

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 12 October 2011**

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The Honourable Justice MARILYN WARREN, AC

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## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

**Procedures Committee** — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

## Legislative Council standing committees

**Economy and Infrastructure Legislation Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, \*Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

\* *Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

# *Participating member*

## Joint committees

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Naphine and Mr Walsh.

**Drugs and Crime Prevention Committee** — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

**Economic Development and Infrastructure Committee** — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmr and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

**Environment and Natural Resources Committee** — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

**House Committee** — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

**Law Reform Committee** — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

**Outer Suburban/Interface Services and Development Committee** — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

**Public Accounts and Estimates Committee** — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

**Road Safety Committee** — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

**Rural and Regional Committee** — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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**Deputy President:** Mr M. VINEY

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**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
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Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP



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**Wednesday, 12 October 2011**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.**

**The PRESIDENT** — Order! I have been advised that the Economy and Infrastructure References Committee, the Environment and Planning Legislation Committee and the Legal and Social Issues References Committee are meeting this day following the conclusion of the sitting of the Council.

**PETITIONS**

**Following petitions presented to house:**

**Children: Take a Break program**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early-learning environment.

Full funding for the program was provided by the previous state Labor government, but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

**By Ms TIERNEY (Western Victoria) (9 signatures).**

**Laid on table.**

**Carbon tax: economic impact**

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the outright rejection of the federal Labor government's carbon dioxide tax and calls on the Victorian Parliament to:

1. note that Victorians reject the monster price hikes that will be felt in the supermarkets and through gas, electricity and water bills;
2. note the severe threat to kill off Australian industry and Australian jobs if Australia unwisely goes at it alone;

3. note the comments made by Professor Tim Flannery, Julia Gillard's community spokesperson on climate change, who said, 'If the world as a whole cut all emissions tomorrow, the average temperature of the planet's not going to drop for several hundred years, perhaps over 1000 years';
4. call on state and federal Labor MPs to strongly oppose this huge tax impost on their local communities and businesses;
5. request that the Legislative Council of Victoria reject the federal Labor government's carbon dioxide tax and calls on the state government to urge the federal government to take other practical measures to improve environmental outcomes.

**By Mrs PEULICH (South Eastern Metropolitan) (135 signatures).**

**Laid on table.**

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

**Planning: green wedge development**

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the current review seeking to turn green wedge land into commercial and housing developments.

The protection, nurturing and enhancement of green wedge land has been supported by both political parties for over 30 years in recognition of the important role that open space plays in improving the mental and physical health of the community and maintaining the livability of Melbourne. They are the lungs of our city.

We are concerned that the current review of the green wedge, which only looks at opportunities for commercial and housing development, does not get the balance right because it does not consider the impact that bulldozing green wedges will have on the environment, the mental and physical health of the community and the livability of Melbourne.

We are concerned that once gone the green wedges are gone forever and that future generations will regret the destruction of the green wedges.

The petitioners therefore request that the Baillieu government stop the current review which only recognises green wedges as a development opportunity, agree to strengthen and grow rather than reduce green wedge space and work with the community to enhance and improve Melbourne's green wedges.

**By Mr TEE (Eastern Metropolitan) (819 signatures).**

**Laid on table.**

**Ordered to be considered next day on motion of Mr TEE (Eastern Metropolitan).**

**PAPERS****Laid on table by Clerk:**

Auditor-General's Reports on —  
 Maternity Services: Capacity, October 2011.  
 Supporting Changes in Farming Practices: Sustainable Irrigation, October 2011.

Austin Health — Report, 2010–11.  
 Barwon Health — Report, 2010–11.  
 Beaufort and Skipton Health Service — Report, 2010–11.  
 Beechworth Health Service — Report, 2010–11.  
 Calvary Health Care Bethlehem Ltd — Report, 2010–11.  
 Castlemaine Health — Report, 2010–11.  
 Cohuna District Hospital — Report, 2010–11.  
 Colac Area Health — Report, 2010–11.  
 Country Fire Authority — Report, 2010–11.  
 Echuca Regional Health — Report, 2010–11.  
 Film Victoria — Report 2010–11.  
 Fire Services Commissioner — Report, 2010–11.  
 Geelong Cemeteries Trust — Report, 2010–11.  
 Goulburn Valley Health — Report, 2010–11.  
 Heathcote Health — Report, 2010–11.  
 Kilmore and District Hospital — Report, 2010–11.  
 Kyabