. What has happened during the adjournment debate? Ministers do not even front up. The long tradition of ministers being in the house and responding has been abandoned. They scurry down their little burrows to try to find where they can grab more tax from the Victorian taxpayer and leave one person in the house who usually does nothing but refers it on to the relevant minister. That is not about a commitment the government made to being open, honest and transparent, and it is not about accountability to the people of Victoria. The government wastes the Parliament's time.

The Premier said that he would commit a Bracks Labor government to require that the Victorian Parliament sit a minimum of 50 days per year for the next term of government. I undertook an analysis of the number of sitting days. It is interesting to note that the then opposition leader, Mr Bracks, said that he would pledge an increased number of sitting days. He said that at page 7 of *Restoring Your Rights*. In the first five years of the Kennett government Parliament sat for 247 days. In the first five years of the Bracks Labor government it sat for 234 days, some 13 days less than the Kennett government. But I thought I had better check the hours, because Parliament might have sat for more hours under the current government. But that was not the case either. In fact the analysis showed that in its first five years under the Bracks Labor government in comparison to what happened under the Kennett government Parliament sat 155 hours and 13 days less than the Kennett government.

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — These are facts, Mr Viney! I will pass the document to you. You might want to read the facts. Those are facts, not spin. You cannot get away from the facts.

**Mr Viney** interjected.

**Hon. RICHARD DALLA-RIVA** — I will return to the motion. The words are 'failing in its election commitment to be open, honest and transparent'. The government has failed. It made an election commitment that Parliament would have more sitting days. It has failed, and it cannot stand the fact that it has failed. Mr Viney should reflect on the facts before the house, not on the rhetoric and spin he continues to deliver.

I will turn quickly to the development of the vision for the whole of the state. As I have said, we have heard the government spin doctors in relation to the synchrotron, the fast rail et cetera, but I thought it was also important to look at what the government has said — and there are other parts of this which I am sure the Honourable David Davis will go into — about improving hospital services and the like. We know the hospitals are bad, but they are actually worse than the state they were in when the government committed to fix them. But when the minister said, 'We never promised to fix it', the spin got in the way of the truth.

The Honourable David Davis went back and found instances of the minister saying, 'We will fix the health system', but when she was cornered she said, 'We never promised that'. Again the spin doctors had to quickly come out and correct the truth. The fact is that the government cannot handle the truth. The reality is that the truth hurts. It is like a knife between the ribs for government members. It stings and it hurts. The truth for the Labor government in this state is like a knife between the ribs, and it is a shame that it cannot stand the pain.

Bearing in mind that I have to leave time for other people to make a contribution, I will turn to deal with the important issue of freedom of information (FOI). I have spoken briefly about FOI applications, and I have complained to the Ombudsman about the delay in the processing of those applications. I am quite pleased about the report on FOI. I have said I am happy to give the Premier and each of the FOI officers in the 10 departments a pocket dictionary so they can understand the words 'document' and 'contract'. The government has been using delaying tactics by seeking clarification. It is amazing that one department spent 86 days trying to clarify what the phrase 'all documents' means. The government has absolutely every mechanism at hand to avoid public scrutiny and every mechanism is in operation.

The government has re-established such confusion in an enlarged bureaucracy that it is almost impossible to work out comparative expenditure. One area relates to the future. The government created the Department for Victorian Communities and then spent \$5.5 million

refurbishing the Shell building down the road. People I spoke to who refurbish buildings of that calibre said everything in it must be gold plated because they could not work out how you could spend \$5.5 million of taxpayers money refurbishing five floors when it ought to have cost substantially less.

The government keeps on stacking on more bureaucracies. From an analysis I did earlier this year I found that the government has established or redesigned a new body or new authority or statutory body every 11 days since coming into power in 1999. Back in March, when I did the analysis, it had created 124 new or reformed statutory authorities. I have not done a recent count, but I am sure I will and I am sure honourable members will read about it somewhere. The *Herald Sun* called Victoria the state of red tape. We are becoming an absolute basket case of red tape. The government continues to create government authorities and agencies for little else than to stack their mates into them.

I am mindful that my colleagues want to make contributions, but I will go briefly to another significant issue that has been uncovered since this government has been in control of this house — that is, questions on notice. I know members will all sit there and say, ‘That member is asking too many questions’. I went back and looked at the record of other oppositions, and they also asked a lot of questions on notice. But did Premier Kennett bring in guidelines to dump responses to questions on notice?

Do honourable members know that the Premier of this state has introduced guidelines for relevant ministers because some of them need a bit of guidance? We know they have only been in the job six years and they still need a lot of guidance! They need to be surrounded by their spin doctors. But Premier Bracks brought in guidelines on responses to questions on notice to stymie the one opportunity the opposition has to ask the government about its responsibilities and what it is doing. He is reported in the *Age* of 24 August 2004 as having said that these guidelines had not been proceeded with.

I can tell honourable members as a recipient of the results of these guidelines that it is quite amazing how consistently the answers are the same. I am doing a thorough analysis of each of the ministers who have given me consistently bland answers or non-answers. I will be looking forward to that issue being reported widely. It is about accountability in this chamber and responding to issues. That analysis is currently under way, and it is revealing quite substantial results, not necessarily in this chamber but in the other chamber. I

look forward to receiving that information when the analysis is done.

I have looked at the number of questions on notice that are outstanding. I think this is a telling point. Under the rules of this house the government is required to respond within 30 days. I understand the government might need that time if there are multiple questions.

*Honourable members interjecting.*

**Hon. RICHARD DALLA-RIVA** — I understand the 30-day rule, but so far there are 426 questions that have been on the notice paper for well in excess of 30 days — in other words, the government just has not answered them. There are questions here from as far back as 18 September 2003 and 3 December 2003. They have not been answered.

There is a question, no. 1338 — I think it was mine — that was part of a series of questions placed on the notice paper on 3 December 2003. I asked the President to reinstate those questions, and they have sat there forever.

**Hon. D. K. DRUM** — Is that two years?

**Hon. RICHARD DALLA-RIVA** — That is coming up to two years; one of them is two years old. That demonstrates this government’s lack of accountability. It is disappointing. It would be great to have scrutiny of government so that there would not be a need to have so much material.

*Honourable members interjecting.*

**Hon. RICHARD DALLA-RIVA** — I will conclude my remarks now, but it is amazing that I still have pages and pages of documents. I could go on to the new state logo plan. I could go on to the money being spent on Labor mates. I could go on to the consultancies. I could go on to the ads. I could go on to the bureaucracy. I could go on to the contracts for the government’s Labor mates. I could go on to secret deals. I could go on to the government’s appointment of Bracks’s Labor mates. I could go on, but I cannot because the government has gagged us in this chamber, even though it says it is about being open, honest and accountable. We have been gagged. We now have only 70 minutes set aside to deal with opposition business.

*Honourable members interjecting.*

**Hon. RICHARD DALLA-RIVA** — Government members criticise me, but I have to sit down because I want to enable other members to speak under the government’s sessional orders — it brought them in to

gag debate. We sit fewer hours in this chamber than ever before. It is just amazing.

The motion should be supported by the government. It will have to realise that spin will be its death knell. It will be remembered for and reminded of being a government that has spent a lot of money on spin and rhetoric, but it has not delivered. That is the worse for Victoria.

**Mr VINEY** (Chelsea) — That was absolutely pathetic.

**Hon. Richard Dalla-Riva** — Facts. You cannot handle the facts.

**Mr VINEY** — I really appreciate the opportunity Mr Dalla-Riva has given us today. I know it was unparliamentary, but as he was speaking I was calling across to Mr Dalla-Riva, thanking him for raising these issues, because I am going to have a lot of fun with this.

Mr Dalla-Riva's contribution to the debate said absolutely nothing. I will go through some of the rhetoric. When Mr Dalla-Riva started as a member of this chamber and spoke occasionally I thought, 'Here's a bloke who might have a bit of debating ability', but within months he has fallen back entirely on rhetoric. The contribution he has just made is an absolutely extraordinary example of the amount of rhetoric Mr Dalla-Riva uses in debate. In previous debates we have had him talking about commos, about communists on the left side of politics and in the Labor Party; he is obsessed with the Labor Party's factions. The thing is that his contributions are increasingly about protecting his future preselection, because we know that his —

**Hon. Richard Dalla-Riva** — On a point of order, President, I do not mind the remarks generally, but when the member starts to talk about preselections it really is off the ticket.

**The PRESIDENT** — Order! It is a good pun, but I do not uphold the point of order. In presenting the government's rebuttal of the arguments put by the Honourable Richard Dalla-Riva Mr Viney is entitled to have broad opportunity and leeway, but I will make sure that he comes back to the motion. He has been speaking for only about 1½ minutes, so he has a bit more time to develop his argument.

**Mr VINEY** — Thank you, President. Mr Dalla-Riva's contribution was a whole bunch of rhetoric.

*Honourable members interjecting.*

**Mr VINEY** — He was running his preselection campaign here in the chamber today by using rhetoric, by trying to find lines that might ring true with his preselectors in the Liberal Party. The problem is that he is pushing it uphill, because the powers that be in the Liberal Party of course have Ron Wilson, a former member for Bennettswood in the other place, at no. 1 — they want him to be no. 1 in that seat; they have 'Back to the Future' Bruce Atkinson at no. 2; and they have a woman they want to back, who I understand is in her 60s —

**Hon. Andrea Coote** — On a point of order, President, I know Mr Viney is the lead speaker and he has only just started his contribution, but a synopsis of what is happening in preselections in the Liberal Party is unacceptable and way off beam for this issue, and I ask you to bring him back to order.

**The PRESIDENT** — Order! I ask the member to come back to the motion before the house.

**Mr VINEY** — Absolutely, President. Mr Dalla-Riva's contribution has been rhetorical because he is trying to appeal to people who are not in this chamber. His problem is that in the seat he wants he is going to be bumped down to no. 4. The Liberal Party thinks it might get three, but it is damned sure it will not get four. That is his future: no. 4 on a ballot paper in a seat he has no chance of holding.

I shall go through some of the rhetoric he has used today. He used the term 'grubby hands' about five times; he used 'snouts in the trough' about three times. He talked about 'spin' at least 10 times, 'legal mates' twice and 'cover-up' probably six or seven times. He used 'done nothing' three or four times. Another one he liked to use was 'scurry down their little burrows'. So his was a contribution of no substance at all; it was just a whole series of rhetorical lines.

But the pièce de résistance, the most startling piece of rhetoric we got from Mr Dalla-Riva in his contribution today, was the classic steal, the classic theft: 'You can't handle the truth'. That was the classic. As much as Mr Dalla-Riva likes to beat his chest in here, I point out that he was a copper, not a colonel, and there is no way Mr Dalla-Riva can deliver that line anywhere near as well as that famous Hollywood actor. He cannot deliver that line anywhere near as well as that.

Mr Dalla-Riva can steal that line as much as he likes, but the problem is, as Mr Theophanous said, that it is not about whether we can handle the truth; it is about whether he can tell it, and he could not tell it today. He could not tell the truth of the Bracks government's

record. He could not tell the truth of the things we have done. He raised issues criticising changes to the Legislative Council. Let us have a think about what has happened in the reform of the Legislative Council.

The Bracks government has made it more democratic. It has said that every member of this chamber ought to face the people at the same time and get a fresh mandate at an election held every four years. I am not sure what is not democratic about that. I am sure the people of Victoria fully understand that the most basic start in democracy is to have their elected representatives facing the people when there is an election, not the way that it has been in this house, where members have been elected for an eight-year, or two-term, period.

That was the first thing we did in reforming this chamber. The second thing we did was fix terms. The third thing we did was make sure that members of this house would be elected under a more democratic system of proportional representation, a reform that has been widely welcomed. In its 150 years to 2002 this chamber had been dominated by the conservatives. The conservatives had run this chamber for all but one week because of the gerrymander in the voting system they put in place for election to this chamber. There were property requirements for people to be able to vote for candidates in elections for this chamber until the 1950s. That meant that people like my grandfather, who was a returned soldier from the First World War, were not entitled to vote for this chamber when they returned because they did not own property. My father was not allowed to vote for candidates in this chamber when he returned as a veteran of the Second World War because he did not own property.

The history of the conservatives has been shameful for the way they have manipulated the control and management of this chamber for 150 years. Following its outstanding election result in 2002, it was the Bracks government that put in place a decision to implement reform. Not a single member of the other side supported that reform. Mr Dalla-Riva did not support making this chamber more democratic. He participated in the debate at the time and said that the reforms to make this chamber more democratic were wrong. He now has the gall to criticise this government's changes to the Legislative Council.

I could not believe my luck when Mr Dalla-Riva spoke on a range of topics. The next topic he raised was regional and rural Victoria, and he criticised this government's performance there. Even The Nationals held their heads in shame when Jeff Kennett referred to country Victoria as the toenails of the state, yet

Mr Dalla-Riva with rhetoric and arguments of no substance has criticised this government's performance in regional and rural Victoria. We have seen an absolute boom in infrastructure spending in regional and rural Victoria. There has been a massive investment in our hospitals, schools and roads across the state.

His next raft of issues related to freedom of information (FOI). Mr Dalla-Riva conveniently forgot it was the Kennett government that jacked up the fees for FOI applications and made sure that every single application went to the Victorian Civil and Administrative Tribunal (VCAT). The Kennett government jacked up the costs to applicants, made it more difficult and held up the FOI process at every opportunity. This government has met its commitment in relation to FOI applications. We have seen the opposition — and Mr Dalla-Riva is a classic case of this — go on wide-scale fishing expeditions and misuse FOI applications to try to find minor issues, like the one Mr Dalla-Riva raised of \$20 expenditure on something in relation to a community cabinet — I do not even recall what it was. Mr Dalla-Riva had a convenient case of memory loss on the FOI issue.

The next issue he raised was the Scoresby freeway. Let us have a look at the Scoresby, which is now called EastLink.

**Hon. Richard Dalla-Riva** interjected.

**Mr VINEY** — Thanks, Mr Dalla-Riva. We can have another debate on this this afternoon, and I look forward to that debate, but let us get something clearly on the record here: the Scoresby freeway first appeared in the 1967 edition of *Melway*. At that time Henry Bolte was the Premier of this state and, believe it or not, Harold Holt was the Prime Minister. Henry Bolte did not build the Scoresby freeway, and neither did his successor, Dick Hamer, nor Dick Hamer's successor, Lindsay Thompson. In fairness none of the other former Premiers — John Cain, Joan Kirner and Jeff Kennett — built it either. But — guess what? — Steve Bracks is going to build that freeway.

Not only is Steve Bracks going to build the freeway but he is going to do it without the support of the federal government, which reneged on its signed commitment to fund 50 per cent of it and only committed to less than 25 per cent on funding. The change in policy on tolls occurred because of the Kennett government's failed privatisation of our public transport system. Privatisation was a complete disaster, and it cost this government \$1 billion in reinvestment in public transport.

We have had nearly 40 years of promises by government after government and continued appearances of the Scoresby freeway dotted line in *Melway* directories between 1967 and 2004, but in 2004 this government started the project. If you drive anywhere in the eastern and south-eastern suburbs, you can see that the project is under way. It is a mammoth infrastructure development project that will deliver services to a population the size of Adelaide's. It is vital to the economic development of this state, and this government is delivering on it. There are 40-odd bridges under construction. If you go down the Monash Freeway, you will see there are massive works taking place because Steve Bracks is delivering on the commitment to build the Scoresby freeway after nearly 40 years of promises.

Mr Dalla-Riva then went on to criticise the government's community cabinet program. That says something about what opposition members still really think of regional and rural Victoria, does it not? They have not learnt. Jeff Kennett called regional and rural Victoria the toenails of the state, and now we have heard Mr Dalla-Riva criticising this government's policy of community cabinet meetings. It absolutely says opposition members have an obsessive Melbourne-centric view of the management of this state. They had it under Kennett, and they are demonstrating it again by their criticism of community cabinet meetings. Community cabinet meetings have been one of the most successful democratic innovations in this state. The program takes the entire cabinet out to the community. It takes cabinet ministers out to meet local community groups, talk with councillors and meet residents with particular concerns. It brings people's concerns and issues directly to the cabinet table.

**Hon. Richard Dalla-Riva** interjected.

**Mr VINEY** — Occasionally, when there has been one in Frankston and because I am a parliamentary secretary on particular issues, I have attended those events. They are stunningly successful.

The community gets direct access to ministers; ministers hear directly about local community concerns and issues and these issues are taken directly to the cabinet table. This happens across the entire state. It does not just happen in Melbourne and the suburbs, it happens in country Victoria, month after month. It is an outstanding, successful innovation in the management of government services and policy development in this state.

The next doozey from Mr Dalla-Riva in his contribution was the criticism of the synchrotron

project. This is the largest science infrastructure project in this country. It is a vital project for the future of life sciences and biotechnology in this state and it also has an enormous potential in areas like new manufacturing and nanotechnology. The synchrotron is a vitally important investment in this state. However, we have had no-one from the opposition getting behind this project; we have only heard carping, whingeing and criticism. On one occasion the shadow Minister for Major Projects in the other place, Louise Asher, was asked on 774 ABC radio by Jon Faine to describe a synchrotron. Ms Asher could not. She did not know what it did. She did not know how to either define it or describe it. This is the shadow minister! The opposition is only interested in criticising this project. It has not taken the trouble to read the endorsements of the hundreds of scientists across Australia who have backed this project.

Mr Dalla-Riva criticised the number of media releases that the government put out in relation to the synchrotron. It is a project of such importance that it needs constant update, and — you know what — the community of Victoria is getting behind this project in unbelievable numbers. It is getting behind life sciences and biotechnology. On the open day of the synchrotron, which I attended with my children, 12 000 people also attended. You had to queue to get in to have a look at the building. There is substantial community interest in this project. One media release that Mr Dalla-Riva wants to count as an announcement of the synchrotron is a media release of 30 September, not of an announcement of the synchrotron as he suggested, quite misleadingly — he said there had been 20 announcements — but an announcement that another partner was joining the synchrotron project. The Minister for Innovation, John Brumby, advised in this release that the Australian Association of Medical Research Institutes had become another partner in the synchrotron project, committing \$5 million towards the initial suite of Australian Synchrotron beamlines.

We have scientists across Australia backing the project. We have funding from Monash and Melbourne universities; funding through Swinburne University of Technology; MiniFAB investment; the New Zealand government is investing in it; and now the Australian Association of Medical Research Institutes is investing in this project. This is a project that everyone in science, in new technology, in nanotechnology and in manufacturing is behind. Who is not behind this project? It is the Luddites of the opposition who have no understanding of what this project is about and how vital it is to the investment in jobs and growth in this state for the future. They are absolutely wrong on this

project. This project has grown; it has more beamlines. You say it is a blow-out — —

**Hon. Richard Dalla-Riva** interjected.

**Mr VINEY** — You say it is a blow-out. That is completely misrepresenting it.

**Hon. Richard Dalla-Riva** — I did not say that. On a point of order, President, the honourable member is misrepresenting me in the sense that he is saying things that I did not say in my contribution. He is saying I said it was a blow-out. I did not ever say that in my contribution.

**The DEPUTY PRESIDENT** — Order! I do not uphold the point of order. Mr Dalla-Riva has had his opportunity to put forward his views and Mr Viney is now contributing to the debate.

**Mr VINEY** — I did not actually say that Mr Dalla-Riva said this in his contribution. I said that the opposition has been calling it a blow-out. I said, ‘You have been saying it is a blow-out — —

**Hon. Richard Dalla-Riva** interjected.

**The DEPUTY PRESIDENT** — Order! Mr Dalla-Riva!

**Mr VINEY** — Mr Dalla-Riva has been caught out because he knows that the contribution I have just made on the synchrotron and its importance to Victoria is the real truth here, and that this state must invest in innovation if it wishes to succeed in job creation and economic growth. Since we were elected in 1999, over \$1 billion has been invested into the innovation economy. The reason we have done that is to grow jobs and to grow our economy because that is where the future of jobs are for young Victorians; that is where the future is. All we have had from the opposition is carping and whingeing and criticism about a project like the synchrotron.

The point I am making is that the opposition, of which Mr Dalla-Riva is part, has been listing the synchrotron project as a blow-out budget. It is completely untrue. The synchrotron project is now bigger because of the consultation with the science community. As the project has been developing we have put in more beamlines. We have made the capacity of the synchrotron larger and brighter and more efficient for science, and as a result the project has got bigger. It is completely misleading to suggest that it is a blow-out. It is not the same project that we initially started with. It is a bigger and brighter project.

What we know from examples like the media release of 30 September I just referred to is that scientists, medical research institutes, the university sector, the private sector and other governments are getting behind the project. I hope in the future the commonwealth government will get behind it as well.

Mr Dalla-Riva also raised the issue of railways. I cannot believe that example after example Mr Dalla-Riva raised in his contribution was another free kick for me, one after the other. Mr Dalla-Riva just needs to think back a little — not that far back — to a time under a bloke called Jeff Kennett. My recollection is that he was closing railway lines, and the ones that he was not closing he was flogging off and privatising. This government has been putting money back into rail, and we are opening up railway lines. We have opened the East Gippsland railway line to Bairnsdale.

**Hon. R. G. Mitchell** — And they love it!

**Mr VINEY** — They do love it. By coincidence, in the days when the Kennett government closed the railway line in Bairnsdale I was consulting and running a project in Bairnsdale. The people who were in the workshop said to me, ‘Matt, we have to stop at lunchtime’. I said, ‘Why is that?’. They said, ‘We have to go down to the Bairnsdale railway station. We are hijacking the train’. I said, ‘I beg your pardon?’. They said, ‘Yes, it is the last train to go out of Bairnsdale today. Kennett is going to close the line. To make a point, we are going to stop it from leaving’.

I went along with those people, and I have to say the scene was like a community festival. Everyone from every community group was there: from the local kindergarten that had been closed, from the schools that had been closed and all the parents. The people were there with their banners that said ‘Save our train’, ‘Keep my school’ and ‘Don’t close my kinder’. These were the issues the community of Bairnsdale was raising. The famous member of the then National Party, David Treasure, who the people of East Gippsland described as their hidden treasure, suffered the consequences of that when he was defeated at the subsequent election.

The thing about this event in relation to this contribution is that in the period 1992–99 the Kennett government was about closing railway stations and flogging them off to the private sector. This government has been about investing in rail, investing in opening up those lines again, like the one to Bairnsdale, and investing in improving railway services to country Victoria.

The last thing Mr Dalla-Riva raised was the question of ministers being gagged — I think that is what he was suggesting — by the Premier and also the gagging of this sort of debate. Mr Dalla-Riva ought to realise that the general business debate has actually not changed; he has not been gagged in this debate. The problem was that he had nothing to say. We will never be able to forget the extraordinary picture during the 1999 election campaign of every Liberal Party MP with a tape across their mouth, all gagged, not allowed to say anything. It was not even a one-party state under Jeff Kennett, it was a one-man state. Ministers used to say in those days that they had to listen to Neil Mitchell on Thursday mornings to hear what the state government was going to be doing because Jeff Kennett advised the community through the Neil Mitchell program before he told his own ministers.

**Hon. Andrew Brideson** — That's rubbish!

**Mr VINEY** — It is not, Mr Brideson. Ministers used to say that. What we have today is a contribution from Mr Dalla-Riva that is about appealing to his preselectors and about trying to bump himself up from no. 4. I do not know whether he has helped himself, because it is the Kroger-Costello forces that are dumping him. All he has done with his contribution today is give us an opportunity to remind everyone about the appalling government run by his backer, Jeff Kennett. It is the Kennett forces versus the Kroger-Costello forces. Mr Dalla-Riva is being pushed out by the Kroger-Costello forces, but all he has done today is embarrass his own backer, Jeff Kennett.

I will conclude by noting that at the beginning of his contribution to the debate Mr Dalla-Riva advised that the opposition will be giving 10 minutes to Ms Hadden. As I was leaving the chamber yesterday Ms Hadden said to Mr Dalla-Riva, 'Richard, I need to see you'. He said, 'Do you need my notes?', and she said, 'Yes, that would be good'. It will be interesting to hear Ms Hadden's contribution, because she is going to have to cross out all the rhetorical 'grubby hands', 'snouts in the trough', 'spin', 'legal mates', 'cover-up', 'done nothing' and 'scurry down the holes'. And I wonder whether Dianne can deliver 'You can't handle the truth'!

**Hon. D. K. DRUM** (North Western) — I too am grateful for the opportunity to speak to this motion. In doing so I point out that I find amusing the way some of the larger parties talk so much about preselection. I do not care about factions and so forth, but I do know that Mr Dalla-Riva is one of the hardest working and most honourable people in this chamber. If the chamber were to lose someone of Mr Dalla-Riva's abilities

because of factional pressure, it would simply show the fault with the current parliamentary system.

This motion talks about the fact that in opposition this government claimed that if it ever had the opportunity to form government it would create an open, honest and accountable government and would look after the finances of the state. This motion seeks to disprove those claims the government made while in opposition. This government has not been able to come through with those very basic promises.

It is very easy for this government to stand up here and talk about what the Kennett-McNamara government cut, what services had to be taken back and what they were not able to provide. However, I would like to challenge government members to explain to the chamber what they would cut if they had to operate today with a budget in the vicinity of \$20 billion instead of \$30 billion. Where would one-third of the government's spending cuts come from? This is something the government does not want to talk about. It does not want to talk about the shabby state the Kennett-McNamara government was handed when it first came into office. It does not want to talk about the fact that irresponsible handling of the state's finances by previous Labor governments forced the Kennett-McNamara government into making such tough and hard calls on so many services on which it would now not have to make such calls. This is the sort of lack of truth and lack of facts put forward in this chamber in these debates.

I understand the frustration felt by local governments in trying to maintain their funding levels. They are subject to an enormous amount of financial frustration when trying to get grants out of the state government. Their people are continually writing reports and submissions and jumping through myriad hoops to maintain funding at current levels, let alone have it increased to enable local government to do some of the more innovative programs it would like to run. While the state is holding so much of its finances here in Spring Street, rates are going up right around Victoria. This is something the state government needs to address, but what does it do? It wants to have a mayors' summit. Mayors right around Victoria are frustrated with the financial arrangements they currently have with the state government but all this government wants to do is have a talkfest. They come to Bendigo and talk about nothing. There is no talk about a new funding agreement, there is no talk about the possibility of directly linking some of the proceeds from the GST. More than \$8 billion worth of Victorians' money is being returned to the state through the GST but there is no talk about a new funding arrangement which would

see a direct allocation of that funding to local government, in the same way as the Roads to Recovery program had some direct funding coming out of Canberra and going straight into roads in country Victoria.

We talk about the rhetoric uttered in this chamber and it is quite disappointing. We often hear about the seven dark years of the Kennett government and rebuilding the state. Labor members like to roll out the rhetoric to apparently rewrite history. I do not think people look back at the Kennett era and say they were seven dark years. I think they look back and say here was a bloke who came in, acted in an arrogant fashion in some way but simply got work done. He got projects done. He might have had some faults but when the people of Victoria look back at history they do not see that time as the seven dark years, they see it as a period when a lot of tough decisions were made. Councils were amalgamated, some for the better and some for the worse in public opinion, but at least they saw steps being taken to bring this state back on track. They see that tough decisions were made in relation to closing schools. The conservative parties had to close schools but this government does not open any new schools. It has been very tardy in supposedly rebuilding the damage. It is all rhetoric and spin. When Victorians look back on this government it will be known as the government of spin, as a government which did nothing. This is an area we need to be very aware of as we stand in the chamber and utter rhetoric.

President, it was remiss of me not to inform the Chair that I would like to give 5 minutes of The Nationals' speaking time to the Independent, Ms Hadden.

This spin and penchant for wanting to talk about things rather than doing them was very evident in the recent all-party parliamentary inquiry into country football in Victoria. That group of parliamentarians travelled the state and spoke to literally hundreds of witnesses who came and gave their accounts of how they see country football and country netball in Victoria. A lot of time, effort and energy went into preparing submissions to that inquiry. At the end of the day we are finding a very minimal increase in what the state government is giving to those two sports. In the year most previous to this one the state government was dishing out in the vicinity of \$1.8 million to country football and netball clubs. It had this huge inquiry and made a big song and dance about how it really cares but in the end it came up with an amount of \$2.3 million spread over a number of years. It made it a rolling fund and limited each municipality to three applicants. When it is all said and done, by running the football and netball program over a number of years the government will probably

end up putting less money into the football and netball fraternities of country Victoria than it would have if it did not have the inquiry in the first place.

**Hon. R. G. Mitchell** — That is dumb.

**Hon. D. K. DRUM** — They are the simple facts, Mr Mitchell. We had \$1.8 million in previous years, we had an inquiry and now we are putting in \$2.3 million over a number of years. This is something we need to be very aware of. We have to be aware of what is the truth and what happens out there and what spin is being put on these issues by the government.

We saw that with the Mountain Cattlemen's Association of Victoria. Its members worked, protested and tried to raise awareness of their plight under this government. While that group of parliamentarians, that group of backbenchers from this government, was up there in the high country talking to the families and discussing the future of their leases in the Alpine Ranges, their backroom buddies back here were already preparing the advertising program to hit the air and ensure they could swing people's views in rural and regional and metropolitan Victoria. While government members were up there in the mountains enjoying the hospitality of the families who were going to have their livelihoods ripped from underneath them, their advertising gurus were preparing the media campaigns. This is another example of spin overriding the way this government can operate.

We saw that happen in relation to the toxic waste process. Authorised officers simply knocked on doors and said the government would like to acquire properties. What for? We are going to build a toxic waste dump on your private land and we are going to buy it off you whether you like it or not. They did that at three locations around Victoria and they maintained that fight for probably more than a year. They maintained their stance that they were simply going to buy private land. The place in Violet Town was under a metre of water some 15 years ago but the government did not understand or care about that; it was going to go ahead and build this toxic waste dump at Baddaginnie. They had the place over near Pittong and then they had the place at Tiega, just out of Ouyen. There was no openness, honesty or transparency about the way they handled that. They had been skunking around these places for 12 months. They had been secretly filming farmers going about their daily routines and doing soil tests while posing as geologists. It was deceitful and underhanded. That is the openness and transparency this government has failed to deliver on major projects in this state.

The government will be held to account. The people who campaigned against the government will remember that for a very long time. The people of Tiega have simply had to focus their attention some 25 kilometres up the road, because while this government said it was not looking at any other sites — that it would persevere and try to find the best site out of Pittong, Tiega or Baddaginnie — it was secretly doing studies 30 kilometres up the road at Hattah-Nowingi. You cannot get the truth out of this government. In response to every question you ask you are either told it is commercial in confidence or you are told a mistruth. We are not allowed to use the l-word in this chamber any more, but that is effectively what we are told whenever we want to find out something that is important to the people of our areas.

One of my favourite talking points regarding the way the government manages its finances is the Community Support Fund and the money this government raises from gaming. It recently decided, at the flick of a switch, to double the health levy placed on every electronic gaming machine in this state — increasing the amount of money raised by this levy for the coffers of this state from \$45 million to \$90 million per year. No justification was given; the government just thought, 'Here is a soft target; let's take the money out of Tattersall's and Tabcorp and put it into our health system. We will save the money we would otherwise have had to find from our general revenue. We will just take a little bit more out of the gaming industry'. This comes back to hurt the people, because the gaming industries are all tied up together. It will hurt the racing industry and it will hurt all the punters who have gone along to enjoy the Spring Racing Carnival over the previous week or two or who will go in the few weeks to come. The way the government has taken money out of the Community Support Fund will have a direct effect on the welfare of average Victorians.

There is secrecy surrounding the Community Support Fund. The advisory council is given the task of allocating those funds, which amount to approximately \$130 million a year. It is hard to get the full amounts. We have to derive those amounts by working out the average profit associated with hotels and/or clubs because they derive different levels of income and, as we know, it is only hotels that contribute to the Community Support Fund. In opposition Labor claimed it would hypothecate this funding back to the areas that made the initial investment into the gaming industry. That hypothecation has not happened in any regard. What has happened is that the Community Support Fund has had the government stamp all over it. Board members have resigned from the advisory panel in disgust and in protest over the fact that the projects they

have put up for funding have been overridden by the Minister for Victorian Communities in the other place, who has total control over the Community Support Fund. Valuable projects that would benefit many regions throughout the state have been knocked back, simply so the government can use the money to fund programs that through the history of this Parliament have been funded through other line items in the relevant departments. The government is funding a whole range of expenditure items through the Community Support Fund and is therefore leaving moneys that were previously set aside for those programs in the general budget of this state.

I have been corresponding with the Minister for Community Services in the other place about what is likely to happen to the money associated with the Kew Cottages development. We are talking in the vicinity of \$80 million or maybe more, depending on the final arrangement. On this issue the government is again not able to operate by the same procedures it expects everyone else to operate by. It will not work with the Boroondara City Council, but simply calls the project in and makes sure that none of the processes it would normally expect developers to abide by will apply. It has one law, one rule, one set of processes for everybody else out there, but when an issue comes to hand that it wants to have control of, it simply calls the project in.

I have been trying to work out with the Minister for Community Services what is going to happen to the money. All we hear from the minister is that the money from the proceeds of the sale of Kew Cottages is going to be put into the disability sector. That is fine, but in this state for the last 10 years we have had a situation where the disability sector has been increasing by around 10 per cent every year. It has gone up dramatically. We currently have in the vicinity of a \$900 million budget increasing by about 10 per cent every year — it is about 8.7 or 8.8 per cent. I cannot get a guarantee from the minister through a whole series of correspondence about this money. What we will see in coming years' budgets is last year's allocation plus increases like those we have been enjoying over the last 10 years because we are so inadequately funded in the disability sector, but we cannot get any guarantee that we are going to see last year's funding plus the standard increase plus the proceeds from the sale of Kew Cottages.

We can only draw one conclusion from this extensive correspondence, and that is that the proceeds from the sale of Kew Cottages are going to go into the disability sector and this government will leave an equivalent amount in general revenue. It is quite underhanded and

deceitful. It would be very simple for the minister to say that current funding programs will be maintained, current trends in that funding program will be maintained and any proceeds from Kew Cottages will be over and above that. She simply refuses to say that, and it leaves the government very vulnerable.

Nearly \$900 million is being spent on the disability sector in this state every year. Over half that money is currently going to 5 per cent of the people in this state who have disabilities. It is quite an amazing set of figures. The government's attitude is, I believe, what it considers to be responsible in one sense, because it is providing first-class accommodation for that 5 per cent of people it is looking after. In following that course the government is burying its head in the sand and ignoring one of the most gigantic problems facing the state, and that is the more than 1000-strong waiting list of people in the urgent category to share supported accommodation. There are over 5000 people on that waiting list, 1000 of whom have been classified as urgent.

Maintaining its current stance with that huge amount of money means the government has currently set aside over \$450 million to look after 5 per cent of people with disabilities in what everybody would consider to be world-class accommodation. In doing that this government is acknowledging that it has no intention at all of addressing the gigantic problem of people on the waiting list who are living at home and in accommodation where they cannot be cared for properly. This government has no intention of redirecting its finances in a way that could see a new policy that would address this problem. There is no intention by this government to do that.

Some of our smallest primary schools have been forced to raise money through their parents and friends associations to pay for things such as WorkCover premiums, things that the education department previously forked out for. Now schools themselves have to raise outside money to try to pay for things such as WorkCover premiums. Then they are penalised for things such as teachers who might have an accident walking down the street and who are deemed to be in their workplace, but they have no control over the safety measures because of the constraints of each of the respective schools. These are some of the draconian laws and regulations that have been put in place by this government to make sure that its WorkCover authority runs at a profit, irrespective of the damage it is doing to the education department and the finances of some of our smaller schools.

We heard the Honourable David Davis talk about the current system with ambulance bypasses and the hours and days that some of our major hospitals have been on bypass alert. It is staggering that the Alfred hospital had 16.5 full days and the Royal Melbourne Hospital had more than 14 days on ambulance bypass. That is absolutely disgraceful. I am making a simple plea for this government to come clean on the bypass hours of our respective major hospitals. It is not something that can be dismissed. It is not something that has been fabricated. They are facts, and they need to be addressed by this government if it claims to be open and transparent. Making claims is one thing; following them up with that type of basic information is totally different. That is something that needs to be addressed.

The government is forcing hospitals to centralise their reserve banking accounts. Again the government is getting its hands on that sort of money. Many of the smaller country hospitals rely heavily on the community to raise additional moneys that might allow them to do something additional at their hospital that might not otherwise be funded. These fundraising efforts by various communities have been put at risk by the government trying to centralise all those funds and therefore take the interest out of those reserve funds. This is something the government must be very wary of when it sets about centralising these bank accounts so it can make additional funds. It certainly puts at risk the issues associated with communities working tirelessly to raise further moneys for their own community hospitals.

Mr Viney mentioned in his contribution that in order for this state government to go forward, we need to invest in jobs. We need to be investing in employment. In his contribution and in this instance he was referring to the synchrotron project.

But we have found that this government does the opposite. In the 2003-04 period this government ripped more than \$150 million out of employment programs. I do not know how the government can possibly justify doing that. The lead speaker of the government on this issue then turned around and said, 'We need to invest in employment'. This statement was contrary to the government's own actions.

Currently the unemployment rate in Victoria is running at over 5 per cent. The rest of mainland Australia has lower rates of unemployment than Victoria. This is the first time this has been the case in a number of years. This trend has been going for 18 months. Prior to that it would have been unheard of for Victoria to have a higher unemployment rate than other mainland states. We have nearly the worst employment rate of all

Australian states and are only ahead of Tasmania. This state should hang its head in shame.

We have to improve and increase employment opportunities. We have to look after employers. That is the only way. We cannot just look after employees all the time without any regard to employment. Jobs are the issue. We talk about having to create jobs, but how do you create jobs without actually making it, in a sense, attractive for people to employ other people? We have to understand that we need to encourage people to take a risk and employ people. In regional Victoria especially, employment is the indicator that tells you how your community is progressing or regressing. We talk about so many other issues when we work as politicians and parliamentarians, but what we do in relation to building employment and increasing opportunities for people to re-enter the work force is the most important work we can do.

When the state government rips over \$150 million out of incentive programs, it absolutely reduces the effectiveness of business employment programs in the state. This is something we really need to be aware of. No wonder it is so hard to get qualified tradespeople to work in regional Victoria. There is an absolutely critical shortage of tradespeople.

Three or four years ago this government took away the incentive scheme that encouraged employers to employ apprentices. It abolished the payroll tax exemption for apprentices. Again this makes it less attractive for people to employ apprentices. The government took away the incentive scheme for the employment of apprentices by not paying benefits until the apprentices completed their apprenticeships. Only then were the employers reimbursed with a small amount of money to encourage them to employ someone else.

Those of us who have been out in the work force and have worked in the trades understand that in this day and age apprentices are very keen to move around. They start an apprenticeship with one employer and then move on. They might travel interstate or overseas then return and finish their apprenticeship with another employer. These are the current trends. This government has discriminated against people who want to take a risk, commit themselves to a young person and employ them as an apprentice. Instead, in regional Victoria we have a skills shortage. This government has introduced a cut to the incentives it has offered. At the same time the government is generating \$3 billion every year from payroll tax.

Payroll tax is the most hideous tax of all — it is a tax on employment. The government is raking in over

\$3 billion every year with this employment tax, but it still wants to find a little more, so it takes away the exemption for employers who want to employ apprentices. What does the government then decide? It puts a hidden tax on TAFE colleges. How any government member decided that TAFE students were a soft target is beyond me. I have not had one government member in the last 18 months explain how they figured that TAFE students were a soft target for a blanket tax. It is ludicrous for the government to think TAFE students have heaps of money.

I do not know why the government would target people trying to better themselves in the TAFE system. Obviously it realised it can raise additional money. This extra money is effectively about \$66 000 every year that goes from the Bendigo Regional Institute of TAFE straight into general revenue. It is not tagged to be spent on TAFE college maintenance or on improvements to or an increase the number of courses. It goes straight into the government's coffers so it can spend it however it likes.

The same thing is happening with the water tax. The government might have honourable intentions by putting money towards the environment, but why does it not tell members of the Victorian community how much it is taxing them and put the amount at the bottom of the bill? The government said that it wanted to be open, honest and accountable, so why would it not have the courage and honesty to put that tax at the bottom of the bill and let people know what they are contributing to the state government in relation to the water tax? The government is forcing TAFE colleges and water companies to hide these fees and charges. It is simply lacking courage and honesty and should be held to account for it.

One of the most despicable decisions by the government was in regard to the multipurpose taxi program to save a miniscule amount of money. There is a \$1 billion surplus in the current budget and the government has probably saved between \$5 million and \$10 million with the implementation of the multipurpose taxi program cap. It is penalising those who can least afford to pay for taxis, which is their only form of transport. The government introduced this measure in a cold-hearted fashion and because of an outcry rejigged it to enable a few more people to jump through the hoops to qualify for an exemption by increasing the \$500 limit to \$1000. The implementation of the cap will save the government very little. The money is coming out of the pockets of those who can least afford to pay the additional money, especially in regional Victoria. They cannot access public transport, and if they do not have a car the taxi is the only means

of transport. Imposing further imposts on them is an horrific act by the government, and it should be held to account.

The way the government has turned its back on the country taxi industry is terrible. I have raised this issue recently in Parliament where an operator from Castlemaine was experiencing some genuine difficulties. He had some ideas that he thought would be well received by the community cabinet that went to Castlemaine earlier this year. When he made application he was told he was the fourth person in line to get a hearing with the relevant minister. Two weeks before the government went to Castlemaine an all-points bulletin went out to drum up ideas and issues and to get somebody to meet with the community cabinet.

When this particular chap decided he would call to verify his appointment with the relevant minister he found that he had been bumped off the list because this government did not want to listen to rural issues, particularly the real concerns of the rural taxi industry. The people of the city of Castlemaine, which has some 6000 to 7000 people, simply had their concerns unmet. That particular chap is still extremely upset. He has told me how tough it is to meet the pricing regime that has been designed. It may be suitable in the metropolitan area, but it is difficult to make it work in regional Victoria, not to mention how much more crucial a taxi service is in regional areas as opposed to the metropolitan region. At least in metropolitan Melbourne there is a public transport system that is well and truly subsidised by the government.

One of the other issues is the regional fast rail project. I cannot let Mr Viney's contribution go without challenge. Putting money into rail is fine and should be supported. This state is well and truly overdue for a rail upgrade, but the spin doctors are at it again. It is not sexy enough for the government to simply have an increase in rail spending, infrastructure and track upgrade; it has to put very fast rail on the agenda. The project will have blown out from \$80 million to over \$1 billion before it is up and running. We were told that the first of the programs would be completed by the end of 2000 and that the whole project would be finished by 2004. Now we find, as we near the end of 2005, that the first stage of the fast rail is not finished. We are probably talking about the end of 2006 before it will be completed, and that will be just before the next election. That is how this government operates with its spin.

In my constituency of Bendigo half the services will be slower than what they are now. When we tried to get the government to open up its timetables in the initial

stages of this project we could not get that information. We wanted to know whether the government was going to rip up one of the tracks between Kyneton and Bendigo, but it would not tell us. If one of the tracks was ripped up between Kyneton and Bendigo the government would not be able to deliver more frequent services nor would they be faster. Also, there would be minimal savings in timetabling. We could not get the minister to come clean on this fact in any way, shape or form. He kept holding it off, and eventually when the track was being ripped up it released the timetables which show that half of the services will be slower.

The 84-minute train linking Bendigo to Melbourne would leave at ridiculously uncommon hours. If you want to jump on the express train at 6 o'clock in the morning and get into Melbourne at 7.20 a.m., that would be fine, but if you want to leave at a more respectable hour and get into Melbourne at 8.40 a.m., 8.35 a.m. or 8.30 a.m., unfortunately the train will be stopping all stations and you will be no better off than currently is the case.

The government has been taking money out of the Housing Guarantee Fund. For those who have bought a house and put a deposit into the fund, that deposit sits there and three months later they get their money back. But the interest on that equates to between \$25 million and \$40 million a year, and now we find that the government is taking the interest on that fund as well. It is amazing how this government works out ways to introduce new taxes.

What about questions on notice? Mr Dalla-Riva again mentioned how tardy this government is in relation to questions on notice. I can understand the government being upset with Mr Dalla-Riva, because he puts in an awful lot of what I would call tedious questions on notice where he asks exactly the same question of all the different ministers. I can understand them being upset with that, but I have had two of the most basic questions on notice to the Minister for Education Services that have gone past the 12-month mark, and I have put in requests calling for a response for over a month now. They are basic questions asking the government how much money it is putting into private sector disability services for education as opposed to the government sector, and I cannot get even the most basic response from the Minister for Education Services. It is disheartening and disrespectful, and I think the government needs to be more open and accountable in providing members of Parliament with basic information when it is asked for.

**Hon. ANDREW BRIDESON** (Waverley) — It gives me great pleasure today to support the motion

which has been moved by the Honourable Richard Dalla-Riva — that this house condemns the Bracks government for failing in its election commitment to be open, honest and transparent and for its blatant misuse of millions of dollars of Victorian taxpayers money. We have heard a lot from my colleagues on this side of the house who have put a lot of facts on the record. They have demonstrated that the Bracks government has failed in its election commitment to be open, honest and transparent, and I hope I can add to that.

It is a typical motion put forward by oppositions. Back in the days when I was a member of the government I can recall listening to a similar debate which was put forward by the Labor opposition of the time. The sorts of issues members of the Labor opposition raised then we are raising now. It is a sad state of affairs that governments waste taxpayers money. I am not saying this current government is the only government that wastes taxpayers money. I was a member of a government that probably wasted taxpayers money, and as a backbencher I felt powerless to stop the government from wasting that money and there were times when I was embarrassed to hear the sort of money that was being wasted.

I am sure there are members sitting opposite me on the government benches today who are similarly embarrassed by the money the Bracks government is wasting. I know that in Mr Scheffer's electorate there are needy people who could well use the money this government has wasted. There are people in Mr Viney's electorate who are being affected by the multipurpose taxi program, and if some of the funds that have been wasted could be put into those needy causes this state would be much better for it.

I want to start by referring to a document entitled *Democracy and Accountability — Labor's Plan for Integrity in Public Office*. It has some very good things in it and some of the reforms members of the government were committed to have been done. I do not have any qualms about that, but I want to go through some of the aspects of that document that really have not been met. It says that the rights of people must be nurtured and safeguarded by governments on behalf of the people they have been elected to represent. We all know the sessional orders of this place have been altered, and altered dramatically. Debate has been gagged. When I look at what we were able to do in the 52nd and 53rd parliaments compared with what we can do today I find there is not much. I can only put on the record one adjournment item a week. I have an opportunity to make one 90-second statement a week. It is not really much of an opportunity for me to raise local issues. We are gagged in debate. It is common

knowledge, and all members know it, that under the Kennett government and governments prior to that we had unlimited debating times. It is just appalling that effectively we can put bills through this Parliament now without any debate. It is possible to do that.

I also want to comment briefly on the quality of debate in this chamber compared with what it used to be. It is appalling for experienced members of Parliament to witness the government members in debate on legislation. We see the notes being passed around just prior to the debate. It is the hymn sheet; everybody is singing from the same hymn sheet. There is very little personal input to debate, and I think Parliament is the lesser place for that. Sure, members may not agree with what their government is doing, but let us hear their views. They can still put those views and vote for the legislation.

The report talks about 'a real house of review'. It says that the government will press for the upper house to be active as a real house of review. That is on page 4 of *Democracy and Accountability — Labor's Plan for Integrity in Public Office*. It goes on to say:

The Victorian Legislative Council does not operate as an effective house of review.

Putting that into a time perspective, that was the Labor Party's view when the conservatives held government, but I think that still stands today. This Parliament does not operate as an effective house of review. This house operates as a rubber stamp. It has not set up one committee to review any aspect of legislation. The government has the capacity to act today. Maybe this is a document for the future, but I put it to the government that it ought to make this house a more effective place as of today.

The report says the government will make Parliament work better. It has a section here on overseas trips:

There has been continuing public disquiet about overseas trips by politicians.

We all know that the trips that were allocated on behalf of the Commonwealth Parliamentary Association have been discontinued. A small amount of money, something like \$182 000 per annum, has been saved on that, but I put it to you, President, that there are more members of Parliament who have had overseas trips under the Bracks government than ever had trips under the previous system with the CPA. Under this government there have also been more ministerial overseas trips, and these have all been documented by the Honourable Richard Dalla-Riva in his investigations into public expenditure.

I would also like to refer to a document entitled *ALP Response to the Independents Charter Victoria 1999*. I will not go through it in detail, but I will just draw attention to some aspects of it. It commits the Bracks government to:

Removing obstructions such as excessive costs and appeals against document release.

We have heard the Honourable Richard Dalla-Riva put forward a very strong case today about the waste of time and effort involved in the opposition parties finding information. It is not just the opposition parties, the Melbourne daily newspapers have also spent a considerable amount of time, money and effort in gaining documents. If freedom of information were operating properly, we would not have the need for the Freedom of Information Act. All information, perhaps apart from commercially confidential documents, ought to be released. We do not really need a Freedom of Information Act, in my view.

The Bracks government also committed to:

Reducing time gaps permissible before providing documents.

There is a 45-day time limit. I have newspaper report after newspaper report that says there have been delays of up to 59 days, 68 days and 80 days. In fact I shall quote from a media release put out by the member for Brighton in another place, Ms Asher, on 10 March this year after she gained a successful decision at VCAT from Judge Bowman. It states:

Judge Bowman said, 'I am conscious of statements that have been made both inside and outside Parliament by members, including the Attorney-General of the present government, concerning the desirability of there being openness and accountability in government and by various agencies. I have borne the above matters in mind, and have applied them, in coming to a decision in the present case'.

Which was a case about gaining information, being a Federation Square report. The media release continues:

Judge Bowman, in his decision, said, '... I fail to see how disclosure of the document would involve disclosure of any deliberation or decision of the cabinet. As stated, there is not even any definite evidence that the cabinet considered the Lewinsky report'.

So it is not just the opposition saying that there are delays and problems with releasing information, a judge from VCAT is echoing our concerns. It also says in the response to the Independents charter that the government will:

... ensure that budget documents are properly comparable from one year to the next ...

We all know that the budget documents which were produced earlier this year were full of hidden information. It was very difficult to compare last year's with this year's. It also says the Bracks government will:

1.7 Consult with interested parties within the community before developing new legislation.

Time and again legislation is debated in this place and when the opposition is following its consultation process it discovers that it is actually giving notice to a lot of the groups that it consults with that the legislation is actually before the Parliament.

There are a couple of other aspects that I want to comment on. One commitment was to establish standing committees to review legislation. I have covered that; it has not been done. The charter also includes a requirement that ministers actually answer questions during question time. That is an absolute joke. We all know that question time is just a game. Ministers do not answer questions. The game is that you bowl up a question and they just play it with a straight bat.

**Hon. D. K. Drum** interjected.

**Hon. ANDREW BRIDESON** — As Mr Drum says, they reinterpret the question. The charter also includes there being a minimum number of sitting days per year. Mr Dalla-Riva has put on the record the facts of the matter: we sit less now than we ever did. There was going to be an opening up of opportunities to debate private members bills and petitions. Not once have we debated a petition in this chamber since the Bracks government came to office. We have debated private members bills, yes. But have they been passed? No. And what has happened? The government has picked up the private members bill and incorporated it into its own legislation at a future date.

Some assurances were given to Independent members — and we have a couple of Independent members in this chamber. I just want to draw the attention of the chamber to the first point here:

Treat all members of Parliament, including Independent members, with courtesy and respect.

To see a demonstration of that one only had to witness what happened this morning when an Independent member presented a petition and disrespect was shown towards that Independent member by one of the government members. Another point is:

Allocate Independents a higher level of staffing ...

That just has not occurred. I will put that document aside and get a few figures on the record.

*Honourable members interjecting.*

**Hon. ANDREW BRIDESON** — I have a list of Bracks government spending sprees. This list has been compiled in conjunction with Mr Dalla-Riva and the opposition's media unit. Department of Sustainability and Environment executives had a wine-and-dine splurge costing \$20 000. We had the farce with the blue trees. Because of the public reaction to the \$96 000 that was going to be spent, I think probably about \$30 000 ended up being wasted on that project. We had the Spencer Street station party. It must have been a fantastic party because it cost \$170 000.

We had the synchrotron open day. Mr Viney said we do not support the synchrotron. That is absolute rubbish. We do support the synchrotron; what we do not support are the overruns, the waste, the mismanagement and the money that has been spent on this open day — \$116 528. I have schools in my electorate that could easily refurbish their libraries or buy computer equipment et cetera for that sort of money. We had the relocation of a tree, costing \$400 000, down by the state swim centre. The Premier gave \$14 000 worth of gifts on overseas trips just last year. One and a half million dollars was spent on the Ballarat Eureka festival. And the government had that awful grazing advertising campaign costing \$250 000, which was an absolute sham. We have the flab-blasting plan for taxidriviers at \$400 000; a new entrance to the Australian Centre for the Moving Image, \$4 million; a weekly crime questionnaire, \$357 000; and post-community cabinet spin, \$800 000. That is all money which was wasted and which could have been better spent on the needy in our communities.

The Honourable Richard Dalla-Riva said \$162 million has been spent over four years on consultants. That is an absolute waste of taxpayers money. We have heard that new blinds at the Maroondah City Council cost a further \$8000 and legal advice cost \$35 million. Minister Holding's travel expenses amounted to \$240 000 over two years. In his previous portfolio, before he became Minister for Police and Emergency Services, he was known as the Minister for Nothing because he did not have a department to preside over.

We have a new logo for Victoria — \$1.4 million wasted; and of course cabinet meeting lunches, where \$35 000 has been spent on sandwiches. They must have been some sandwiches! I have further evidence here. I have pages and pages of information, which I am not going to have time to put on the record, but mobile

phone bills hit \$1000 a day. The top 10 big spenders of the state are: the Premier, who has 45 mobile phones, with the bill totalling \$107 000; the gaming minister has 9 mobiles, costing \$24 000; the education minister, 10 mobile phones, at a cost of \$19 600; the Deputy Premier, 8 mobiles, costing \$19 000; the energy minister, 11 mobile phones, with an \$18 800 bill; the community services minister, 6 mobiles, at \$16 000; the transport minister, 16 mobiles, \$15 500; the agriculture minister, 9 mobiles, \$13 000, or nearly \$14 000; and this list goes on and on. An enormous amount of talk goes on in this government — an enormous amount of rhetoric. And what do we get at the end of the day? Millions and millions of dollars wasted.

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

**Hon. KAYE DARVENIZA** (Melbourne West) — I am very pleased to make a contribution in this important debate and to speak against the motion that has been moved by Mr Dalla-Riva. What a joke it is for him to say that the Bracks Labor government has not been accountable and has not been open and transparent in the way that it conducts the business of governing this state and carrying out this very important office. Mr Dalla-Riva's contribution was a sad and sorry effort — and it did not get much better than that. I must admit I did not hear all of Mr Drum's contribution, just the end of it, but I did hear all of Mr Brideson's. They were all sad and sorry contributions.

I want to pick up some of the comments made by previous speakers. I am not surprised that Mr Brideson is embarrassed by the waste of the Kennett government, as he clearly stated in his contribution, and how powerless he felt as a backbencher when he was part of that government. I am not surprised at all, because there was incredible waste by the Kennett government and incredible damage was done to all of our important services — health, education, police — —

**Hon. Andrew Brideson** — Give us the facts of the waste.

**Hon. KAYE DARVENIZA** — Mr Brideson interjected that I should talk about the facts. Those are the facts. Our budget is clear. We have increased spending in all of the very important areas of health, education and policing, and we have wound back the damage that the Kennett government did when it was in office.

I will talk a little bit about how open and accountable we are on democracy, and I will start with the budget. One of the changes we have brought about to make our

budgeting more accountable and transparent is that the Auditor-General now signs off on the budget. That is something those on the other side certainly did not do when they were in government. In fact, they took away the powers of the Auditor-General. The accounting standards that are used in our budgets are approved by the Auditor-General before a budget is brought down.

Mr Brideson and Mr Drum have criticised the government's budgeting, yet it is more accountable and transparent than it ever was under the previous government. We produce a budget update every six months, and not only do we have the Auditor-General sign off on our accounting and on the budget but we have also entrenched and strengthened his role. We have also strengthened and entrenched the roles of the Ombudsman and the Director of Public Prosecutions. These are things that we have done to address the withdrawal of power and authority from those offices that took place under the previous government.

Mr Dalla-Riva talked about us wasting time. I thought that listening to his contribution this morning was a complete waste of time. Since coming to office the Bracks government has pursued a very robust legislative program. We have passed a record number of bills: 114 bills in 2003 and 112 bills in 2004, as well as the work we have done in 2005. Parliament has sat for 137 days since February 2003 and the government's program for this sitting is yet to be completed. Mr Dalla-Riva was really saying that Parliament itself is a waste of taxpayers money. What a joke. Not only does Mr Dalla-Riva not care about democracy and ensuring that there is accountability and transparency but he also criticises the time that is spent in Parliament.

Both Mr Brideson and Mr Dalla-Riva talked about the changes to the Legislative Council. The Council as it stands at the moment, before the reforms brought in by the Bracks Labor government have taken effect, is not democratic. The Council is not democratic because we do not go back to our constituents and seek their endorsement every four years. When the changes take effect members will go to the people every four years, and the Council will be more democratic and representative. The changes are about revitalising democracy in the upper house.

The government has introduced fixed four-year terms. The lot on the other side fought against it strongly. They are not for a more democratic approach to government, and they are certainly not for being more accountable and representative. We have made the Council more representative by introducing proportional representation, and we will make it more

democratic by ensuring that we have fixed four-year term elections.

Going on to talk a little bit more about the way we have injected stronger democratic principles and stronger accountability into the system, we have also made provision for a referendum for future constitutional changes, thereby giving Victorians a say in their constitution for the first time. We have also taken Parliament to the people. Mr Dalla-Riva criticised us for our community cabinet initiative, but it is not just a matter of the cabinet going out and talking with the community — the community cabinet meets with the community and is welcomed by communities right across Victoria; our community cabinet is very successful — we also take the Parliament to rural and regional Victoria by holding sittings of both houses in regional centres.

As I said, since coming to office we have pursued a robust legislative program. We have also enshrined local government in the constitution as a very essential and important tier of government, and we have dealt with the issue of reforming local government elections and aligning their terms with a four-year cycle. It is simply a joke for Mr Dalla-Riva, Mr Brideson and Mr Drum to come in and say that we are not accountable and transparent.

Mr Drum raised the issue of the Community Support Fund. Money from the fund goes back into the community in a whole range of projects, often in partnership with local government, to improve community-based services such as libraries, community centres and sporting facilities. We have been pleased to see those funds going back to communities, particularly those communities that have been hard hit by gaming.

Education was another issue raised by both Mr Drum and Mr Dalla-Riva. How do we spend our money? What happens with our resources? Let me tell honourable members what we do: we bring down our budget. What we do not do is waste money like the opposition's federal counterparts do. We do not waste money by producing hundreds of thousands of glossy brochures which were to do nothing more than promote a very controversial industrial relations (IR) shake-up and which ended up having to be pulped. There were hundreds of thousands of them. Talk about waste! It is believed more than 600 000 copies were pulped, and what was the cost? Forty thousand dollars! It is just outrageous that the federal government should be wasting our money. Has Mr Dalla-Riva complained to Mr Howard? Has he written off to his federal counterpart and let him know how outraged he is about our taxes being wasted in that way? I am outraged. I

know constituents of mine and others in Victoria are also outraged.

Why was the brochure pulped? Because the final version of the brochure was missing a word. I think the word 'fairer' was missing. This brochure is now being reprinted, and it will be soon mailed to 1 million households as part of a \$20 million blitz to sell the industrial relations changes. Has Mr Dalla-Riva complained about this to the federal government? Has he expressed his concern to John Howard and his other mates in Canberra that they are wasting \$20 million trying to sell IR reforms that we know Victorians and other Australians are very much against? It is a blitz — a \$20 million blitz. We believe this campaign to try and sell these atrocious IR changes that will severely restrict the way that people are able to get jobs, the terms and conditions under which they will be employed and the way in which they can have their — —

**Hon. Richard Dalla-Riva** — On a point of order, Deputy President, I draw your attention to the motion before the house. It relates to the administration of the Victorian government. We have been debating today issues in relation to the Victorian government. In my view — and I would ask for a ruling — the member has now strayed way off the mark into the federal administration. That is not the motion before the house, and I ask you to bring the member back.

**The DEPUTY PRESIDENT** — Order! The house is dealing with a very wide-ranging motion which provides for discussion over a whole range of topics relating to the government in general, so I do not uphold the point of order.

**Hon. KAYE DARVENIZA** — All Mr Dalla-Riva was trying to do then was waste my time.

**Hon. Richard Dalla-Riva** — On a point of order, Deputy President, the member cannot infer what my thoughts are in this house. I did not think that. I raised a valid point of order — —

**The DEPUTY PRESIDENT** — Order! That is a frivolous point of order, and I do not uphold it. Ms Darveniza, to conclude.

**Hon. KAYE DARVENIZA** — This is an outrageous motion. It does not deserve the support of any member of this chamber. I urge all members to vote against it. I ask the opposition to take up the issue of our taxes being wasted by its federal counterparts, John Howard and the Liberals, who are wasting something like \$100 million on an IR campaign that they are trying to sell to Australia.

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

**Hon. D. McL. DAVIS** (East Yarra) — I am pleased to make a contribution to the debate on this important motion moved by Mr Dalla-Riva. In particular I plan to speak to the first part of the motion, which asks the house to condemn the government for failing in its election commitment to be open, honest and transparent. I could not agree more with the motion. This government, which was elected on its early promises of transparency, openness and accountability, has stepped away from those promises. It has blatantly broken many of its commitments to be open, honest and transparent, and I am very sad as a Victorian that this government has not lived up to the standards it initially set for itself.

It is clear that in the health portfolio in particular the government has not lived up to its promises of openness, honesty and transparency. Ms Darveniza made a number of comments, and I urge her to stay in the chamber because I plan to talk about some parts of her contribution. She said she is looking forward to running for re-election in the northern part of the state. I would be very interested to hear what the people around Mildura and Nowingi feel about her views on the toxic dump that is proposed there, whether Kaye 'Nowingi' Darveniza will be accepted by the people of the northern part of this state. She will be known as Kaye 'Nowingi' Darveniza. I have to say that it has a nice but toxic ring to it.

Turning specifically to the part of the motion that refers to the government's honesty, openness and transparency and relating that to the health system, the *Your Hospitals* report that was published a few short weeks ago is a glossy report. The pretty, glossy red pictures on the front page and further in — beautiful pictures of hospitals and gorgeous pictures of the Premier, if you like photos of the Premier — cover up the fact that this report has removed many of the key measures by which we judge the performance of our hospitals. My office tabulated the removal of over 100 of those measures and even on a very generous analysis more than 90 measures that relate to the frequency of reporting and comparability of the report to other quarters and years have been dumped. All of those historical comparisons have disappeared out of the report.

It is very sad to see that the figures in the report have been presented in a different way so that obtaining transparency of comparisons with the past is made more difficult. That is quite unfortunate, because this government promised to produce parallel reporting

where output measures were changed. If members think back to the days of the charter of audit independence, they will remember it said that where measures were changed, for a period the same measures would be reported in parallel with the new measures. That has never happened under this government. The government flagrantly broke that promise.

I have talked before about intensive care reporting and the very serious issue of the sad state of intensive care availability and transparency. The figures show there have been more than 21 000 cancellations. We had to calculate that figure, not the government. It was previously tabulated in hospital reports, but that no longer happens. Either members of the community, the opposition or the media need to do the tabulation work, because the government has made it as difficult as possible to make those sorts of comparisons. The college of surgeons made the point that because of the bed closures that have occurred in this state and the unavailability of intensive care beds many operations are being cancelled around the state. I believe the cancellation of 21 000 elective surgery operations in the last 12 months in our hospitals is of great concern to the people of Victoria. Why is the government not prepared to publish that figure up front? Why does it have to hide it in corners of web sites? Why does it have to hide it in a disaggregated way? Why does it have to hide things like the critical care availability?

**Mr Viney** — Hiding it on a web site — a public web site!

**Hon. D. McL. DAVIS** — Yes, hiding it in such a way that it is hard for people to access it. How many people are looking at that web site? If you look at intensive care, why has the government removed public access to the Victorian critical care bed state web site?

**Hon. J. M. McQuilten** interjected.

**Hon. D. McL. DAVIS** — You have closed hospitals in country Victoria. Tell us about Koo Wee Rup — —

**The DEPUTY PRESIDENT** — Order! Mr Davis!

**Hon. D. McL. DAVIS** — Members on the other side might wish to explain to the chamber about the operating theatre at the Koo Wee Rup hospital or talk about other hospitals around the state, where almost 20 obstetric units have been closed by this government in the last three years. They might want to talk — —

**An honourable member** interjected.

**Hon. D. McL. DAVIS** — I have to say that Casey Hospital has been built by gutting Koo Wee Rup

hospital — and there are almost 1000 people on the waiting list at Casey Hospital. The 2500 operations that occurred yearly at Koo Wee Rup hospital have now been transferred, along with some of the staff, to the Casey Hospital. Mr Viney well knows that waiting lists at Southern Health have blown out astronomically. He knows that the subacute waiting lists at Southern Health, Monash and Dandenong have blown out to an extraordinary level. He knows that around 1000 people are waiting at Casey Hospital. He knows that the subacute lists at Frankston Hospital have blown out. He knows that the number of cancellations at Frankston is outrageous.

**Mr Viney** — Don't you talk about Frankston!

**Hon. D. McL. DAVIS** — I will talk about Frankston, Mr Viney. I will talk about your failure at Frankston. At the moment people are saying that Frankston is in chaos. People are saying that it is in crisis.

**Mr Viney** — It is not true.

**Hon. D. McL. DAVIS** — It is, and Mr Viney well knows it. The people who are cancelled from the operating lists — —

**Mr Viney** interjected.

**Hon. D. McL. DAVIS** — They are being cancelled. People know that the availability of intensive care at Frankston is problematic.

I note that on the last day on which the critical care bed state information webpage was available, 27 October 2004, Frankston Hospital had seven beds open in its intensive care unit, but it was not accepting patients because it was full and there was no predicted availability in the next 8 hours. But now, I say to Mr Viney, no-one knows about the status of intensive care at Frankston, no-one knows how many beds are available, no-one knows about the fact that the unit is closed a lot of the time — patients cannot get into the Frankston intensive care unit, operations are cancelled because of the unavailability of intensive care beds — —

**Mr Viney** — Give us the facts, David.

**Hon. D. McL. DAVIS** — Mr Viney should look at the webpage. Does he want to see it? It was last updated on 26 October 2004 at 6.52 a.m. The total number of beds available at Frankston was seven, and the number of predicted beds available in the next 8 hours was zero.

**Hon. Richard Dalla-Riva** — On a point of order, Deputy President, as Mr Davis was speaking I heard the Honourable Matt Viney use an unparliamentary term in suggesting that the member had misled the house. I would ask him to withdraw that.

**The DEPUTY PRESIDENT** — Order! Mr Dalla-Riva's claim that someone is saying that the person who is speaking has misled the house is a debating point, not a point of order. I rule the point out of order.

**Hon. D. McL. DAVIS** — Thank you, Deputy President. The reality is that Mr Viney is very sensitive about Frankston Hospital. He is sensitive about the cancellations of elective surgery. He is sensitive about the closure of intensive care. He is sensitive about the lack of data coming out of Frankston Hospital. He knows it is a disgrace. He knows he has failed, and he knows this government has failed.

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

**Ms CARBINES** (Geelong) — I am absolutely delighted to rise in the house this morning to speak against the spurious motion put forward by the Honourable Richard Dalla-Riva. It was interesting to listen to his contribution to the debate. He whipped himself into a frenzy about so-called lack of transparency and waste of taxpayers dollars. What an absolute nonsense his contribution was.

Since the Bracks government was elected six years ago we have worked extremely hard to grow the whole of the state and to make sure we address key issues that the Victorian people have told us time and again they care about: health, community safety and education. We have made sure that our economy is sound and robust. We have a significant surplus. We have retained a AAA credit rating. We have created over 300 000 new jobs since 1999. It is such a great story that the opposition is trying to denigrate this morning.

In the environmental area we have led the nation in protecting our natural environment and reforming the way we manage our water supplies to make sure that our state has a sustainable water supply into the future, not just for today. Earlier — —

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Mr Davis and Ms Hadden! It is Ms Carbin's opportunity to speak, and Ms Hadden will have her turn next.

**Ms Hadden** — I will too.

**Ms CARBINES** — And boy, will that be interesting! During the course of this year we have made sure that we are setting in place plans to address severe disadvantage across the state through \$700 million worth of innovative programs under A Fairer Victoria. This morning the opposition has wanted to denigrate the great story that has been the Bracks government over the last six years.

We need only to look back three years to when the Bracks government faced the Victorian population and said, 'We want to come back to you to see what you think about our record in our first term'. History shows that Victorians voted overwhelmingly to endorse the Bracks government. We have the largest majority a governing party has ever had in this state, and that has been a major endorsement of our commitment to the Victorian community.

This morning we have heard Mr Dalla-Riva attempt to denigrate one of the fabulous initiatives of the Bracks government — that is, our community cabinet program. We all remember that in the seven dark years of the Kennett government — it was a very Melbourne-centric government — regional Victorians were considered to be the toenails of the state. We are ensuring that regional Victorians are seen to be very much front and centre by our government. We have taken our cabinet outside Melbourne to meet in regional and rural Victoria and in the suburbs across metropolitan Melbourne to meet with Victorians across the state. This has been an initiative of our government that has been greatly appreciated by Victorians. Since 2000 we have held 59 community cabinet meetings. Each one of those community cabinet meetings has been overwhelmingly embraced by the communities in those municipalities.

Our government was the first to introduce regional sittings. The upper house sat in Ballarat during our first term and later in Benalla. The Legislative Assembly sat in Bendigo. This year the Assembly will sit in Geelong, and we in the upper house are going to sit in Colac. I know that the Colac-Otway Shire Council and the local community are waiting with bated breath to see the Legislative Council appear in Colac. There is much enthusiasm and anticipation of the time we will be spending there, and I am very much looking forward to doing that.

The community cabinet meetings are absolutely wonderful events. I have been to many of them, not only in my own electorate but across the state in both my role in the first term as Parliamentary Secretary for Education and this term as Parliamentary Secretary for Environment. The opposition does not understand the

value of them because it does not care about community. It never has. It did not when it was in government and it does not now. The opposition just does not get it. Victorians embrace the community cabinet. Whenever the cabinet will be appearing in metropolitan Melbourne or regional and rural Victoria members of the local community are invited to make submissions to and meet with ministers. The local government area is advised by the Department of Premier and Cabinet that the cabinet is coming. Advertisements are placed in the local newspapers and there is a high take-up of the opportunity to meet with the Premier and the ministers when they come to the community cabinet.

The community cabinet is enthusiastically embraced. In fact, the first community cabinet was held in my electorate of Geelong in 2000. That was the very first community cabinet and it was looked upon with a great deal of interest. I can tell the house that my local community and our local council were absolutely stoked that the Premier and the cabinet had come to visit them in regional Victoria. Having been to many of them, I can tell the house that that is the case every time. Local communities absolutely love the Premier and the ministers visiting them in their backyards and listening to their issues, and having the opportunity to brief the Premier and the cabinet privately about matters concerning their municipalities.

They then enjoy taking part in submissions during the course of the day. There is usually a community event such as a community luncheon or afternoon tea, and people love coming to those events and having another chance to meet informally with the Premier and ministers. After the community cabinet meeting there is a very strategic follow-up of all the issues that have been raised during the course of the day. People who have made submissions receive a written response from the relevant minister.

This is a very successful recipe for community consultation. Opposition members cannot stand it because they know it is so successful. It is successful. It has engaged local communities across regional Victoria, and the opposition does not like that. They do not like the idea that we are out there working very hard with Victorians across the state. They have tried in a half-baked way to be a pale imitation of community cabinet a couple of times. We had the shadow cabinet visit Geelong earlier this year. That was a storm in a teacup. It provoked no interest at all from the local community. I am sure the opposition will think twice before venturing out again with great fanfare and trying to replicate the Bracks government's initiative of

community cabinet, because no-one took any interest at all.

I was recently at community cabinet in the Colac Otways shire. The mayor, Cr Warren Riches, and the chief executive officer, Tracey Slatter, were very appreciative of the attention focused on them and their community during the course of the day. They raised key issues with the government such as the restoration of Lake Colac and the need to seal Turtons Track in the Otways. The government has been pleased to support the Colac Otways shire in its management plan for Lake Colac by allocating \$200 000 towards stage 1 of the upgrade of the lake. This week I announced community consultation in relation to possibly sealing Turtons Track in the Otways. On Saturday I will be travelling to the Otways to open the Old Beechy rail trail. It is a significant piece of tourism infrastructure in the Otways. These are the sorts of initiatives which come out of the consultation that takes place at community cabinet.

Wherever we go we see people enthusiastically embracing the idea of being able to meet with the Premier and ministers. They can take up their ideas and concerns with the relevant minister and know that they will get a response. It is a great initiative of our government. I imagine it will become commonplace in Victoria for successive governments to go out to the community. I hope that is the case because it is a great way of bringing people to the cabinet table.

The Premier held a regional mayors' summit in Bendigo recently. All the regional mayors and chief executive officers attended. I know from the reaction in my own community that that was a great opportunity for them to brief the Premier and the Minister for State and Regional Development in another place about their concerns for their communities. I congratulate the Premier and the minister for taking that initiative and for acting on the concerns the mayors raised at that time.

The community cabinet program has been an outstanding success. We have visited 59 municipalities across the state since we were elected at the end of 1999. It has certainly been a successful program. It is nonsense for Mr Dalla-Riva to come in here this morning and say no-one knows we are coming or it is not successful, that it is a waste of money. What an absolute joke! It displays Mr Dalla-Riva's ignorance. It shows that he does not get out and about. He does not leave the leafy streets of South Yarra to find out what people in country and regional Victoria and even in the suburbs of Melbourne think about community cabinet. He has displayed his ignorance this morning with such

a stupid and paltry contribution on community cabinet. I think he should check the facts. I would be happy to take him around some time and just show him the value of community cabinet. He has a lot to learn, which is a bit sad for him.

I know that a community from Aireys Inlet made a submission to the Minister for Environment in another place at the Surf Coast community cabinet held last year. Aireys Inlet does not have any sporting reserves at all and community representatives sought an opportunity to brief the minister on the possible development of a sporting reserve to serve the growing number of families in their community. They met with the minister. They had identified a piece of Crown land that they thought could be used for a sporting reserve, and we have managed to negotiate with the Surf Coast shire a deal in relation to this piece of Crown land. The Surf Coast shire is willing to donate 164 hectares of land, which is the Ironbark Basin, to the state to add to the Great Otway National Park so this 2.4 hectares in Aireys Inlet can be converted into a sporting reserve. That is the sort of initiative that comes out of community cabinet meetings. Local communities have the opportunity to speak to ministers, express their concerns and have them acted on. The Minister for Environment announced the possibility of establishing the reserve when we were down in the Otways to announce the formation of the Great Otway National Park.

Community cabinet is a great success story. It is one of the success stories of the Bracks government because we have shown people across the state that we are willing, ready and able to engage with them in their places, where they live, in their municipalities about issues of real concern to them. We are prepared to act on those concerns and deliver good outcomes to address the issues they raise with us. It was an absolute nonsense for Mr Dalla-Riva to stand up today and criticise our government — —

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

**Ms HADDEN** (Ballarat) — I am very pleased to contribute to this very important motion before the house. I support Mr Dalla-Riva's motion that this house condemns the government for failing in its election commitment to be open, honest and transparent, and its blatant misuse of millions of Victorian taxpayers' dollars.

First of all I want to place on the record, as I always do during general business on Wednesday mornings, my gratitude to The Nationals and the Liberal Party for

giving up some of their valuable time to enable me to speak. In February the Bracks Labor government changed the sessional orders so they do not recognise Independent members of this place — they do not recognise members as members, they only recognise political parties. The people of Victoria need to understand that for the forthcoming state election.

There are people with principles in this chamber — the members of the opposition parties, who are prepared to allow me to make a valuable contribution. I really need an hour, but I will not get it; I will get 15 minutes. We are gagged in this chamber. This government is not open, honest and transparent; it has failed in every aspect. I would probably need a couple of days to set out a full argument. These are my notes; they are no-one else's.

The chamber ought to be alerted to the fact that the Chair — I am not sure who it was at the time, as I was in my room preparing my contribution — should have picked up Mr Viney, a member for Chelsea Province, when he purported to quote a conversation between me and the Honourable Richard Dalla-Riva, which he claims to have overheard in the corridors of Parliament. This is the first time in this chamber that a member of this place has quoted, or purported to quote, an overheard conversation. Mr Viney has reached the lowest of low behaviour for a member of this place.

I would like to know, through you, Deputy President, whether Mr Viney taped any such conversation — because he certainly has been seen using his mobile phone in the chamber — and whether he photographed me as well. He has all that equipment. Yesterday we saw in this chamber members, including a minister, texting each other. This has to stop. This is the lowest of low behaviour, and I condemn Mr Viney for his despicable and disgraceful conduct. He is laughing because he thinks it is funny. It is not funny — it is far from funny. He should not be in this place because of his shocking behaviour. I remember a select committee set up in the last Parliament because of Mr Viney. I have a long memory. He thinks we are all stupid and that we forget, but I do not.

**Mr Viney** — We have a memory, too. We will remember what you have done!

**Ms HADDEN** — I stood up for my electorate. I walked away from the Labor Party because it breaks its promises. Labor spruiks off about having integrity in public life, but it does not. It lacks all credibility. It has failed to win back public respect in country Victoria, and it is losing it by the truckload. In many documents

Labor says it listens, then acts. According to its 2002 election policy document, the Bracks government will:

Provide new standards in open and accountable government and increase the focus on the triple bottom line — to balance social, environmental and economic objectives.

What has it done to country Victoria? Look at what it has done to the north-east regarding alpine cattle grazing. Look at what it has done with its proposal to dump toxic waste — 80 per cent of which is produced in Melbourne — in country Victoria. Look at what it has done with wind farms. It is destroying our environment. Look at what it has done with water. It is a disgrace! The Minister for Water in the other place, John Thwaites, should not be Minister for Water. He has done nothing about that issue, except for allocating \$4.2 million to beautify Albert Park Lake, which is in his own electorate.

Government members think they know all about Mr Kennett's reference to toenails. They ought to do some research, but they do not have that capacity. In relation to the toenails comment, it is important to go to the facts. On 2 September 1999 Mr Kennett launched the coalition's regional policy in Ballarat East. What he said was reported in the newspapers, and I quote from the *Age*:

... Mr Kennett said it was important to resuscitate the 'heart' before warming the feet.

'If the heart is ailing, there's no point just trying to manicure the toenails'.

Melbourne — 'being the heart of the state' — was now pumping strongly, and the blood was flowing quickly to Ballarat, Geelong and Bendigo, and reaching smaller and medium-sized towns ...

I keep reminding Labor members who say that Mr Kennett said country Victoria is the toenails of the state that they are wrong. Let us get the facts straight. Let us be honest, accountable, factual and transparent, instead of avoiding the issues.

In relation to the government being open, honest and transparent and allowing more questions in Parliament, I know only too well that ministers simply do not answer the few questions on notice I am allotted as an Independent member. When I wrote to the Premier complaining about this, he took quite some time to reply. After two promptings from me he said, 'I have sent your letter to the minister to answer'. I still do not have an answer. Do you know why? I think it is because they do not know the answer — that is the fact of the matter. As I said in my correspondence to the Premier, Labor promised in 1999 to be open, accountable and honest and not to treat rural and

regional Victoria with arrogance, as Mr Kennett did, but it continues to do that. It treats country Victoria with arrogance, it walks all over us and thinks it can throw in a few dollars of taxpayers money here and there. It is our money — it is taxpayers money it is allocating to Victorians. It is not its money at all, but the government does not get that.

In relation to waste, we have one example of a blatant misuse of millions of Victorian taxpayers dollars. Whenever the government is asked any questions, its stock answer is, 'We will look into it'. It has cost the state a massive \$100 million a year to pay private consultants to look into these things. It is quite an exercise to investigate who some of these private consultants are, but I will deal with that issue another time as I do not have the time today. As the *Herald Sun* reported on 6 June 2005:

If that is \$100 million ... of our taxes at work, it is certainly worth looking into.

And you don't need a high-priced consultant's report to see that.

Another example of waste by the government — of misuse of our hard-earned taxes — is the \$70 million state legal bill. Government figures obtained by the *Age* under freedom of information show that the Department of Infrastructure is the highest-spending department, racking up almost \$27 million in legal advice — and that is just since 2003 — to deal with infrastructure projects and the franchising of Melbourne's public transport system.

The justice department spent \$9.5 million on outside legal advice, while the departments of Education and Training and Human Services spent almost \$9 million each. Legal costs for Treasury and Finance were more than \$7 million. The Department of Sustainability and Environment spent more than \$4 million. These figures are quoted in the *Age* of 14 October 2005. As the Community and Public Sector Union branch secretary, Karen Batt, said, the government's expenditure was inconsistent with its pledge to cut back on external costs. A spokesman for Infrastructure rattled on saying the department has to spend it, and it is also spent on barristers. Barristers are also legal advisers, so of course they are going to be included in the figures. It is an enormous amount that could be spent on our country roads. Our country roads are falling apart. We are in dire trouble with country roads. The councils cannot afford to fix them up. In some shires they are ripping up the bitumen off the road because they cannot afford to maintain it.

In relation to spending I would like to refer — this is very interesting, and the Auditor-General referred to it in a special report tabled in this Parliament in October 2005 — to the Regional Infrastructure Development Fund moneys actually not going to rural and regional Victoria, which was the intention of the fund under the act it was set up under. Something like \$500 000 is going to Melbourne councils such as Banyule, Brimbank, Melbourne, Monash and Maribyrnong. The last time I looked at the map they are not in rural and regional Victoria. The Auditor-General said Regional Development Victoria cannot effectively measure or report on whether its own infrastructure projects are achieved in expected policy outcomes for regional Victoria. The spin doctors at Mr Brumby's ministerial office and the Premier's office ought to have a read of the Auditor-General's report and take it all in to find out what they need to do to be open, accountable, honest and transparent.

I do not have time to talk about hospitals. I spoke about them the other week in relation to the bypasses. Again the Auditor-General raised that issue in his May 2004 report where he said there is a risk that the hospital early warning system may be used as a substitute for bypass. That is happening. The government has not heeded the Auditor-General's report.

There is another broken promise and misuse of millions of dollars of Victorian taxpayers money: Mr Thwaites is now trying to short-change the Wimmera–Mallee pipeline by between \$20 million and \$30 million. He is not going to spend \$167 million, which is what the media spin doctors say he is going to spend. The truth is out in country Victoria. He is going to short-change the Wimmera–Mallee pipeline, which means those landowners along the way who need access to the pipeline will have to increase their contributions. I say shame on Mr Thwaites! He ought to come and talk to me about this, because I think he is shameful. He is not a Minister for Environment and a Minister for Water who is really, truly and honestly looking after country Victoria. He ought to hang his head in shame, and the government ought to jolly well make sure that the \$167 million that it promised to commit actually goes into the pipeline and not to its spin doctors.

The fast rail — I call it the farce rail, no-one in my electorate calls it the fast rail, because it ain't fast — is going to be one train down and one train back. It is not going to stop at the stations, so it is going to have to be faster than if it did stop at the stations. All the people along the line between Ballarat and Melton — —

**Hon. D. McL. Davis** — You have to run to catch it.

**Ms HADDEN** — We cannot even catch it, Mr Davis, because it does not stop at the stations. It does not stop at Gordon, Ballan and Bacchus Marsh. Those people are devastated. They want to know why Mr Batchelor has ignored those communities. My calculation of what the fast rail has cost the taxpayers of this state is \$1.448 billion. If the government wants to know how I calculated that, I went to its web site and its spin doctor waste of money on its media releases and I added up the figures. I did not use a calculator. I added them up longhand in the library last night.

What have we got for \$1.448 billion? Only a Labor government rips up railway lines in this state. Many, many kilometres between Kyneton and Bendigo — the second railway line — have been ripped up. That community is devastated, and the people at Castlemaine were denied a right of access to the ministers during their so-called community cabinet consultation. They could not get near them. The same thing happened in Ballarat a while back. When people in the community wanted to speak to the Premier, they were held back at the direction of Mr Howard, the member for Ballarat East in the other place, and the security people called on them. They were not allowed to speak to the Premier about their concerns about water and the fast rail.

The other thing with this fast rail is that the new V/Locity trains will break your ear drums because the noise is too high. The train drivers will not sit in them and drive them, and the passengers cannot sit in them either. Eleven of them have to be sent back to be rebuilt. There are 40 seats less in the V/Locity carriages. On the one fast train from Ballarat to Melbourne and the one fast train back at night 40 seats are lost compared with the Sprinter.

What has the government done to the communities along the way on the Ballarat line? It has ruined about 19 small farm businesses. It has put a railway line through a farmer's property, through his only irrigation dam. It has ruined that fourth-generation farmer and many others along the way. It has redirected the flow of the Moorabool River. I have alerted the Minister for Environment and Minister for Water about this in writing, and I have asked him what he is going to do about it. Who is going to sue under the Water Act? I have a reply — —

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

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I would like to thank the relevant members for their contributions this morning, and in particular I thank members of the opposition, The Nationals and the

Independent who have actually delivered something in this debate, which the government failed to do. They provided facts on the motion. They provided to the chamber and the people of Victoria the facts about this government and its failure to make sure to hold to its election commitment to be open, honest and transparent.

In our contributions today we have been able to demonstrate examples of blatant misuse of millions of Victorian taxpayers dollars. We have heard the continual spin and rhetoric of this government from Mr Viney, Ms Carbines and Ms Darveniza. We heard Mr Viney debate at length issues that involve the Liberal Party. I am thankful for his interest in upcoming preselections, but he totally avoided any issue regarding the millions of dollars being spent by his government in relation to the motion.

In my view Mr Viney also failed to explain a lot of the election commitments that were made by the government. I outlined those commitments in the ALP's response to the Independents charter of 12 October 1999. The Premier made a commitment to the Independents, and I specifically dealt with a range of those issues. Using facts, not rhetoric or spin, I was clearly able to demonstrate the failure of the government to deliver those election commitments. I solidly believe the opposition, an Independent and The Nationals in this chamber have dealt with this motion in a proper and responsible way. This has been conclusively proved and demonstrated.

In relation to the second part of the motion, I believe we have equally demonstrated a substantial misuse of millions of dollars of taxpayers money. Members heard Ms Carbines talk ad nauseam about community cabinet. That was never the issue. If she had understood the debate we have had, she would have realised that the issue is about the huge waste of dollars that were spent by the government after the event. Ms Carbines did not get it or understand it.

It is important to acknowledge that in this debate we have again seen substantial shortcomings of this government in its capacity to debate issues on fact. It is amazing that this government, which has been in office for six years, still fails to use the chamber to respond to issues which should be debated fully and with some merit. There are some ministers and members on the other side who make reasonable contributions on the odd occasion; but on this particular occasion there has been nothing but spin, rhetoric and bluff.

I suggest that this is a strong and solid motion. It condemns the Bracks Labor government for its failure

to be open, honest and transparent. Debate on the motion has demonstrated the government's breach of its election commitment. It also demonstrates — —

**Hon. C. D. Hirsh** interjected.

**Hon. RICHARD DALLA-RIVA** — I hope the other Independent, who is sitting there also barking away, understands that this is a motion about the accountability of the government which came to elections in 1999 and 2002 with a clear agenda. I believe we have demonstrated that the agenda has failed. We strongly believe this is a motion of merit. It is a motion that should be supported by the house. It should be supported by both Independents. I implore members of this chamber to support the motion as it stands.

**House divided on motion:**

*Ayes, 18*

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hadden, Ms
Bowden, Mr	Hall, Mr
Brideson, Mr	Koch, Mr
Coote, Mrs	Lovell, Ms ( <i>Teller</i> )
Dalla-Riva, Mr	Rich-Phillips, Mr ( <i>Teller</i> )
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

*Noes, 22*

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Nguyen, Mr ( <i>Teller</i> )
Carbines, Ms	Pullen, Mr ( <i>Teller</i> )
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr

**Motion negatived.**

**Sitting suspended 1.15 p.m. until 2.15 p.m.**

**QUESTIONS WITHOUT NOTICE**

**Electricity: supply**

**Hon. BILL FORWOOD** (Templestowe) — My question without notice is to the Minister for Energy Industries, the Honourable Theo Theophanous. Last year the National Electricity Market Management Company Ltd tendered for 240 megawatts of reserve services for Victoria and South Australia for the summer of 2005. What was the total amount made

available through the tendering process, and what did it cost?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the member for his question. This question is really about arrangements the National Electricity Market Management Company Ltd (Nemmco) makes each year in order to ensure security of supply for Victoria's energy industry. It is appropriate that it makes those kinds of arrangements, and I know that the honourable member is very interested in security of supply for the electricity industry.

This year we are very closely monitoring the issue of security of supply, not only by asking Nemmco to ensure that as much power as possible is brought on stream but also by continual discussions with Basslink to try to bring the Basslink connection on stream as soon as we possibly can to bring us a further 600 megawatts of power. It is unfortunate that in that instance the transformers were damaged and we had to get new transformers from overseas.

If it were up to the Liberal Party we would not have anything, because the Liberal Party's position on Basslink was that it wanted to delay it and not have it done. Liberal members were scratching around and talking about spending an extra \$100 million to put Basslink underground. If it had been up to them not only would we not have had it for this Christmas, we would not have it for another three Christmases.

I get these questions from the Honourable Bill Forwood about security of supply asking whether we will have enough power and all that sort of thing. The truth is that when the opposition was in power it was very good at selling the industry but hopeless at building things. I want to know from Mr Forwood — I am sure other members also want to know — just exactly how many power stations the previous government built. How many extra megawatts of capacity did it add to the Victorian system? Let us contrast that record with what the current government has done.

**Hon. Bill Forwood** — What have you done? Tell us what you have done.

**Hon. T. C. THEOPHANOUS** — I want to go through the list, because I know Mr Forwood loves to hear this list: Snovic interconnector upgrade, 400 megawatts; Valley Power, 300 megawatts; Somerton, 150 megawatts; Bairnsdale, 80 megawatts; Chalicum Hills, 52 megawatts; Codrington, 18 megawatts; and Toora wind farm, another 21 megawatts. Those are the ones that have been

constructed. Under construction we have 12 megawatts at Wonthaggi, 195 megawatts at Portland, 600 megawatts out of Basslink and 320 megawatts out of Laverton North. I ask members opposite to reflect on their record when in government compared to ours. Theirs was nothing and ours is the list I read out.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — The answer to my question was that the National Electricity Market Management Company Ltd got 84 megawatts out of the 240 megawatts that it tendered for, at a cost of \$1.5 million. This year it has tendered for 500 megawatts of power. Given that it only got 84 megawatts last year, how much does the minister anticipate it will get this year so that power will be available for reserve supply in the long, hot summer ahead?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — The energy system is managed by the National Electricity Market Management Company Ltd. It does its tendering process, and it will get whatever outcome it gets out of that tendering process.

Can I just say to the honourable member, however, that this is not the central issue. The central issue is how much extra capacity we have brought on stream to be able to cope with summers. Our record compared to the record of members opposite is that when in government their record was zero. That is the record of members on the other side, whereas our record has been to build up this industry with increased jobs, with more investment and with more megawatts.

We are in a situation where we have had a short-term setback with Basslink, but let me tell the house that, if it were up to members opposite, Basslink would not come on stream for three years, not three months.

**Electricity: prices**

**Mr SMITH** (Chelsea) — Coincidentally my question is also directed to the Minister for Energy Industries, the Honourable Theo Theophanous, and conveniently he will now get the opportunity to respond to the previous question on what he has actually done as minister. My question to the minister is: can he advise the house of the details of today's announcement by the Essential Services Commission on prices for distribution of electricity in Victoria and what effect this will have for Victorian families?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the member for his excellent question. Can I say that this report by the Essential

Services Commission on distribution prices for electricity in Victoria is a very important report; it is very comprehensive. We will certainly be looking at it very closely. I want to advise the house that the decisions and the analysis contained in this report indicate yet another win for Victorian consumers, because the report carries good news for consumers, and especially for Victorian families.

At a time when petrol prices are going up, when there is pressure on Victorian families because of petrol prices, this decision means power prices will be coming down. They will be coming down again. I would like to remind the house that the Bracks government has led the way in looking out for Victorian families in the energy sector. Let me just give three examples.

**Hon. P. R. Hall** interjected.

**Hon. T. C. THEOPHANOUS** — I know you like these examples, Mr Hall. First of all, there was the landmark four-year pricing deal, which has led to a cut in real prices of up to 5.6 per cent, which I announced in this house some time ago — a 5.6 per cent reduction in electricity prices. Then there was the network tariff rebate, where we delivered up to \$200 million or more in subsidies to provincial Victorians to make up for their electricity bills being higher as a result of the system that was put in place by your government, Mr Hall.

Thirdly, we introduced the most comprehensive energy protection measures of any state in Australia. We gave Victorians the trifecta: a 5.6 per cent reduction in prices, the network tariff rebate and the best protection laws in Australia. Here is another trifecta: a further price reduction of up to \$53 for every Victorian family, and this is accompanied by a 34 per cent better reliability figure than we had under the Kennett government and an extra \$3.3 billion in investment in new infrastructure over the next five years.

So there is the second trifecta: even lower prices, even better reliability figures and \$3.3 billion of investment. Mr Forwood is sitting over there, he has a big smile on his face and he is thinking, 'I wish I were in government at the moment, because this government has delivered in an unbelievable way to Victorian energy consumers'. This a result we can be proud of. It does not come automatically. It comes from good management of the energy system, taking into account the interests of all Victorians. We will continue to manage it and deliver for Victorian families.

## Electricity: supply

**Hon. BILL FORWOOD** (Templestowe) — I always like to hear Mr Theophanous extolling the virtues of privatisation! My question is to the Minister for Energy Industries. On Sunday night in Adelaide a television program reported that South Australia was in dire danger of major blackouts, and it was reported that the South Australian Minister for Energy, Mr Pat Conlon, was going to come to Victoria this week to meet with Mr Theophanous to solve South Australia's power issues. Will the minister give a guarantee to all the consumers in Victoria that he will in no way diminish the amount of power available in Victoria by sending it to South Australia so that South Australians can have not such a bad summer in the lead-up to their election in March next year?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — Mr Forwood, you are such a selfish person! I mean, we in this state try to look after our friends if we can. That does not mean we are going to — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — Mr Forwood might recall that when the Moomba explosion occurred it was Victorian gas which went across the border and helped South Australia to get over that very important crisis. It was Victorian gas, and it was done because we had accelerated the construction of the gas link into South Australia. It was commissioned on the day before the Moomba explosion occurred. We are happy to help where we can. But of course Mr Forwood's question shows, again, his limited knowledge of the way in which the electricity industry works. Mr Forwood knows that the entire South Australian and Victorian systems are considered to be one system under the National Electricity Market Management Company Ltd (Nemmco).

**Hon. Bill Forwood** — Then why is he coming to see you?

**Hon. T. C. THEOPHANOUS** — Nemmco looks at the entire South Australian and Victorian systems and allocates power on the basis of need in the circumstances that Mr Forwood is referring to. It is not a matter of the Victorian minister intervening and somehow telling the market system where it is supposed to direct power or telling Nemmco where it is supposed to direct power. This is something which has longstanding protocols that exist for managing the system in the sorts of circumstances that have been referred to.

So, I do not know; I have not met with Minister Conlon. He is a really nice bloke. When he comes to see me we usually have a beer together and talk about all the terrible things that are happening in the federal government, and I am sure we will do the same thing. He will be seeing me later today, but I can tell Mr Forwood that the main topic of discussion with Mr Conlon will be about the ministerial council meeting, which is coming up shortly, and the fact that the commonwealth government continues to obstruct in a number of areas in relation to reform.

**Hon. J. M. McQuilten** interjected.

**Hon. T. C. THEOPHANOUS** — Mr McQuilten mentioned one, which is emissions trading. They are not interested in emissions trading; they are not interested in Kyoto. They do not want to do anything with the mandatory renewable energy target. They have nobbled renewable energy in this country. There are quite a few things for Mr Conlon and to discuss about the terrible things that are not being done by the federal government in the energy sector.

What is crucial are the things that Victoria has been pursuing, and we have been leading the way in relation to national regulation in the energy sector and keeping the pressure going for reform in national regulation. These are important issues that I will be discussing with Pat Conlon when he comes to see me.

**Hon. Bill Forwood** — Can I come?

**Hon. T. C. THEOPHANOUS** — I am sure we would not mind having a beer with Mr Forwood if we had the time, because we might be able to educate him as well. But as far as the rest of it is concerned, I can tell Mr Forwood once again that it is Nemmo that makes those decisions.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — At the commencement of that answer, Mr Theophanous said, 'We are trying to look after our friends'. What actions does he intend to take in his efforts to 'look after our friends'?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I gave the member the example in the context of that phrase of Moomba. But I have to say this: if Bill Forwood got the facts right occasionally, it would really help, because I was looking at one of his press releases of 19 August 2005 in which he said in relation to the initial draft report that came out:

The report highlighted that since energy competition was introduced in Victoria distribution companies have performed better in terms of reliability and quality of supply.

Energy competition has nothing to do with the distribution companies, because they are not in competition. That is why they are regulated, Bill! Bill, understand, they are regulated. Learn, learn!

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

**Road safety: It's 46 too many campaign**

**Hon. J. G. HILTON** (Western Port) — My question is to the Minister for WorkCover and the TAC, Mr Lenders. Can the minister advise the house of any new road safety campaigns aimed at raising awareness of road trauma in the Victorian community?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I thank Mr Hilton for his question on the issue of any new road safety campaign initiatives. I am delighted to be able to inform the house today of a great new initiative that I had the privilege of launching this morning at Federation Square. It may also satisfy some of the members who were curious about what the sticker they have seen around Melbourne and Victoria — 'It is 46 too many' — in the last few days stands for.

Victoria has led the world — and I do not use that term lightly — in issues of road safety going back now for a period of 35 years under various governments, whether they be Labor or Liberal. It is something that has been an initiative from the state of Victoria and one we can all rightly be proud of. Part of that initiative has been to bring down road deaths. That initiative in Victoria has been very successful. Deaths from road fatalities have gone down by seven-eighths in that 35-year period. They have gone down extraordinarily. That is something that all Victorians can take enormous pride in, particularly if we are talking of the number of cars on the road and the number of fatalities.

Tragically, that still means that on average one person a day dies on our roads. The campaign I have launched today goes to the next level, though: for every person who dies on the roads, a further 46 people are seriously injured. The Transport Accident Commission campaign is about trying to get people to focus on the fact that we also need to concentrate on bringing down the number of serious injuries on the roads as well as the number of deaths on the roads.

Forty-six people are too many, and these people are the hidden toll. These are not people who have just had a

scratch. These are people who have either been admitted to hospital for more than 24 hours or who have gone above the minimum TAC threshold, which is over \$500 for a claim before it is met by the Transport Accident Commission.

It was a great privilege to launch this program today, because there is the human side of this as well. One of the victims of a road accident, James, was with us today — someone whose life has been transformed and who will be in a wheelchair for the rest of his life because he crossed a road and was hit by a car.

The challenge of this campaign and the challenge to all Victorians is how we can extend the culture we have so effectively established for people to look out and to minimise road fatalities to the next level and bring down this tragically high figure of 46 serious injuries a day. It is quite simple: we just have to follow the five principles we have followed to bring our road toll down.

We have to be conscious that speed kills. We have to keep under the speed limit — on it or under it. We have to be conscious of our laws — whether it be drugs in the blood or alcohol in the blood — and we have to maintain those. Something as fundamental as our first basic road principle, which is the one about wearing seatbelts, is something we need to be vigilant on because it keeps on creeping back up — people are not wearing their seatbelts enough.

We also need to be acutely conscious of the issue of fatigue, because tired drivers are drivers who crash their cars. Simply by re-inventing, re-invigorating and re-energising ourselves on those five basic safety messages we can bring down the hidden toll. We know that 46 is too many, and we can bring that down. It is the social cost, the emotional cost, the human cost, and it is \$4.5 million a day that Victorians spend to deal with people injured on roads, much of which is unnecessary.

I urge all members to support this campaign. I am confident that the Transport Accident Commission will continue its good work of the last few decades in bringing down that toll, both in fatalities and in the hidden toll of injuries.

### **Hazardous waste: Nowingi**

**Hon. B. W. BISHOP** (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. The Premier yesterday announced an extension to 16 December for environment effects statement submissions on the

Bracks Labor government's proposal to place a toxic waste dump at Hattah-Nowingi. Can he inform the house of the proposed timing of the directional hearing which will follow those submissions?

**Mr LENDERS** (Minister for Major Projects) — I could certainly give some estimates to Mr Bishop on that, but, as Mr Bishop well knows, Planning Panels Victoria, which is an independent body that does not answer to the Minister for Major Projects, will ultimately set those particular timings itself based on what it thinks is appropriate in the circumstances. We have an environment effects statement with 24 chapters out there, and clearly we have a very strong call from the Sunraysia community for it to have time to look at this and deal with the information. I can only speculate for Mr Bishop, and I will not do that.

The significance of this is that the government has responded to the very strong representations from Mr Russell Savage, the member for Mildura in the Legislative Assembly, asking for extra time so that the Sunraysia community can digest and look further at these 24 volumes. It is a question for Planning Panels Victoria, an independent body, as to the timing of directional hearings.

### *Supplementary question*

**Hon. B. W. BISHOP** (North Western) — I thank the minister for his answer. I would point out to the minister the crucial timing of these issues. If these issues are to be discussed at panel hearings during January and February of next year, it will have a tremendous economic and social effect on the people of the Sunraysia community, as this is a crucial part of their harvesting period. I ask the minister to take that on board and do all he can to ensure that no hearings are held during that time. That would seriously disadvantage that community even more than it has been disadvantaged now.

**Mr LENDERS** (Minister for Major Projects) — The directional hearings, as I said to Mr Bishop, are an issue for the independent panel, but certainly any submissions that the Victorian government makes to that panel are always conscious of the exact issues Mr Bishop is raising. We need to be conscious of community, and issues like Christmas breaks and the like are the sorts of issues which an independent panel would take on board. This government will certainly not be recommending that hearings be held over the Christmas period.

We are also acutely conscious of two messages. I will give Mr Bishop the courtesy of acknowledging that he

was very courteous to me during my recent very robust visit to Mildura, but two messages came from that community: one message was, 'We want certainty to get on with this quickly', and another message was, 'We want a lot of time to deal with this'. It is obviously a very difficult question. I welcome Mr Bishop's question, and it is a question for the independent panel as to timing.

### **Consumer affairs: advisory service**

**Ms ROMANES** (Melbourne) — My question is for the Minister for Consumer Affairs, the Honourable Marsha Thomson. The minister frequently advises the house how the Bracks government acts to ensure Victorian families get a fair go. Can she update the house on any recent outcomes which show how we are getting on with the job and providing redress for certain customers?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I thank the honourable member for her question. I have often in this house reported on the work at the consumer affairs call centre. The number of inquiries to the call centre dealt with in the last financial year was in excess of 600 000. I am very interested in the sorts of calls that come in, to the extent that a while ago I went down to the call centre and sat on the phones myself, along with some of the senior executives from Consumer Affairs Victoria (CAV). One of the calls I received was about the law concerning refunds, and that came from a retailer who wanted to know what their obligations were. A consumer called in relation to a special marketing offer that was not delivered and asked what she could do to seek redress for that. There was a call from a woman who had received an offer of a holiday booking and had not heard anything back in relation to that booking.

I have to say that after having taken some diverse calls over a whole range of subjects my respect for those who sit on those phones and answer the inquiries is immense. Not only do we give general advice at the call centre, but the calls are often about matters which can be passed on for conciliation or for investigation. About 7 per cent of inquiries are around matters relating to refunds, contract cancellations or cooling-off laws. I am pleased to report that last year CAV was able to regain more money for consumers than ever before. It was able to return to consumers just over \$2.1 million in refunds for goods or services which did not meet requirements. That is \$400 000 more than in the previous year; so consumers are the beneficiaries of the work that consumer affairs is undertaking. That is not all that consumer affairs does. It takes legal action where required, and it also conciliates for consumers so

there can be a replacement of goods, goods can be fixed, or services that have been provided and are inadequate can be corrected. The Bracks government is getting on with looking after consumers in Victoria, and is ensuring that families get a fair go.

### **Hazardous waste: Nowingi**

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Major Projects, Mr Lenders. There is outrage in Sunraysia over the Bracks government's decision to place a toxic waste dump at Hattah-Nowingi. The environment effects statement has been extended to 10 weeks for comment, after which the planning panel will assess all reports and submissions before holding a public meeting. I ask the minister: did he intentionally plan the original six-week comment period to coincide with the Mildura Rural City Council's caretaker period, by which time it will be effectively silenced and hamstrung from engaging the professional expertise required to make an adequate submission?

**Mr LENDERS** (Minister for Major Projects) — In the interests of the chamber and of my not repeating the clear answer I have given to questions of this nature over a long period of time in response to Mr Bishop, Mr Davis and others, the answer is a simple no.

### *Supplementary question*

**Hon. J. A. VOGELS** (Western) — That is not what the Mildura Rural City Council has reported to me. Section 93A of the Local Government Act clearly states that a council cannot expend more than \$100 000 or make a major policy decision from 30 September 2005. Will the minister provide an exemption for the Mildura Rural City Council so it can properly represent its residents and effectively undertake an appropriate submission?

**The PRESIDENT** — Order! The minister may be keen to answer the question, but I am not sure that the request in the supplementary question comes within the portfolio responsibilities of the Minister for Major Projects. That leaves the house in a bit of a dilemma. The question falls under the portfolio of the Minister for Local Government. I will give Mr Vogels the opportunity to rephrase his supplementary question, but it must be directed to the Minister for Major Projects, fall within this minister's portfolio responsibility and be relevant to the first question asked.

**Hon. J. A. VOGELS** — I ask the minister if he will liaise with the Minister for Local Government, who is sitting next to him, to let her know that under the Local

Government Act — the Minister for Major Projects may not be aware of this — councils are not allowed to expend more than \$100 000 between 30 September and the next council election. I ask the Minister for Major Projects to liaise with the minister and find out if that is accurate. If it is, the Minister for Local Government could give approval if the Minister for Major Projects asked her to do so.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I thought I made it clear to the member what he needed to do in asking his supplementary question. This is question time, and there were interjections suggesting the matter might be more appropriately raised in the adjournment debate. I rule the supplementary question out of order because it does not meet the guidelines.

### **Aboriginals: cultural heritage**

**Ms CARBINES** (Geelong) — My question is to the Minister for Aboriginal Affairs. Can the minister advise what measures the Bracks government is undertaking to improve cultural heritage management in Victoria?

**Mr GAVIN JENNINGS** (Minister for Aboriginal Affairs) — I thank Ms Carbines for her question and her concern for the wellbeing of the Victorian Aboriginal community, particularly its cultural heritage. I assure Ms Carbines that I will liaise with every section of the Victorian government and use my best endeavours to liaise with all relevant stakeholders within the Victorian community to make sure we have better cultural heritage protection that will apply throughout our state.

Members may be aware that there is an existing 1987 commonwealth act that covers cultural heritage in respect of all land and waterways within the state of Victoria. It is very important that every member of the Victorian community understand the existing cover of the commonwealth act. The act was at the cutting edge of cultural heritage protection across the country, but it does have a number of deficiencies that we are trying to remedy by bringing the act back to Victoria. Yesterday afternoon I released an exposure draft of a bill, which will be open for public consultation between now and 19 December. I assure the house that I will engage in comprehensive consultation with Aboriginal people and relevant stakeholders, whether they be landowners, developers or local government representatives, to discuss the implementation of the bill.

To summarise, there are three categories of improvements to the bill. Firstly, it integrates with the

planning scheme process. Secondly, it clarifies who will speak for country within the Aboriginal community under the terms of the act. It contains mechanisms for clarifying that responsibility over time and will maintain a degree of confidence in the entire Victorian community about who will speak for country in relation to cultural heritage matters. Thirdly, it allows for improved rigour in enforcement in respect of the fees and charges and fines to be applied under the act. I will briefly outline those three categories.

A problem we have experienced in relation to issues covering the planning process is that whilst cultural heritage approvals already apply to major developments that occur throughout Victoria and clearly apply to greenfield sites — road alignments, gas pipe approvals et cetera — any major approval that requires a comprehensive planning process is also required to comply with the commonwealth Heritage Act. At the moment that is not happening in an appropriate fashion. It is not happening up front in the planning process and all too often communities are being confronted by a situation where cultural heritage is coming in too late and playing catch-up with the planning approvals process.

We have seen some examples. The Auditor-General recently published a report about the failings of the Glenelg shire in not incorporating cultural heritage assessments within its planning approval process. We want to make sure that does not happen again by ensuring that all councils recognise that when a developer comes in, the council should say whether cultural heritage assessments are required. If it is a large-scale development, the council will say, 'Yes', and will be able to provide with a degree of certainty and confidence advice to the developer on who to speak to about the matter.

There will be a regime within the legislation. There will be a heritage council that will be charged with the responsibility of designating which of the local community groups will be responsible under the legislation to comply with heritage assessments. Importantly the spirit of the bill is to identify what needs to be protected and to provide mechanisms to protect those features but allow development to occur.

This bill that has been warmly received by the development industry. The Property Council, the Urban Development Institute of Australia and civil contractors have joined members of the Aboriginal community in supporting the exposure draft.

### Housing: asbestos

**Hon. W. A. LOVELL** (North Eastern) — I direct my question without notice to the Minister for Housing. Concerns have been raised that public housing built prior to 1980 may contain asbestos. Is the minister aware of any public housing in Victoria that contains asbestos and what action is she taking to remove asbestos from public housing?

**Ms BROAD** (Minister for Housing) — The matter of asbestos is very serious indeed. There is an historical legacy in Victoria of asbestos in a whole range of places and infrastructure, including housing that might have been public housing in the past and is now possibly in private ownership, as well as asbestos that is contained in current public housing. This is a matter which the government takes very seriously. It involves a number of government departments and ministers working together to ensure there is the necessary response from this government to deal with these issues wherever they arise, be it in public housing or elsewhere.

I have not received any recent advice in relation to the matter of asbestos in public housing, but I am certainly aware that it is an ongoing issue which requires careful management. For that reason advice is provided to tenants to ensure that they have proper information to assist them in identifying any concerns which can be addressed if those matters arise. It is a matter which the government takes very seriously and which we monitor carefully to ensure that any matters which arise are immediately addressed.

#### *Supplementary question*

**Hon. W. A. LOVELL** (North Eastern) — Will the minister detail the number of houses in Victoria's public housing that contain asbestos?

**Ms BROAD** (Minister for Housing) — As I have just informed the house, I have not received any recent advice. Certainly I do not recall receiving any advice of that nature. I am advising the house that as an historical legacy there is asbestos present in some current and former properties which are either currently public housing or have been public housing at some time in the past. For that reason this is monitored, information is provided, and where there is a problem that is immediately responded to.

### Housing: neighbourhood renewal

**Ms ARGONDIZZO** (Templestowe) — My question is also to the Minister for Housing. Will the minister inform the house how the Bracks government

is delivering in government by assisting people living in disadvantaged areas, especially in my electorate of Templestowe Province?

**Ms BROAD** (Minister for Housing) — I thank the member for her question. I am pleased to be able to answer this question and to inform the house of the extension of the Bracks government's neighbourhood renewal program. This program is about transforming disadvantaged areas into more vibrant suburbs and making them better places to live and raise a family. In practical terms it means more jobs, safer streets and better homes for families living in neighbourhood renewal areas.

During the community cabinet meeting last Monday, which is another popular initiative of the Bracks government, the Premier, Steve Bracks, and the member for Ivanhoe in the other place, Mr Langdon, together with Ms Argondizzo, Ms Mikakos and Mr Theophanous, visited the old Olympic Games village in West Heidelberg, which is one of the areas earmarked for rejuvenation.

**Hon. Bill Forwood** — Where was my invitation?

**Ms BROAD** — I am sure Mr Forwood would support this initiative as well. We were joined by many local government representatives from the City of Banyule, as well as by residents. We were there to announce the extension and expansion of the neighbourhood renewal program. I am pleased to advise that the four new areas include West Heidelberg, East Reservoir, Delacombe in Ballarat and West Park in Hastings.

The neighbourhood renewal program, which was launched in 2002, is a proven success in 15 areas right across Victoria because of a collaborative approach involving the state government, local governments and local communities. The facts show that the existing neighbourhood renewal programs are turning communities around and that the key ingredient appears to be the involvement of the communities themselves and the willingness of this government to listen to them. The Olympic Village site in West Heidelberg is approaching its 50th anniversary and, whilst it served its purpose well in 1956, it has fallen into a state of disrepair and neglect, creating social problems that need to be addressed. That is why the Bracks government launched neighbourhood renewal — to tackle the pockets of disadvantage across Victoria and restore community pride, because we believe in sharing prosperity and creating opportunities.

The recent announcement delivers on a promise made in *A Fairer Victoria* of \$29.8 million to extend the existing 15 neighbourhood renewal sites around Victoria and establish 4 new ones. We on this side of the house can deliver this initiative, because our policies are economically responsible, credible and deliverable, unlike the Liberal Party's half-baked half-tolls plan. We are not a government that will consider making promises of \$1.2 billion that would see programs like neighbourhood renewal cut and which cannot even get the support of The Nationals. By working together in partnership with local government and the community the Bracks government is governing for the whole state in a financially responsible manner and making Victoria a great place to live and raise a family.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 1395–98, 1401, 2126, 2127, 2158, 2165, 2359–61, 2395, 2397, 2398, 2589–94, 2620–22, 2625–28, 2827, 2855–61, 3289, 3290, 3358, 3881, 3916, 3917, 4081, 4084, 4408, 4448, 4776, 4851, 4854, 4914, 4939, 4953, 4963, 4966, 4969, 4971, 4972, 4975, 4976, 5217, 5229, 5232.

### EASTLINK: OPPOSITION POLICY

**Mr LENDERS** (Minister for Finance) — I move:

That this house rejects the Leader of the Opposition's half-toll plan for the EastLink project as unworkable and a policy that would result in government services being cut across the state.

This government is a government which governs responsibly, has sound financial management and delivers good services to the state of Victoria. With one exception, during the term of the 55th Parliament the government has not moved any general business motions in the Legislative Council, simply because we genuinely believe we can express quite clearly by our legislation, our responses to questions and a range of other means our very strong views on topical issues of public policy.

I have moved this motion on the document released by the Leader of the Opposition in the Legislative Assembly, Mr Doyle, called *Halving Labor's Tolls. Fixing Country Roads. Eliminating Labor's Waste* because I think it is an important public debate, and we should have it in this chamber without being restrained

by the sorts of points of order raised by members of the opposition during question time, when ministers try to add to the public debate by injecting some of the consequences of Mr Doyle's half-baked plan into their answers. In the spirit of free speech and open debate in the best of the parliamentary tradition it is with pleasure that I move this motion.

**Hon. P. R. Hall** — Does this mean you won't sneak a comment into future questions and answers?

**Mr LENDERS** — I take up the injection from the Leader of The Nationals about whether this means we will not comment on this in future interjections or questions. We are always constrained by the rules of the house but we obviously seek to provide information in public debate. Sometimes when members do not like to hear it they seek your support, President, with rulings. That is my response to the Leader of The Nationals.

In my contribution today I will seek to show 10 good reasons why the half-baked plan of the Leader of the Opposition in the other place is indeed half baked and not a good plan for the state of Victoria. In opening I need to comment on one of the underlying premises of the government's position in this debate, and that is a grave concern we have. We are very strong supporters of parliamentary democracy. While it would be disappointing on our end to lose government, in the sense of a parliamentary democracy you would want to know that the opposition was ready for government. One of the most disturbing things about this whole proposal from the Leader of the Opposition in another place, Mr Doyle, is it took him 336 days to come up with a plan. If it was a good plan, I would say perhaps it was worth waiting for — impractical but worth waiting for. However, it is not a good plan, it is a half-baked plan. In the 10 reasons I will go through I will explain why that is.

**Hon. Philip Davis** interjected.

**Mr LENDERS** — For the benefit of the Leader of the Opposition in this house, Mr Davis — and I should distinguish him from his leader, Mr Doyle, as I am referring to the Leader of the Opposition here — the only parallels that I could draw on are it takes 321 days for Mars to revolve around the sun. The McLibel case — the longest case in British legal history I am advised — took 331 days, and Mr Doyle took longer. It took 308 days to build this Parliament House, and Mr Doyle took longer. It takes the US Department of Defense an average 306 days to complete the investigation needed to grant someone top secret clearance — Mr Doyle took longer than that. The

United Nations charter took 65 days, it took Mr Doyle 336.

**Hon. Philip Davis** interjected.

**The PRESIDENT** — Order! It is unparliamentary to interject, and I ask the Leader of the Opposition to stop interjecting. I am sure the Hansard reporter wants to record the minister's contribution, but cannot do so with the noise level. The noise level is coming from one member, so I ask him to stop interjecting to allow the minister to continue his contribution and Hansard to record it.

**Mr LENDERS** — Mr Philip Davis, the Leader of the Opposition in this place, gets very excited about this, and I understand why. He has been a supporter all along. In fact, he was allegedly the numbers man for Mr Doyle when he got there. I wonder whether it took 336 days for him to muster the numbers — perhaps there is something to that. I understand why Mr Davis is defending his leader, and I hope to hear during this debate all members of the opposition defend this policy and say they will stick to it when they change their leader after the Commonwealth Games.

I will go through the 10 points I say prove this is a flawed and half-baked plan, and hopefully in a reasonably speedy time. I take heed of the words of the late President Chamberlain that members should be succinct, so I will attempt to be succinct.

The first point I make is that were Mr Doyle to try to deliver his plan, even if he wanted to, he would run into his first insurmountable problem — that is, ConnectEast will not negotiate with him and the power to oppose is legally debatable.

**Hon. Bill Forwood** — No!

**Mr LENDERS** — Mr Forwood interjects with a very profound, 'No'. I suggest that Mr Doyle read page 1 of the letter from Matthew Hibbins of Gadens to the shadow Treasurer and member for Box Hill in the other place, Robert Clark, dated 9 June 2005. I am sure Mr Forwood has that letter with him, and he will find on page 1 that the legal advice to the opposition admits that 'the contrary view is not unarguable'. If I ever saw an example of a paid lawyer giving advice to cover himself, that is probably it.

I would make two other points. If ConnectEast will not negotiate, the Liberals have an immediate problem. The third and more fundamental problem is, and I will listen with interest to Mr Hall's contribution to this debate, that delivering Mr Doyle's proposal would require his being in government. Anything can happen in politics,

but one would assume that a change of government would require a coalition of the Liberal Party and The Nationals. In the *Herald Sun* of 16 September 2005 the Leader of The Nationals in the other place, Mr Ryan, is quoted as saying:

The problem here is country Victorians are being asked to fund a Melbourne-based road and they just will not wear it.

My first contention is this plan could not be delivered because, firstly, the law on this point is arguable; secondly, ConnectEast has said it is not interested in renegotiating; and thirdly, even if the law was strong and ConnectEast would agree, Mr Doyle cannot do any of this without The Nationals, and the Leader of The Nationals in the other place has said The Nationals will not support Mr Doyle on this.

**Hon. P. R. Hall** — You make a big assumption about coalition of something, John. That is a big assumption to make.

**Mr LENDERS** — Music to my ears, Brother.

**Hon. G. K. Rich-Phillips** — I note that there is not a single member of the government here to listen to the Leader of the Government, and I draw your attention, Acting President, to the state of the house.

**Quorum formed.**

**Mr LENDERS** — I thank Mr Rich-Phillips for looking after my interests. I was saying there were 10 points I will raise as to why this motion should be passed and why the plan of the Leader of the Opposition, the member for Malvern in the other place, is flawed and half baked. The second point is that the plan does not deliver what the Leader of the Opposition promised. I look forward to Mr Rich-Phillips defending his leader, who I believe he voted for despite being a supporter of the member for Brighton in the other place, and I look forward to hearing him publicly reiterating that he supports this policy even after a change of leader in March.

The plan does not deliver what the Leader of the Opposition, Mr Doyle, promised. On 14 October 2004 Mr Doyle issued a press release promising to build the Scoresby freeway without tolls. I quote from the press release:

Only a Liberal government will build the Scoresby freeway without tolls.

In that very same media release, Mr Doyle admitted he did not know how that promise would be fulfilled, saying the party needed to examine thoroughly the details of the contract with the consortium before it can

detail how the proposal should be achieved. Mr Doyle sought headlines about his commitment to a toll-free project many times — not just once, but many times. In a doorstep interview on 11 May he said:

I'm not looking at lowering the cost, I'm looking at delivery of a toll-free Scoresby.

On 31 May the *Age* reported that Mr Doyle had finalised his plans to scrap the tolls and was waiting to release them. On 16 June he said his plan would cover the entirety of the project. We are ticking through the 336 long days as these announcements were made. In an article in the *Age* of 1 August, Mr Doyle is reported as saying:

I don't think it's good enough to be old and bold — I mean, you have to have the courage of your principles and then stick by them.

I will not comment on the word 'old', but he can hardly be bold if it takes him 336 days. On 12 September — just three days before he flip-flopped — AAP reported that Mr Doyle:

... says he stands by his pledge to make it toll free, but he's repeatedly refused to answer questions about whether he would make it toll free on all sections, for all drivers, at all times.

These are but a number of the comments Mr Doyle made during his 336-day journey towards coming out with a half-baked policy that did not meet his commitment and did not gain the support of any of his members. Again, I challenge all members opposite to defend their leader and to defend their future leader after March on this same policy.

Even his own party knows this is a dud. I quote from the *Age* of 16 September, the day after we saw 32 Liberal MPs walk out of the party room through Queen's Hall and the vestibule, looking ashen-faced and thinking, 'What have we done? Where have we gone?'. The *Age* quotes one Liberal MP as saying:

I think it's disgraceful. We've just put ourselves in a position of not winning (the election) and I'm amazed we went down this path in the first place — not just the decision today, but the one we made more than 300 days ago.

Sadly the *Age* describes the member as an unnamed Liberal MP. Is Mr Rich-Phillips putting his name up? No, he is adjusting his microphone.

A number of Liberal MPs have put on the record their view in Parliament. I have searched through the Council records, but maybe I have not searched too thoroughly. I have not noticed a Liberal MP tabling a petition here on this issue, but I hope to stand corrected. However, in the Assembly the Leader of the Opposition

tabled a petition of around 19 000 signatures on 28 August 2003. On 16 September 2003 the member for Scoresby tabled a petition of 98 signatures. On 9 August 2005 the Deputy Leader of the Opposition, the member for Warrandyte in the other place, tabled a petition of 10 signatures. The member for Mornington in the other place, Mr Cooper, tabled petitions on numerous occasions. I hope those members have written apologies to all the people who signed the petitions after being told by them they were advocating getting rid of the tolls.

When it comes to the federal Liberals, members will notice that neither Mr Costello nor Mr Howard were standing by Mr Doyle when he made this brave announcement. They were probably just as ashen-faced as his 31 colleagues as they walked through the vestibule in this place. That is the second of my 10 points.

Mr Doyle's plan helps one area at the expense of the rest of the state. We need to look at what he is doing in this area. This plan gives no toll relief to commuters in Victoria's west and north and provides no solution — after six years — for the people on EastLink. If it took him 336 days to come up with a half-baked policy to deal with six years, I shudder to think it will probably take him six years to come up with a policy to deal with the period after that.

The fourth point I make is that he will have to cut services to deliver the savings he says will fund the plan.

**Hon. J. A. Vogels** — No, he will not.

**Mr LENDERS** — I take up Mr Vogels's interjection saying that he will not. To find 1 per cent savings is not come easy. As the finance minister I can assure him and the house that whenever you look for savings they are painful, and they come at a cost. If Mr Doyle thinks they are easy to find, he is in la-la land.

**Hon. J. A. Vogels** — There is \$70 million just on legal fees.

**Mr LENDERS** — I take up Mr Vogels's suggestion about legal fees. If he thinks the opposition in government, presumably a minority government without The Nationals, is going to unravel the EastLink contract without vast legal fees, he has got another think coming. I await Mr Vogels' vigorous defence of his leader's policy and undertaking that he will support the policy after a change of leader in March.

I have mentioned the point that this would be at the cruel expense of the rest of the state. We know the track record of the Liberals when it comes to finding savings. We know how many teachers, public servants, police and hospital workers they sacked. We remember the Grey Sisters. The Liberal Party does not find savings easily. It is a cruel deception of the state to lead people to think it could do that easily.

Mr Doyle says he will achieve \$584 million worth in savings over four years. He talks about dismantling the Department for Victorian Communities. I will leave it to some of my colleagues to say what pain that would inflict on the state of Victoria. It would make the Grey Sisters fiasco look easy from the other side.

**Hon. J. A. Vogels** interjected.

**Mr LENDERS** — Mr Vogels is vocal today. The Department for Victorian Communities is the department that funds local government. I assume Mr Vogels will vigorously argue in the cabinet room that local government should be exempted from these savings. This begs the question of where the savings will come from. We know where they will come from. The Liberals will slash rural communities in Mr Vogels's electorate like they did last time.

Mr Doyle says to trust him because he is Robert Doyle and a 1 per cent saving is nothing. We know the previous Liberal government, in which he was Parliamentary Secretary, Human Services, which made savings by savagely cutting 2000 nurses and 1000 hospital beds, 9000 teachers and 800 police officers. Mr Doyle says he can make the cuts without affecting teachers, nurses or police. Is he saying it is the 4500 other staff in the medical system who will be cut? They include food and domestic service assistants, ward clerks, laundry hands, pharmacists, occupational therapists, cleaners, radiographers and theatre technicians. You would think they were a somewhat elementary requirement to support nursing staff. If he is talking about those, again to quote my colleague the Minister for Planning in the other place, he is in la-la land.

Mr Doyle talks about 2000 additional teachers. We have also employed teachers as supports so that teachers can be in classrooms away from administrative tasks. Some of those people are principals who have built new schools to replace the ones the Kennett government closed. Mr Doyle should actually engage the community and understand what government is. Government is not some group of public servants in town whose numbers you can slash and who do not produce things. Government delivers services to

communities, particularly communities in western and rural Victoria. We only need to look at what the Kennett government did in those areas to know the track record of the government that Mr Doyle was a part of.

The fifth point is that even after all the time spent working on it, Mr Doyle's plan contains mistakes. He underestimates the cost of half tolls. He overestimates the number of extra cars that would travel because of half tolls. This mistake means he has underestimated the total cost of his half promise. This is important, because his funding model assumes that this additional traffic would enable the Liberals to strike a more favourable deal with ConnectEast and hence reduce the total subsidy payable by the state.

**Hon. Bill Forwood** — You do not know anything about elasticity of demand.

**Mr LENDERS** — Mr Forwood says it is elasticity of demand. The elasticity is there. The demand for the current Leader of the Opposition is stretching, and by the Commonwealth Games it will be gone, because he has no credibility in economics, which the Liberal Party needs if it wishes to again govern the state of Victoria.

This means essentially that the cost of Mr Doyle's proposal would be even higher than his \$793 million estimate. He also assumes there will be no natural traffic growth over the period of the subsidy. To believe that in an area of growth in the eastern suburbs of Melbourne there will be no natural traffic growth is to be in la-la land. Of course there will be natural traffic growth. For it to go on EastLink is good, but what Mr Doyle forgets is that for every bit of extra traffic under this plan — the plan that he and the shadow Treasurer in the other place have come up with, and I believe the Leader of the Opposition in this place, Mr Davis — they will have to pay EastLink. The figures are wrong again.

The plan takes no account of the road opening in 2008. Anybody who goes out there along EastLink sees the \$100 million a month of expenditure and the movement. This is a project on time and on budget. It will probably be early, so this concession will cost more, which the Liberals have not budgeted for. This government's track record of being on time and on budget for roads in the east — —

**Hon. G. K. Rich-Phillips** — What other road opened early?

**Mr LENDERS** — Mr Rich-Phillips asks what other road opened early. Mr Somyurek knows because he

actually knows his electorate — the Hallam bypass was under time and under budget.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Hadden)** — Order! Interjections by members who are out of their places are disorderly.

**Mr LENDERS** — Mr Doyle does not factor in the costs that we have here for renegotiating. All you need to do is look at any of the costs on any large project to see that the legal costs would be extraordinary. Mr Doyle either does not realise that or he hides it.

He also does not have a plan for when his half-baked half tolls would stop and full tolls resume. If it took him 336 days to come up with a half-baked plan, I shudder to think how long that would take. Presumably what this would reflect for those opposite in an expenditure review committee of a cabinet trying to make decisions on a budget which has a deadline of 1 July in a particular year would be that they would probably be budget-less for a few years. They would have to come up with some other means of appropriation. If they cannot make one decision in 336 days, I shudder to think how they would do a state budget of \$30 billion plus. I can assure Mr Vogels and Mr Rich-Phillips that it takes a long time.

The seventh point is that Mr Doyle would have to cut even more than he says he will to pay for all these underestimated costs. His plan is undercosted — the \$793 million is a half promise.

Let us just summarise some of the mistakes he has made to reiterate this point. The Liberal Party in minority government presumably would jeopardise our AAA credit rating. I know our friend Mr Eren would be upset by that because he strongly supports a AAA credit rating. The Liberals have overestimated the extra cars on the road — cost unknown. They have assumed no natural traffic growth — cost unknown. They are assuming a 2009 start date — at least \$20 million out. They are not factoring in any renegotiating costs — at least \$7.5 million. They are not compensating for tolls doubling after six years — cost unknown — and presumably they will make another half-baked promise on that one. What is the total blow-out? I am only guessing at \$30 million plus. This is a disgrace. This would make a ratings agency blush. This would make Alan Stockdale blush. I am sure that glow we see near Brighton is Alan Stockdale blushing at what has happened to the parliamentary Liberal Party and fiscal rectitude. Alan Stockdale is blushing as I speak.

The eighth point is that Mr Doyle's plan to spend money on local roads is an attempt to hoodwink the people of the rest of Victoria into believing there is something in it for them. I look forward to Mr Vogels's defence of local government and his leader's plan on this particular point. Each year the Bracks state Labor government invests around \$200 million to maintain our 22 300 kilometres of pavement. I am glad my friend Mr Bowden is in here because I am sure he will find it difficult to get up and defend his leader's wacky policy. There are 2700 bridges and more than 3000 sets of traffic signals on the arterial road system. We fund that already. Mr Doyle has his magic pudding and his la-la land environment, and he is suddenly trying to say that somehow or other his government will fund roads when this government is already funding roads. We also know that local roads are traditionally a commonwealth responsibility for the extra funding above what the councils themselves do. Mr Doyle wants the state to put more money into an area that is traditionally funded by the commonwealth.

The \$127 million which is to be spent on roads and bridges over three years is not and has not been the funding responsibility of the state government. I guess Mr Vogels is suggesting that the state government should let Mr Costello off the hook and further that more money from Victoria should, presumably, be disbursed north into federal marginal Liberal and Nationals seats in New South Wales and Queensland rather than being spent in Victoria where taxpayers money is raised through the GST. Instead of lobbying Canberra for more money for local roads in Victoria, Mr Doyle plans to let Canberra off the hook and allow it to spend more of Victorian voters money buying votes north of the Murray River. Mr Vogels is a Costello apologist first, a Liberal second and a Victorian third. Perhaps he should just move to Sydney and be Sydney-centric like the rest of the members of the federal coalition government.

The ninth point that I will make is: Mr Doyle thinks he can impose his plan on ConnectEast without ConnectEast having to agree to it. This raises just as many sovereign risk issues as it would if he had ripped up the contract in the first place. I will not dwell on sovereign risk because I think even the Liberal Party under its current manifestation away from the fiscal rectitude imposed by Alan Stockdale realises the dangers of sovereign risk. That is the reason why Liberal members were ashen-faced after coming out of the briefing.

We just need to reflect on how fragile sovereign risk is. In 2002, when Moody's increased the sovereign risk factor attributable to Brazil more than 2000 base points

came off Brazil's bonds. That cost millions of dollars. This is not something people should gallyant around with and idly charge over. What we need to do is to maintain Victoria's AAA credit rating. Mr Stockdale would certainly be blushing from Brighton if he knew how his successors are endangering the AAA credit rating of this state.

I will conclude in less than half of the time allocated to me. I believe very strongly that this is a half-baked policy. It is a policy drawn up in desperation. We have no sense of dynamic leadership coming out of the Leader of the Opposition. This is a sad reflection. I look forward with interest to how Mr Forwood will valiantly defend him. Mr Doyle was undoubtedly the man who took Mr Forwood's job away from him. Mr Forwood is a great party man: a trouper and a loyal one. I also look forward to how he will describe what sort of dynamic government we can expect under Mr Doyle, because it has taken 336 days to deal with a basic promise. In doing so, the opposition has got it so wrong.

This really reflects what the parliamentary Liberal Party, including the team opposite and the Liberal Party front bench, would be capable of in government. Could they run the state? Could they manage a budget? Where would the cuts come from? This is a half-baked tolls policy. It is one that Alan Stockdale is brightly blushing about. He looks like a lighthouse in Brighton at the moment! He is so embarrassed about what is happening. All the other greats of the previous Kennett government are sitting there thinking, 'What has happened to our party?'. I call upon those opposite to defend the policy and to say how the cuts will not affect their portfolio areas. The greats I refer to are those connected to Alan Stockdale who defended fiscal rectitude.

I will not go any further. I urge the house to support this motion. It is an important motion, because it clearly states a fundamental issue of economic management and questions whether the Liberal Party is fit to govern. The answer is a resounding no.

**Hon. BILL FORWOOD** (Templestowe) — There are a number of things I need to say at the outset before I get to the substance of the government's motion which has been brought here by the Leader of the Government. Firstly, I was delighted to be given the opportunity to be the lead speaker for the opposition on this motion. I said at the time, 'This is like being given a free kick in the goal square', because this motion is worded so widely that I feel confident that I will be able to say exactly what I want to say about the performance of the government in the context of that motion.

Secondly, I need to say something about the Leader of the Government's speech. It is evident that it is one of those speeches which has been written by somebody else and not him. Over time we have become used to the style of the Leader of the Government. It is difficult, I know, when he comes in here with a half-baked speech written by somebody else. How do I know that? I thought it was an insult to this house that the government did not bother to change the motion while it was between the Assembly and this place, because what we are debating in this place today is the identical motion to the one moved in the other house. I would have thought government members here would have come up with their own motion.

I then thought, 'Why is the government doing it anyway?', because I cannot see the media here to make some telling contribution to the knowledge of the state. I cannot see much interest from the backbench. If it had not been for Mr Rich-Phillips, the poor Leader of the Government would have been here by himself. I am pleased to see that there are four government members here now, but the Leader of the Government was here by himself until we invited some people to join him. He certainly was not giving for the benefit of the media and the people in the electorate —

**Hon. J. H. Eren** interjected.

**Hon. BILL FORWOOD** — I have not even started, Mr Eren. Probably the reason the government is doing it in this place is that there is not much else to do, so it has moved a motion. If you look at the notice paper you will see there are two bills on it today and four more have been introduced. Even though we will have a short week because we adjourned out of respect for the previous President, it will not be a heavy week. I understand from the Leader of the Government that this debate might go for a while.

**Mr Somyurek** interjected.

**Hon. BILL FORWOOD** — Really! I am sorry about that, Mr Somyurek. I would have hoped you would be given the opportunity to speak. The real reason we are here is that this motion is filling in time for the Council. What disappointed me most about the Leader of the Government's speech was that he could not even be original. I refer honourable members to the speech given by the Treasurer, which is recorded in *Hansard* of proceedings in the other place of 5 October and which is to the effect that the policy fails for 10 reasons.

**Hon. P. R. Hall** — Same motion, same speech.

**Hon. BILL FORWOOD** — Same motion, same speech!

**Hon. J. M. McQuilten** — But the facts are all the same.

**Hon. BILL FORWOOD** — No, the facts were wrong then, and they are wrong now. It demeans the place and the man because the minister is better than that. He does not have to put up with this. I have been reading Mr Latham's book, and boy, am I enjoying it! Mr Latham categorises politicians into three categories: he calls them the straight men — —

**Mr Somyurek** — The arselicker!

**Hon. BILL FORWOOD** — I pick up the interjection from the honourable member opposite. Mr Latham calls them the straight men, the fixers and the maddies. In my time in this place it is easy to categorise government members into Mr Latham's categories. I have always had the Leader of the Government in the straight man category, but for him to come in here now he has slipped, because he is now down at least to the fixer stage. He is not quite in the maddies, but if he goes on doing this he will be. Obviously what happened to the poor Leader of the Government was that he looked at the notice paper, saw there was not much to do and someone on the other side said, 'We had better do this', so the fixer decided to do it. It is very sad. We on this side of the house have listened for half an hour to the limpest attack made by the Leader of the Government. He is a nice guy, and I am very sorry about it.

Not only did he go through the 10 points, as listed in the other place, but the style was exactly the same. Do members remember the stuff that in 336 days it takes to do this and do that? I think in the *Hansard* from the other place it took 329 days for the reunification of Germany, 320 days for Jesse Martin to sail around the world, and 300 days for the siege of Leningrad. What I know is that the Treasurer, Mr Brumby, did not do the research to choose the ones that he chose, and I am equally confident that the Leader of the Government did not do the research.

**Mr Lenders** — I did one of them.

**Hon. BILL FORWOOD** — Which one did you do?

**Mr Lenders** — I did not even use the gestation of an elephant.

**Hon. BILL FORWOOD** — Okay. The point is that not only is it the same motion from the other place built

around the same structure, but it contains the same concepts. It is very sad.

**Hon. G. K. Rich-Phillips** — Intellectually bereft.

**Hon. BILL FORWOOD** — Intellectually bereft! I hesitate to use the word 'substance' because there was not any in the speech of the Leader of the Government. He made some assertions about the leadership and the Commonwealth Games. It may well be wishful thinking on the part of the Leader of the Government because he knows that we are after them in a big way. I can assure the house that unless the Leader of the Government uses the crystal ball more than he used to then he has no idea what is happening in the Liberal Party. I can tell him without a shadow of doubt and without fear of contradiction that the Liberal Party supports this policy absolutely and completely. The party room has adopted it, and this is the policy that we will take to the people. Let me tell the house the difference between our policy and the government's policy.

**Mr Lenders** — Ours is fully baked.

**Hon. BILL FORWOOD** — Let me take up the interjection by the Leader of the Government, who said that the government's policy is fully baked. Yes, the government has a fully baked policy. It is a shocker.

The first difference between the government's policy and ours is that we have been up front about what we intend to do from the moment we said we would stop it. Contrast that with the government, which deliberately lied to the people of Victoria before the last election. It was a deliberate lie, and everybody knows it was a deliberate lie. There is no question that all the evidence out of the Department of Premier and Cabinet shows that this was a policy being considered before the election, and we know — because we were watching the debate — the Premier at the time said, 'There will be no tolls', and it was not true.

The difference between us and the government on the tolls policy is that we will go to the election this time and people will know exactly what our position is, and it will not change. The second thing that people will think about on that election day is, 'Under the Labor Party we will pay full tolls and under the Liberal Party we will pay less than full tolls'.

*Honourable members interjecting.*

**Hon. BILL FORWOOD** — Let me pick up the half-baked interjections from the Leader of the Government and Mr McQuilten, although I do not have the time to do it. The people of country Victoria will

demonstrate how pleased they are with the commitment to discretionary funding through the new additional funds under the Roads to Recovery program for the country. People in the EastLink region will be faced with two things when they think about their vote on polling day, 25 November: that the government lied and the opposition did not, and that under the government they will pay full tolls every day and under us they will not. We think that is a good, sound policy, and it is, as I said, supported by the party.

The next thing I need to briefly turn to is one of these issues that has come up a few times about fiscal rectitude. There are various models of how public services work. I am a little familiar with one model where the ministers set the policy then tell the public servants who work in and around their departments to implement it. There is another model, particularly with governments that are bereft of ideas — and boy, have I got some quotes from the *Latham Diaries* about Labor Party people bereft of ideas, such as ‘a bunch of machine men’, ‘not a policy thought between them’. Some of these are just classics, and I will get an opportunity to read a number of them into the *Hansard* today.

**Mr Somyurek** — What particularly stuck out? Can you quote a passage?

**Hon. BILL FORWOOD** — I will quote the passage about EastLink in a moment. There is a concept in government where the politicians tell the bureaucrats what they want. With this government what you get is the bureaucrats coming up with the ideas and feeding them to the government, and the government — —

**Hon. J. A. Vogels** — Stunned.

**Hon. BILL FORWOOD** — They are stunned and say, ‘Perhaps we will’. I have a classic here. Honourable members know how interested I am in the issue of carers, and some people may or may not be aware of the story of — would you believe it? — a new policy being prepared and described in a consultation paper called *Recognising and Supporting Care Relationships — A DHS Policy Framework for Disability, Mental Health and Ageing*. It is produced by — would you believe it? — the social policy unit of the policy and strategic projects part of the Department of Human Services. I reckon if they have a social policy unit in the policy and strategic projects area they probably have other policy units as well. I have no idea how many people are in these policy units, but I am sure they are all doing a very good job. This one is work in progress.

Let me read a letter that is actually on the record, because this shows how this government goes about developing policy which may or may not see the light of day.

**Hon. J. G. Hilton** — On a point of order, Acting President, Mr Forwood is very entertaining, but he has been speaking now for 15 minutes and as far as I can tell he has yet to address himself to the motion before the house. I would ask you to ask him to do so.

**Hon. BILL FORWOOD** — On the point of order, Acting President, this motion is about EastLink and about a policy that would result in government services being cut across the state. It has two bits. One is the bit about the tolls, and I will be dealing with that in detail. The other bit is about dealing with government services being cut, and I am getting to the stage of talking about government services and their being cut.

**Mr Lenders** interjected.

**Hon. BILL FORWOOD** — In particular this matter was raised in one of the 10 points by the Leader of the Government, who is acknowledging it is true. I put it to members that while it was a nice try from Mr Hilton, it does not cut the mustard.

**The ACTING PRESIDENT (Ms Hadden)** — Order! There is no point of order — and I note that the member who raised the point of order is not in his place while I am delivering my ruling. There is no point of order because this is a wide-ranging debate and the Honourable Bill Forwood, as the lead speaker for the opposition, has a fair amount of latitude, as we know from previous rulings. Mr Forwood, to continue.

**Hon. BILL FORWOOD** — I am trying to make a serious point that goes to the matter of how governments and public services operate. It deals with the concept raised by Mr Latham about the Labor Party having become managerial, because it is policy bereft, and I can give all sorts of quotes if the house wants them. The point that I am particularly making is about the growth in the number of members in the public sector. The figure at 30 June 2003 was, as Mr Hilton knows, just over 230 000. That increased to the figure of 255 500 that was quoted by the Attorney-General and was reported in *Hansard* yesterday — and that figure is a year late. That means that in that year an extra 25 500 members of the public sector were put on the payroll.

Mr Hilton would be aware of the concerns raised by the Auditor-General in the recent report which talked about the unparalleled growth in numbers in the public sector. The Auditor-General was not at that stage talking about

nurses, teachers or policemen — and nor am I — or about the wage increases that go with them. I point out to Mr Hilton, through the Chair, that what I am doing in my current contribution is identifying one of the ways in which these extra 25 500 public servants that were put on in the last year are being used — that is, to produce detailed policy work, whether or not it will ever work.

The name of the letter writer is Monica Pfeffer, and she is the director of the policy projects branch. They have a whole branch for policy projects! Her letter says:

I am very concerned at your evident level of distress about the process of consulting around the 'Recognising and supporting care relationships' paper, and I wanted to give you DHS' perspective from a senior level about what was intended, and what has occurred.

This paper is at a high level of abstraction, and it is intended to inform a broad DHS framework. It was never intended to consult with family carers at this stage of the process — to do so, when there is only a remote connection between the paper and any real change in the service system supporting carers, could be seen as unfairly raising expectations and 'using up' people's time, goodwill and energy when they will not see a result for their efforts. The intention has always been for this stage in the process to be confined to a targeted conversation between DHS and a range of representative bodies.

Once the more abstract questions have been dealt with, the various DHS programs will be requested to develop 'action plans' which advance any agreed new approach in their respective areas. At that point it is clear that the views of people in the community, the ones whose lives are directly affected by policies and programs, will need to be actively sought and listened to.

**Hon. J. A. Vogels** — Isn't that sad?

**Hon. BILL FORWOOD** — It is extraordinarily sad. She goes on in this extraordinary letter to say:

To sum up: the clear answer to your questions is that it is not intended to consult widely at this stage, to hold a series of focus groups, or to involve large numbers of people in developing policy. These are essential activities, but for a different and later stage of the program and service reform process.

As part of the plan for targeted consultation, the draft paper was provided to members of the Disability Advisory Council of Victoria. That body often receives material from government which is not intended for general circulation. It has always been understood that government can only continue to share 'work in progress' with representative bodies like the DACV if there is mutual trust and responsible behaviour. I stress that this is not about secrecy but about creating a space in which not-fully-formulated ideas can be bounced around and discussed in a robust way between government and non-government bodies, without the risk of generating any fears or anxieties amongst vulnerable families on the one hand, or unfairly raising expectations on the other.

Unfortunately, one member of the DACV took it upon themselves to email the document around more broadly, and one of the recipients of that email took it on themselves to post it on the Infoxchange web site. The concern this has caused you is testimony to the unfortunate consequences of these actions, and is deeply regretted by all of us in developing the paper and its ideas.

So I went immediately to the web site. It did not stay on the web site long, because it was gone by the time I got there. However, I was fortunate enough to track down one of the recipients, and I have this document. I am going to list a question on notice asking the Minister for Health to give me the cost of preparation of this document over time, because when it comes to fiscal rectitude there are ways and means.

**Mr Lenders** — Half tolls is not one of them.

**Hon. BILL FORWOOD** — I will get back to that in a moment. I have here the draft of the report of the Public Accounts and Estimates Committee's estimates hearings.

**Mr Lenders** — You're not saying that is a waste of time, are you?

**Hon. BILL FORWOOD** — No, I am not. I am saying that the Public Accounts and Estimates Committee has been badly hamstrung by the Parliament in the interest of secrecy and that it is a crying shame that the work of the committee is being hamstrung in a way that it should not be done. This is important work that we are doing, and it will be a sad and sorry day for the Parliament of Victoria if the PAEC turns into a body that defends the government rather than holds the executive to account. Anyway, this particular document deals with staffing, and I have touched briefly on staffing.

**The ACTING PRESIDENT (Ms Hadden)** — Order! Mr Forwood is not going to quote from a document that has not yet been tabled in the Parliament.

**Hon. BILL FORWOOD** — Of course not.

**The ACTING PRESIDENT (Ms Hadden)** — Thank you.

**Hon. BILL FORWOOD** — I am happy to give that assurance. I have been around here for long enough to know that. I have the document and I know what is in it, but I am certainly not going to quote from it. However, I am going to indicate things.

**Mr Somyurek** — Paraphrase.

**Hon. BILL FORWOOD** — I am not even going to paraphrase.

**The ACTING PRESIDENT (Ms Hadden)** — Order! The member is aware that he cannot disclose deliberations of a committee before the report is tabled in the Parliament, is he not?

**Hon. BILL FORWOOD** — I have absolutely no intention of disclosing any of the deliberations of the committee, nor any intention of disclosing the contents of the papers. All I am doing is showing that I have them and that I know their content and I know the sources of the information that is provided in them.

**Hon. G. K. Rich-Phillips** — And it's a good read.

**Hon. BILL FORWOOD** — And it is a very, very good read. I know, and many others do, of the difficulties that can occur because — —

**Hon. J. H. Eren** — It's useless to us if we don't know what it is about.

**Hon. BILL FORWOOD** — I was just about to tell you. Is that all right?

**Hon. J. H. Eren** — Yes.

**The ACTING PRESIDENT (Ms Hadden)** — Order! Through the Chair, Mr Forwood.

**Hon. BILL FORWOOD** — All of this is on the public record, so I am just foreshadowing a few comments of my own. It is all on the record. You can read the transcript. It is on the public record; it is all there. There is other information that I have gleaned from other sources — more often than not leaked from the government, would you believe! However, what is apparent is that last year in order to reduce the number of staff in the Department of Premier and Cabinet they allocated the drivers to each of the ministers, instead of the drivers being part of a pool, because what we know is that there is a massive number of ministerial staff. I call them factional advisers, because they are not really doing much for the state, they are just making sure that all the factions are being well looked after in this managerial paradigm in which the Labor Party now operates.

What is really apparent is that among the 255 000 members of the public sector there are lots who do not deliver services, despite what the Minister for Finance might assert. He said it is hard to cut from government. I would make the point that the first thing he should do is hold each department to its budget, which he has not been able to do. If you look at the record of this government you see that unfortunately each year it spends more than it budgeted.

I am happy to admit that the government has underbudgeted on the revenue side and it has been fortunate because, to use a Keatingism, or a Lathamism — he makes the point that federal Treasurer, Mr Costello, was fortunate to be the Treasurer at a time of economic growth — I say that the current state government was fortunate to inherit a robust financial position in the state. Because of the good work of the federal government it has continued to grow, and because of the housing sector boom in particular there has been some increase in revenue. It has always underbudgeted, and so it has not got itself into quite as much trouble as the Cain and Kirner governments did when the bubble burst, because they were locked into long-term expenditure and the revenue dropped. Those are the points the Auditor-General made in relation to the danger signs for the government ahead.

There are lots of people in the public service, not just the factional minders and the policy people, who in fact are not delivering services. They are dreaming up harebrained policies, because the right place for this to be done — in the party by the members of the Labor Party, by the members of The Nationals and by the members of the Liberal Party and implemented in government — is not being done. It is now being done by public servants. We should not be surprised at that because at page 45 of his book, when talking about policy, Mr Latham says:

We lost the election —

and he is talking about the Keating election in 1996 —

because we did not do enough explaining and re-explaining. Economic restructuring in Australia has led to political restructuring. All the old institutions of Labor are under pressure: the union movement, the public sector, the traditional working class.

Here was a leader of the Labor Party who firmly put the public sector as an old institution of Labor. I accept that. I have been a member of the public sector in three different jurisdictions — not for very long! — in my time in the work force, and I am pretty sure that that is right.

I am not surprised that the policy work that is being done by this government is being done by the bureaucrats. But what is absolutely apparent from the budget papers this year is that this government believes it can make \$532 million in savings that are going to come mainly from consultancies and the bringing together of advertising and various things like that. I recollect asking a number of ministers where they thought the savings would come from, and they all seemed to say exactly the same thing. There was a sort

of mantra about the response. There was no minister who was capable of saying, 'They are going to come from here or there'.

**Hon. W. R. Baxter** — It is like the backbench; they are given cheat sheets.

**Hon. BILL FORWOOD** — They are given cheat sheets. That is a very good point, Mr Baxter. There is some person in each department that you could get rid of, and that is the person who writes the speeches for the dumbos, because what we know is that none of them come in here and give a speech of their own. They all come in here with the briefing papers. In my time in Parliament — and Mr Baxter has been here 20 years longer than I — we have always done our own speeches. No-one has ever come along and given us the words we are to say.

**Mr Viney** — Rubbish!

**Hon. BILL FORWOOD** — I get a 'rubbish' from Mr Viney. Just because you do it your way, do not think we follow, because we do not. As I said earlier, it was disappointing, because the Leader of the Government obviously did not have his heart in the mishmash that he delivered but someone else had written for him.

The point I am making in relation to this is that the government says that our policy is not deliverable without cutting services, and I am saying to it, quite bluntly, that it cannot manage government properly. It is managerial, but it cannot manage government properly. I know that, and the government does too. It is hamstrung by its history. It is hamstrung by Karen Batt.

Growth. What growth are we talking about? Growth in the public sector. That is what the government is on about — growth in the wages of the public sector. There is no doubt about it. This is not about cutting services. This is about delivering services more efficiently and more effectively and in a more timely manner. The minister talks about 336 days to deliver this policy. I can give him a lot of reasons why, but let me think about just one little thing. How long did it take this government to run the environment effects statement process for Hazelwood? How long, do you know? Over two years. More than 336 days. There was a person wishing to invest money in the state who was held up for over two years by the government's half-baked policies.

I understand this government has a triple bottom line approach. Each department is meant to assess projects according to — would you believe — social,

environmental and economic criteria. But there is one department wherever you go that does not operate on the triple bottom line. Guess which one it is? The Department of Sustainability and Environment (DSE). It only has one bottom line, and that is the environment.

**Hon. C. D. Hirsh** interjected.

**Hon. BILL FORWOOD** — You have arrived late. Do you want me to go back to the beginning? I am happy to.

**The ACTING PRESIDENT (Ms Hadden)** — Order! Through the Chair, Mr Forwood.

**Hon. BILL FORWOOD** — Through the Chair, let me make the point in relation to this: this government's waste of money in delay, in obfuscation and in its inability to make decisions is extraordinary, and members of the government do not need me to tell them about it because they know it themselves. How do they know it themselves? Because the Premier — —

**Hon. C. D. Hirsh** interjected.

**Hon. BILL FORWOOD** — I am reading it, Ms Hirsh, and I am quoting from it as well, and I will get to you soon. Where was I up to?

**The ACTING PRESIDENT (Ms Hadden)** — Order! Through the Chair, Mr Forwood.

**Hon. BILL FORWOOD** — We know because the Premier eventually got around to asking Ms Delahunty if she could do something else. She has had a stellar career! She came flying into education, quietly slipped down to planning and now has the very important portfolio responsibilities of arts and women's affairs.

**Hon. C. D. Hirsh** — Which are actually extremely important portfolios.

**Hon. BILL FORWOOD** — That is exactly what I said, and we know that the reason she has been given the important portfolio responsibilities of arts and women's affairs is because she was totally incapable of doing the planning. Why was she totally incapable of doing the planning? Because she could not make a decision.

**Mr Lenders** — On a point of order, Acting President, I know this is an excitable debating place, but I take offence at the comments Mr Forwood made about my colleague the minister and ask him to withdraw those comments.

**Hon. BILL FORWOOD** — On the point of order, the minister has the right to seek a withdrawal if a

comment is objectively offensive. I would like him to list which of the comments I have made are objectively offensive.

**The ACTING PRESIDENT (Ms Hadden)** — Order! I have been listening carefully to the debate, and I do not find the comments made to be objectively offensive. I do not uphold the point of order.

**Hon. BILL FORWOOD** — I am not sure it is objectively offensive to call a minister incompetent. If you talked to any of the people who had to deal with the planning department, the answer they got was, 'It's on the minister's desk'. The joke around town — and I am sure the minister has heard it; he is nodding his head like everybody else — was that she must have the biggest table in town because there were so many things on the minister's desk.

**Mr Viney** — What has this got to do with the motion?

**Hon. BILL FORWOOD** — Dear, oh dear — I am talking about how you can save some money without cutting services. One of the ways is to be efficient, and this government is manifestly not efficient. I could give you a raft of examples of the inefficiencies and a raft of examples of the harebrained expenditure of money. The other day —

**Mr Viney** interjected.

**Hon. BILL FORWOOD** — No, I have 24 minutes left. The other day I took my dog for a walk along the river.

**Mr Lenders** — What is his name?

**Hon. BILL FORWOOD** — I have two dogs. One is Daisy, the other is Lochie. We were walking along the river and we went to Horseshoe Bend in my electorate. Why would I go to Horseshoe Bend? I would go to Horseshoe Bend because that was the spot that the half-baked DSE people decided was the place they would move the bats to from the botanic gardens. If you walk down there you find it is still there. The fence is there, the clearing is there.

**An honourable member** — Are the bats there?

**Hon. BILL FORWOOD** — No, the bats are not there, but the structure is there — this massive structure — and it has on the outside 'Do not enter'. Security guards used to be there. They are not there any more, but they have still got the security guard sign and the sign saying, 'You are under surveillance from the cameras'. The bats are not there, no, but the expenditure

is — \$1.5 million. There it is in my electorate — a waste of space and a waste of money.

I can give you a raft of examples of expenditure. How about the legal fees of \$50 million for Seal Rocks? What about the ambulance royal commission? Pick another \$100 million. I can give you so many examples of the inefficiency and ineffectiveness of this government. I am telling you, we are not going to have to cut services to find the savings required to meet the commitments we have made both to country Victoria and in relation to the tolls.

Let me turn to page 293 of *The Latham Diaries* by Mark Latham. I note the interjection from the Chair.

**The ACTING PRESIDENT (Mr Smith)** — Order! There was no interjection from the Chair; it was simply a cough.

**Hon. BILL FORWOOD** — I am sorry.

I do need to put on the record comments from diary entry for Tuesday, 27 April 2004. It states:

The centenary of the formation of the Watson government, the first national Labor government in the world. Watson was the youngest ever leader of the FLP — just 34 years old, a record that will never be beaten. I'm the second youngest ever. But I let down my predecessor today.

He goes on a bit about how he has lost his confidence and enthusiasm. He is stewing about things. The entry further states:

Nothing to cheer me up in Melbourne town, least of all our meeting with Bracks this morning, accompanied by Faulkner, Crean and McMullen.

Now I leave it to members here to categorise whether Faulkner, Crean and McMullen are straight men, fixers or maddies, because those are the only choices you have. The entry continues:

We tried to get him to reverse his broken promise on the Scoresby freeway. He went to the last state election promising a freeway and, as soon as he won, announced a tollway. No wonder people hate politics and politicians. Bracks has broken his promise, hoping the odium will wear off before the next state election.

But we're copping the fallout electorally — disastrous polling right through the eastern suburbs. We can kiss goodbye to any hope of winning Latrobe, Deakin, Aston or Dunkley, and Anna Burke will be lucky to hang on in Chisholm. I might as well not bother campaigning in the marginal seat belt of Melbourne.

Bracks, however, was unmoved, even when Faulkner put it right on him: 'The stakes are high in what we are talking about. You need to know, Steve, this could be the difference between forming a federal Labor government and falling a

few seats short. You need to think about how history will see that'.

**The ACTING PRESIDENT (Mr Smith)** —

Order! I must warn the member that there are limits to how far the Chair will tolerate the reading verbatim from any material into *Hansard*.

**Hon. BILL FORWOOD** — I accept your ruling, Mr Acting President. I do not have much more to go, but it would seem to me unfortunate if I were unable to finish the quote that I have started. The entry continues:

Yes, a day of deep and abiding Labor history, as Bracks refused to help, not budging an inch. Sat there like a statue, that silly grin on his face.

These state people are in it for themselves. They open a few schools and hospitals, and think they are King Shit. They could not give two hoots about the damage they might cause the federal party — —

**The ACTING PRESIDENT (Mr Smith)** —

Order! I do not consider that parliamentary language even though Mr Forwood is quoting from an article. He should have more sense.

**Hon. BILL FORWOOD** — I thank you, Mr Acting President. The quote concludes:

The legacy of state-based political machines — I need to win an election despite them. And then I can clean out the Augean stables, abolish the national executive for what they did to Cookie, and abolish the primacy of the state branches. That is, nationalise the ALP.

I tend to agree with Mr Latham. Nationalising the ALP might be a good idea given the way that it is currently operating in this place. However, let me just say to the people of Victoria and to the house in general — —

**An honourable member** — You are going to sit down?

**Hon. BILL FORWOOD** — Yes, I am soon. This is a sad and sorry affair that has been foisted on the people of Victoria because of the actions of the Labor Party. We have genuinely tried to find the best way forward in the interests of all Victorians and all of Victoria. Because of the deterioration in the budget position evidenced by the government's own budget papers and by the fact that it is out to borrow \$1 billion this year, we needed to be responsible. We do not apologise for taking our time in coming up with the best policy in Victoria. We say to the people of Victoria, 'On polling day, remember two things. Firstly, the government completely lied with its fully baked policy. We tried to meet a commitment that we made and were honest when we could not. Secondly, remember every time you drive on that road under this government you will

be paying full tolls, whereas under us you will be paying half'.

**Hon. P. R. HALL** (Gippsland) — This, as the Leader of the Government stated in his opening comments, is an unusual circumstance because we are debating a substantive motion as government business. It is unique. Sitting here for nearly an hour and a half listening to the contributions, I thought about how you could describe this afternoon's events. They are certainly different. I would not say that it has been all that interesting at times. As was pointed out earlier in the debate, there was only one member of the government in here listening to the lead speech, so government members have not shown much interest in hearing their leader.

I do not think it has been productive in any sense of the word at all. I do not think we have got anywhere this afternoon, but it has in part been entertaining, I guess because of the example set by the Leader of the Government. He approached this subject in a pretty lighthearted sort of way and with hardly any sincerity or feeling. I give credit to Mr Forwood, who provided a significant amount of entertainment for those of us who sat through the debate this afternoon, particularly when he managed to weave comments from Mr Latham's diaries into it. That was very clever on his behalf, and it was very entertaining.

In leading the debate, the Leader of the Government said that this was an important public policy debate and that was why the motion was moved under government business. However, I thought it was pretty unfortunate that there was no really serious debate about policy in Mr Lenders's contribution. I do not think there was much sincerity in it at all. Mr Forwood suggested we are here for the purpose of filling in time, and that may be so. I think that it is all about politics on the part of the Labor government, something they are more intent upon than governing this state — playing the game of politics rather than the game of good governance of this state of Victoria.

Mr Lenders spoke a lot about deception and hoodwinking the public of Victoria, and I am pleased that he did. However, talking about deception and hoodwinking is a classic example of the pot calling the kettle black. Nevertheless I am pleased that he introduced those terms and spoke extensively about deception, because I too want to talk about deception in my contribution, and I take the lead of government speakers on that matter.

I do not think Mr Lenders opened with a great deal of policy information, but there was one important fact he

mentioned in passing that I take on board as government policy. In criticising a component of the Liberal Party policy on EastLink he made criticism of the fact that a significant amount of money within that policy was to be put aside for local roads and local bridges. Interestingly Mr Lenders said quite categorically that his government — that is, the Bracks state government — does not believe funding for local roads and bridges is at all the responsibility of state government; it is prepared to absolutely divorce itself from any responsibility and contribution towards maintaining local roads and bridges in its policies leading to the next election.

The Nationals support the Liberals in part in their EastLink policy insofar as there is a dedicated fund towards local roads and bridges. We have long advocated, from our party's point of view, that there should be a \$1 billion fund over a period of years dedicated to supporting local government in the maintenance tasks of local roads and bridges. This afternoon I found it interesting that the Labor government divorced itself from any responsibility in that regard, a fact I am sure our country constituencies will also find interesting.

As I said, this afternoon's debate has been all about politics, and this government is very good at playing politics rather than governing. We see it every day that this Parliament sits. We see it during the course of question time, where it is more about politics than a decent exchange of information between members of this place. We see the government playing politics all the time.

Another classic example is this motion before the chamber. Again it is all about politics. The Labor Party thinks, in something of a perverse way, that this debate will help its members get re-elected next year. The people of Victoria are not that dumb. It was the Bracks government that deliberately misled and lied to the people of Victoria before the last election when it came to the funding proposals for this piece of proposed road infrastructure. It is another act of extreme hypocrisy that the Leader of the Government has come in here this afternoon poking criticism at the Liberal Party and its leader in the other place, Robert Doyle, in respect of this matter when the Bracks government deliberately deceived the people of Victoria before the last election.

Let me say very clearly early in my contribution that the policy of the Liberal Party on the proposed EastLink is a policy that The Nationals do not support. The Leader of The Nationals in the other place, Peter Ryan, has made that very clear and spelt out the reasons why we cannot support that policy position. But that is

not to say that I do not give Robert Doyle and his team great credit for having a go at resolving a financial burden that has been dumped on the people who will ultimately use EastLink. They have been honest about it; they have had a go to try to amend the problem created by the Bracks government's deception prior to the last election. I admire Robert Doyle for his honesty in respect to this matter. He has come out very clearly and fully enunciated what the Liberal Party policy would be and produced extensive documentation and research to support that policy position. Unlike the Labor government, which went to the election making a promise which I honestly believe it knew could not be delivered. At least Robert Doyle and the Liberal Party have been honest and upfront about this decision.

It is my view that the Achilles heel for Labor at the next election will be the deception it demonstrated during the period of time it has been in government and its failure to deliver on promises. As I said, Mr Lenders spoke a fair bit about deception in his contribution this afternoon. I now want to turn to that deception.

I want to start talking about the Scoresby — or is it the Mitcham–Frankston freeway or is it now EastLink, because there in part lie the cunning tricks used by the Labor Party to deceive the people of Victoria. This project started off as the Scoresby freeway, then it became the Mitcham–Frankston freeway and finally it became EastLink. The change in name for this project was deliberately designed to move away from the announced funding positions which the Labor government had in respect to that project. Another deliberate exercise to hoodwink the people of Victoria and distract them from the promises and commitments the Bracks government had given them!

It is very clear — we heard it in Mr Forwood's contribution when he quoted Mark Latham in *The Latham Diaries* — exactly what the Victorian government's position was prior to the 2002 elections. If you want further proof, The Nationals collected some of the literature that was circulated by the Bracks government prior to the election. I have in front of me a copy of a letter sent to a constituent, whose name I have deleted because I do not believe it is fair to mention the names of constituents to whom this letter was sent. Under the heading 'Bracks. Listens. Acts. ALP' the letter says:

Dear Mr and Mrs ...

I'm writing to you because Saturday's election is a very important choice for all Victorians. It's about who you can rely on to deliver the services we all need.

It says later on in the letter:

And Labor will build the Scoresby freeway on time and on budget.

They are talking about building the Scoresby freeway on time and on budget.

Accompanying that letter and distributed in the eastern suburbs at around about the same time was a flyer headed 'Only Labor guarantees Scoresby freeway'. That flyer states very clearly:

Compare that to the Bracks Labor government's record after only three years

There are no delays to completing the Scoresby

The Bracks government has negotiated and signed the fifty-fifty funding agreement with the commonwealth government

A re-elected Bracks Labor government has committed to calling for expressions of interest from construction contractors by the end of this year

Key tasks leading up to the tender process have been made

All these past tense verbs are being used here, suggesting all of these decisions have been set in concrete — the Bracks government has done this, there will be no delays.

Finally it states:

There will be no tolls on the freeway under a Bracks Labor government.

That was prior to the November 2002 election. We do not need to present any clearer evidence that that was the government's stated promise prior to the 2002 election.

I believe the government had knowledge prior to making those promises that it could not do it without the imposition of tolls. As evidence of that I put before the house comments from a paper I have before me headed 'Summary advice to Premier' from the expenditure review committee and dated 20 February 2002 — that is, nine months before the election. This advice to the Premier from the expenditure review committee lists a range of options which needed to be considered in funding the Scoresby freeway. It states:

Partnerships Victoria option 2 — DBFO —

that is, design, build, finance and operate —

with user charges on commercial vehicles ...

Partnership Victoria option 3 — DBFO with full tolling of all vehicles: private sector finances the project by user charges on all vehicles.

Clearly the government knew prior to the election and prior to making those promises that there would need to be tolls to fund the project. Yet it continued to advocate in paraphernalia sent out to constituents prior to the election that there would be no tolls. It is fine for Mr Lenders to come in here and suggest that the Liberal Party has broken promises in respect of this matter: this Labor government has been the greatest deceiver of the people of Victoria in respect of this matter by promising no tolls and blatantly walking up to an election with this promise knowing that it could not be kept — deception at its greatest. It is an absolute cheek for the government to move this motion and criticise the Leader of the Opposition in the other place, Robert Doyle, when it is the perpetrator of the most ghastly, underhanded, deceptive of actions in respect of this issue. I do not believe the people of Victoria will ever forgive the government for it.

I could talk a lot about deception, as Mr Lenders did in his contribution. I could talk about the regional fast rail. This is an election promise made before the last election by the Bracks government which it will not deliver to the level of the promise made to the people of Victoria. The first promise was that this would only cost the government \$80 million. That soon went out the door. We now know, because the government itself has said it, that they could not attract any private sector interest in this project — no wonder — and now it is going to cost this government, according to its own records, at least \$750 million. We heard this morning from Ms Hadden that the real cost is closer to \$1.5 billion by the time you add on the costs of the carriages for the trains and by the time you count the \$130 million for the increase needed for the brakes on these trains. I have some good information from the people working on my line that the signalling situation was pretty dodgy as well. I would not be surprised if a lot of extra money was required to bring the whole project up to standard. In terms of deception, the regional fast rail project is another promise this government cannot deliver. It will not reach its time targets and meet the expectations the government built up in the people of Victoria prior to the last election.

I was prompted by a third example today of the deception this government uses. In his answer to a dorothy dixer in question time today Mr Theophanous referred to the Essential Services Commission report. He said it was because of the Bracks government that we have a very positive outcome from the Essential Services Commission in respect of future price paths in the electricity industry. So we have. I agree with the minister this afternoon that it is a good outcome and there will be some financial savings to electricity users in Victoria because the cost of distribution has already

come down and will continue to come down in future years. Who do we have to thank for that? It was not the Bracks government which put that regulatory process in place.

Upon the privatisation of the electricity industry the previous government put in place the Regulator-General. That role was ultimately changed by the Bracks government to the Essential Services Commission. However, that regulatory regime was put in place when components of the electricity industry were privatised. The benefits of that process, put in place by the last government, are now flowing through. For the Minister for Energy Industries to claim credit on behalf of the Bracks government is, once again, unfair. He has had nothing to do with it, it is primary policy that was put in place by the previous government and is now working.

Further in terms of deception, I could also talk about some of the Bracks government's programs like Our Forests Our Future, which I have spoken about plenty of times in this chamber. People who were displaced from the timber industry were promised compensation. That was never delivered to well over 100 people I know of who were directly involved in the industry. Mr Lenders can come in here this afternoon and talk about deception but it is the pot calling the kettle black because this government is the greatest deceiver we have ever had as a government here in Victoria.

It is interesting that this morning's debate concentrated a lot on spin and deception, and we are hearing it this afternoon. I suggest that the Premier, the Treasurer, the Minister for Transport in another place and the Minister for Finance, in terms of their spinning ability, are better than Shane Warne, Stuart MacGill, Muttiah Muralitharan and Daniel Vettori put together. However, unlike those true sporting champions, the performance of Premier Bracks and his partners is paper thin and they are being exposed as fakes. The Guilty Party in Victoria clearly remains the Labor Party. Their guilty verdict will be delivered again in November of next year when we have an election and the people who currently occupy the government benches are called to account because of their continued deception of the people of Victoria.

**Hon. J. G. HILTON** (Western Port) — In this debate I will take a rather different line from my parliamentary colleagues on this side of the house. In this debate I do not come to bury the Leader of the Opposition in the other place, I come to praise him. I believe the member for Malvern and Leader of the Opposition in the other place is a most effective leader. I will support that statement later in my contribution.

I want to start by discussing the motion before the Chair. Let us remember a little history. Whenever we on this side of the house raise history we are told by the opposition that that was the last century and we should move on. There is a quotation: those who cannot remember the past are bound to repeat it. My version would be: those who forget the lessons of the past are bound to repeat the mistakes of history. We on this side of the house will not let the people of Victoria forget the past, although the opposition would like them to. In fact, the opposition has already forgotten the past. This half-toll policy will cost approximately \$800 million. It will reduce by 50 per cent for five years tolls on private vehicles. I put it to members of this house, and particularly The Nationals, what is the advantage of that to regional Victoria, to Mildura, Wodonga, Bairnsdale and Bendigo? Constituents in these regional centres will possibly never use this road, yet under the half-tolls policy \$800 million would in some way, shape or form come from their back pockets.

The \$800 million would have to come from somewhere. Taxes would have to be raised or expenditure cut, and we all remember that the Liberal Party has form in this area. In the dark days of the Kennett era 9000 teachers were sacked, schools were closed and police and nursing numbers were cut. Some of my most pleasurable moments as an MP have been when opening new school facilities, as I did with the Dromana special development school, or when I have been able to tell principals in my electorate that their schools have been granted a million-dollar upgrade — or in some cases a multimillion-dollar upgrade — as I have done with Koo Wee Rup Secondary College, Pakenham Secondary College and Rosebud Secondary College. These and other initiatives would be at risk if we were to find the funds for the half-tolls policy.

Why do we have this policy? Because the member for Malvern got himself into a hole from which he could not extricate himself without losing face. He was on the public record as saying he would get rid of the tolls on the Scoresby, and in the recent 2004 federal election all the Liberal candidates in the Scoresby corridor campaigned hard on this issue. Indeed the federal member for Dunkley seemed to campaign on nothing else, which was probably because in his case there was nothing else.

There was only one problem: the Bracks government had entered into a binding contract, and according to PricewaterhouseCoopers to get out of that contract would cost \$7 billion. The member for Malvern's initial response to the \$7 billion figure was to argue that of course it would not cost that much and that he would have his own firm of consultants come up with a

different figure. I had the pleasure of working with PricewaterhouseCoopers for over 14 years and have always had the greatest of respect for the expertise of that firm. I was certain that that estimate would stand, and of course it did, because no alternative figure was ever produced. The Leader of the Opposition had a choice: he could admit that he got it wrong or he could try to salvage something from the wreck of his own incompetence. He chose the second option, but it has not worked — he still looks incompetent. In his public promotion of his half-tolls policy he is now looking plainly ridiculous.

The Leader of the Opposition organised a media event where he was seen pushing a supermarket trolley filled with the goods that you could buy with the savings from his half-tolls policy. I make two comments on that media event — firstly, the Leader of the Opposition must be the only person who goes shopping in a suit and a collar and tie; and secondly, I wonder when the Leader of the Opposition will be seen pushing a supermarket trolley in Mildura, Bairnsdale, Wodonga and Bendigo, displaying the goods that the citizens of those regional centres will no longer be able to afford because they will be subsidising the residents of the Scoresby corridor, who will be paying half tolls.

The half-tolls policy is not the only example of why the present Leader of the Opposition will never have the credibility with the electorate to be Premier. When I discuss with my constituents issues that are of concern to them, the issues they raise are the continuous need to upgrade infrastructure in schools, to invest more in our hospitals and to invest more in community safety and other social services. However, the Leader of the Opposition obviously meets with a different cohort of constituents than I, because at one time he was discussing the possibility of burying electricity lines, which presumably the citizens of Malvern were telling him should be given some priority.

The cost of that idea was going to be \$30 billion. That just happens to be the size of the Victorian budget. In order to implement that policy every other area of expenditure would need to be abandoned. There would be no money to pay teachers, nurses and police; in fact there would be no money to pay anybody. But I am sure all of these many thousands of people who would be affected in this way would be more than happy to sacrifice a year's salary to pay for the policy of burying electricity poles. Admittedly we have not heard much of this idea in recent times. Perhaps the member for Malvern has had second thoughts. Maybe he thinks the idea is too expensive. But if he still thinks it is worth while, I can offer him a gratuitous suggestion. He could do what he has done with his tolls policy. We could

indeed have a half-poles policy. This could be implemented in one of two ways. We could bury half the length of each pole or we could bury every second pole. As Oscar Wilde could have said: to have one ridiculous policy is a misfortune; to have two ridiculous policies looks like stupidity.

I want to make a comment on the suggestions of both Mr Forwood and Mr Hall that the Premier lied to the public before the last election. The Premier did not lie. The Premier had a policy and an event intervened which made him reconsider that policy. What the Liberals and The Nationals forget is that National Express decided to pull out of the public transport system in Victoria. The government had a choice. The cost of the bailout of the public transport company was \$1 billion. We could have raised taxes, gone into deficit or reassessed our policies. We decided to reassess our policies and we came up with the solution that we would make the Scoresby a tollway. I believe it is responsible government to continually reassess policy positions in the light of events which were unforeseen at the time initial policies were developed. If the opposition is saying it would not do that, it is totally financially irresponsible.

As I said at the beginning of my contribution, I came this afternoon to praise the Leader of the Opposition, not to bury him. He is a most effective Leader of the Opposition in my view. He seems to be able to represent intuitively the hopes and aspirations of the common man or at least the common man who lives in Malvern. The member for Malvern is without question the best Leader of the Opposition the Australian Labor Party has.

**Hon. B. N. ATKINSON** (Koonung) — This is a spurious motion that has been introduced by the government. It is unusual. It is the second time that we have debated a government motion in this session. It is rather instructive that the reason these motions appear to have come onto the agenda is that none of the ministers are in a position to make a ministerial statement that will give us any real idea of the direction they are going in with their portfolios. That was one of the techniques they had previously for padding out the time in this place. The legislation flow in this place has been pathetic throughout this entire session. It is not that the government has not known what the scheduling of this session was all about because it sets the timing for this Parliament — a very protracted sitting on this occasion for the spring session. It had the opportunity to actually work on legislation and bring it through in a systematic way so we could debate and scrutinise that legislation properly as a legislative chamber. Instead we have found week after week that the government has

been bereft of legislation; it has been unable to bring debate forward in this house on crucial pieces of legislation and yet again in the last weeks of this sitting there is a logjam of legislation. To get over the problem that it has insufficient legislation before this house — and even the other house — at this point in time and to buy some time, the government has moved this motion.

I have never seen a motion more likely to be treated with much absolute contempt by the people of Victoria, and particularly the people of the eastern suburbs. This government has been nothing if not duplicitous in this process. The way it has tried to argue this debate today has been extraordinary. The Leader of the Government in this place, Mr Lenders, did not take it seriously, as has been pointed out by other speakers. Some of the other members of the government clearly did not take it seriously at the start because they were not even in the chamber.

For somebody with the credentials of Mr Hilton, who has a background in a major accounting and finance advisory firm, to come in and make that presentation, and particularly the claims he made towards the end of his speech indicating that the government had not lied on this project during the 2002 election campaign, destroys a considerable amount of the integrity the member has built up in this place during his time here. Without a doubt, for him to try to make that assertion in this place defies credence. It will not wash with the people of the eastern suburbs. It defies logic that Mr Hilton could make that sort of a claim here.

As Mr Hall pointed out in the debate, the government actually had advice in February 2002 that delivering this freeway without tolls under its policy settings could not be done. It was in February 2002, eight months before the election at which it told the people of Victoria, and particularly the people of the eastern suburbs, that it would be built as a freeway not a tollway. Piece of literature after piece of literature, letter upon letter, many of them over the signature of the Premier of this state, assured the people of the eastern suburbs that the candidates they elected to Parliament would deliver a freeway in the eastern suburbs.

The government walked away from that. There can be absolutely no doubt that was a lie that was taken to that election. For anybody to come into this chamber, particularly as Mr Hilton has today, and try and say that the shift in government policy was a matter of responsibility and that there was no commitment to the people of Victoria to deliver that freeway without tolls is absolutely wrong. This goes to the integrity of that member in this place from this day forward.

It is interesting to see the contrived debate that particularly Mr Hilton used in this house today when he suggested that it was okay and responsible for the government to change its position but that clearly if the opposition were to change a policy setting, that would not be responsible. This is despite the fact that the opposition has changed its policy position for a couple of very good reasons and well ahead of the election at which the merits of its policy will be judged. We are not going to an election with one promise and then changing our position after the election, as the Bracks government did.

More importantly, the Liberal position that has now been established regarding the Scoresby freeway is very much a product of the Bracks government's deceit in the first place, because we are stuck with a signed contract. It is true to say that the Liberal Party, when in government, would not repudiate contracts. That is not on the agenda. It will not be done, and it cannot be done, because the Liberal Party believes that it is important to continue to build confidence in Victoria as it goes forward. We will not repudiate contracts, but there was certainly an opportunity in the contract that was signed by the government to explore with the developers of this highway actually varying the tolls position. It was hoped — certainly by our leader at that time — that we would be able to deliver a no-tolls option.

Interestingly enough the government commentary at that time suggested an astronomical sum for a buyback which was clearly an out-of-court and back-of-the-envelope type of calculation by this government. When you look at the contract position, you see it is just not true. What has certainly happened since is that there has been a deterioration in the state's budgetary position. It is not necessarily obvious to all Victorians yet, but it will become increasingly obvious to them when some of the very services the government is trying to now deliver have to be curtailed. It is already obvious in areas that have the schools that Mr Hilton talked about, because the maintenance backlog in those schools is enormous and growing.

It is again interesting to see Mr Hilton and other members of the Labor Party trying to rewrite history and talk about sacking teachers. Not one teacher was sacked by the Kennett government. The teachers that left took retirement and redundancy packages. That is very different to a sacking situation. They elected to leave the teaching service. There were voluntary redundancies. It is also very interesting that all but one of the schools that were closed — because they did not have the enrolments to support the quality of education delivery that was required in this state — by the Kennett

government have not reopened. As a publicity stunt a school in far eastern Gippsland was reopened. If I remember rightly, it had seven pupils, or it may have had only five pupils. No other schools have reopened, because it is not really possible to justify reopening those schools given their school populations.

In fact at a Rotary meeting two weeks ago one of the regional directors spoke. The director was very forthright and said that there are too many schools and too many buildings. This is a major problem for the government. The government needs to close schools, but it has some difficulties doing that — —

**Hon. J. A. Vogels** — It is closing schools.

**Hon. B. N. ATKINSON** — Yes, it is closing schools, but it is doing it by throttling them, by reducing their budgets and by forcing those school communities to close their schools. You only have to go to Ferntree Gully Primary School to see the impact of the way the government has gone about it and how duplicitous that approach is in terms of its position. This government has constantly failed to deliver projects like the fast rail, the synchrotron and the Southern Cross station. When it gets into strife with a project it simply changes it. It certainly varies the time frame in which projects are delivered in order to keep up with this mantra of being on time and on budget, which is another great deception of the people of Victoria by this government.

The reality is that those projects are cut back. The synchrotron project is nothing like the project that was first announced by the government. The Southern Cross railway station is nothing like railway station that was promised by this government. These projects have been curtailed because the government cannot manage and has run into difficulties with finance. That is extraordinary when you consider that when the Kennett government left office in 1999 state budget expenditure was \$19 billion and it is now \$30 billion — an increase of \$11 billion, or half as much again, in only six years. You have to ask whether the state is 30 per cent better off in any one of the service delivery areas. Are our schools 30 per cent better off; are our hospitals 30 per cent better off; is our public transport 30 per cent better off; and are our emergency services 30 per cent better off? In not one of those areas is that the case.

When I tell the sports organisations that I deal with in my portfolio responsibilities about the Liberal Party's policy to dump the Department for Victorian Communities as part of the cost savings they cheer and say that it is a great policy. In fact one of their people, who is a former staffer of a Labor Party senator, said to

me, 'Bruce, I would almost vote Liberal now if you can get rid of that department'. She said, 'That is fabulous because the department is throttling sports organisations throughout Victoria'. It is a problem.

The half-tolls option that has been put by the Liberal Party in going forward to the next election is a viable policy option. As one of the people who hopes to be a candidate in the eastern suburbs at the next state election, I certainly look forward, as do my colleagues, to fighting that election on the Liberal Party's policy. My colleagues around Victoria, particularly in country seats, look forward to fighting the next election on our policy, because the reaction to the country roads fund that was part of that policy has been very strong. Right across Victoria local communities and municipalities have championed that Liberal Party policy and said, 'At last one of the major political parties has recognised the importance of spending money on the roads and bridges in our areas and bringing them up to scratch'. Just as schools have deteriorated under this government, so too have roads, school buildings and hospitals.

I must say that Labor governments generally seem to show very little interest in maintaining anything. They are keen to open something new, presumably because there is a great publicity photograph in it for a minister, but when it comes to maintaining the assets of the state, Labor governments are found wanting — it is not there. Certainly country areas are very pleased with this policy. My colleagues in country areas look forward to fighting the next election on that, and we certainly look forward in the eastern suburbs to fighting an election on the Liberal Party policy.

We do not revere from this policy. We believe it is a very strong and responsible policy based on the fact that the Labor government has started to drive this budget into a much more precarious position going forward, despite windfall gains, despite tax revenues being at record levels and despite the GST rolling in. This government's wanton spending has run this state into a difficult position.

*Honourable members interjecting.*

**Hon. B. N. ATKINSON** — You only have to look at your own budget forecasts and listen to your own Treasurer, because these are his words, his budget and his forecast. Under those circumstances we have had to review that policy and have established a very responsible policy. Mr Hilton says it is okay for a government to change its position but it is not okay for an opposition to change its position.

We also mark very clearly that the change in the opposition's position occurred well before an election at which the merits of that policy will be tested, not like the deceitful change in this government's policy, when it went to an election promising a no-tolls decision and ended up with tolls. As Mr Hall said, the government has constantly changed the name of the project. Initially it was the Scoresby freeway, then the Mitcham–Frankston freeway and then it became EastLink. Next the people of Victoria will think of it as the Hirshy Highway!

**Mr VINEY** (Chelsea) — The contributions of opposition members to this debate have been instructive. Firstly, Mr Forwood talked about the Liberal Party's policy being about efficiency. The government and the Victorian community well know what that codeword means — rip into our schools, rip into our hospitals and rip into our coffers. That is what the Liberal Party did when it was last in government under the guise of efficiency. That is what Mr Forwood talked about.

Secondly, Mr Atkinson was being completely deceptive in what he was saying about this government's performance in the delivery of services and the condition of the budget. The budget of this state is in an outstanding condition under the leadership of the Treasurer, John Brumby. We have maintained Victoria's AAA credit rating, and are one of the very few state or regional governments in the world that maintain a AAA credit rating. We have budget forecasts going forward well in excess of the \$100 million surplus that the Labor Party committed to in its election commitments.

The really misleading part of Mr Atkinson's contribution was when he talked about this government's investment in schools. What we heard from him was yet another justification of the Kennett government ripping into and closing schools. He was actually supporting those policies. He supported what that government did to our education system in this state: thousands of teachers were sacked and class sizes were increased. He also said this government is not about maintaining existing facilities, that it only wants to build new ones. The Bracks government has built 17 replacement schools since it came to office as well as 28 new schools. In the recent budget the government has provided \$145 million for modernisation projects at more than 50 schools, and since 1999 it has upgraded and improved 339 schools.

That puts to rest Mr Atkinson's suggestion that this government has not been about investing in our existing facilities and services. We have been about rebuilding the state after the seven years of Kennett, and we have

been about putting the investment into the service delivery that the people of Victoria elected us to do. What has been revealed in this tolls policy — this half-baked half-tolls policy of the Liberal Party — is that the Liberal Party intends to try to win a few seats in the eastern suburbs and fund it out of cuts to the rest of Victoria. That is why members of The Nationals are not supporting this policy, because they know full well what it means to country Victoria.

What we have seen in the debate today is a series of justifications for going back to the past. As Mr Hilton said, those opposite have demonstrated in their contributions that they have not learnt from what they did, from their defeat in 1999 and their absolute routing in 2002. They have not learnt from it, and they want to go back to it.

In relation to EastLink, what we know about the opposition's half-baked policy is that it will never deliver on it. People have been throwing the word 'lie' about in this debate, but that is the lie of this policy. It is a policy that the Liberal Party itself knows it will not deliver. It is the half-baked policy that is likely to lead to the end of Robert Doyle's leadership some time between now and the next election. The opportunity will then be for the new leader to even dump the half-baked half-tolls policy. How do we know this? We know this because after the announcement by Mr Doyle there has been clear evidence in the media reports that he does not have the support of his party room on this policy.

Let us look at a *Herald Sun* article of 23 September written by Jeremy Kelly. The headline is 'Doyle's MPs silent on toll'. It says:

Only a few Liberal MPs will publicly back opposition leader Robert Doyle's handling of the EastLink tollway issue.

A survey of Mr Doyle's 31 MPs shows an unwillingness to endorse the half-tolls policy U-turn and the effect it might have on next year's state election.

The article goes on to say that Mr Doyle had rejected this, saying it was common practice for MPs not to respond to newspaper surveys. But the *Herald Sun* points out in the article that:

... in February all but one Liberal MP responded to a similar survey asking whether they backed Mr Doyle's pledge to have EastLink toll free.

So, in February this year every single Liberal MP bar one responded to the survey indicating in most cases that they supported it, but on this occasion just 4 of the 19 MPs who responded said they strongly supported the policy and 10 said they supported the party room's

decision, not that they supported the policy. It is interesting to go through the list, because there is a bunch of people listed who made no comment. It is instructive in this debate.

The Honourable David Davis made no comment, nor did the member for Bass in the other place, Ken Smith. The Honourable Philip Davis made no comment, nor did the opposition transport spokesperson in the other place, Terry Mulder. The members for Doncaster and Mornington in the other place, Victor Perton and Robin Cooper, did not respond and neither did the Honourables Bruce Atkinson and Bill Forwood. So there was pretty thin support in the survey for this policy. Then we find that the *Frankston Independent* of 20 September says:

A Liberal source —

who must have been an elected member from the Mornington Peninsula —

said MPs in the party room attempted to dissuade Mr Doyle from his position of halving tolls but the leader was determined to go it alone without consultation.

The figures didn't add up and the party was made to look ridiculous again, said the source, seeing any chance of a state Liberal government in 2006 slip-sliding away.

To my knowledge, right off the top of my head, there are only three possible Liberal sources for this. It could have been Mr Bowden or the member for Nepean in the other place, Mr Dixon, or the member for Mornington in the other place, Mr Cooper. It is interesting that Mr Cooper was one of the people who refused to make a comment. Mr Dixon was reported in a *Herald Sun* article pretty much in the same week as having said he strongly supported the policy, so I suspect it was not him. I do not think it would have been Mr Roads, Ron Bowden, so it leaves us with only one possibility. It is interesting that what is clear from this is that there is not support in the Liberal Party for this policy.

Another really interesting article was published in the *Australian* of Friday, 16 September. It was written by Michael Bachelard and is headed 'Promise exposed as the lie it always was'. Members opposite have been enjoying throwing this word 'lie' around here today, but here is an article that says:

Almost a year ago the *Australian* wrote that Robert Doyle had made a liar of himself by vowing to build Melbourne's 40-kilometre eastern suburbs motorway without tolls. Yesterday the Liberal leader finally admitted the lie.

The article goes on to point out that the government had indicated that the cost of buying out the toll operation would be somewhere between \$4.5 billion and

\$7 billion. Doyle ridiculed the figure, but then admitted that on his own analysis the figure was actually \$4.3 billion, bringing it back even from the government's lower figure by only \$200 million. Clearly while members opposite have been enjoying throwing around the word 'lie', it has been exposed that this promise by the Liberal Party was always a lie. It was a promise it could never deliver on, because if it did it would not be able to make the commitments it would need to make on the delivery of services. When Robert Doyle is dumped as the leader, the new leader will come in and renege on even the half-baked policy.

The EastLink project is a vital infrastructure project for this state, serving a population about the size of Adelaide from Mitcham right down to Frankston. We know, as I mentioned earlier today, that this is a project that has been promised for almost 40 years. It first appeared in the *Melway* in 1967. Previous Premiers did not build it. Bolte did not build it and neither did Rupert Hamer, Lindsay Thompson, John Cain, Joan Kirner and Jeff Kennett. But Steve Bracks is going to build this project. He is the one who is going to build it and deliver it to the people of Victoria. He is going to deliver to the people of the eastern suburbs a vital piece of infrastructure which is not only important for the transport needs of our community but which will boost economic growth from Frankston right through to Mitcham. by providing improved access for commercial vehicles.

We are already seeing increasing demand for industrial land along that corridor to take advantage of this great piece of infrastructure. When you drive down the Monash Freeway now you can see the substantial work that is going on. Over 40 bridges are under construction and massive roadworks are going on in what is one of Australia's biggest road projects. It is a great project that required a change of policy by this government in relation to its funding for two simple reasons.

The first reason was, as Mr Hilton pointed out, the walking away from the privatised public transport system by National Express and the cost to the state government of an additional \$1 billion as a result. The second reason was that the federal government reneged on its promise to fund 50 per cent of this project. Fifty per cent of a project in excess of \$2 billion is not \$445 million — that is less than 25 per cent. That is what the federal government did. It signed an agreement that it would fund 50 per cent under roads of national importance funding, but it capped it at 25 per cent of the project.

Those two factors forced this government's change of policy. The Premier has expressed his regret about that,

as have I in this chamber on several occasions. But, as Mr Hilton said, when faced with the weight of evidence one needs to change policy, because to do otherwise would be irresponsible. It is irresponsible of the opposition, and particularly of the Leader of the Opposition in the other place, to stick with this policy to have half-baked half tolls. We know that if you put a cake in the oven and you only half bake it there is a danger you will end up with salmonella poisoning. That is what Robert Doyle has done to himself — he has given himself salmonella poisoning that will see the end of his leadership. It will mean the Liberals will have lied twice on this matter: firstly, when they said they would abolish tolls, and secondly, when they said they would do half tolls. They cannot deliver on this promise and at the same time guarantee maintenance of police, health, education and the other essential services that we deliver to the community. The motion needs to be supported.

**Hon. J. A. VOGELS** (Western) — The absolute gall of the people on the other side of the house never ceases to amaze me. Here we are debating a motion brought on by the Labor government. I hope it brings on this sort of motion every week because it is a fantastic opportunity for us on this side of the house to prove once again the lies that were told prior to the 2002 election. I must admit that I was sitting at home, watching the great debate — I do not know if it was a great debate — between Premier Steve Bracks and the Leader of the Opposition before the 2002 election. I heard Ian Henderson ask very clearly of both leaders: if you win the forthcoming election will there be tolls on the Scoresby freeway? Both answered no. One was lying and one was telling the truth!

As we know, shortly after the election we heard the Labor Party say, 'We have had another look at the sums, we got the figures wrong, and unless we toll this freeway all other services in Victoria will basically cease to exist'. What a load of rubbish that is! As has been mentioned, we know that at the time of the 1999 election state revenue was about \$19 billion. It is now more than \$30 billion, an increase of over 58 per cent, so there is an enormous amount of money rolling into this state. Yet this government has inflicted tolls on motorists.

The other thing I find hard to understand is that the government has inflicted tolls on a road with a capital cost of \$7.5 billion, but the road project is only going to cost \$2.5 billion. We are being told that the road will be built for \$2.5 billion, and then \$5 billion will be collected from the motorists who pay the tolls for the maintenance of that road for the next 35 years — and no doubt a huge profit for ConnectEast. But who in

their right mind builds a road that is going to cost \$2.5 billion and then forces the users of that tollway to pay \$5 billion worth of maintenance over the next 35 years?

If you look at how long infrastructure will last, VicRoads says a decently built road will be there for around about 100 years. So in the first 35 years that ConnectEast — or EastLink, or whatever it is called — run this road it will actually have to pay very little maintenance. One would think in the first third of the life of a road maintenance costs would be very small. After 35 years guess who gets this road back? Victorian taxpayers! We will get it back when maintenance has to be carried out on it. No matter how you look at it, that was an outrageous decision. Of course the road could have been built toll free and should have been. I have listened to many speakers on this motion today, and I do not want to concentrate too much on Scoresby, because I will probably never use the road. I do not go down there.

**Hon. J. H. Eren** — You've got to pay for it, though.

**Hon. J. A. VOGELS** — I know. I never use a tram either. I do not use public transport in the city, but I pay for it. The rest of Victoria would pay hundreds of millions — billions — of dollars supporting the public transport system in the city for the people of Melbourne. I do not object to that. I think we need to have a good public transport system. Part of my taxes is helping to pay for it. I never use it, but I understand it needs to be provided, so government members should not start down the track of saying, 'You will never use it, so you will be subsidising it'. I subsidise public transport in Melbourne, and I do not mind doing that. That is why I pay taxes. I know also that many people in the city subsidise rural infrastructure because there are not enough people living out there, so that comes out of general revenue as well. That is why we all live in a state and pay taxes — to share the burden. I do not have an issue with any of that.

I think the Roads to Recovery program has been fantastic for rural and regional Victoria, and to a lesser extent for the city of Melbourne. I remember when I was mayor of Corangamite shire in the late 1990s I came to Melbourne with the chief executive officer, Peter Johnson, and put a submission to the Kennett government that local roads and bridges could not be maintained out of ratepayers money, that it was not possible. We pointed out that there were thousands and thousands of kilometres of local roads in country and regional Victoria and it was not possible to look after all the roads out of rate revenue. We put a submission to the then Minister for Roads and Ports, Geoff Craige,

that we believed it was the responsibility of the three tiers of government — local, state and federal — to help maintain our local roads and bridges. I was told, ‘John you’re living in a dream world, it will never happen. It is not possible’.

A couple of years after that the federal government listened and brought in the Roads to Recovery program and started giving money directly to councils to help maintain their local roads and bridges. The state still refuses to put money into local roads and bridges. It says, ‘It is a council responsibility and a federal government responsibility and we are not going to help you’. Our policy is that we will match the federal government funding. It has been widely acknowledged, right across rural and regional Victoria, that this is a great policy.

**Hon. T. C. Theophanous** — How much for that?

**Hon. J. A. VOGELS** — It will cost \$156 million. People might sit in here and say, ‘How dare you give \$156 million to councils for the roads?’. I point out that \$156 million out of the total budget — and this is over four years, mind you — would not be that much. Even if state taxes did not go up — and they will — the state would collect around \$120 billion. Let us say the state is going to collect \$130 billion or \$140 billion over that time frame. We are saying that we will match the federal government contribution and give local councils an extra \$156 million.

Everybody is saying, ‘You cannot deliver. It cannot be done’. How weak is that! A percentage of that \$130 billion, or whatever I was talking about, will be insignificant.

**Hon. T. C. Theophanous** interjected.

**Hon. J. A. VOGELS** — There is the response we have had from the Municipal Association of Victoria. You hear the government saying it means nothing. I would like to quote from a couple of media releases — one from the MAV. This was on 16 September 2005. It is headed ‘Road to new beginnings’, and it says:

The Municipal Association of Victoria (MAV) today applauded the state opposition’s commitment to match commonwealth funding to councils to maintain and upgrade local roads and bridges.

MAV president, Geoff Lake, said financial support at the state government level is badly needed to assist councils arrest a spiralling gap between the actual spending on roads and the real amount needed to maintain existing roads ...

I often meet with Geoff Lake. He is not a bad guy. We know he is Labor, but he cannot help that. That is understandable. This is what he said:

‘The state opposition should be congratulated for recognising the plight of councils, particularly in rural Victoria’, Cr Lake said.

This is the bit I really like:

The MAV acknowledges John Vogels’s notable contribution to the delivery of this policy commitment, which follows extensive consultation discussions with the MAV and councils to determine —

what sort of funding is needed out there. I think that was fantastic. I might stick it on the wall at home.

**Hon. T. C. Theophanous** — Are you trying to get on the frontbench, John?

**Hon. J. A. VOGELS** — Not at all. I do not need to. Then the Victorian Farmers Federation (VFF) came out and said ‘Country road funding win in Liberal transport plan’. So we have one from either side. Mr McQuilten is over there about to say, ‘That’s a Liberal saying that’. I have a Liberal person saying it is fantastic and a Labor person saying it is fantastic, so it cannot be too far off the beam.

The Labor Party, as usual, says there is no fat. Out of \$30 billion or whatever it is spending, there is no fat. Before I get to the fat bit, this is very important. I would like to name a few councils across Victoria who think this is a fantastic policy. Ararat Rural City Council is going to get something like \$2.5 million extra; Baw Baw, \$3 million; Campaspe, \$4.5 million; Corangamite, \$3.5 million; East Gippsland — wait for this — \$5.7 million extra. That is not tied, but to be spent on the roads and bridges they believe need to have it spent on, not with someone from the Department for Victorian Communities in Spring Street or VicRoads saying, ‘This is the road you will spend it on’. They will spend it on the roads they believe are important. I could go on, as there are 79 councils here. Even the metropolitan council of Casey will get an extra \$2 million. There is something in this for everybody.

‘There is no fat’, I have heard people say; ‘Out of a \$30 billion budget we cannot find \$500 million worth of savings’. That is absolute rubbish. Only last week or the week before the Treasurer came in and said, ‘We got it wrong. We have actually got a surplus of \$800 million’. I do not know where it came from, but there was another \$800 million which popped in from somewhere. So we are talking about \$500 million over four years, mind you, not one year. It is about \$500 million worth of savings, and it is not there!

What a joke the Department for Victorian Communities is. This is a department that did not exist until 2002. It

was not there. Now I think there are 650 or 700 people at 1 Spring Street. They spend about \$600 million or \$700 million. What we are going to do is give that money directly back to the people who had it in the first place. We will say, 'Here's money for local councils'. Councils are the Victorian communities. The Department for Victorian Communities in Spring Street — what a joke. The community is out there, and that is where we will be directing the money — to local councils to spend on the issues they believe are important in their local towns. They do not need, as one chief executive officer told me, someone from the Department for Victorian Communities who turned up in town wearing a bow tie, spent two days in the town, called some public meetings and then wrote a report which said, 'They need \$10 000 for a streetscape. They need \$5000 for this, and we will give them another \$3000 for that'. Big deal! The council could have told the department over the phone what was needed. It did not need someone from the Department for Victorian Communities to turn up at Nhill or Ouyen saying, 'This is what your community needs'. The community knows very well what it needs. It does not need someone in a bow tie —

**An honourable member** interjected.

**Hon. J. A. VOGELS** — An interloper. But do you know why the Labor Party loves the Department for Victorian Communities? Instead of giving the money to local councils so the councils hand out the money or put the money into the services they believe are important, the local member can do it. Joe Helper can come and announce it, or Matt Viney can announce it. The local councils are cut out of the system. To me the Department for Victorian Communities is basically a slush fund for the Labor Party. I cannot wait to see the day that we take that money and give it directly to the people who know where it should go — the local community. We believe in a bottom-up approach, not this top-down approach from 1 Spring Street. There is fat to be trimmed.

I conclude by saying that department running costs have increased right across all departments by over 50 per cent since the 1999 election. In 1999 it cost \$5.3 billion to run the departments. Last year it was \$11.4 billion. There has been more than a 100 per cent increase in running the departments around the state of Victoria. If there is no fat to be trimmed off any of those, what do you call yourselves? Do you know what you are talking about? It is absolutely ridiculous. The money is there — of course it is. We will deliver this project. We will halve the tolls on the Scoresby freeway between 2009 and 2014. We have an excellent policy for rural and local councils for road and bridge

upgrades and infrastructure, and we will deliver. What the Liberal Party does when it wins elections is deliver. It does not just talk with empty rhetoric.

**Hon. J. H. EREN** (Geelong) — I support the motion before the house, and I would like to start by highlighting the triple somersault twist the Liberal Party did in relation to its EastLink policy — flip-flop, backflip Liberal Party, that is what it is. I would like to also point out some of the comments made by the Leader of the Opposition in the past 336 days and put them into *Hansard*. We announced our tolls policy on 14 April 2003. Some six months later — obviously there were a lot of discussions about this — on 31 October 2003 Mr Doyle demanded that Labor must immediately reverse the decision on the tolls. That was in his media release. In March 2004 the *Herald Sun* reported that 'Doyle says he will not remove tolls once contract signed'.

In April 2004, 'Mr Doyle says the project could be a giant white elephant'. That was referred to in the media conference at Nauru House on 21 October 2004. On 9 September 2004, 'Mr Doyle says "governments do not break contracts" when questioned on his stance on tolls'. That was on AAP NewsWire. On 17 September 2004, 'Doyle confirms he will honour any contracts including tolls if elected Premier' — again on NewsWire. On 15 October 2004, 'Mr Doyle says a Liberal government will give Victorians the freeway without tolls'. That was in the *Australian*. On 18 October 2004, 'Mr Doyle says the project is affordable without tolls' in the *Age*.

On 21 October 2004 at a media conference at Nauru House Mr Doyle said that the project was 'crucial'. On 26 October 2004 he said that his plan for the freeway would not plunge the state into debt. On the same day he also said:

There is no issue of sovereign risk involved. We are not talking about breaking a contract.

Again on that day the *Herald Sun* reported that:

Mr Doyle has threatened to tear up the Mitcham-Frankston freeway toll deal if he wins government.

Now if that is not flip-flop I do not know what is. On 29 October PricewaterhouseCoopers estimated that buying out the revenue stream for the project would cost \$7 billion. In the *Herald Sun* of 22 February 2005 the Leader of The Nationals in the other place, Peter Ryan, rightfully announced that his party would never support the Liberals scheme if the taxpayers had to foot the bill.

On 23 February 2005 the *Age* reported that the Liberal members privately expressed concerns over Robert Doyle's pledge to scrap tolls. Mr Doyle described disloyal MPs as being like rats. Now I wonder who the rat is? Could it be Mr Koch? Could it be Mr Vogels? This was reported in the *Age*. At a doorstep on 11 May 2005 Mr Doyle said, 'I am not looking at lowering the cost; I am looking at delivery of a toll-free Scoresby. On 31 May 2005 the *Age* reported that Doyle had finalised his plan to scrap tolls and was waiting to release it. At a doorstep on 16 June 2005 Mr Doyle said that his plan would cover the entirety of the project. In an article reported in the *Age* of 1 August 2005 Mr Doyle said:

I do not think it is good enough to be old and bold — I mean you have to have the courage of your principles and then stick by them.

On 12 September 2005, just three days before he flip-flopped, AAP reported that Mr Doyle said that he stood by his pledge to make the Scoresby toll free, but had repeatedly refused to answer questions about whether he would make it toll free on all sections, for all drivers, for all times. On 15 September Mr Doyle was forced to concede that his policy was ill-conceived, making this statement a little hard to swallow. In a media release again on 15 September he said:

I do not believe it is right to make decisions about Victoria's future based on calculations done on the back of an envelope.

On the day of the announcement, 16 September, one state Liberal MP made the following comment in the *Age* —

**Hon. J. A. Vogels** — Name him!

**Hon. J. H. EREN** — I wish he were named, but he was not. The state Liberal MP said:

I think it is disgraceful. We have just put ourselves in a position of not winning (the election) and I am amazed we went down this path in the first place — not just the decision today, but the one we made more than 300 days ago.

**Hon. J. A. Vogels** — Who said it?

**Hon. J. H. EREN** — The article does not report who said it.

**Hon. J. A. Vogels** — It is just hearsay.

**Hon. J. H. EREN** — This comment is spot on because Mr Doyle could not deliver the plan even if he wanted to. The Nationals will not support it. Connect East will not negotiate with him and the power to impose his changes is legally debatable. I think

Mr Doyle knew at the outset when he said that he would make this toll free that he could not deliver on it.

**Hon. J. A. Vogels** — What did you do?

**Hon. J. H. EREN** — I will take up that injection. What we did was to make a decision that a project that would cost over \$2 billion was too much for any state government budget to handle. Mr Doyle had six months after we announced that it was going to be a tollway to think about what he was going to do in terms of the Liberal Party policy, and basically he backflipped. He said there would be no tolls. So I would not be talking about backflips over there.

There was a picture of Robert Doyle in the *Geelong Advertiser* the other day, enjoying an ice-cream at the Royal Geelong Show. It was a fantastic show; I went with my kids. It made me wonder as I saw Mr Doyle walk around the show at the weekend whether he told people about his half-baked plan for half tolls on the EastLink project. I doubt it very much. In the *Geelong Advertiser* of Saturday, 15 October, Mr Doyle was quoted as saying that the water supply and the Geelong bypass were vitally important to Geelong. I should point out that Robert Doyle was in Geelong to launch the Liberal Party candidate for South Barwon, the funeral director, Michael King.

**Hon. Andrea Coote** — He is a fabulous man. He should win that seat. He is very good and very well known.

**Hon. J. H. EREN** — I note that Mr King is a funeral director. If Mr Doyle continues to come up with the half-baked policy such as he has, he will need him after the November election next year when we politically lay to rest the Liberal Party — that is, of course, if the opposition leader lasts that long. The article by Daniel Breen in the newspaper of 15 October states:

Geelong's water supply and bypass construction rank as the city's biggest challenges according to state opposition leader, Robert Doyle.

Mr Doyle, who visited the city yesterday to attend the official launch of the Royal Geelong Show and launch South Barwon candidate Michael King's campaign, said that the two issues would be key components of next year's election campaign.

In that same article Robert Doyle said:

I think one of the biggest issues is water —

pretty smart; it is —

and we are working on a plan at the moment; we do not know

that can make it work but we are looking at some different ways of delivering water to Geelong.

**Hon. J. A. Vogels** — Hold your breath.

**Hon. J. H. EREN** — The article continued to quote Mr Doyle:

That is very important to the growth of the city ...

The Geelong bypass is also an extremely important project for the prosperity of the whole area.

That is why the government supported it. The project has been marked on the *Melway* for 40 years. Obviously the Liberal Party did not commit to it. The article further states:

Mr King is the first confirmed Liberal candidate ahead of next year's state elections and will begin campaigning from a mobile office, also launched at the show.

Mr Doyle said the appointment and launch of the campaign caravan was designed to break Labor's stronghold in the region. Aside from that and other challenges, Mr Doyle said Geelong's economy was in good shape.

Hear, hear! Of course it is in good shape, because we have a Labor government.

I wonder if the people of Geelong know that, if elected, Mr Robert Doyle and his half-baked Liberals would have to slash spending in education, in police, in health and their half-baked promises on the other side of Melbourne, let alone pay for vital infrastructure projects like the Geelong ring-road or water supply issues in western Victoria. How is the Liberal Party proposing to allocate that sort of funding if it is going to pay \$730 million for a half-baked idea? People might say, 'Why would Robert Doyle be talking about something on the other side of Melbourne at the Royal Geelong Show? Surely that has nothing to do with them?'. But it absolutely does, because Robert Doyle's half-toll promise for the EastLink project will have a devastating effect on Geelong. It would take us back to the bad old days of the Kennett government, who only cared about Melbourne and nothing was spent on the regional areas because we were considered to be the toenails of Victoria.

In every single Bracks Labor government budget Geelong has been blessed with millions and millions of dollars to pay for vitally important projects in education, health and community safety. Of course the Geelong ring-road is a project that the state Labor government is making a reality of after half a century. Under Robert Doyle's half-baked plan the \$70 million planned for Geelong in this year's budget alone would have to be spent on his half-baked promises on the

other side of Melbourne. Hardly anything would be spent in Geelong.

I wonder what would have been spent on previous budgets in Geelong. Probably nothing. Most probably the emergency department of Geelong hospital would not have got \$26.1 million. There would not have been a waiting list blitz which provided \$30 million to treat 10 000 patients on the state's waiting list; a 24-hour statewide helpline would not have been established; and a 24-hour ambulance service would not have been provided for Ocean Grove and Barwon Heads, including \$1.2 million for land and buildings, 11 full-time paramedics and two fully equipped ambulances each at a cost of \$160 000. Probably none of those initiatives would have happened.

Time is of the essence here, and I want to say a few things. I could stand here and go on for hours about what Geelong has received and what it may not receive if the Liberal Party were in government because of its half-baked half-toll ideas. Possibly none of these initiatives in the Geelong region would have happened under the Liberals because of Robert Doyle's half-baked promises. The Liberal Party would have to cut and slash vital services to get the money to pay for this half-thought-out promise. Only the Bracks Labor government has been able to keep the state in the black with a solid AAA rating as well as to provide for the health, education, community safety and infrastructure needs of the Victorian people. That is what is really annoying the Liberal Party. It knows that this Labor government is very good in managing the state's finances. The Liberal Party would love to see this state's economy in the red so it could say, 'See, the Labor Party cannot manage money'.

The Liberals also know there is no state government in this country that can fully fund in the state budget the single biggest road project in this country. EastLink will cost more than \$2 billion. The Liberals tried to play politics with Geelong in relation to this road, in cahoots with the federal government, to link the federal funding of the Geelong ring-road to the EastLink project. The Liberal Party's plan for EastLink shows that the Liberals are unable to come up with a feasible way of governing the state without throwing it into disarray.

An article by Peter Moore in the *Geelong Advertiser* of 18 October states:

I know the next state election is just over a year away but even at this stage I am prepared to make a prediction. Robert Doyle will not be the next Premier of Victoria. Harsh but true. The death knell for Doyle was his spectacular admission a couple of weeks ago that even he would not be able to roll back the tolls on that road, the Scoresby freeway. It isn't the

fact that he can't do it as much as the fact that it took him almost 18 months — —

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

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I rise this afternoon to oppose the motion moved by the Leader of the Government. The debate has been extraordinary in the way it has taken place and for the fact that the Leader of the Government has moved a motion which rejects the Leader of the Opposition's half-toll plan for the EastLink project as an unworkable policy that would result in government services being cut across the state. The reason it is extraordinary that we are having this debate is that if the government actually believed in the motion being moved today, this debate would not be taking place in the house. The government — the Treasurer, the Premier and other members of the cabinet — would be out there in the media trying to tear this policy down.

The fact is, almost a month after this detailed package was released by Robert Doyle, the government has not been able to find the holes it is looking for. The government has had the resources of the Department of Treasury and Finance looking at this package. All the legal advice, the economic modelling, on which the package was based was released. The government has access to that and the resources of Treasury and Finance to go through that, and if there had been a problem with it you would have had the Treasurer, the Premier and the Minister for Finance in the newspapers or on the television tearing the package apart. The fact is they have not been able to. This government has not been able to find any shortcomings in the package announced by the Leader of the Opposition a month ago, and it is for that reason we are having this insipid debate led by the Leader of the Government in the house today.

It is interesting to reflect on the Minister for Finance's contribution at the start of this debate. Even the Leader of the Government's own members did not support what he had to say.

**Hon. J. A. Vogels** — There were none in the chamber.

**Hon. G. K. RICH-PHILLIPS** — As Mr Vogels said, there was not a single member of the government in this chamber supporting the Leader of the Government when he moved this motion and made his contribution. Taking out the President, the government has 22 members in this house and not one of them was in the chamber to support his or her leader when he moved this motion. Every one of them walked out after

the Leader of the Government began his contribution. After a quorum was sought, only four or five came back and stayed. That demonstrates that government members do not support the motion moved by the Leader of the Government this afternoon.

As I was listening to Mr Lenders I was diligently writing down the points he made. At that stage I did not know that I did not need to do that. I did not know that Mr Lenders, as Mr Forwood pointed out, had merely copied the speech made by the Treasurer in the other place. Rather than recording the 10 points raised by the Leader of the Government, I could have merely referred to the *Hansard* of the last sitting week.

However, it is worth looking at the relevance of those points. The minister made his motion quite specific. It refers to the package announced by the Leader of the Opposition in the other place as being 'unworkable' and 'a policy that would result in government services being cut across the state'. The minister began his contribution to the debate by saying he had 10 key points to make to support his motion. You would think that these points would relate to the package being 'unworkable' and cutting government services across the state. I was surprised to listen to the 10 points raised by the Minister for Finance and note that most of them had absolutely no relevance to his motion.

The first point the minister tried to make as to why this package was unworkable was it took 336 days for the Leader of the Opposition in the other place, Robert Doyle, to announce it. As other members of this chamber have pointed out, if the Bracks government was able to complete its major projects in 300 days, we would be far better off than we are now. The minister did not make a case as to why announcing the package after 300 days made it unworkable.

The Minister for Finance then went on to say that the Leader of the Opposition did not deliver on his promise. The Leader of the Opposition was honest and open with the people of Victoria. He acknowledged that the original commitment could not be delivered and said he had an alternative. For some reason admitting that 12 months before an election rather than, as the Premier did, hiding the facts until after the election makes the plan unworkable. We have had two completely irrelevant points from the Leader of the Government which do not support the contention in the motion he moved this afternoon.

The minister then said this package is no good because it only helps one area of the state. The minister got that completely wrong. The fact is the package announced by Robert Doyle provides around \$150 million in

funding for Roads to Recovery. That will cover \$127 million for regional and country councils and a further \$29 million for metropolitan councils. How the Minister for Finance can say the package only helps one area of the state remains to be seen. Of the 10 points, three are completely irrelevant and do not support the motion moved by the Leader of the Government.

Point 4 was that savings cannot be found. Unlike the Bracks government when it announced savings in this year's budget, the opposition has identified where savings will come from. As Mr Forwood said, when ministers came before the Public Accounts and Estimates Committee this year each of them had in their appropriation a line item of budget savings that they are required to deliver. Like a series of parrots, when asked by the committee where those savings would come from the standard response was through efficiencies and savings on waste. The government says there is no scope for savings yet three months earlier it put in its own budget a requirement for ministers to find savings. The opposition identified where its savings would come from, which is a lot more than the government did in its budget.

The minister went on to list point 5 as being that the package would slash services. If he had read the package, Mr Lenders would know that it quarantines those key areas he spoke about — education, police and health. There are no plans to find savings in any of those areas, and services will not be affected by the announcement. The first 5 of the 10 issues raised by Mr Lenders do not support his contention that the package is unworkable.

He then said the economic modelling underestimates the cost of the subsidy. I say to Mr Lenders, prove it. The government has had access to this package for a month; the Department of Treasury and Finance has had a month to go through the package. If, as Mr Lenders claims, the cost of the subsidy is underestimated, he should show us the evidence his department has produced.

**Hon. D. McL. Davis** — Show us your calculations.

**Hon. G. K. RICH-PHILLIPS** — That is exactly right, Mr Davis. Mr Lenders then skipped over points 7 and 8 and was not clear about what they were. He then went on to point 9 and talked about sovereign risk. It is the absolute height of hypocrisy for this government to talk about sovereign risk. Time and again, particularly in its first term, we saw the government put at risk the reputation of this state by seeking to unilaterally renegotiate agreements that had been entered into by

the previous government. For Mr Lenders to talk about sovereign risk and talk about the opposition's package jeopardising the reputation of the state and giving rise to sovereign risk is gross hypocrisy.

The Leader of the Opposition in the other place has made it clear that there is no intention to tear up any contract. The legal advice received from Gadens makes it clear that there is scope under the contract negotiated by the Treasurer for renegotiation of the package to take place. It would be our expectation in government that those negotiations with ConnectEast would be undertaken in good faith and in a commercial environment. It is scaremongering on the part of the Leader of the Government to raise unfounded fears in the Victorian community.

The Leader of the Government came in here this afternoon and moved this motion and then parroted 10 points copied from the other place which do not even support the contention of his motion. The motion has only two elements: one, that the package is unworkable, and two, that it would result in a cutting of services. In his 40-minute speech the Leader of the Government failed to make either point. The only conclusion you can draw from that is the government does not have the evidence, because it does not exist, to support that contention. If it did, it would not be debating it in this house, it would be out there in the media trying to make that point.

The fact is the package released by the Leader of the Opposition in the other place gives Victorians a clear choice in November 2006. It is a choice between the broken promise of the Bracks government and a Premier who went to the last election hand on heart saying the Scoresby would be built without tolls and then immediately after the election changed his mind and told the truth when he had failed to do so prior to the election, despite the existence of documents in the Department of Treasury and Finance that make it very clear the government was considering a tolling option prior to the 2002 election. The people of Victoria have a choice between that Premier and his tolling regime and this package announced by the Leader of the Opposition which will deliver commuters along the Scoresby freeway savings of \$700 per annum, as well as delivering \$127 million for Roads to Recovery in country and regional municipalities and \$29 million for metropolitan councils.

While the government may not like this, having visited local councils in the Scoresby corridor, both with and without the Leader of the Opposition, I can tell the house that they think this package is good. They will be happy to receive funding that they can devote to their

priority roads. Commuters in the corridor will be happy to have an option that will deliver relief from the tolling regime that has been announced by the government. The only people who are not happy about this are the members of the government, who have failed to make the case as to why this is a bad package. The reality is that if the government had evidence that the package was bad, it would have presented it in the debate today and to the media. It has failed on both counts.

The package announced by the Leader of the Opposition gives Victorians a real choice — a real option for real savings. I encourage Victorians to embrace this package, and I encourage the house to reject the motion moved by the Leader of the Government. I encourage people to get behind the package announced by the Leader of the Opposition.

**Hon. J. M. McQUILTEN** (Ballarat) — I would like to start by saying I think this debate is really about hypocrisy — the hypocrisy of the opposition on the issue of tolls. The Honourable Gordon Rich-Phillips said there is a choice. That is clear: there is a choice between a Premier, a cabinet and a government who are trying their best to do the right thing in the long-term interests of Victoria, and the opposition, whose leader, the member for Malvern in the other house, reacted by making a one-off statement on the run and then spent nearly a year trying to work out how he could get out of it. That is what has happened. The Leader of the Opposition in the other place, Mr Doyle, made a judgment on the run that this would be a good vote-pulling exercise in the eastern suburbs of Melbourne and then spent a year trying to justify it and research it. The Leader of the Opposition obviously had to check this out with the federal Treasurer, and it really did not go anywhere. We have ended up with this half-baked policy, which is just another example of the half-baked policies of the opposition.

I was very impressed with the contribution of my colleague Mr Hilton on polls. It came to me: the polls and the tolls. It is a matter of saying, 'Let's take down the tolls — that is \$30 billion — and now we will do the tolls, which is another number of billions'. This is airy-fairy land.

The real reason I stand here today is hypocrisy. We had the case of the Tullamarine Freeway. It really only affected the western suburbs, Bendigo, Swan Hill, Mildura and Ballarat. I am waiting for an interjection from someone on the other side asking, 'Why Ballarat?', but the members who might make that interjection are not here to do so. It was the way I would often go home, via the Calder Highway and Bacchus Marsh. It was a freeway, but under the

Kennett government it became a tollway. The former government also changed its name — and we have had a lot of discussions about changing names. It was the Tullamarine Freeway, and then part of it became CityLink.

We have heard rhetoric today from members of the other side about the change of name to EastLink et cetera, but that was what they did to the Tullamarine. It is hypocritical for them to criticise the name change. The Tullamarine was a freeway and it became a tollway, so the then government changed its name. The Liberal MPs in the eastern suburbs area did not care about the impact on either the western suburbs of Melbourne or on Bendigo, Ballarat, Mildura and Echuca. They did not care because it was on the other side of the city. They saw no problem with the strong opposition from the western suburbs of Melbourne to that freeway becoming a tollway. Liberal MPs were quiet. Now we see crocodile tears from the opposition. They say 'We were promised this, and we did not get it'.

I turn to the Honourable Bruce Atkinson's contribution. He is a good presenter in this place — a good speaker — but sometimes he speaks untruths. I listened to his entire speech — and I would say he might come into the chamber at any second. He said nothing is being done for country Victoria, that country Victoria has been neglected. I will give an example of what has happened in one country town, Maryborough. Here is the Honourable Bruce Atkinson! I knew he would come back.

**An honourable member** — He was listening.

**Hon. J. M. McQUILTEN** — He was obviously listening. We often talk about schools, hospitals and police stations, so let me tell you what has happened in Maryborough. We are undertaking a nearly \$30 million redevelopment of all the state schools in Maryborough — all of them! — which I believe members of the opposition support. We will have students in the special school in November and the two primary schools will be moving in in late January. The whole of the secondary part of the complex will be built and they will be moving in in 2007. That is \$30 million.

Let us talk about hospitals in just one country town. We have an \$18 million redevelopment of the Maryborough hospital in two stages. We have opened the first and are doing the second. We have redeveloped the Avoca hospital, which is part of that health network, at a cost of \$3.5 million. They wanted to close the Dunolly hospital — they desperately wanted to do that. That is \$1.5 million. We have built a brand new police

station for \$5 million in Maryborough. If you add it up, it is \$50 million in one town. The Honourable Bruce Atkinson said we are not doing anything. There is a whole lot going on in one country town in Victoria which the opposition does not know about.

**Hon. B. N. Atkinson** interjected.

**Hon. J. M. McQUILTEN** — I take up that interjection on maintenance projects. We are closing down all the old schools and building new ones which do not need that much maintenance.

The Honourable Peter Hall talked about a lack of policy. There is no lack of policy in this government. Over the next three to six months there will be some major statements on water, regional development, alternative energy supplies and a number of other issues we are working on. It is the work in progress. We are not going to blow it all in here today. This government is working on trying to be the best in Australia and lead on a number of issues including water, alternative energies and the use of technologies and resources. We are not going to say it all today. There is a lot happening. The opposition does not really understand country Victoria when it says these things. Its members are based in Melbourne and do not really understand.

I would like to talk about the contribution of Mr Vogels and his country road con. People in the Liberal Party clearly worked out that if they spent all this money on EastLink in trying to have some temporary solution, the rest of country Victoria was going to get really angry at them. Someone said they should work up a package of things that could be offered to the councils of country Victoria which are all after roads and bridges. It is policy on the run.

**Hon. J. A. Vogels** — We have had it for two years.

**Hon. J. M. McQUILTEN** — It took opposition members nearly a year to work out that their tolls policy was stuffed. It is incredible that they were smart enough to work out that country Victoria would crucify them because of their commitment to EastLink so they had to work out a way to make them come on board. They plucked it out of the blue or out of their back pocket — a few hundred million for country roads. The lack of foresight and vision is beyond belief.

**Hon. B. N. Atkinson** — Don't you support funds for country roads?

**Hon. J. M. McQUILTEN** — I will respond through the Chair. I support the need for more funding for country bridges and roads. It is a matter of who pays for it. We have gone through an extensive consultation

program between the federal, state and local governments in trying to work out who is going to pay for which road. It was very confusing historically. In the last 100 years of government they had not really worked out which roads were the responsibility of which level of government. We went through that and it has been a painful exercise. Within cabinet that would have caused some pain. That has now been successful and we have carved off roads which are the responsibility of the federal government. Mind you, it kept knocking them back. It had responsibility for the Calder Highway and Deer Park bypass and it reneged. The federal government has been playing politics with road funding. How important is the Calder Highway? It did not want to do it. It said it might hang on to Corangamite if it announced the Geelong bypass. All of a sudden \$330 million was available for that bypass. What about the Deer Park bypass? It worked out it could not win Ballarat so that bypass was dumped. All of a sudden it is saying that might not have been right and last weekend Peter Costello — better late than never — came on board and now it is going to fund the Deer Park bypass. We still do not know what the response is to the Calder Highway, but I am assuming Peter Costello may eventually come on board with that. The federal government is playing politics with important roads in Victoria and that is what members opposite decided to do. They overplayed their hand on EastLink and that will affect country Victoria's reaction. They needed a sweetener, and they plucked one out of the air. I am waiting for the day when Treasurer Brumby and Premier Bracks come out with all the policies they have promised. Members opposite will be staggered.

**Hon. W. A. LOVELL** (North Eastern) — I rise to oppose the motion moved by the Leader of the Government, but I welcome the opportunity to speak to this motion because we can remind people the only reason we are here speaking about it is that of the broken promise of the Bracks Labor government. It told the people of the Scoresby corridor it would build a freeway. It went into an election and capitalised on that lie.

It then broke that promise and said, 'We will build a tollway'. That is the only reason we are here debating this motion. If it were not for that lie told by the Bracks government at the last state election, we would not be here tonight debating this motion. I am also delighted to speak to this motion, because it gives me the opportunity to speak about the Liberals' policy 'Plan for better and safer roads for Victoria'. Certainly the area of country Victoria I represent will be a major winner under this Liberal Party policy.

Country councils will receive an additional \$127 million of funding for country roads and bridges. This is money that will be spent on local roads and bridges in country Victoria. The Liberal Party plan for better and safer roads for Victoria will not only provide the extra funds that local councils need for roads and bridges in country Victoria, it will also provide them with welcome relief, because many of our local councils struggle to keep their infrastructure in good condition due to a lack of funding from the Bracks government. I say this because the commonwealth government has for some years now provided funding to local councils for road and bridge repairs through the Roads to Recovery program, but the Bracks government has failed to provide any funding to improve our local roads in country Victoria.

The failure of the Bracks government to assist local governments with funding for local roads has contributed to the deterioration of many of our local roads. It is placing lives at risk in country Victoria. However, a future Victorian Liberal government will match the current level of funding provided by the commonwealth through the Roads to Recovery program. That will be welcome relief for councils in country Victoria that need to upgrade their roads. But all councils — not just country councils, but also metropolitan councils — in Victoria will benefit from this Liberal Party policy. A greater share of the money will be spent in country Victoria: \$127 million will be going to country Victorian councils and a further \$29 million will be allocated to metropolitan councils.

I would like to talk about some of the local councils in northern Victoria, which is the area I represent. I want to let members in the chamber know how much money will be spent on local roads under this policy in my region of country Victoria: Campaspe Shire Council will receive almost \$4.5 million; Buloke Shire Council will receive over \$2 million; Gannawarra Shire Council will receive over \$2 million; Macedon Ranges Shire Council will receive over \$2 150 000; Strathbogie Shire Council will receive over \$2 224 000; Wangaratta Rural City Council will receive over \$2 389 000; Yarriambiack Shire Council will receive over \$2 212 000; Greater Bendigo City Council will receive over \$3 million, as will Greater Shepparton City Council; Loddon Shire Council will receive over \$3 663 000; Mildura Rural City Council will receive over \$3 842 000 — that is nearly \$4 million; Moira Shire Council will receive over \$3.5 million; Alpine Shire Council will receive nearly \$1.3 million; Benalla Rural City Council will receive over \$1.5 million; Central Goldfields Shire Council will receive over \$1 372 000; Mansfield Shire Council will receive over \$1 million; Mitchell Shire Council will receive over

\$1.8 million; and the list of shire councils in country Victoria goes on.

**Hon. J. A. Vogels** — It is untied actually.

**Hon. W. A. LOVELL** — As my colleague the Honourable John Vogels reminds me, the funding is untied. It will be able to be spent on the roads that country communities consider their most important priority.

This policy released by the Liberal government is unprecedented. No state government has ever provided funding directly to local councils to be spent on local roads before. As I have already said, under this Liberal policy the decision about which roads and bridges are to take precedence will be left to local councils. This will enable the decisions about which roads and bridges are to benefit from funding to be made by local people. They are the people who travel on these roads and bridges every day.

By recognising that country communities are in the best position to make decisions about their local infrastructure, the Liberal Party will be returning the power back to Victorian country communities to make decisions about their own local infrastructure and providing them with the funding they need for that infrastructure to provide better and safer roads for all Victorians.

**Mr SOMYUREK** (Eumemmerring) — It is a pleasure to say a few words in support of the motion. I will not take too much time of the house because my colleagues have eloquently articulated what a half-baked policy this has been. I am a person who does not like using clichés, but in this case you have to admit that this is half baked. What possessed the Leader of the Opposition in the other place, Mr Doyle, to go out there some 350 days ago and promise to reverse the tolls? Everyone knew that it was not doable unless you took an axe to key services of this state.

I can understand why he made the promise — it was political desperation, wanting to reach out and grab the electorate because he was not travelling too well. One can understand him wanting to reach out to the electorate. It did resonate, but what I do not excuse him for is that he managed to galvanise a lot of people under false pretences and in the end he could not deliver. He should have known that from the start. We understand he was desperate, but he was over exuberant.

I also believe there was a component of foot-in-mouth syndrome during the last federal election. A couple of federal members made policy on the run which became expensive electorally for the ALP. This is also a gaffe

by the Leader of the Opposition in the other place. Opposition members during this debate have fought hard for their leader, but the bottom line is that no matter how talented and how good an operator you are, as are Mr Forwood and Mr Atkinson, you cannot defend the indefensible. I am sure these people in their private moments will concede that it was a big gaffe and it electorally turned a positive for the Liberal Party into a huge negative.

**Hon. J. A. Vogels** — Let us wait and see what happens in 13 months time.

**Mr SOMYUREK** — You are right, Mr Vogels, but the people will be the judge of that. I believe people will feel let down by the Liberal Party leader. After all, he raised their expectations. Even I thought that he must pull a rabbit out of his hat, but that rabbit never eventuated. I was relieved at the end of the day because he will only cut \$793 million in services. I feared that it might have been worse. He has done half a backflip and is not proposing to cut more services. In that respect I congratulate him. If he had gone further than that we would have a return to the long and hard days of the Kennett government, so let us hope the Liberal Party under stress does not revert to type and bring down the axe on some key services.

I also feel sorry for the numerous state members of Parliament who tabled petitions on behalf of their constituents calling on the government to reverse its decision to impose tolls. One MP in our party said that there would not be tolls, but that was one MP. On 28 August 2003 the Leader of the Opposition, Mr Doyle, tabled a petition with 19 504 signatures and on 29 October 2003, 1279 signatures. On 16 September 2003 the member to Scoresby tabled 98 signatures. These are all senior people. On 9 August 2005 the member for Warrandyte tabled 10 signatures. On 22 March 2005 the member for Mornington tabled 229 signatures; on 7 October 2004, 10 signatures; on 24 August 2005, 20 signatures — —

**Hon. David Koch** — The ballot box will tell you that.

**Mr SOMYUREK** — Mr Koch is right, the ballot box will ultimately be the judge. In some respects it is a waste of time, but it is prudent to go through this. On 1 June 2004 the member for Mornington tabled a petition with 267 signatures; on 27 May 2004, 327 signatures, and on it goes. The member for Mornington tabled many petitions regarding the Scoresby freeway. The opposition has a point that there had been too many changes on the naming of the freeway.

At the last federal election much was made about the swing regarding the Scoresby. While the Scoresby had traction in the electorate, that traction was overstated. Federal seats in the south-eastern region such as Isaacs, Holt and Bruce suffered large swings. There was a 6 per cent swing in Holt, a 7 per cent swing in Isaacs and about a 6 per cent in Bruce. Aston also suffered a big swing of about 8 or 9 per cent. It appeared that EastLink was a major issue based on those facts. That theory breaks down when you assess the state as a whole. When you look at other safe Labor seats such as Maribyrnong and Caldwell, which both went back about 7 per cent, Scullin, which went back about 6 per cent, Wills, which went back about 5.5 to 6 per cent, and Lalor, which went back about 6 per cent, notwithstanding the competent member there.

**Hon. J. A. Vogels** interjected.

**Mr SOMYUREK** — She is doing okay. You can see from that that once you look at the bigger picture the Scoresby issue has been overstated in the electorate. Other issues like interest rates — —

**Hon. J. A. Vogels** — Your leader.

**Mr SOMYUREK** — That was an obstruction, not the main cause of our decimation at the last federal election, but the leader played an important role too. Mark Latham made a bit of policy on the run of his own, and I think history has demonstrated that that has been very unhelpful to the ALP cause electorally. Mark Latham's Iraq issue — there we go — was policy on the run. He said he would bring the troops home by Christmas. This is like Robert Doyle's no tolls. It is policy on the run here, policy on the run there.

I am not suggesting that in six months time Mr Doyle will be sitting at home writing his diaries, but I have to tell you the prognosis does not look very good for Mr Doyle. With that, I would like to say that I support this motion.

**Sitting suspended 6.27 p.m. until 8.02 p.m.**

**Hon. DAVID KOCH** (Western) — I look forward to making a very short contribution to the debate this evening. Certainly from the beginning I want to leave the house in absolutely no doubt that I totally oppose the motion before the Chair. I think the reality of this motion is that it concerns what was probably the lie of the century. The government of the day certainly has nothing to be proud of in the way it misled the community in the eastern parts of Melbourne in relation to the new freeway which was proposed and which has become a tollway.

Not only was it the lie of the century in what it did to constituents in the eastern metropolitan area but it was the first time that a contract of that magnitude between a state government and the federal government had been broken. That demonstrates that this government cannot be trusted — when it goes to an election with a platform and a promise of one thing and within six months turns that around and misleads not only the community in the eastern suburbs of Melbourne but also Labor members who were successful in gaining some of those seats. It is a sad day when a government has to lie to gain the numbers to continue to govern in Victoria, and I have little doubt that there will be some retribution at the ballot box come November 2006.

In saying that I think, importantly, the policy put forward by the opposition will give assistance and some relief to not only affected communities in the eastern suburbs but also to rural communities. As we all know, the rural roads funding in our proposal will go some way to continuing the fixing of country roads, an issue which has caused heartache in regional Victoria for many years and most particularly in the last five years. We have seen repeated cost shifting by the state government whenever federal funding for country roads has been increased. What came in from the federal government was removed by the state. Local councils have mostly maintained similar amounts in road funding and grants, but in actual fact these grants should have been massively increased over the last five years to give country municipalities some assistance in putting their road and bridge networks back together.

There is little doubt that local councils, especially across regional Victoria, have perceived our policy as very good news. Not only have they seen it as very good news — as have their ratepayers, who after the last five years require some relief — but it has had very good support from the Municipal Association of Victoria and also the Victorian Farmers Federation. I think Cr Geoff Lake and fellows like Simon Ramsay are certainly very credible people. They did not view lightly what we put forward as a policy position, and they certainly recognise the need to provide what is so heavily demanded in regional Victoria. They, like us and local government, continue to be concerned about the ongoing cost shifting that is occurring on a monthly basis.

Members on the government side of the house have failed to recognise just how unfortunate some municipalities in regional Victoria are. I say 'unfortunate' in the nicest sense, in the financial sense, because even with what we would regard as serious rate increases these municipalities really do not improve their operating budgets to a great degree. In many small

municipalities a 1 per cent rate rise translates to a sum of far less than \$100 000. Bearing in mind the cost of equipment and the cost of restoring, repairing, sheeting and sealing roads, \$100 000 does not go very far. As a previous councillor in two small municipalities I can assure the house that we were always grappling with the problem of what was going to happen with our road networks and where our state funding and grants were going to lead.

The federal government's Roads to Recovery funding over the last three years has been received very well. It has given some opportunity for regional Victoria to come to grips with attending to some of those roads that regrettably have not had any maintenance for quite some time, but it is not enough. I think we could double or treble it and still it would not be enough. That is the difficulty that some of these people face.

Like many other members I have been out in my electorate and have seen some of the causes of these concerns. I must say that most of us on this side of the house reflect on that. Of all the members on the other side of the house who made contributions, only Mr McQuilten had any idea what was going on outside the metropolitan area. But he preferred to lock himself up in Maryborough, so I am not sure if he drives with his eyes closed and the lights out. I thought he might reflect on the concerns of the municipalities that he looks after in Ballarat Province, but that did not come through in his contribution. I must admit that it was a very good contribution.

I think if members on the other side were vigilant about what is going on in regional Victoria, they would have picked up what we found in the *Weekly Times* last week. We see residents over at Bealiba in central Victorian area standing by a bridge. Residents had over many years requested support for the bridge over Cochran's Creek to be maintained and upgraded to carry extra weight. I am very happy to include in *Hansard* a little of what was in the press about the concerns of residents and farmers in the district in trying to get something done about the bridges. The article says:

Residents of Bealiba in central Victoria have been told to pay \$20 000 if they want a local bridge repaired.

The Central Goldfields Shire has told residents who rely on the Logan Road bridge that it would not be upgraded unless they paid for it.

In 2002 the council limited loads on the bridge to 20 tonnes, much to the dismay of transport operators and residents.

...

But mayor Geoff Lovett said the council simply didn't have the money to ensure its 174 bridges did not require load limits.

...

Municipal Association of Victoria president Geoff Lake said the condition of the Logan Road bridge was symptomatic of shires' incapacity to maintain ageing infrastructure.

'The situation is only going to exacerbate', he said.

'There will be a handful of councils on the verge of insolvency if there is no response from governments'.

I think this truly reflects some of the concerns in regional Victoria. As has been expressed today, we are making funding of \$156 million available to all municipalities statewide over two and a half years to go towards their local roads and bridges and that type of infrastructure. These funds will be made available untied. It will be at the discretion of the municipalities that receive the funds to do what they believe best in relation to promoting and growing the opportunity for their ratepayers. Not only will the money be untied, but we will not be looking for any commitment from local government in relation to it. It will be handed directly to local councils at their discretion to do the best they can for their ratepayers in upgrading these roads and bridges. That can be seen in this small municipality of Central Goldfields. You can imagine the battle these people have in front of them with 174 bridges, which are not only expensive to maintain and improve but are so difficult to replace. That would certainly cause many councils much grief, as they would have to do a staged works program to bring the infrastructure into order.

To give the house some idea of the benefits to councils in Western Province — my colleague John Vogels and I share 14 municipalities in full and in part — I am very happy to provide some indication of the amounts of money that will be allocated. For instance, Ararat Rural City Council will be the recipient over two and a half years of \$2 460 000. Colac-Otway will receive \$2.7 million. Corangamite has a real problem with its roads, as members can imagine would be the case in a dairying area with a high rainfall and many B-double milk tankers moving around. It is going to be the recipient of \$3.5 million, which is well overdue. Glenelg, right down in the south-west — another council in a high rainfall area that has lot of heavy trucks moving around in the timber, dairying and livestock industries — is going to be the recipient of the same amount, \$3.5 million. Golden Plains, with one of the highest growth rates among rural municipalities, will be the recipient of \$2.1 million.

Hindmarsh, up in the Wimmera, a council in a very strong grain growing area with lots of heavy loads of

grain moving around, will be the recipient of \$1.7 million. Horsham Rural City Council will get \$2.1 million. Further south, Moyne will be the recipient of \$4.1 million. What a fantastic opportunity that will offer Moyne to get some of its roads back into shape. Northern Grampians will get \$2.7 million and Pyrenees, \$2.2 million. Southern Grampians, another shire that experiences high rainfall incidence and a large municipality with many roads that need attending to, will receive \$3.4 million. Surf Coast on the Great Ocean Road and up into that higher country will receive \$1.4 million. Warrnambool city, obviously, would not receive the sort of opportunity those rural municipalities will receive, but it will still benefit by receiving \$650 000.

West Wimmera, right down on the South Australian border, which has a huge road network and small communities in a large municipality and which always has a battle to keep its roads together, will get \$2.5 million. What a great opportunity that will offer it. Yarriambiack, which is based on Warracknabeal, will receive \$2.2 million. Overall \$37 million will go into Western Province over that period of time, which will be of great benefit to them all out there.

As I opened, I shall finish: I think the policy we are putting forward offers many opportunities that were earlier promised and then denied. In saying that, as a rural representative in the house, I believe we have recognised a great need that the Bracks government has no interest in acknowledging, and I think that is a shame. I believe it will be reflected in the ballot box in 2006, and again I would urge everyone when the vote comes this evening to oppose the motion that was put here earlier today by the Leader of the Government.

**Hon. PHILIP DAVIS** (Gippsland) — I rise to oppose the motion before the Chair, but I remind the house as to what that motion is. It says:

That this house rejects the Leader of the Opposition's half-toll plan for the EastLink project as unworkable and a policy that would result in government services being cut across the state.

I listened carefully to all of the contributions of government members during the course of this debate, and I had anticipated that I would hear a forensic examination and critique of the opposition's policy. What I heard, even from the Leader of the Government in this place, was, candidly, a pathetic contribution which presented no case to support the motion before the house.

**Mr Lenders** — Read *Hansard* tomorrow.

**Hon. PHILIP DAVIS** — Thank you for the interjection, Leader of the Government, but I read *Hansard* from the Assembly last sitting week, and I found that exactly the same speech had been made by a member in that place. I have to say that plagiarism is not banned under our standing orders, but you, Minister, should hang your head in shame for bringing this motion before this house — —

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! Through the Chair, Mr Davis.

**Hon. PHILIP DAVIS** — And not producing one skerrick of evidence to support it. But more critically, you were unable to write your own speech, and I think it is a shame that a minister of the Crown should be so damn lazy. I think it is quite clear — —

**Hon. T. C. Theophanous** — That is unparliamentary language.

**Hon. PHILIP DAVIS** — It may be unparliamentary, but it may also be accurate.

I will make some points very specifically.

**Hon. T. C. Theophanous** — On a point of order, Acting President, I believe the language the honourable member used was unparliamentary, and I ask you to ask him to withdraw the words.

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! There is no point of order. The Leader of the Opposition, to continue.

**Hon. PHILIP DAVIS** — I note that the Leader of the Government made the point that it took the opposition some deliberation to come to a point of announcing its position on road funding Victoria. I remind the house that it has now been 2223 days since the government was elected in 1999 and it has still not delivered on fast rail. I further make the point that it is 1064 days since the government was re-elected in 2002 on the basis of a promise to deliver reticulated gas to country Victoria. Aside from connecting a bakery and a hotel, that promise is as yet unfulfilled. I think it is a disgrace that the Minister for Finance could not come in here and actually tell the house why it should support this motion.

The opposition policy as released by the Leader of the Opposition in the other place has three principal points: one is a commitment to halve Labor's tolls on the Scoresby tollway; the second is to fix country roads; and the third is to eliminate Labor's waste and mismanagement. All of that information in support of that policy is set out in detail in the policy released by

the Leader of the Opposition. I make the point that the government has had many weeks and thousands of bureaucrats to examine this policy but has come into this place with not one single argument to demonstrate that the opposition cannot deliver its commitment.

The opposition has identified specifically that over the period of its policy commitment there will be total savings of \$584 million, which will be a contribution to the policy initiatives in country and metropolitan Victoria. Further, I listened with great interest to many members of the government trying to make the point that tolls could not be removed. I would have thought even the Minister for Finance would have read the concession deed and known that clause 37 of that deed provides the capacity for the government — providing there is appropriate compensation — to deal with lowering tolls for customers. So the case that the minister has laid out is in my view — —

**Mr Lenders** interjected.

**Hon. PHILIP DAVIS** — I have read all of the documents and the advice supports the position that the opposition has put. In respect to tolls let us be clear: the state government of Victoria — that is, the Bracks Labor government — went to the election in 2002 with a lie in its policy. It is the only party that has actually told a lie to get itself elected in this state.

In 1991 the then Leader of the Opposition in this place and shadow Minister for Major Projects, the Honourable Mark Birrell, set out very clearly that a coalition government would make a decision to adjoin Melbourne's major freeways beginning with a project to join the South Eastern and the West Gate freeways with the construction and funding by the private sector of an underground tunnel beneath the Domain. In other words, the shadow Minister for Major Projects set out in his policy release a vision for a capital city which said that there would be a private sector partnership which would enable that project to proceed and that tolls would be part of the deal.

I note that as CityLink was being developed Peter Batchelor, the then shadow Minister for Public Transport, made a strong point about tolling, saying that the Labor Party was totally opposed to the imposition of tolls. In fact a press release of Sunday, 28 May 1995, is interesting because it says 'Opposition warns against tolls'. What is more relevant and more interesting, however, is that the state government of Victoria through Peter Batchelor, the Minister for Transport in the other place, did sign off on an agreement with the commonwealth for funding the Scoresby transport corridor. He signed this document on 5 October 2001

and pledged that the government of Victoria would undertake to ensure that users of the Scoresby freeway would not be required to pay a direct toll. I ask you if that is not a lie. It is gross deceit. The Labor Party, Steve Bracks, Peter Batchelor and all of the ministers in this place, have walked away from that commitment.

**Mr Pullen** interjected.

**Hon. PHILIP DAVIS** — I hear the member's interjection and remind the member that the government's policy *Linking Victoria* says:

Federal funding for the Scoresby component has been secured by the Bracks government on a fifty-fifty basis as a result of a memorandum of understanding signed in October 2001.

That is the memorandum of understanding I just referred to — —

**Mr Pullen** — You are not answering the interjection!

**Hon. PHILIP DAVIS** — Thank you very much, Mr Pullen, but I will make my own contribution. I remind members that candidates all across Victoria were putting out lies through the 2002 election, including this statement from Steve Bracks and Pollyanne Williams, the candidate for Scoresby. It states:

There will be no tolls on the freeway under a Bracks Labor government.

What do people think now? They think that members on that side of the chamber are flat out liars — and that is what they are. They have absolutely no integrity on this issue. Steve Bracks personally signed a letter to voters and said in the context of the election campaign in 2002:

And Labor will build the Scoresby freeway on time and on budget.

These are not just election time promises. They are my firm commitments to you and your family, and they will be honoured.

How much honour does Steve Bracks have today? I put it to the house that Steve Bracks has lost all of his honour. Why? Because on 14 April 2003 he put out a press release headed 'Mitcham-Frankston freeway must be tolled'. Why must it be tolled? Because Steve Bracks could not do his arithmetic. People on the other side like to think that he made a mistake, but the Premier made no mistake. The opposition has demonstrated that before the 2002 election — in 2001 — cabinet was considering tolling options for the freeway.

**Mr Pullen** — That is garbage!

**Hon. PHILIP DAVIS** — Mr Pullen says that is garbage.

**Mr Pullen** — You know it is.

**Hon. PHILIP DAVIS** — Why is it that that evidence has been put forward and not rebutted? An editorial in the *Herald Sun* of 15 April 2003 headed 'Labor dumps a promise' states:

But Victorians are now justified in asking: what other Labor promises can we believe?

I would put it to the house that you cannot believe anything that Labor says. Labor has discredited itself. I do not intend to spend the entire limited time I have on rebuttal of this pathetic case that the government has put during today's debate. I want to conclude by saying that the Liberal policy, which was released by the Leader of the Opposition in the other place, has three prongs. One is to reduce waste and the funds have been identified. The Minister for Finance has been incapable of demonstrating that the opposition's analysis is flawed — in other words, he accepts that those savings can be found. He has led no evidence and neither has the Treasurer found any reason to deflate any of the analysis that the opposition has done on achievable savings; those savings will be redirected into removing the shame that Steve Bracks and his government have brought on Victoria by imposing tolls after making a commitment that they would not be imposed.

The opposition's plan is a good one. For six or seven years the Liberal Party has been looking at the issue of funding local roads. It has been a growing problem for many rural municipalities, and as a result of the proposal promoted particularly by a former member in this place, the Honourable Dick de Fegely, strongly advocating as he was for local road funding in western Victoria, the opposition in 2002 went to the election with a policy to fund local bridges. Obviously we have re-looked at that policy and our firm view is, as reflected in the policy announcement that the opposition has released, that we will in future fund directly, for the first time, local government in Victoria on a similar basis to the commonwealth's Roads to Recovery funding arrangements. Those are excellent arrangements that have worked very well for local government.

In particular, the second round of Roads to Recovery funding arrangements has been very effective, because the formula has been adjusted to ensure that rural councils that have a constrained rate base are able to get significant support from the commonwealth and are

slowly dealing with their road funding problems. The additional funding from the Victorian government beyond 2006, when a Liberal Party government is in place, will ensure that that good work by the commonwealth is enhanced, because the funds that are being allocated by the opposition are unmatched. Local councils will not have to match those funds; they will simply be able to disburse them to road projects of the highest priority for each of those councils as is appropriate.

In conclusion, I make this point: the government came into this place today to advise Victorians why the opposition's policy could not be implemented. Not one member of the government, including the Leader of the Government, made any case about the capacity of that commitment to be delivered.

**Hon. T. C. Theophanous** — No, we came in to expose your lies.

**Hon. PHILIP DAVIS** — The minister, by interjection, talks about lies. The only liars in here are on the government side of the house, and it includes you, Mr Theophanous!

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! The member's time has expired.

**Hon. T. C. Theophanous** — On a point of order, Acting President, I believe the rulings that have been made in the past are that under standing orders you are not allowed in this place to call another member a liar. The Leader of the Opposition has clearly flouted that ruling, and I ask that you ask him to withdraw.

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! The remarks were directed to the minister, and I ask the Leader of the Opposition to withdraw.

**Hon. Philip Davis** — Acting President, I make the point that I was responding to the minister saying these words — —

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! Mr Davis would be well aware that he cannot debate a point of order when I have asked him to withdraw. I ask the member to withdraw without qualification.

**Hon. Philip Davis** — I withdraw. However, on a point of order, Acting President — —

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! Mr Davis has withdrawn, and that is

what I asked him to do. I did not ask the member to continue with debate on the point of order.

**Hon. Philip Davis** — I was taking a point of order and making the point that although I have shown the Chair courtesy and withdrawn as requested — —

**Hon. R. G. Mitchell** — No you didn't, you debated it.

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! Mr Mitchell!

**Hon. Philip Davis** — The minister made an accusation that the opposition was lying. In fact his words were, 'I am here to expose your lies'. I take offence at that. If I am courteous enough to withdraw any accusation of lying to the Minister for Energy Industries, I think it is appropriate that he be instructed to similarly withdraw the inference in regard to me.

**Hon. T. C. Theophanous** — On the point of order, Acting President, I know that there are subtle issues in rulings in relation to this vexed question of whether someone is called a liar or not in this. I will leave the question of who is a liar and who is not up to other people. However, on this occasion I did not refer to the honourable member opposite as a liar. Therefore, there is no point of order.

**The ACTING PRESIDENT (Hon. J. G. Hilton)** — Order! I am advised that words used collectively do not have the same impact as words used against an individual. Therefore, I do not uphold the point of order raised by the Leader of the Opposition.

**Mr LENDERS (Minister for Finance)** — I will be brief in my response. The simple proposition put by the government today is:

That this house rejects the Leader of the Opposition's half-toll plan for the EastLink project as unworkable and a policy that would result in government services being cut across the state.

It is a simple proposition, and one I think speakers on this side clearly articulated. On the issue of whether it is a half-baked plan, the answer is it is. It is a half-baked plan because it was poorly thought out. It took 336 days for it to come forward, and when it did not only was it a backflip but it exposed the state of Victoria to the sort of savage cuts applied by the previous government, of which members opposite were a part. All I can say is when members of the Liberal Party talk blindly of simple savings to fund their wacky plan they should reflect firstly on what these cuts in services will do to regional Victoria and secondly on the services they badly affected last time and the people they burned, like

the Grey Sisters in the early days of the Kennett government when they thought cuts were easy. It is a simple proposition. Members on this side have clearly articulated 10 points as to why this is not a good idea. I invite the house to support the motion that this is half-baked and wacky. As my colleague the Minister for Planning in the other place would say, it comes out of la-la land.

I can understand why the Leader of the Opposition is so defensive on this — he delivered Robert Doyle to the leadership of the Liberal Party. He is accountable but very few members opposite have been prepared to defend the decision of their leader. I remain firm in my contention that after they change leader following the Commonwealth Games in March they will ditch this wacky policy.

**House divided on motion:**

*Ayes, 26*

Argondizzo, Ms	Lenders, Mr
Baxter, Mr	McQuilten, Mr
Bishop, Mr	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr ( <i>Teller</i> )
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr	Scheffer, Mr ( <i>Teller</i> )
Eren, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Hilton, Mr	Theophanous, Mr
Hirsh, Ms	Thomson, Ms
Jennings, Mr	Viney, Mr

*Noes, 15*

Atkinson, Mr	Hadden, Ms
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr ( <i>Teller</i> )
Davis, Mr P. R.	Vogels, Mr ( <i>Teller</i> )
Forwood, Mr	

**Motion agreed to.**

**VETERANS BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).**

**PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).**

**FIREARMS (FURTHER AMENDMENT) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).**

**DEFAMATION BILL**

*Second reading*

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

**Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

**Introduction**

The Defamation Bill represents a historic milestone for defamation law in Victoria. Currently, defamation law in Victoria is partly governed by the Wrongs Act but mainly governed by the common law. While the provisions in the Wrongs Act mainly relate to criminal defamation certain obsolete civil defamation provisions in that act will be repealed. Following the enactment of this bill Victoria will have, for the first time, a new self-contained act which consolidates and simplifies the substantive law of civil defamation, while providing for the continued development of the common law in this area.

The Defamation Bill is based on model defamation provisions that were developed nationally through the Standing Committee of Attorneys-General (SCAG). This followed extensive consultation with legal practitioners, media groups, journalist associations, free speech groups, academics and members of the judiciary in all jurisdictions over a two-year period. Uniformity in defamation law has been an elusive goal for over 20 years. This will no longer be the case from 1 January 2006, when the model defamation provisions are enacted by states and territories, ensuring that

for the first time defamation law is uniform across the country. Further, these model provisions will be underpinned by an intergovernmental agreement which will ensure the ongoing uniformity of the provisions.

The development of model defamation provisions reflected in the Defamation Bill has been driven by the rapid growth of technology, particularly in the world of media, cross-border communications and the advent of the Internet. With this explosion in technological development there has been a related need for greater uniformity in regulation across jurisdictions. The model defamation provisions also seek to reduce the current complexity and attendant costs involved with cross-border litigation and to discourage 'forum shopping' by both defendants and plaintiffs.

### **Key features of the bill**

It is important to note the Defamation Bill is not intended to completely replace or codify the common law in relation to civil defamation in Victoria or in any other jurisdiction. In developing the model defamation provisions, state and territory attorneys-general have sought to focus on the substantive areas of defamation law where uniformity is crucial. The Defamation Bill will continue to allow the common law to operate except to the extent that the bill expressly or by necessary implication provides otherwise.

The Defamation Bill also does not deal with the law of criminal defamation. Given the rarity of criminal defamation actions in states and territories, the reform of criminal defamation is a matter left to the discretion of each jurisdiction. However, it is anticipated that the law of criminal defamation in Victoria will also be reviewed in light of the optional model criminal defamation provisions that have been developed by the joint state and territory Parliamentary Counsels Committee.

The key features of the Defamation Bill are as follows:

### ***General principles in defamation***

#### *Cause of action in defamation*

For the purposes of considerably simplifying actions in defamation, the Defamation Bill abolishes the traditional distinction between an action in libel and an action in slander. While the Defamation Bill does not seek to define the term 'defamation' and operates by reference to the common law, it provides that a person has a single cause of action for defamation in relation to the publication of defamatory matter, regardless of whether it has one or more defamatory imputations carried in it. Accordingly, a plaintiff will no longer have to prove 'special damages' or actual loss, where the defamatory matter is in a transient form (i.e., slander).

#### *Ability of corporations to sue for defamation*

The Defamation Bill amends the common law in Victoria by prohibiting corporate entities from suing for defamation. This is consistent with the legal position currently operating in NSW and is aimed at re-focusing defamation law towards restoring the reputation of individuals. Further, the amendment addresses in part a worrying trend of well-resourced corporations misusing their economic power by initiating defamation actions to silence public debate or criticism.

However, the government recognises that certain corporate entities should be able to sue for defamation, particularly those that do not necessarily possess the resources that larger companies can call on to protect their business reputations. Accordingly, the Defamation Bill allows 'not for profit' companies and small businesses to sue for defamation. The bill focuses on protecting genuine small businesses particularly where there is likely to be a strong connection between the identity of the individual(s) and that of the company. As a result, an exempt corporation is determined by whether or not it employs fewer than the full-time equivalent of 10 persons and also by ensuring that the corporation is not related to another corporation. The 'related corporation' element borrows from the same concept which exists under the Commonwealth Corporations Act 2001. This bill continues to preserve the common-law prohibition on the ability of central or local government agencies to bring defamation actions.

### ***Resolution of civil disputes without litigation***

#### *Offer of amends process and apologies*

The Defamation Bill seeks to encourage alternative dispute resolution by establishing a voluntary offer of amends settlement process between a publisher and an aggrieved person. While this process is designed to aid in the speedy resolution of defamation complaints, parties remain free to utilise other settlement processes that already exist under legislation governing civil procedure and the rules of the courts. If an aggrieved person has accepted an offer of amends by a publisher, then in the event of a dispute either party is allowed to apply to the relevant court for a determination of those terms and enforce compliance.

Under the bill, an apology does not constitute an admission of fault or liability and evidence of an apology made by or on behalf of a person is not admissible in any civil proceedings as evidence of the fault or liability of that person. These measures are designed at getting to the heart of a defamation action, which is the prompt resolution and restoration of the damage caused to a person's reputation, as opposed to fostering a long, drawn-out and costly dispute.

### ***Litigation of civil disputes***

#### *Judges and juries in civil proceedings*

The Defamation Bill allows either a plaintiff or defendant to choose whether proceedings ought to be determined by judge alone or by judge and jury, unless a court orders otherwise. The bill reflects the generally accepted view that juries have a role in defamation proceedings, as they are selected from a cross-section of the community and are more likely than a judge to be in touch with the feelings and language of the ordinary person.

The Defamation Bill does, however, alter the position in Victoria by delineating the role of the judge and the jury in defamation proceedings. The key change in this respect is that while a jury will determine whether the defendant has published a defamatory matter and, if so, whether any defence has been established, the determination of the award of damages and any related question is solely a matter for the judge.

*Defences*

The overarching principle that underlies the availability of defences under the Defamation Bill is that these are additional to defences or other exclusions of liability that already exist under legislation or the common law and are not intended to supersede or limit the operation of those defences or exclusions of liability in any way. However, the provisions do signal important policy changes for certain jurisdictions.

The first change is the national adoption of the defence of justification. This reflects the existing common-law position in Victoria that 'truth alone' is a complete defence to an action in defamation. At common law it has been recognised that truthful statements define a person's reputation rather than damage it. In the words of Street ACJ in *Rofe v. Smith's Newspapers Ltd* (1924) 25 SR NSW 4:

The presumption is that, by telling the truth about a man, his reputation is not lowered beyond its proper level, but is merely brought down to it ...

While 'truth alone' has been the position at common law in Victoria, South Australia, Western Australia and the Northern Territory, jurisdictions such as New South Wales, Queensland, Tasmania and the Australian Capital Territory have an added statutory element that a statement be 'true and in the public interest' or 'true and for the public benefit', before the defence applies. The public interest element was designed to protect the privacy of individuals in the public sphere. This policy is inconsistent with the purpose of defamation law which protects reputation. The adoption of 'truth alone' as a defence reflects an agreement at the national level, that privacy concerns do not belong in the realm of defamation law.

The Defamation Bill adopts and continues to provide absolute privilege in relation to proceedings, publications and submissions related to Parliament and parliamentary bodies, proceedings of the courts and tribunals and qualified privilege to various publications and proceedings of central and local government bodies as already provided for under existing Victorian legislation.

*Damages**Damages for non-economic loss*

Consistent with the policy of capping general damages for personal injury claims as part of the tort law reforms implemented across jurisdictions in 2002 and 2003, the Defamation Bill caps damages awarded for non-economic loss in defamation actions at \$250 000. This cap is to be adjusted annually based on an indexation formula. The value of the current cap is based on a general survey on the range of damages awarded in jurisdictions and is designed to provide an approximate median value for consistency across jurisdictions.

However, under the bill, the courts will still retain the power to order aggravated damages for non-economic loss that may go over and above the statutory cap where the relevant court is satisfied that the circumstances of the publication of the defamatory matter warrant such an award. Courts will continue to be able to award full recovery of all economic loss.

*Abolition of exemplary and punitive damages*

The bill also amends the common law in Victoria by removing a plaintiff's ability to be awarded exemplary and punitive damages. Reviews undertaken on defamation law by both the New South Wales task force on defamation law reform and the Western Australian Law Reform Committee recommended the removal of these heads of damages as these damages are more akin to criminal punishment and are not seen as consistent with the purpose of defamation law. The principles of awarding damages in defamation proceedings generally support compensation and restoration of loss of reputation as opposed to the punishment of a defendant and possibly providing a 'windfall' to a plaintiff. The continued ability of the courts to award aggravated damages to a plaintiff where the conduct of the defendant has been either unreasonable, or unjustified, or lacking in good faith, negates the need for exemplary or punitive damages.

*Limitation period on defamation actions*

The model bill amends the common law in Victoria by reducing the limitation period for defamation actions from six years to one year. This amendment follows empirical research referred to by the New South Wales Law Reform Commission in its 1995 report on defamation law which showed that 80 per cent of defamation actions were commenced within six months of the date of publication and only 8 per cent of proceedings commenced more than 12 months from the date of publication. However, as there may be circumstances where it was not reasonable for a plaintiff to be able to commence an action within the one-year limit, the bill provides for a court to extend the limitation period up to a maximum of three years. This measure is consistent with the current limitation period in the Limitation of Actions Act 1958 for personal injury claims and the new limitation period for defamation will be inserted into the Limitation of Actions Act 1958.

**Conclusion**

The model defamation provisions upon which the Defamation Bill is based represents a significant achievement by the states and territories to put aside longstanding jurisdictional differences to achieve the objective of uniformity in these important areas of the law. Unfortunately, despite these significant achievements, the commonwealth government continues to threaten to act unilaterally and enact a national defamation law. Far from simplifying the law of defamation in Australia, the enactment of commonwealth defamation legislation would add an extra layer of complexity particularly as the commonwealth laws are unlikely to cover the field. The model laws reflect a sensible and pragmatic approach to the simplification of defamation law and aim to balance the policy objectives of protecting the reputation of individuals without unduly impacting on freedom of expression.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until later this day.**

## PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL

### *Second reading*

**Ordered that second-reading speech be incorporated on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).**

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I move:

That the bill be now read a second time.

### **Incorporated speech as follows:**

The Primary Industries Acts (Further Amendment) Bill 2005 makes amendments to two acts within the agriculture portfolio: the Domestic (Feral and Nuisance) Animals Act 1994, and the Prevention of Cruelty to Animals Act 1986.

#### **Amendments to the Domestic (Feral and Nuisance) Animals Act 1994**

The bill introduces amendments to the Domestic (Feral and Nuisance) Animals Act 1994 to improve the administration and enforcement of that act and thereby enhance the management of the domestic cat and dog population.

The act currently requires councils to provide the owners of cats and dogs with an identification marker at registration to facilitate the return of cats and dogs to owners. It is a requirement under the act that animal owners ensure their dog or cat wear their identification marker when not on the owner's property. However, many cat owners consider collar identification markers to be unsafe and as a result, there are low levels of compliance with this requirement. Also, cats and dogs often lose their collars. Microchipping ensures that cats and dogs are permanently identifiable.

The act is to be amended to provide that councils, subject to any exemption they make, may only accept new registrations of cats or dogs if they are microchipped and may make orders requiring microchipping for all registrations, including renewals. Microchipping provides a permanent identification method that assists in the identification of owners in the event that an animal is lost or impounded. Councils will have the power to exempt, including the power to exempt a particular animal or class of animals, from the requirement to microchip, for example, where veterinary advice indicates the animal should not be microchipped on medical grounds.

In order to allow pet owners time to arrange for microchipping, the act will only require that animals be microchipped for new registrations from 1 May 2007. Therefore, registration of an animal that is not microchipped may be renewed where that animal has been previously registered, unless the council makes an order requiring all cats and dogs to be microchipped.

It should be noted that councils already have the power to require microchipping by the use of local laws or alternatively provide microchips as an 'identification marker' under the act. However, this provision gives clarity to the law as well as setting a default starting date of 1 May 2007. Councils prefer

that there be a default starting date across Victoria rather than not have one.

To further encourage the microchipping of dogs and cats, the act is also to be amended to provide that it is an offence to sell or rehouse a cat or dog from a domestic animal business that has not been microchipped. All cats and dogs to be sold from pet shops, breeding establishments, pounds and shelters will have to be microchipped. Microchips are becoming more reliable with modern technology and the government is in the process of introducing standards for microchip registries. These standards will be in operation prior to commencement of the new microchipping initiatives contained in the bill.

There have been significant improvements within the community in the management and identification of dogs. However, the Department of Primary Industries estimates that over half of the cats in Victoria are not registered. The new initiatives contained in this bill form the next phase in improving the identification and registration of domestic animals, particularly for cats.

A requirement that each council develop a domestic animal management plan is to be inserted to further serve the animal management objectives of the act. Specifically, the management plan is intended to address the problem of the overpopulation of unowned cats in many municipalities. It will also provide greater transparency for the use of funds collected through registration fees and will be directed at managing domestic cats, dogs and businesses from which councils collect annual registration fees. The plan will be required to include the council's policies on the administration of the act and regulations and other mechanisms for the management of the domestic animal population.

Management of the cat and dog population, and reduction of the unowned cat overpopulation problem, is to be encouraged. This bill affirms that councils have the power to require the compulsory desexing of cats and dogs for registration or renewal of registration. Councils already have general powers to make such an order as a local law, therefore, this is not an expansion of council powers. However, it is considered appropriate to insert a specific power under the Domestic (Feral and Nuisance) Animals Act as the act which regulates domestic animals.

It has been identified that some council officers are allowing seized dogs and cats to be given away without ensuring that these animals are wormed, vaccinated, desexed or temperament tested, contrary to the code of practice for the management of dogs and cats in shelters and pounds. Therefore, the act is to be amended to clarify that seized animals must be either sold in accordance with the requirements of the code or destroyed.

The act will also be amended to require that councils accept surrendered cats or dogs at council pounds. The majority of councils already accept surrendered cats and dogs, however some do not. This puts unreasonable financial pressure on charity-based shelters with limited resources to accept and rehouse or destroy surrendered animals. While this amendment will increase costs for councils that are not currently accepting these animals, councils may fund such services through the annual dog and cat registration fees.

To ensure that council shelters and pounds meet the requirements of the act, the minister has the power to revoke

or suspend the registration of a council owned and operated pound or shelter. However, this power does not extend to situations where a council contracts out these services to an external service provider. Approximately 50 per cent of council pound services are provided under contract. There is a concern that the accountability of contracted providers is inadequate as councils are reluctant to take action against their contractors. Therefore, the act will be amended to provide that the minister may revoke or suspend the service provider's registration where it has failed to comply with the act, regulations or a relevant code of practice.

In light of community concern, it is proposed to tighten controls under the act for dangerous, restricted breed and menacing dogs.

Desexing of dangerous and restricted breed dogs will be made compulsory as a prerequisite to registration or renewal of registration unless a dog has been exempted by the council on veterinary advice. Failure by an owner to ensure his or her dangerous or restricted breed dog is desexed will be an offence carrying a penalty of 10 penalty units. Further, an undesexed dangerous or restricted breed dog may be seized and destroyed. This amendment will not apply to dangerous dogs kept as guard dogs for non-residential premises or dangerous dogs that have undergone protection training.

The act will also be amended to allow councils to set registration fees specifically for dangerous, menacing and restricted breed dogs other than guard dogs and protection-trained dogs. This will allow councils to offset the increased cost associated with undertaking regular inspections to ensure that these dogs are kept and controlled according to the requirements of the act.

Under the amended act, it is intended to prevent the keeping of restricted breed dogs whilst maintaining the rights of those who own a restricted breed dog prior to the commencement of these provisions. Therefore, registration of restricted breed dogs will be prohibited. However, previously registered restricted breed dogs may have their registration renewed. In the case where a dog owner reasonably believed his or her dog was not of a restricted breed, the animal may be registered. Where council refuses to register such a dog, the dog owner will have access to Victorian Civil and Administrative Tribunal procedures to review the decision.

It will be an offence to acquire or keep a restricted breed dog in Victoria unless that dog was kept in Victoria prior to the commencement of the relevant provision in the act. Additionally, penalties for failing to declare a restricted breed dog and providing false information in relation to a restricted breed dog will be increased.

Further amendments to the act will improve the function of certain existing provisions.

Currently the act provides that councils may make an order confining cats to their property in a municipal district. However, the act does not provide for such an order to apply to part of a municipal district, for example, an environmentally sensitive area within a municipality. The act is to be amended to allow councils to make confinement orders applying to a specified part of a municipal district.

The definitions of 'domestic animal business' and 'pound' are to be amended to include businesses carrying out activities with regards to dogs or cats or both. This will remove any

possibility of an interpretation that finds the act does not apply to businesses providing services to only one type of animal.

The act will also be amended to allow for documents to be incorporated into the regulations 'as amended from time to time'. This will avoid the need to amend the regulations each time an incorporated document such as an Australian standard or code, is amended or updated.

#### **Amendments to the Prevention of Cruelty to Animals Act 1986**

Amendments to the Prevention of Cruelty to Animals Act 1986 will improve provisions relating to cruelty offences, inspectors' powers, provisions relating to the granting of rodeo permits and other provisions to enhance the administration and enforcement of the act.

Certain cruelty offences have been identified as insufficiently addressing instances of cruelty due to inappropriate or inadequate wording of the provisions. Therefore, these offences are to be amended to ensure they apply to appropriate instances of cruelty.

It is an offence under the act to overload or overcrowd an animal. It is clear that the act applies where two or more animals are confined. However, there is a concern that the offence does not apply to a single animal that is excessively confined. This offence will therefore be amended to ensure that it applies if a single animal is kept in a space which causes, or is likely to cause, unreasonable pain or suffering to the animal.

It is an offence under the act to fail to provide an animal with sufficient food, drink and shelter. However, the word 'and' could be interpreted to indicate that it is only an offence if all three are not provided. Therefore, where only one item, for example food, is not provided, the offence may not apply. This offence is to be amended to clarify that it is an offence to fail to provide sufficient food or drink or shelter.

Certain cruelty offences apply where the offender knowingly or negligently does or omits to do an act. Prosecutions under these sections have failed due to an inability to establish the defendant's intention to offend despite objective evidence of unnecessary, unjustifiable or unreasonable pain and suffering being caused to the animal. The element of these offences describing the defendant's intention to offend is to be replaced with an objective standard for the defendant's conduct.

The offence to do or omit to do an act with the result that pain or suffering is 'caused to an animal' is to be amended to include where pain or suffering is 'likely to be caused to an animal'. This will serve the purpose of the act in preventing cruelty to animals, rather than waiting for it to occur, and allow successful prosecution where there are multiple possible causes of the animal's pain and suffering.

Inspectors' powers under the act are also to be amended. Where an inspector finds an animal carcass on a property, they have the power to take a sample of the carcass for analysis. The inspector is required to split the sample into three parts — one for analysis, one for the owner, and one to be left untouched for future comparison. However, in some situations it is necessary to analyse a sample intact, for example, an entire organ. Also, splitting the sample on site may damage the sample. The amendment will retain the

animal owner's right to a sample but the sample will only be provided where the owner requests it, and where the division of the sample is practicable and will not affect the analysis.

Where an animal is seized under a warrant, an inspector must take reasonable steps to return the animal when the warrant ceases to have effect. However, there is no power to deal with an animal where its owner cannot be located. The act is to be amended to provide that the animal may be sold or destroyed where its owner cannot be located.

There is currently no power to impound and deal with an animal that has been abandoned on private property. The act will be amended to provide this power for inspectors.

The act will also be amended to provide that a magistrate may authorise an inspector to take photographs, video recordings and sketches when entering a person's premises under a warrant.

The act is also to be amended to improve provisions relating to the granting of permits to conduct a rodeo or rodeo school. The act currently provides limited grounds on which the department head may refuse to issue a permit. These grounds are to be expanded to allow refusal where the application is not lodged 28 days before the proposed event or the applicant has been found guilty of animal cruelty or non-compliance with the regulations relating to rodeos. The act will also be amended to enable the department head to place special conditions on permits. This will address the situation where inspectors have advised stock contractors of particular problems with the management of rodeos which have not been rectified at the next rodeo.

A range of provisions under the act apply to the person 'who is the owner of or who has possession or custody of the animal'. Relevant provisions are to be amended to refer to the 'person in charge' of the animal in order that responsibility for an animal can be attributed to the appropriate person in all cases. The definition of 'person in charge' will expand the class of responsible persons to include the custodian of the animal, an agent of the animal owner and, in the case of a stock animal in a saleyard, the owner or lessee of the saleyard.

The minister may serve a notice on a person if the minister reasonably believes that an animal is in such a condition that is likely to become distressed or disabled. This notice is a precursor to potentially seizing the animal. However, where the owner or custodian cannot be located, there is no provision for serving the notice. It is proposed to amend the act to provide that where the owner or custodian cannot be located, notice is deemed to be served if it is posted to, or left at, his or her last known address.

I commend the bill to the house.

**Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).**

**Debate adjourned until next day.**

## TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

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

**Mr LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

### **The State Owned Enterprises Act 1992 amendment**

This amendment is necessary to enable VicForests to implement a sawlog pricing and allocation model.

The model involves a phased-in transition from the current administered licence system for allocating timber supply to a fully competitive market auction system, in line with Victorian government policy articulated in *Our Forests Our Future*.

Two key elements of the model are:

- a requirement that buyers process timber domestically and

- the preclusion of companies and directors of companies (for a period of two years) who completely relinquished their sawlog licences under the voluntary licence reduction program (VLRP) from participating in the initial auctions of timber.

These two requirements are driven by public policy objectives. The government has a responsibility to ensure that opportunities for wealth creation in Victoria are maximised. The requirement for domestic processing of timber will assist in maintaining and enhancing employment and investment opportunities in Victoria and Australia. This is particularly important given the value added export potential of Victoria's sawn, dried and dressed hardwood timber. It is likewise in the public interest that full VLRP recipients be precluded from participating in the initial auctions, as such recipients have already been compensated for relinquishing their licences, and their preclusion will minimise the opportunity for predatory bidding and subsidised competitive advantage to occur.

VicForests has, however, expressed concerns that such exclusion of parties from tenders could be seen to be inconsistent with part IV of the Trade Practices Act 1974. Consequently, the bill inserts a new section 86A in the State Owned Enterprises Act 1992, which provides for authorisation for the purposes of part IV of the Trade Practices Act 1974 of any act or thing done by VicForests and its directors and officers in connection with the allocation and sale of timber resources, if the relevant act or thing is done with the consent of the Treasurer.

This amendment is limited to contracts, arrangements or understandings entered into prior to 1 July 2015. From 1 July 2015, 100 per cent of timber will be auctioned in a fully open market, with no potential bidders precluded.

**The Financial Management Act 1994 amendments**

The amendments will allow the government to release a financial report prepared under section 27D of the Financial Management Act 1994 on any business day before the due date, irrespective of whether or not Parliament is sitting.

The existing protocols will remain for transmitting a report when either house of Parliament is not sitting. In this case the government is required to give one business day's notice of their intention to transmit a report to the Parliament. The clerks are then required to notify members on the same day of the receipt of a notice from a minister and distribute the report to members as soon as practicable.

Once the report has been provided to the clerks of the Parliament, the report will be published on an appropriate government web site.

The amendments also provide the ability to release these financial reports with the budget, where the budget will be delivered within 1 month or 30 days of the relevant financial report.

I commend the bill to the house.

**Debate adjourned for Hon. BILL FORWOOD (Templestowe) on motion of Hon. E. G. Stoney.**

**Debate adjourned until next day.**

**TREASURY LEGISLATION (REPEAL) BILL**

*Second reading*

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

**Mr LENDERS (Minister for Finance) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

This bill is an important and timely exercise that will see redundant statutes removed from Victorian law. It will clarify what laws remain relevant in areas of public policy administered by Treasury and Finance.

In total, more than 80 acts amounting to more than 900 pages of legislation will be repealed by this bill.

Only a small number of provisions from less than half a dozen acts will be saved and consolidated.

Most importantly, this reform will be achieved without altering the rights of current and future Victorians. The bill is policy neutral, will have no social effects, will not affect the Victorian economy and will not affect the natural environment of Victoria.

While the bill has no policy implications, it is not without significance. The bill represents the last chapter in various traditions in Victorian law and history, some of which date back to the earliest days of the colony.

The time span of acts affected by the bill ranges from 1865 to 1995. With the passage of the bill Victoria will bid farewell to once important institutions, organisations and programs that were created to help the state through some of its greatest trials. These trials included:

integrating the then new state of Victoria into the monetary system of the British Empire;

gathering critical statistical data to underpin economic and social policy;

restructuring financial relations between Victoria and the commonwealth;

delivering belated fiscal compensation to incapacitated and dying goldminers; and

the devastating unemployment and poverty of the Great Depression.

The bill also brings to a close more recent episodes in the state's history, from the final abolition of outmoded industrial and provident societies, to the repeal of legislation that authorised the sale of the former State Insurance Office.

The bill does not remove, restrict or annul the rights of any future, current or former citizens of Victoria, or other stakeholders. An extensive range of stakeholders in government and in the business community were consulted during the preparation of the bill. They have indicated their support for the bill and the repeal of relevant legislation.

Perhaps the least remarkable acts that the bill will repeal are suites of annual funding acts. These comprise such acts as the:

public works loan applications acts enacted between 1946 and 1957;

water supply loan application acts enacted between 1957 and 1969; and

water supply works and services acts enacted between 1970 and 1979.

The first group of these annual funding acts empowered the governor to issue Victorian government stock and debentures. These were chargeable to the consolidated revenue of the state, to raise money to fund public works.

The second and third groups of these annual funding acts sanctioned the issue and application of loan money for works and other activities relating to irrigation, water supply, drainage, sewerage, flood protection and river improvement. All provisions of these annual funding acts have long since taken effect.

The next group of acts repealed in this bill, which I will briefly describe to the house, relate to affairs of former public utilities that have since been settled. The Gas and Fuel Corporation (Pipelines) Act 1971 dissolved the Victorian Pipelines Commission, transferring the powers and functions, duties and obligations of the commission to the Gas and Fuel Corporation.

The Gas and Fuel Corporation (Amalgamations) Act 1973 dissolved Colonial Gas Holdings Ltd and allocated property and liabilities of that company and its subsidiaries to the Gas and Fuel Corporation.

The State Electricity Commission (Tramways) Act 1975 ratified payment by the State Electricity Commission of Victoria in relation to the abandonment of tramway undertakings in Ballarat and Bendigo.

Finally, the State Electricity Commission (Newport Power Station) Act 1977 extended the state electricity generating system by authorising the establishment of a power station at Newport. The power station was constructed many years ago and any powers conferred in the act that may require retention will not be cancelled by the repeal of the act.

#### **Victorian government stock, debentures and securities acts**

The next suite of acts that will be repealed by the bill relate to a more interesting and fundamental period of Victoria's history and government. These are Victorian government stock, debentures and securities acts, dating from 1896 to 1927.

These acts enabled the Victorian government to raise credit secured on the consolidated revenue of the state. The government of the day began, in 1896, to create 'Victorian government 3 per cent stock' with an initial issue of £2.29 million. A Victorian Government Consolidated Inscribed Stock Redemption Fund was used to purchase and repurchase consolidated stock for the redemption of stock and for increasing the amount of secured stock on consolidated revenue. The funds the stock generated were used for such projects as financing railway construction and irrigation and water supply works in country districts. In addition, Victorian government stock and debentures were used to finance repurchasing, redeeming or exchanging of government securities.

Some honourable members may recall that 1927 was the year in which the federal Commonwealth and States Financial Agreement Act revolutionised governance of states' financial affairs. During the mid-to-late 1920s, there was widespread concern, particularly in the federal government headed by Stanley Melbourne Bruce and in the business community, about the insecure footing of the Australian economy, and the tendency, as they saw it, of states to finance real wage stability and infrastructure investment by raising foreign loans rather than by improving productivity. Consequently, the commonwealth and states financial agreement of 1927 established the Australian Loan Council, with the commonwealth as chair. Under the rules of the agreement, states had to submit loan proposals to the council for review and approval. States thus lost the exclusive power to arrange their foreign loans. Shortly afterwards, in 1929, the commonwealth also took over the outstanding balance of the gross public debt of each state.

Honourable members may recall that the Financial Agreement Act 1994 rescinded the original commonwealth and states financial agreement and replaced it with a new arrangement. Following the introduction of the GST, states and territories will take over debt accrued under these arrangements in 2005–06, and all prior legislation from the 1920s and 30s relating to the agreement has become obsolete.

#### **Unemployment relief acts**

The intimate connection between the debt conversion agreement acts and the commonwealth and states financial agreement is also reflected in a suite of unemployment relief

acts dating from 1932 to 1939 that this bill will repeal. These acts authorised the appropriation of money to fund unemployment relief under state and commonwealth authority and introduced to Victoria the ignominious concepts of working on subsistence wages for the dole and of interning the unemployed in military camps.

#### **Miners phthisis acts**

Great industrial struggle and misery also underpinned the development of two other acts from the 1930s that will be repealed in this bill. These are the miners phthisis acts of 1936 and 1938. Members will be aware of course of the huge economic importance of goldmining to Victoria in the early days of the colony. They will perhaps be less aware of the awful physical toll this activity took upon scores of miners, particularly in Ballarat and Bendigo, who contracted the painful, debilitating and ultimately fatal condition of phthisis or silicosis. This condition, a fibrosis of the tissue of the lungs, was caused by inhalation and lodging of mineral dust particles. Silicosis was the scourge of not just gold or quartz but also coal, granite and other miners and cutters across the globe. Victoria was just one jurisdiction that grappled with the challenge of determining what the disease was, how it was contracted and how sufferers of the disease should be provided for.

The nature and effects of miners phthisis were described in this house in 1925 by the then Chief Secretary of the Department of Public Health and Minister for Public Health, Dr Stanley Argyle. Phthisis, Argyle explained, was:

A miners disease which in itself is merely an irritation caused by a deposit in the lungs of any absorbent particles ... of coal or of any other gritty substance ... that sets up a disease ... that is not necessarily consumption [but which] renders the person who is in that condition much more liable to contract tuberculosis than he would otherwise be ... miners phthisis is miners disease plus the tubercular bacillus.

The Miners' Phthisis (Treasury Allowances) Act 1938 was the culmination of more than 30 years effort on the part of miners and some parliamentary representatives to secure legislated compensation for sufferers of phthisis working in the Victorian goldmining industry.

There is now only one recipient of the pension, and the government of course will be ensuring, through an amendment to the Accident Compensation Act, that the pension continues to be paid to the recipient for as long as they remain entitled to it.

With the passing of the Miners' Phthisis (Treasury Allowances) Act 1938, Victoria can bid farewell to an important relic of its industrial past and reflect with satisfaction on the vastly improved provisions for workplace safety and injury compensation that have been developed through the struggles of previous Victorians such as the goldminers of Bendigo and Ballarat.

#### **Mint Act**

I would like now to turn to another historic act, the Mint Act. This is the most aged act that this bill will repeal, and it also has its origins in Victorian goldmining. The Mint Act, first enacted in September 1867, dates from the earliest days of parliamentary democracy in Victoria and was intended to maximise the profit to be gleaned from the goldfields by

assaying and refining gold and also by producing currency of the British Empire locally.

The operational usefulness of the mint ceased by the mid-1960s, when the federal government established the Royal Mint in Canberra and introduced decimal currency. This mint has no connection with the Imperial Mint. Although a considerable number of Melbourne mint staff accepted positions in Canberra and transferred their superannuation entitlements to the commonwealth government, Victoria has continued to pay the pensions of a small number of ex-employees of the mint, as it did when the mint functioned, since the mint was officially dissolved by Queen Elizabeth II on 1 July 1970. Today a handful of recipients continue to receive the pension they earned in the service of the mint, which is calculated according to United Kingdom superannuation laws that apply to British civil servants. This bill makes provision for the continued payment of these allowances to these pensioners but otherwise brings to a complete close the history of the Royal Mint in Victoria.

**Statistics Act**

The mint is not the only venerable Victorian institution to be ended by this bill. To the mint we can add the role of Victorian Government Statist, which is to be abolished through the repeal of the Statistics Act. This act originally empowered the Government Statist to collect such information as:

- arable land area
- machinery and manures used in agriculture
- livestock numbers
- dairy produce
- slaughter numbers
- agricultural employment figures
- factory employees' hours and wages
- power used in factories
- expenditure incurred by industry
- land used
- capital investment, in Victoria.

The act is irrelevant to the administration of the collection of statistics for economic and various other purposes, which has been devolved to the Australian Bureau of Statistics (and its predecessor) since 1956. Under the Commonwealth Statistics Arrangements with States Act 1956 and the Australian Bureau of Statistics Act 1975, the Governor of Victoria is empowered to enter into whatever arrangements are necessary with the Governor-General to ensure that statistics are gathered from and provided to Victoria. This occurs, among other means, through the Australian Statistics Advisory Council, which reports annually to Parliament under the auspices of the bureau. Under the 1975 act state premiers are authorised to nominate state representatives to ASAC. The Victorian branch office of the bureau also consults regularly with the Victorian government, through the Victorian statistical advisory forum.

The power to collect information relating to births, deaths, marriages and other demographic data, formerly assigned to the government statist, have been ceded to the Registrar of Births, Deaths and Marriages and the registrar is governed by the Public Administration Act 2004.

Interestingly, different states employed a quite different approach to the collection of statistics, following Federation. Whereas Tasmania and South Australia began divesting responsibility for the collection of statistical data to the commonwealth in 1924 and 1935, respectively, members will be surprised, I am sure, to learn that Queensland continues to maintain its own extensive statistics bureaucracy to this day. Never let it be said that the less populated states do not depend on horizontal fiscal equalisation to maintain vital services.

**SIO and SIO (Sale) acts**

The next acts I want to refer to now concern much more recent events in Victoria's past and are the consequence of the privatisation of former state assets in the 1990s. The passage of this bill will bring to a close the connection of this house with the sale of the former State Insurance Office (SIO), as the SIO Act and the SIO (Sale) Act will now be repealed. The remnants of the State Insurance Office that were not sold to other insurance companies continued to operate until 30 September 1996, when all its residual assets and liabilities were transferred to the Victorian Managed Insurance Authority (VMIA). Amendments to the Victorian Managed Insurance Authority Act 1996 have also made the SIO Act redundant, as anything not otherwise transferred through the sale act was transferred to the VMIA at this point. The VMIA has assured the government that it sees no obstacle to the repeal of the SIO acts. Further, the government has established through discussions with the Government Superannuation Office and Suncorp-Metway, the legal owner of several former SIO businesses, that no former staff of SIO still require the legislation for superannuation purposes. The acts have, therefore, been entirely spent.

**Gas and Fuel Corporation acts**

Finally, this bill presents the government with an opportunity to continue to clean up legislation governing the gas and fuel industry in Victoria. The Gas and Fuel Corporation (Repeal) Act 1995 has been entirely spent, and significant sections of the Gas Industry (Residual Provisions) Act 1994 will be repealed by this bill. The government anticipates that the remnant of this act and the Gas and Fuel Corporation (Heatane Gas) Act 1993 will have exhausted their use in a few years and will be repealed after this time.

Members will find that the explanatory memoranda fully explain the redundancy of every act in the schedule, and of the sections of nominated legislation that are being amended.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. BILL FORWOOD (Templestowe).**

**Debated adjourned until next day.**

**PROPERTY (CO-OWNERSHIP) BILL***Second reading***Debate resumed from 6 October; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak on the Property (Co-ownership) Bill, I put on the record that the opposition will not be opposing this legislation because in essence it is fairly simple. It transfers the jurisdiction over some co-ownership disputes from the Supreme Court and the County Court to the Victorian Civil and Administrative Tribunal (VCAT).

According to the briefing we have received and my reading of the bill the exceptions will be co-ownership disputes that are the result of a family breakdown et cetera, which will continue to be within the jurisdiction of the Family Court. It will continue to hear disputes between spouses as a result of some form of family breakdown. The Supreme Court and the County Court will continue to have jurisdiction over property disputes between domestic partners under part IX of the Property Law Act, and they will retain jurisdiction over disputes under the Partnership Act 1958 and under the Administration and Probate Act 1958. Certainly as it has been explained to the opposition, this is the transfer of certain co-ownership disputes from the Supreme Court and the County Court to VCAT.

Frankly, we are not sure exactly how many transfers of proceedings this will result in. We can only presume the Attorney-General, in his normal efficient manner, has made sure there will be sufficient resources in VCAT to deal with this extra workload. The extent of it has not been explained to us, but the bill is fairly narrow in terms of what is transferred.

I will briefly run through some of the provisions in the bill which will help members understand. The definition of 'co-owner' is in fact very broad. It means:

... a person who has an interest in land or goods.

This is not simply about land; it is also about goods. That relationship can be as:

- (a) joint tenants; or
- (b) tenants in common ...

It defines 'goods' extremely widely. It means:

- (a) chattels personal; or
- (b) fixtures —

whether they are part of a land transaction or not, but it does not include money. It includes land, property, debt and security interest. In other words, if there is a mortgage over the land which is co-owned, that is included. The interest of any mortgagee who has an interest in co-owned land is protected under this legislation to ensure that the security they may have had runs with any division that would be ordered by VCAT under these provisions.

VCAT will also have the power to appoint trustees to carry out the division of any property that was co-owned. One can of course imagine that those situations would apply when there was a case of violent disagreement between the partners whose property was being split or in a case where a minor was involved. VCAT is able to appoint trustees to carry out the division of the co-owned property.

VCAT will also have the power to divide the co-owned property and chattels in any way it sees fit. It can divide the property physically between the partners. It can also order the liquidation of the co-owned property or the sale of the co-owned property or co-owned chattels. It can manage the division of the funds that come from the liquidation of that property. The bill makes it quite clear that the preferred method of settling a co-ownership dispute is in fact to liquidate the assets and then distribute the funds from that liquidation, although it needs to be said that the final decision will always rest with the tribunal.

The tribunal will also have the power to make various orders regarding changing the division of co-owned property, goods and chattels, which will be dependent on the way the property had been managed prior to the dispute. For example, one can conceive of a situation where there is a particular co-owned property that one of the co-owners inhabited in some way without paying rent or the like. VCAT is able to make a judgment as to the extent to which that was of benefit to one of the co-owners and make an adjustment for that benefit in any subsequent settlement.

Likewise, VCAT is able to determine any imbalance of any input. We can also conceive of a situation where there is a co-owned property and for various reasons one of the co-owners may have been able to pay all the rates and service the mortgage or pay for renovations that the other co-owner was not able to do for various reasons. VCAT will also be able to consider those issues in making a judgment on the final split of the co-owned property.

In all other respects it is a fairly simple piece of legislation which in essence does not change a lot

except for, as I said, the jurisdiction for co-owned properties which do not fall under the family law or involve partnership or testator issues. With those few comments I urge members of the house to support the bill.

**Hon. P. R. HALL** (Gippsland) — Tonight it appears this bill will pass through this chamber without opposition from any party. The Nationals will also not oppose this piece of legislation going through the Parliament tonight. What we have is a bill called the Property (Co-ownership) Bill. Essentially it amends the Property Law Act 1958 and provides for the transfer of jurisdiction for co-ownership of land and goods in some disputes but not all from the Supreme and County courts to the Victorian Civil and Administrative Tribunal (VCAT).

Members undertaking research on bills often learn something from them, and in preparing for this contribution tonight I learnt something about the law relating to property co-ownership. The first thing I learnt was that this arose from a recommendation in the Victorian Law Commission's report on disputes between co-owners. The main component of this amending bill is the substitution of a new part 4 in the Property Law Act of 1958. I had a look at part 4 of the Property Law Act, because it is described in the second-reading speech as being based largely on the English partition laws that were passed in the 16th century. When I was reading some of part 4 of that act this afternoon I found it difficult to understand. Certainly it is not written in modern everyday English, so I concur with the comment in the second-reading speech that it is time we looked at this part of the Property Law Act again if for no other reason than that the terminology used in the current part 4 needs updating.

It is important to mention that co-ownership disputes between spouses are normally resolved under the Family Law Act, and that will continue to be the case. This bill does not really apply to spouses when there is a contested issue of co-ownership, nor does it apply to disputes between domestic partners which, as the minister said in the second-reading speech, will continue to be handled under the Property Law Act. It goes more to issues between people who have co-ownership of land, particularly those who may be the beneficiary of a will and have been left a co-ownership of a particular piece of land or a good. Those are the most typical cases where people will be impacted upon by this legislation. Others to be affected will be family members who have been left property in a will and people who have purchased property as co-owners for investment purposes. There are many

examples of those, and the main provisions of the bill will affect those people.

The major part of this bill substitutes a new part 4 in the Property Law Act and will transfer jurisdiction of co-ownerships from the Supreme and County courts to the Victorian Civil and Administrative Tribunal. Therein lies an issue. I agree with the government that VCAT would probably be a more appropriate forum to deal with certain issues regarding co-ownership, and I have no problems with the concept of transferring those to VCAT, where some of these issues might be resolved in a far less complex and less costly fashion. However, there is an issue that we need to mention in passing — that is, the resources and capability of VCAT to take on this new function, because VCAT certainly takes on a wide range of functions now.

I am informed that there is a significant waiting list for some hearings on particular matters at VCAT. The government needs to seriously look at the funding of the tribunal to ensure that it can handle this new responsibility efficiently. In regard to that, one would hope that VCAT has the appropriate expertise to deal with these new issues about property law ownership. I also note that VCAT will also have the power to appoint trustees to oversee the sale or division of the land. It particularly applies that where minors are co-owners of property trustees can be appointed.

I also note that in the case of partition where there is co-ownership of land the common method at VCAT will be that the land be sold and the proceeds distributed to the co-owners. I agree that is probably the most common form of partition of ownership of property. However, there is provision within the bill for VCAT to require a subdivision of the land and for part of it to be given to each of the co-owners. It is interesting to note that the second-reading speech refers to the fact that this was the common method of partition back in the early days, that if there was a partition of land, the land was split between the co-owners. Today, because of the subdivision rules which apply in this state, land could not be split between co-owners because it would be impossible to achieve the minimum size requirements for subdivided land. It seems a sensible provision that mostly VCAT will make a decision to sell a property and split the proceeds between the co-owners of that particular property.

This is not a complex bill. As I said, it simply inserts a new part 4 into the Property Law Act to transfer the jurisdiction for the settlement of issues relating to co-ownership from the Supreme Court and the County Court to VCAT in certain circumstances. We think that is sensible and that there are appropriate safeguards

built into the system. We think it will indeed work, so the legislation has the support of The Nationals.

**Ms MIKAKOS** (Jika Jika) — It is with great pleasure that I rise to make a contribution in support of the Property (Co-ownership) Bill and place on record at the outset the government's appreciation that the opposition and The Nationals are supporting the bill, a bill which is very straightforward and seeks to improve access to justice by co-owners of property by introducing simpler and less expensive processes for the resolution of disputes between them. The bill demonstrates the Bracks government's ongoing commitment to improve access to justice and modernise our law.

The bill is pleasing in that it seeks to implement a number of recommendations arising from a Law Reform Commission report entitled *Disputes Between Co-owners*. The Law Reform Commission published the report in February 2002 and made 59 different recommendations in it. It is important that members recall that the Law Reform Commission was established in 1984 and produced reports on many areas of law before being abolished in 1992 by the Kennett government and replaced by the parliamentary Law Reform Committee and a part-time body, the Victorian Attorney-General's Law Reform Advisory Council. In 2001 the Bracks government re-established the Law Reform Commission. It very much values the independent commission and the reports it has produced, including the one that led to this bill.

As I said, this bill implements a number of recommendations which arise from the Law Reform Commission report. However, following extensive consultation with Land Victoria and the Law Institute of Victoria, a number of technical concerns have been highlighted regarding the remaining recommendations in the Law Reform Commission report, particularly those relating to the severance of a joint tenancy and the feasibility of implementing them at this time. The bill is not seeking to pick up on all of recommendations of the report, which will be considered in more detail at a later stage, but it takes up the most important recommendation, which is to transfer the jurisdiction of the Supreme and County courts to VCAT and offer a range of remedies for determining co-owner disputes. This is intended to make the resolution of disputes simpler and cheaper and offer more flexible remedies to the parties.

Members may recall that currently co-owners have to apply to the County or Supreme courts to resolve disputes. The County Court has a jurisdiction limit of \$200 000, and property disputes involving over

\$200 000 are dealt with by the Supreme Court under part IV of the Property Law Act 1958. Apart from the stress and delay associated with the Property Law Act, these provisions are considered to be no longer relevant in a modern society. As the Honourable Peter Hall touched upon in his contribution, much of the act is based on 16th century English law, which reflects an agricultural society that chose to deal with disputes by the physical division of land. That may have been appropriate when property holdings were vast. However, when we are talking about quarter-acre blocks, division is not always the most appropriate or preferred outcome. Today most property owners or co-owners are more likely to want the property sold and the proceeds divided between them.

Under the current part IV, physical division of the land is, as I said, the primary remedy for a co-owner who wants to end the co-ownership. This means that the court must order division of the land unless the situation is one in which the power to order a sale is possible. The current part IV allows the court to order a sale instead of a division in three situations. Where the co-owner asks for a sale instead of a division, the court may order the sale of the land and the division of the proceeds if this would be more beneficial than physical division. Where a co-owner, or more than one co-owner whose collective interests amount to the share of half or more, asks the court to direct a sale, the court is required to order a sale unless it sees good reason to the contrary. Where the person with an interest in the property asks the court to direct a sale, the court may order a sale unless some or all of the other parties interested in the property undertake to purchase the shares of the person requesting the sale. This bill seeks to modernise the law by repealing these archaic and outdated sections of the Property Law Act and replace part IV to address these concerns.

The bill will transfer jurisdiction over co-ownership disputes from the Supreme and County courts to VCAT and will also provide VCAT with more flexible remedies to address co-ownership disputes. It is expected that the two major groups that will benefit from the transfer of jurisdiction are family members who have been left property by a will and people who have purchased property as co-owners for investment purposes.

It is important to note that the Family Court will continue to have jurisdiction over property disputes between spouses under the Family Law Act 1975, and the Supreme and County courts will continue to have jurisdiction over property disputes between domestic partners under part IX of the Property Law Act.

It is also important that members note that complex legal matters will still be dealt with by the courts. The bill provides that the following disputes must be heard by the courts: disputes arising within the context of part IX of the Property Law Act 1958, which deals with the division of property on the breakdown of the domestic relationship; disputes under part IV of the Administration and Probate Act 1958, testator family maintenance, and matters arising under the Partnership Act 1958. Of course the court will retain jurisdiction where a co-ownership dispute arises in the context of a dispute already before the courts.

In addition, where a dispute falls within the definition of 'special circumstances', a co-owner may apply to the courts to hear the dispute. The factors to be taken into consideration in determining whether there are special circumstances are whether the matter is complex or whether there is an interrelationship between the matters over which VCAT has no jurisdiction. VCAT will also have the power to refer a co-ownership dispute to the courts if it considers the subject matter of the proceeding is more appropriately dealt with by the courts.

In terms of remedies, as I said, the intention is that VCAT will be able to offer more flexible remedies and will have broad discretion to determine whether the co-owned property is to be sold or divided, but in line with the Law Reform Commission's recommendations, the sale of co-owned property is intended to be the primary remedy ordered by VCAT. However, VCAT will also have the power to make orders relating to the payment of compensation and accounting between co-owners. It will also have the power to appoint trustees to oversee the sale or division of land. This could occur in circumstances of violence between co-owners or where some co-owners are minors or incapable of looking after their own affairs. The VCAT will be able to direct trustees as to the terms and conditions of sale and to distribute the proceeds in any manner it sees fit.

I note also that the bill amends the Victorian Civil and Administrative Tribunal Act to provide that, in a proceeding under part IV of the Property Law Act, VCAT is to be constituted by or to include a member who, in the opinion of the president, has knowledge of or experience in property law matters.

In conclusion, this is a very useful bill which is about providing cheaper access and flexible remedies in resolving property disputes. I thank all members for indicating their support for the bill so far, and I commend the bill to the house.

**Mr SCHEFFER (Monash)** — The purpose of the Property (Co-ownership) Bill is to amend the Property Law Act 1958 so that the jurisdiction for co-ownership disputes can be transferred from the Supreme Court and the County Court to the Victorian Civil and Administrative Tribunal, and it therefore amends the Constitution Act.

The bill also details the remedies that are available to VCAT to settle disputes and makes amendments to the Victorian Civil and Administrative Tribunal Act 1998 and the Transfer Of Land Act 1958. The changes contained in this bill derived from the report *Disputes Between Co-owners*, which was prepared by the Victorian Law Reform Commission in 2002. The bill implements the recommendations from the report that relate to the transfer of jurisdiction from the Supreme and County courts to VCAT.

The Attorney-General asked the commission to review part IV of the Property Law Act 1958 with a view to introducing simpler and cheaper processes for resolving disputes between co-owners and for the sale or physical division of co-owned land. The Attorney-General also asked the commission to consider whether similar processes should be introduced to deal with co-ownership of other possessions.

The changes contained in the bill also advance the objectives of the Attorney-General's justice statement by improving access to justice and to alternative dispute resolution services. Effective dispute resolution strategies support the government's aim of building cohesive communities and reducing inequality.

In its report the Victorian Law Reform Commission recognised at the outset that the laws that apply to people who jointly own property are highly technical and complex. The existing laws also impact on a lot of people, so the complexity of the laws makes dealing with property disputes difficult and expensive. The commission aimed to find ways to make the dispute resolution process easier to understand, easier to settle and cheaper.

Prior to releasing its final report, the commission issued a discussion paper that was also entitled *Disputes Between Co-owners*, and this outlined the current state of affairs and suggested some possible ways around the problems. The commission's final recommendations were informed by the views put to it in submissions received in response to the discussion paper. To help in drafting its final recommendations the commission put together an advisory committee to provide expert opinion. Also, the commission consulted with many expert stakeholders.

I found the Law Reform Commission's report into the issues behind the present bill very valuable. It provides a very good background that explains the types of co-ownership, looks at changes that could be made to the way joint tenancies and tenants-in-common arrangements are made and how to better inform people who are thinking about entering into joint property ownership. The report has a very useful section on the handling of disputes, and this is where it recommends that VCAT rather than the Supreme Court or the County Court should hear disputes. The report also looks at ways to broaden the legal options available for individuals who are already in dispute.

Co-ownership involves the legal joint interest in property, and this can be land or belongings such as shares, and includes people who buy houses or apartments to live in together or for investment purposes, or where people jointly inherit or where they open a joint bank account. In Victoria 'joint tenancy' and 'tenancy in common' are the two forms of recognised ownership. The key difference is that joint tenants share the same interest in the whole property and their interest ceases when they die. If a co-owner in a joint tenancy dies their interest automatically goes to the remaining joint tenants. Joint tenants cannot leave their share to anyone in their will. Tenants in common, on the other hand, have separate shares through which they own the property and the share can be left in a will to others who then assume a share in the property.

According to the Law Reform Commission's report, disputes most often arise because people enter into co-ownership arrangements without being fully aware of the difference between a joint tenancy and a tenants-in-common relationship. People make a decision at the beginning of the purchase without realising the implications. As the Victorian Law Reform Commission report indicates, the present law can be very unclear to people who co-own property because, for historical reasons, under the common law joint tenancies are favoured — and unless potential co-owners state otherwise the law will assume that co-owners are joint tenants. So where a person dies leaving property to their children but not indicating in the will that each of the children has a separate interest the law will assume that the ownership is a joint tenancy. But the children themselves may believe they are tenants in common, planting the seed for a dispute further down the track.

The assumption on the part of the law that co-owners hold property as joint tenants, unless otherwise recorded, can produce unfair results because the remaining joint tenant, as a sole survivor, automatically cuts out potential inheritors of the deceased co-owner.

The courts deal with this kind of problem by treating the joint tenant co-ownership arrangement as tenants in common so as to give some equity in the property to the deceased co-owner's survivors who have a reasonable claim to a share. The courts will treat co-owners who have a business interest in a property or who have paid unequally into a property or who lend unequal amounts of money on the security of a property as tenants in common, so that the interests of the inheritors are protected. The protection is usually effected through the surviving co-owner being required to hold the property in trust. Also, the Transfer of Land Act supports the way the courts have dealt with these issues. This act provides that if a transfer of land lodged for registration does not indicate the status of the co-ownership arrangement it will be registered as a tenants-in-common arrangement. The individuals involved may not be aware of the legal position they are in or of the implications this may have in the event of one or other of them dying.

The main thrust of this bill is therefore to reduce the formality, expense and time involved in settling disputes when co-owners of land wish to end a co-ownership arrangement. Mostly co-owners want the land in dispute to be sold and the proceeds to be divided amongst them. The bill amends the Property Law Act so that jurisdiction over co-ownership disputes will be transferred from the Supreme and County courts to VCAT. However, complex matters that involve the division of property resulting from a breakdown in a domestic relationship or testator family maintenance will continue to be heard by the courts. Applicants can also have other complex matters referred to a court, and VCAT can do the same thing where this is appropriate. Also, the commonwealth Family Court will continue to deal with matters that relate to married couples and the Supreme and County courts will continue to deal with disputes between domestic partners.

The bill implements the recommendation of the Law Reform Commission that alternative dispute resolution processes be made available to parties in a co-ownership dispute and provides VCAT with flexible remedies to deal with the issues involved in a dispute. It will have broad discretion over whether properties under dispute should be sold or divided. VCAT will also have the power to make orders in relation to the payment of compensation and accounting between co-owners. In appropriate circumstances VCAT will also have the power to appoint trustees to oversee the sale or division of the land in dispute, and this would happen in cases of domestic violence, for example, or where individuals concerned are incapable of managing their own affairs. This is good legislation that will make a significant and positive difference to people involved

in disputes over property, and I commend it to the house.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**The ACTING PRESIDENT (Hon. Andrew Brideson)** — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**The ACTING PRESIDENT (Hon. Andrew Brideson)** — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

**Required number of members having risen:**

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**Hon. B. N. Atkinson** — On a point of order, Acting President, earlier today the Minister for Sport and Recreation undertook as a courtesy to the house to inform the house as to why legislation had not proceeded to be signed by the Governor and was returned unsigned by the Governor at the direction of the executive government. He undertook as a courtesy to the house to inform us as to why that occurred, and I wonder if we might have that explanation.

**The ACTING PRESIDENT (Hon. Andrew Brideson)** — Order! I am advised by the Clerk that it is not a point of order, but perhaps the minister may care to respond.

**Hon. J. M. Madden** — I did undertake to get that information. I am doing that currently, and when I have an answer I will provide it to the chamber.

## DEFAMATION BILL

*Second reading*

**Debate resumed from earlier this day; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak on the Defamation Bill I would like to indicate at the outset that the opposition will be opposing this legislation, and I will outline during the course of debate the reasons for that. We need to step back a little bit and look at some of the fundamentals of what we as a free society believe in. One of those fundamentals is free speech. Free speech underpins everything that is great about Westminster democracy and everything that is great about our society, but there need to be some limits to free speech, and defamation provides one of those checks. If free speech is carried to excess and somebody is defamed or maligned or their good name is impugned, there needs to be some check. It is not unfettered free speech. Defamation is that check when it comes to an individual or a corporation that stands in the place of an individual. Therefore, I would submit that an essential part of free speech, which is vital to our culture, is effective defamation law, so that an individual will not be damaged by any excesses in free speech.

What this bill does is massively and drastically cut back the opportunity to call somebody to account if they slander or defame you. It certainly very drastically cuts back the damages that one can obtain if one is defamed, and therefore it tips the balance very much in favour of the slanderer. I believe that is a sad thing. I think there needs to be a balance, and this bill significantly removes that. The net result is that we then start to replace that common-law balance, that ability for an individual, a corporation, a body corporate or any other body that stands in the place of an individual to defend their good name and their reputation.

If you take away their ability to do that, you then have to come into the Parliament with other statutes to establish some sort of protection in the place of that, as we have with the Racial and Religious Vilification Bill, which I think members would know I think is an abhorrent and unnecessary piece of legislation. But the more you unwind and reduce the effectiveness of our defamation laws, the more you are going to be forced to put in place other mechanisms to create the balance. Therefore I believe this is unfortunate legislation.

I can understand some of the impetus behind it, because there is a desire, I believe, to have some sort of uniform

defamation laws across Australia. Basically as the situation now stands each individual state has its defamation laws, but the areas where one can be defamed and one's reputation can be impugned are definitely national. If something is published in a New South Wales newspaper about somebody who lives in Victoria, where does that leave that person? In Australia today an individual's reputation is not based simply in a state, it is national. There is some logic in taking a national approach to defamation.

However, I believe, and the Liberal Party believes, that this goes too far. I need to remind the house that this piece of legislation will be mirrored by similar legislation in all other states. Although it is not template legislation in the way we normally understand it, the intention is that similar legislation will be passed in all other Australian jurisdictions, and as I understand it the federal jurisdiction is holding its options open on this issue. But the fact remains that, as defamation law is state law, if all the state jurisdictions pass similar legislation, as is proposed, this will be uniform across Australia. As I said, that will have some advantages. I do not and the Liberal Party does not disagree with the advantages; we simply disagree with how the bill changes the current standing of defamation.

Perhaps the most significant and first change is that it limits in quite a draconian fashion who can defend their reputation by taking an action against somebody for defamation. The bill says that if you are a corporation you have no rights to defend yourself against being defamed. This is, in my view, an outrageous situation. The bill says if you are a corporation that employs more than 10 people, you have no rights at all; you can bring no action to defend your good name except and unless you are a non-profit organisation. In other words, the churches or Greenpeace, Red Cross or any other non-profit organisation can defend themselves against being defamed

**Hon. W. R. Baxter** — Unions.

**Hon. C. A. STRONG** — As Mr Baxter says, unions as well. All these organisations can defend their good name, but a corporation that employs more than 10 people — and that is not many — can be maligned, abused or lied about with impunity. That seems to the opposition to be totally ridiculous and unjust. Frankly, I cannot understand it. It is crazy and should not be in law and certainly the opposition would in no way support it.

The second way that it massively reduces the current environment is that it caps damages that can be awarded to \$250 000. We all know that in some cases

awards of damages can be quite large. An individual's good name is a very important commodity and in many cases it is judged to be worth more than \$250 000 in a lifetime. Once again, to cap the damages at \$250 000 weighs the scales too far in favour of the maligner and disturbs the balance that already exists. This \$250 000 cap is absolutely ridiculous. Do we and does the government have confidence in the courts to make an assessment as to what is a reasonable level of damages? By capping it at \$250 000 it is a vote of no confidence in the court and its ability to form a correct assessment of what appropriate damages may be.

The bill then deals with the question of truth. We would all understand that in any action for defamation the ultimate defence is truth. I would take defamation action against somebody for saying something about me that is not true. If I can prove that what they have said is not true, that action will succeed. What this bill does is to change the concept of truth. The common-law concept talks about truth alone: something is true or untrue. The bill seeks to qualify truth. In his second-reading speech the minister talked about various qualifications of truth that are in other jurisdictions — is it perhaps not fully the truth but is it in the public interest, et cetera. This bill comes up with a new concept known as 'contextual truth'. In other words, it can be untrue or a lie, but if it is in the context of truth the cause for damages under defamation would not succeed.

I turn to the bill's explanatory memorandum and what it says about this whole issue of contextual truth. That is a lovely term and perhaps it should be adopted by members of Parliament. It says in the explanatory memorandum about clause 26:

... the defendant may have a defence of contextual truth if the defendant proves —

- (a) the matter carried, in addition to the defamatory imputations of which the plaintiff complains, one or more other imputations (contextual imputations) that are substantially true ...

In other words, if you mix up a lie in with a few other statements of truth, then maybe that will be all right. It goes on to say:

- (b) the defamatory imputations do not further harm the reputation of the plaintiff because of the substantial truth of the contextual imputations.

In other words, if somebody is saying — and this is an extreme situation — that you are a rapist and a paedophile, and you say, 'I am not a paedophile' and they say, 'You are a rapist anyway, what the hell does it matter?', that is how contextual truth is explained.

That is an extreme example, but you can imagine many other examples where there is a very significant watering down of the test of truth that is a major stepping back from the security that defamation laws have traditionally offered to people.

The next change proposed in the bill is highly significant and deals with defences for an action in defamation. One defence is to say, 'Although what I said about you was not true, in the context in which I said it, it was probably okay'. That is a defence; it is contextual truth. The next defence is the publication defence. If somebody can say, 'This was published somewhere; I picked it up and I just repeated it', that is a defence against defamation — that is, they were simply repeating something that somebody else had said. It is massively broad.

Clause 28 deals with some of those issues. It deals with the case where the defamation material is in a public document and defines what a public document is. One example is obviously when it is something that is said in here, which has always been the case. Another example is when it is a judgment or determination of a court, which is fair enough because it is a factual statement. Clause 28(c) defines 'public document' as:

any report or other document that under the law of any country —

- (i) is authorised to be published; or
- (ii) is required to be presented or submitted to, tabled in, or laid before, a parliamentary body ...

If I have a mate in the Zimbabwe Parliament who says, for example, that the Acting President is a rapist and has absconded with millions of dollars, and that is laid before that Parliament, then that is a defence if I publish it. It goes on and on. Clause 28(g) states:

any document of a kind specified in Schedule 2.

Schedule 2 of the bill is empty. It is ready to be filled up with anything that anybody cares to put into it at some time in the future by way of an amendment or maybe even by way of regulation. We do not know that, because it is not set out clearly how schedule 2 can be amended, even by regulation.

The defence of publication is so incredibly broad that it is almost inevitable that somewhere that defence will exist. If you look at the Internet today, where virtually anybody can say anything, who is to say information from the Internet is not going to be repeated somewhere in some jurisdiction or Parliament around the world. The fact that it has been published on the Internet, where it may be picked up by somebody else, will be a

defence against defamation. Frankly that is a joke. There is built in to the act again a lop-sided situation where defence will be incredibly easy.

Some other features of the bill are that it removes the distinction between libel and slander. Generally libel is seen as a written defamation, whereas slander is more transient. It is the spoken word, as it were, and requires a higher test before the distinction between slander and libel is removed. It will be easier to bring such cases of defamation. On the other hand, it is certainly going to be a lot more difficult to prove them.

The bill also comes up with a process called making amends, which I think is pretty hairy. What that says, in essence, is that if one believes one is being defamed and goes to the defamer — which is called the publisher in the bill — the publisher can try to do a deal. It may say, 'Yes that is true, I did defame you, but do not worry about it; I will put a bit of an ad in the paper saying I am terribly sorry — it will be on page 26 and nobody will ever see it — but you will be right. I will give you 2 bob and a free 12-month subscription to the newspaper. Do not worry about it'. If you say, 'No, that is ridiculous; it is worth more than that. You really did defame my reputation', then the fact that an offer was made to you and you refused it can be used against you in any defamation case in the future. In other words, this is not a negotiation that you would have as a normal negotiation which would be outside any further judgment made by a court. With a normal negotiation you would agree to disagree or whatever, you would go in, the evidence would be heard and you would make a decision on the basis of that evidence.

That will not be the case here. The court will be able to adjudge whether on the basis of the offer that was made to you — the amends process — you unreasonably wanted more than the publisher was prepared to give, and that is taken into account in how the court decides it will deal with that case of defamation. It is also taken into account in the assessment of costs. The person who is defamed, therefore, is under very significant moral pressure to accept any offer that might be put to him or her, particularly if it is put to them by a major publisher with deep pockets. Again it will weight the balance very much in favour of irresponsible newspapers or irresponsible publishers who are just happy to rush into print and say anything about anybody.

The defences the bill gives to those irresponsible publishers are extremely significant. They are significant in terms of the contextual truth, significant in terms of the \$250 000 limitation for damages, and significant in the context of a person being able to say something was published somewhere else and that can

be anywhere else in the world. The defences are so great that it is hard to conceive of anybody successfully mounting a case against a major publisher for defamation. Add to that that the only people who can bring such a case are individuals or corporations who employ 10 people or less, then you clearly have a massive imbalance of deep pockets versus short pockets.

The bill simply goes too far in every way. The opposition believes that this is a big step backwards. It is a big step in protecting irresponsible publishers. It is a big step which erodes an individual's right to protection from having their good name and reputation defamed. The opposition sees there is an advantage in having some uniform legislation across Australia. We accept that and we agree with it. However, we think the rules set out in this particular piece of legislation will be a very retrograde step. They will significantly inhibit the ability of individuals to defend themselves against slander, and make it very difficult for people to protect their good names. We see it as a piece of legislation which should be chucked out. I urge all honourable members to vote against this piece of legislation.

**Business interrupted pursuant to sessional orders.**

## MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. M. R. THOMSON (Minister for Consumer Affairs) on motion of Ms Broad.**

### ADJOURNMENT

**The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The question is:**

That the house do now adjourn.

### **Timber industry: protesters**

**Hon. E. G. STONEY** (Central Highlands) — I have an issue for the Minister for Environment and, I believe, the Minister for Agriculture in another place, because it involves the Department of Sustainability and Environment (DSE), VicForests and the police. I am not sure what to do here, but I will let the ministers sort out who should handle it. Protest activity in East Gippsland has been a regular occurrence, particularly in

summer. It has been mostly organised by the Goongerah Environment Centre office. Organisers take pride in detailing their activities on the centre's web site, including their capacity to receive light fines and simply do community service.

These protests often include sabotage, which happens often enough to constitute a real threat to equipment and the viability of contractors. This means targeted contractors are living with their equipment, often for months on end. It is very concerning that two logging bridges were made unsafe by sabotage activities, creating a great danger for trucks. As an example of what happens, logging contractor Peter Rodwell was targeted in September. He is now rostering himself and his family to guard equipment, which is disrupting his family life. It is impossible for any contractor to guard their equipment 24 hours a day, seven days a week for the whole of the summer. Peter Rodwell runs good equipment and a good operation and is determined to protect it. He should not have to take these steps on his own. I believe Peter has been offered assistance in guarding his equipment by the Victorian Forest Harvesting and Cartage Council and the lobby group Country Voice.

The only solution to this illegal forest terrorism is for the state government to resource the DSE, VicForests and the police to take a more preventive role. They must be given powers of surveillance that allow them to anticipate this forest terrorist activity, which hides behind and takes advantage of the public's right to protest. That is an accepted norm, but these people are taking advantage of it and perpetrating terrorism in the forests. Waiting for forest sabotage to happen and then reacting is the small-scale equivalent of waiting for terrorist bombs to go off before targeting terrorists.

I suggest the Minister for Environment send the Parliamentary Secretary for Environment to East Gippsland to camp with the contractors for a few days and help protect the equipment. This will enable her to get a real feel for the forest and report back to the minister. It would be very good for her to go into the forest on the front line and not just talk about it in her office. She should go out into the real world. I ask the minister to be proactive against forest terrorism to defend our most important forest industries.

### **Crime: family violence**

**Hon. KAYE DARVENIZA** (Melbourne West) — I wish to raise a matter for the Minister for Police and Emergency Services in another place, Tim Holding. The matter I wish to raise is the very serious and often hidden crime of domestic violence. We know that

domestic violence crosses socioeconomic, educational and age barriers. We also know that one in four female patients who attend a general practice in Victoria has experienced some form of physical abuse from their partner. Any form of family violence is unacceptable. It is illegal and it should not be tolerated. Experts in family violence believe that up to 80 per cent of cases of family violence are never reported to the police. Victoria Police, government agencies and non-government organisations believe we are seeing only the very tip of the iceberg when dealing with family violence. This is a hidden crime and we need every support to bring it out into the open. It is only by doing this that we will have any hope of addressing this problem. It is important that family violence is identified as early as possible and dealt with in the most appropriate way with intervention from the police, health professionals and specialist agencies, preferably before it becomes entrenched behaviour.

I would specifically like information from the minister about what action he or his department is taking to ensure that medical practitioners and other health professionals, who are often the first port of call and are usually trusted confidantes, have the necessary information and assistance so that, given their unique position, they are able to identify the warning signs of family violence and understand the referral options in order to combat domestic violence.

### **Agriculture: chemical exclusion zones**

**Hon. B. W. BISHOP** (North Western) — My adjournment issue tonight is directed to the Minister for Agriculture in the other place, the Honourable Bob Cameron. The action I require is for him to intervene to ensure that there is equity between Victorian farmers and New South Wales farmers in relation to rules and regulations regarding chemicals used in broadacre agriculture.

At present there are restrictions in Victoria on the use of certain chemicals due to concern that grapevines could be damaged by spray drift. Whilst the exclusion zones have not been finalised in Victoria, there is a general view that if any damage does occur, farmers who had purchased those chemicals could be fined. Victorian broadacre farmers have concerns on this issue and also about the fact that there is no compelling research to indicate the distances that the exclusion zones should be from the grape growing areas. However, it is my understanding that over the river in New South Wales there are no restrictions on the use of these chemicals. We have the ridiculous situation of Victorian farmers being forced to accept these restrictions while New South Wales farmers go on their merry way.

Most broadacre farmers are very careful with spray drift, as they are aware of the damage it can cause to neighbouring crops that may be susceptible. They have all completed their chemical users courses, so they carefully study wind velocity and other conditions for a number of reasons, including the safety of their neighbours' crops or their own and their need for the chemical they are applying to work to its optimum potential. They keep spray diaries, which contain wind velocity, temperature, time, paddock identification, crop and chemical used. I might add that the cost of adhering to a process such as exclusion zones is substantial, and other chemicals that do a similar job are more expensive to purchase and apply.

Victorian broadacre farmers say, 'Okay, we will work with our farmer colleagues who grew grapevines, but give us some decent research and assistance to justify that position, and when we settle that, the same rules should apply in New South Wales'.

The action I require of the minister is that he immediately ensure that the package to address this issue contains the research to formulate exclusion zones and is soundly based and appropriate; that assistance is available if costs increase due to exclusion zones; and that the same rules apply to farmers in New South Wales.

### **Trams: Collins Street traders**

**Hon. ANDREA COOTE** (Monash) — My issue is for the Minister for Transport in the other place. The top of Collins Street is known as the Paris end. It was so named by Ms Lillian Wightman, who had a boutique called Le Louvre, which still stands at the top of Collins Street today. Tourist brochures and information about Melbourne always refer to the top end of Collins Street as the Paris end. It is an attractive, beautiful place, and is known internationally as one of the iconic shopping districts of Melbourne.

It was with grave concern that the people of this precinct learnt of the plans for a new tram super-stop. They do not have any difficulty with the idea that we need better transportation; indeed, they are very supportive of this. However, the difficulty was that this tram super-stop was to be installed during the precinct's busiest time, the Spring Racing Carnival, when most of the shops at that end of the city will have international guests coming to visit them, to shop and bring money into the Victorian economy.

The problem is that city shoppers want convenient access. Mary Poulakis of the Collins Street Precinct Association said:

If they have to walk an extra block from the tram stop, they're less likely to spend their money here. They will get in their car and drive to Chadstone.

The Public Transport Users Association says the removal of stops would destroy a tradition of trams stopping at every intersection of the central business district. This will be a problem in the future. There is a huge tram super-stop at the top of Collins Street where it intersects with Spring Street. Having another one at the corner of Exhibition Street and Collins Street is unnecessary overkill.

I received a letter from Helen Fanning, the secretary of the Alexandra Club. She said:

The Alexandra Club has been a resident of Collins Street for over 102 years, and we believe to destroy this part of Melbourne would be detrimental to the street's reputation as being one of the most beautiful streets not only in Australia but internationally.

...

The Collins Street precinct committee was successful in delaying the works, which were due to commence on 21 October —

during the Spring Racing Carnival. However, the work has just been delayed until:

... just prior to the Australian Open and ... then the Commonwealth Games.

The precinct is calling for some in-depth research and for a proper feasibility study to be done. I personally ask the minister to conduct this in-depth research in consultation with the community before the Commonwealth Games and before a new tram super-stop is imposed upon the top end of Collins Street.

### **Princes Highway, Belmont: school crossing**

**Ms CARBINES** (Geelong) — I wish to raise a matter for the Minister for Transport in the other place. It concerns a school crossing in my electorate of Geelong Province which spans the Princes Highway at Belmont near the intersection of Henry Street. Many students use the school crossing to safely cross the highway on their way to local schools such as the Belmont and Oberon high schools and Clairvaux Primary School. In fact it is a really important school crossing because traffic on that part of the Princes Highway travels at 70 kilometres an hour. Whilst the crossing is well patrolled by supervisors, their job can be quite dangerous as they are often forced to step out onto the crossing with traffic approaching sometimes at speed. Often motorists only become aware of the

school crossing and the need to stop when the supervisor steps onto the highway.

This is exacerbated in the mornings as motorists travelling east are sometimes unable to see the school crossing clearly due to sun glare. Last Friday I witnessed an incident where the car driving in front of me drove through the school crossing just as the supervisor got to the centre and was about to signal to waiting children that it was safe to cross. It was a really sunny morning and glare may have contributed to the error made by that driver, which thankfully did not result in an accident but I am sure gave the supervisor a terrible fright. I therefore request that Minister Batchelor ask VicRoads to investigate the safety of this school crossing and how it could be improved.

### **Water: Wimmera–Mallee pipeline**

**Hon. DAVID KOCH** (Western) — My matter is for the Minister for Water in another place and concerns the failure of the government to provide a promised capital injection of funds to the Grampians Wimmera Mallee Water Authority for the Wimmera–Mallee pipeline project. This project is an equal partnership between the state government, the federal government and the local community, with each contributing \$167 million of \$501 million total cost. Grampians Wimmera Mallee Water will deliver the project.

The state government has been procrastinating and using delaying tactics by failing to agree with the federal government on its commitment to build the pipeline in less than 10 years. Building this pipeline will save water currently lost through evaporation and seepage, with the savings providing social, economic and environmental benefits. The pipeline will also provide a secure and reliable water supply, allowing now-empty recreational lakes to be filled. Grampians Wimmera Mallee Water recently announced that 11 lakes throughout the Wimmera and Mallee will be filled once the pipeline is built. This is great news for recreational users and the environment. However, there is no decision on who will pay for the water and local councils believe they will be forced to increase rates to foot the bill. They have already been told they will have to pay for the installation of fire hydrants to be installed every 5 kilometres along the pipeline. Cash-strapped local councils, which were previously informed that the \$2.48 million needed to install the fire hydrants would be covered, have lost out again due to further cost shifting.

Meanwhile the state government procrastinates by withholding its share of the funding because it wants to

take 10 years to build the pipeline. It wants to hold onto its share of the \$167 million for as long as it can. While the Premier says there are no barriers to get the project started, his bureaucrats are still reluctant to hand over any money.

The minister must be open with the people of Victoria and explain why these delays continue as confusion about definite start dates is costing money and causing unnecessary concern to the community. If the government handed over its share of the money to Grampians Wimmera Mallee Water the interest earned would soon pay for the tapping of the pipeline for fire hydrants and for filling recreational lakes. This would overcome the unreasonable burden on local government. My request is that the minister say when he will provide the government's share of the money to Grampians Wimmera Mallee Water so that the project can get fully under way.

### **Neighbourhood houses: funding**

**Hon. H. E. BUCKINGHAM** (Koonung) — I raise a matter for the attention of the Minister for Local Government, Ms Broad. The matter I wish to raise has to do with neighbourhood houses. A research paper entitled *Strengthening Local Communities — An Overview of Research Examining the Benefits of Neighbourhood Houses*, was recently launched by the minister at The Avenue neighbourhood house in Blackburn in Koonung Province. According to the report, community strengthening comes about when neighbourhood house participants want to give back to their local community and broaden their involvement locally. The report features personal anecdotes from some of the 50 people who took part in the research about the positive effect being involved in the local community has had on their lives. Neighbourhood houses are a unique resource that help build communities and encourage greater participation in local areas, thereby having a significant impact on social and human capital.

Can the minister provide me with information as to what future support will be offered to neighbourhood houses to allow them to continue this important role of strengthening local communities both across the state and in Koonung Province?

### **Bridges: Echuca–Moama**

**Hon. W. A. LOVELL** (North Eastern) — My adjournment debate is for the attention of that Minister for Aboriginal Affairs. It regards the Echuca–Moama bridge and the Yorta Yorta's refusal to allow the bridge to be constructed on the western option site. The need

to decide on the site of the new river crossing is a matter of urgency for the Echuca–Moama community, as it has been confirmed that the current river crossing has a lifespan of only about five years before major structural works will need to be undertaken on the bridge, which was built in 1879.

The minister is well aware that the Yorta Yorta have refused to allow the construction of the bridge because they claim the existence of sites of cultural significance. However, two other indigenous groups, the Bangerang and the Moama Land Council, who have inspected the site, have said that they can find no evidence of sites of cultural significance that would prevent the construction of the bridge. A report commissioned by VicRoads in May 2004 and prepared by David Rhodes of Heritage Insights confirms that any sites of cultural significance could be protected while still allowing the construction of the bridge.

The minister is aware that for many months now I have been continually lobbying him to convene a meeting between the Bangerang and the Yorta Yorta to discuss a way forward while still allowing for the protection of any sites of cultural significance. The Yorta Yorta have nothing to fear from coming together with the Bangerang for these discussions, because the Bangerang have said all along that if the Yorta Yorta can show them significant sites that could not be preserved, they would support the Yorta Yorta's position. At first the minister's response was to say that the meeting should be arranged at a local level. However, after I supplied him with several press clippings and letters to the editor that quoted the Yorta Yorta as refusing to meet with the Bangerang, the minister assured me that he would have VicRoads convene a meeting between the two groups.

On 28 September the minister wrote to me assuring me that after discussions between his department and the Department of Infrastructure, VicRoads had undertaken to arrange a meeting between the Bangerang and the Yorta Yorta. Unfortunately nearly a month after I received this letter VicRoads has still not been in contact with the Bangerang to arrange a date for this meeting. My request is that the minister investigate why VicRoads has not yet been in contact with the Bangerang, and that the minister do everything in his power to ensure the meeting between the Bangerang and the Yorta Yorta is convened by VicRoads without delay.

### **Blackwood Centre for Adolescent Development: funding**

**Hon. P. R. HALL** (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Education and Training in the other place. It concerns the Blackwood Centre for Adolescent Development. It is one of Australia's most highly recognised early intervention programs for students at risk of prematurely dropping out of secondary school. It is at the forefront of what I believe is desperately needed research into engaging difficult-to-manage young people.

The Blackwood centre is situated at Hallora, which is a small place just outside Drouin. It commenced in 1994, and it has been going for 11 years. Over that period of time it has provided opportunities for something like 400 young people to come and engage in the programs it offers. It offers a semester-length withdrawal program and 20 students at any one time are enrolled for a semester. They come from something like 15 different secondary colleges across the region. I was there last during my recent stint as principal for a day at Drouin Secondary College. There is a close attachment between Blackwood and Drouin.

I note that the attendance rate of some of those difficult-to-engage young people is in the order of 95 per cent and in some cases 100 per cent. Those students who are travelling from as far away as Bunyip or Sale to get to Blackwood are getting up at 5 o'clock in the morning to go to school. To persuade a year 9 or year 10 kid — who has probably got a history of truancy and behavioural problems — to get up early to get to school is a terrific effort and speaks volumes for the program.

Drouin Secondary College is regarded as the host college for Blackwood for predominantly administration and legal purposes. However, as I said before, Blackwood cannot be regarded as a second campus of Drouin Secondary College because students from a number of different schools travel to attend there. From a funding viewpoint, Blackwood does not fit into any of the existing funding models, like community schools, secondary teaching units, the Alpine school or a second campus of a school.

The Blackwood model works and is a powerful educational, leadership and personal development program. After 11 years of operation, there is a matter of urgency: it needs to have a staffing and funding model developed that ensures the ongoing viability of the program. My request to the Minister for Education and Training in the other place is for the department, as

a matter of urgency, to acknowledge and recognise that Blackwood is a unit in its own right and should be staffed accordingly as a specialist educational setting for students at risk. The staffing and funding model needs to be developed to ensure the ongoing viability of this very valuable program.

### **Racing and Gambling Acts (Amendment) Bill: royal assent**

**Hon. BILL FORWOOD** (Templestowe) — The issue I wish to raise tonight is for the minister at the table, the Honourable Justin Madden, the Minister for Sport and Recreation. It concerns the events this morning in relation to the Racing and Gambling Acts (Amendment) Bill. After some work that I have done during the day I am advised that the action of the Governor in acting on advice from the government and declining to assent to a bill is extraordinarily rare. In fact, it may not have happened before.

I want firstly to refer to joint standing orders 13A and 14, which outline the process that takes place when a bill is passed by both houses. Joint standing order 13A states:

When a bill shall have passed both houses it shall be printed by the government printer, who shall furnish three copies thereof on special paper to the Clerk of the Parliaments, who shall duly authenticate such copies.

Joint standing order 14 states:

The said three copies of all bills, except the appropriation bill shall be presented to the Governor for Her Majesty's assent by the Clerk of the Parliaments.

It is extraordinarily rare, as we heard this morning, for the Governor then to act on the advice of the government and decline to assent to the bill. It is a bit rich for the minister to be lumbered with the problem, although in this place he is the minister who has responsibility for it. The minister has undertaken to find out why this occurred. I put it to the minister that it is a matter of real importance that this happen speedily, because I think there is an arguable case for saying that the actions of the Governor were unconstitutional according to the law of Victoria, and furthermore that it was highly improper for the Premier or the government to intervene in the process as outlined in the joint standing orders of this house. There are a number of fundamental issues to do with this.

The first issue is who prompted the government to intervene in this process and under what circumstances. It is, as I said, extraordinarily rare. The second question is: why did the Governor then accept and assent to the advice, given that the joint standing orders of this place

make it clear that bills go through this place and are authenticated and presented for assent?

I accepted the minister's comments today when he said he would get advice and when he said later, on a point of clarification raised by Mr Atkinson, that he would do it quickly. But I put it to the minister that this is a matter of real importance to the due diligence and governance of this state, and tomorrow we will be looking for a response on this issue.

### **Members: approved motor vehicles**

**Hon. J. G. HILTON** (Western Port) — My adjournment matter this evening is for the attention of the Minister for Finance, Mr Lenders. The issue for the minister is in his capacity of having control of the approved list of vehicles available for selection by MPs. The list includes Ford, Holden, Toyota and Mitsubishi. All those vehicles are built in Australia and the purpose of the list is to support Australian workers and companies which have made significant investments in Australia.

Last Thursday Mitsubishi released a new range of vehicles called the 380 series, essentially replacing the present Magna and Verada series, which are currently on the approved list. Honourable members would be aware that Mitsubishi has been under some pressure for several years as to its continued presence as a manufacturer in this country. Speculation a year ago suggested that Mitsubishi could close down its entire manufacturing facilities in Adelaide. Indeed 50 per cent of the manufacturing facilities were closed down, and as a vote of confidence in the remaining facilities the company was allowed to complete the development of this new series of vehicles.

Whilst I make no comment on the relative merits of the 380 series compared with the Ford, Holden and Toyota vehicles, I ask the minister to ensure that the list of approved vehicles is modified expeditiously so that members have the option of selecting a 380 series vehicle and are consequently supporting an Australian-based manufacturing facility.

### **Sladen Street, Cranbourne: upgrade**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in the other place which relates to the duplication of Sladen Street in Cranbourne which was announced by the government in July. The project outline calls for the duplication to two lanes in each direction along Sladen Street between Scott Street and Hall Road and the installation of traffic lights at the

intersection of Sladen Street and Cemetery and Fairbairn roads, which are the north and south crossroads.

I have been approached by Mr Ken Leemon, the chairman of the Sladen Park-Cranbourne Residents Action Group, seeking my assistance to have the proposal modified to better suit the needs of residents in the Cranbourne area. Last Thursday night the action group held a public meeting to which I was invited and I understand the member for Cranbourne in the other place, Mr Perera, was also invited. I understand from talking to members of the action group that Mr Perera tendered an apology because he was apparently in Parliament. To my knowledge no house of Parliament sat last week so I assume it was a special sitting of one for Mr Perera. Nonetheless I attended the meeting at the request of the chairman, Mr Leemon, and undertook to raise the concerns of residents with respect to this issue.

At that meeting there would have been in the order of 50 or 60 people who took up a petition which will be presented to the City of Casey. A subsequent petition will be presented to this Parliament. The main concern of residents in the area and members of the action group is the decision by VicRoads to have a median strip spanning much of Sladen Street between the eastbound and westbound lanes without a break at O'Tooles Road, which is on the south side of Sladen Street. This would mean vehicles exiting O'Tooles Road would have to make a left-hand turn and head west before doing a U-turn at the Cemetery Road traffic lights if they wish to head east back to the retail centre of Cranbourne. The residents pointed out that this would create a number of traffic difficulties, particularly with the associated traffic entering the soccer club and Cranbourne racetrack.

I seek from the Minister for Transport his undertaking to have VicRoads work with local residents to ensure that this median strip in Sladen Street is divided at O'Tooles Road so that the traffic exiting O'Tooles Road will be able to make right-hand turns from the median strip across to the eastbound lanes.

### **Industrial relations: federal changes**

**Hon. S. M. NGUYEN** (Melbourne West) — I rise to speak about the federal government's proposed industrial relations changes. However, before I speak about these proposed changes I want to remind members about our great country. In 2002 the well-respected Economist Intelligence Unit reported that Vancouver and Melbourne were the world's most livable cities. More importantly, Melbourne, Perth, Adelaide and Brisbane were ranked within the top eight

cities in the world. This obviously leads to the view that this must make us the most livable country. The criteria for this are based on a number of factors, such as health, safety, culture, environment and infrastructure. Since Federation federal governments have worked to make this country a great place to live, work and recreate in.

John Howard's proposed new industrial relations changes will take this country down the road that will make living, working and relaxing with family and friends harder for all Australians. He wants to tamper with the basic rights of all hardworking Australians. The smoke and mirrors of WorkChoices ignores the fact that a majority of Australian workers have those conditions already and that the changes will actually remove workers' rights. What will happen is that agreements will be signed by workers that will remove entitlements. Conditions will be down to the basic four in WorkChoices, and the workers will get no compensation for this happening. Workers will also lose the protection of unfair dismissal laws, not only in companies employing less than 100 workers but also in larger organisations. There is a get-out clause for larger companies. The fine print needs to be read.

**Hon. Bill Forwood** — On a point of order, Deputy President, I wonder if the honourable member would care to relate the comments he is making to matters of state administration. So far we have had an interesting and erudite exposition of the history of the country, particularly in relation to industrial relations, but I am not sure that he has said anything at all that relates to state administration.

**Hon. S. M. NGUYEN** — On the point of order, Deputy President, I raise this because it refers to many Victorian workers, involving the new WorkChoices —

**The DEPUTY PRESIDENT** — Order! Mr Nguyen cannot debate the point of order. The issue of industrial relations bridges both state and federal levels of government. Mr Nguyen has been speaking for some time but still has 40 seconds left to relate his general preamble to state administration, and I ask him to do so.

**Hon. S. M. NGUYEN** — John Howard's changes are taking away the neutral umpire of the Australian Industrial Relations Commission. It will become a toothless tiger that will exist only to push Howard's agenda. This is simply about pushing the Australian work force further down the economic ladder. This is about increasing profits, competing with low-paid workers in Third World countries and again putting fear into workers' minds so that they either bow to the boss man and accept worse pay and conditions or find

another job. I ask the Premier to raise this matter with the Prime Minister in order to protect the living standards of Victorians.

### **Liquor Licensing Victoria: *Weekly Information Bulletin***

**Ms HADDEN** (Ballarat) — My matter for the adjournment tonight is for the attention of the Minister for Consumer Affairs. The issue concerns an important matter for small business in my electorate. It is about the decision by Liquor Licensing Victoria to discontinue the production of the *Weekly Information Bulletin*. This publication has proved to be an important asset to many businesses in my electorate in respect of the forthcoming provision of licence transfers. One example put to me by some small businesses in this area is that a recent edition of the bulletin listed details of 19 licence transfer applications, and one business was fortunate enough to secure stock assessment contracts for the majority of those listed in the *Weekly Information Bulletin*.

By way of context, Liquor Licensing Victoria has maintained a very good working relationship with the liquor and hospitality industry, so I am informed by many of my constituents, and the decision to discontinue the production of the *Weekly Information Bulletin* is seen as a significant departure from its long-term association with the industry. Further, this decision appears to be somewhat in conflict with the objectives of the legislation, which I understand are to contribute to the responsible development of the liquor and licensed hospitality industries. Some sections of the industry which have relied on this *Weekly Information Bulletin* and which will be and are already being affected by the discontinuation of the bulletin are hotel brokers, the legal profession, food and beverage suppliers, Australian Hotels Association members and hotel stock assessors.

As the information provided in the weekly bulletin is readily available from the Liquor Licensing Victoria database, my constituents have asked that consideration be given to the continuing provision of this service in its earlier form, even if it is continued on a user-pays basis. I am informed that the decision to discontinue production of the bulletin was made without full and proper consultation with the industry and without regard to adverse consequences on particular sections of the liquor and hospitality industry.

The action I seek is for the minister to remedy this decision by reintroducing the *Weekly Information Bulletin* and so continuing to support the interests of small business, especially in country Victoria.

**Hon. G. K. Rich-Phillips** — On a point of order, Deputy President, in relation to Mr Nguyen's adjournment matter this evening, Mr Nguyen requested that the Premier talk to the Prime Minister about a matter that relates to commonwealth legislation. The guidelines issued by the President on 7 October 2003 make it clear that the matter raised must relate strictly to Victorian government administration and in the case of a jurisdictional overlap the matter must be directed to the state minister as it specifically relates to that minister's area of responsibility.

I submit to you that commonwealth legislation is not the responsibility of a Victorian minister, the Premier, and therefore it is inappropriate for Mr Nguyen to raise that as an adjournment matter tonight. There is no jurisdictional responsibility in Victoria of any Victorian minister for the commonwealth legislation to which Mr Nguyen referred.

**Hon. J. M. Madden** — On the point of order, Deputy President, I think Mr Nguyen's issue was more specific. Whilst he drew upon the workplace changes that are a policy position of the federal government, I think the point Mr Nguyen was making concerned the likely changes to the standard of living of Victorian workers and, living in the most livable city, he was making a point not so much about the details of the legislation as about the implications of the policy position for Victorian citizens.

**Hon. G. K. Rich-Phillips** — On the point of order, Deputy President, in response to the minister's argument, the guidelines make it clear. Mr Nguyen's issue related to the standard of living of Victorian workers. I submit again that if the minister's interpretation regarding Mr Nguyen's intent is correct, that does not, in relation to industrial relations, come under the jurisdiction of a Victorian minister. The impact of commonwealth legislation is not within the jurisdiction of the Victorian Premier or any other Victorian minister.

**The DEPUTY PRESIDENT** — Order! On Mr Rich-Phillips's point of order, I am referring to the general guidelines for the sessional orders and the President's ruling of 7 October 2003 at page 255 of *Hansard*, which says:

The matter raised must relate strictly to Victorian government administration. However, where federal and state jurisdictions overlap a matter may be directed to the state minister as it specifically relates to their area of responsibility.

Mr Nguyen asked the Premier to raise with the Prime Minister a matter about the protection of Victorian workers. It was a very general request to the Premier

rather than to the relevant state minister, the Minister for Industrial Relations. I therefore rule the adjournment item out of order.

**Hon. Bill Forwood** — Good ruling!

**Hon. J. M. Madden** — It is not!

**Hon. Bill Forwood** — On a point of order, Deputy President, the minister has just reflected on the Chair, and I ask that he apologise to the Chair.

**Hon. J. M. Madden** — Deputy President, I would never reflect poorly on the outstanding work that you do, but I would often reflect on the contribution of Mr Forwood, and in this instance my comments were directed at Mr Forwood, not at you.

**The DEPUTY PRESIDENT** — Order! I thank the minister. In relation to Mr Forwood's adjournment item, there is some uncertainty about whether Mr Forwood reflected on the Governor. As it is not in order to reflect on the Governor according to our standing orders, I ask that Mr Forwood clarify whether or not his reference was to the Governor or to the government when he made the comments about unconstitutional actions.

**Hon. BILL FORWOOD** (Templestowe) — Thank you, Deputy President. Let me make it very clear that I had no intention of reflecting on the Governor. If I did, and *Hansard* shows that I did, then I unreservedly apologise. The issue that I raised was the probable unconstitutionality — —

**The DEPUTY PRESIDENT** — No.

**Hon. BILL FORWOOD** — I am not going to debate it, I am just going to explain. Surely I am entitled to do that!

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! We are asking for a clarification of to whom you were referring. You have said you did not reflect on the Governor, and that is the comment that you have made.

**Hon. BILL FORWOOD** — On a further point of order — —

**Ms Carbines** — You precious petal.

**Hon. BILL FORWOOD** — Yes, I'm too precious. The issue that this goes to is whether or not I am accused of reflecting on the Governor. I maintained in my conversations with you, Deputy President, that I did not, but I was asked to clarify what I said, and in the

interests of the smooth operation of the house I have done that. I find it a bit rich to be cut off midstream when I am doing it. Let me make the point that I think the government — and I said the ‘government’ — at the time — —

**The DEPUTY PRESIDENT** — Order! I think Mr Forwood is moving into the realms of reflecting on the Chair in reference to being cut off midstream. The clarification I sought from him has been given. He said he had no intention of reflecting on the Governor.

**Hon. BILL FORWOOD** — Nor did I, and I was going to say that I didn’t.

**The DEPUTY PRESIDENT** — And we accept the comment that you made.

### Responses

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — The Honourable Graeme Stoney raised the matter of protest activity in forests and the impact on forest industries. I will refer it to the Minister for Environment in the other place.

The Honourable Kaye Darveniza raised the issue of domestic violence, and I will refer that to the Minister for Police and Emergency Services in the other place.

The Honourable Barry Bishop raised the matter of chemical restrictions, spray drift and associated matters affecting broadacre farming, and I will refer it to the Minister for Agriculture in the other place.

The Honourable Andrea Coote raised the matter of the Paris end of Collins Street and the tram super-stops. I will refer that to the Minister for Transport in the other place.

Ms Carbines raised the matter of the pedestrian crossing in Henry Street, Belmont, and I will refer it to the Minister for Transport in the other place.

The Honourable David Koch raised the matter of the Grampians Wimmera Mallee Water Authority and issues concerning the Wimmera–Mallee pipeline. I will refer it to the Minister for Water in the other place.

The Honourable Helen Buckingham raised the matter of neighbourhood community houses, and I will refer it to the Minister for Housing.

The Honourable Wendy Lovell raised the matter of the alternative bridge location for the Echuca–Moama crossing and associated cultural heritage issues. I will refer that to the Minister for Aboriginal Affairs.

The Honourable Peter Hall raised the matter of the Blackwood Centre for Adolescent Development. I will refer that to the Minister for Education and Training in the other place.

The Honourable Bill Forwood raised a number of matters in relation to the Racing and Gambling Acts (Amendment) Bill. I think the matter he raised earlier in the day was why royal assent to that bill was delayed. If I have this right, Mr Forwood raised the matter of who as opposed to the matter of why. I have already mentioned that I am happy to proceed with attending to the information as to why. If I have his request clear, he was asking who requested that the assent be delayed.

**Hon. Bill Forwood** — And whether it is constitutional.

**Hon. J. M. MADDEN** — Yes. I will seek that information from the appropriate minister or the Premier, whoever has the authority to answer the matter to which he has referred.

Mr Geoff Hilton raised the matter of Mitsubishi car production and the opportunity for parliamentarians to use Mitsubishi motor cars. I will refer that to the Minister for Finance.

The Honourable Gordon Rich-Phillips raised the matter of Sladen Street, Cranbourne. I will refer that matter to the Minister for Transport in the other place.

Ms Hadden raised the matter of the *Weekly Information Bulletin* for licence transfers, and I will refer that to the Minister for Consumer Affairs.

**The DEPUTY PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.47 p.m.**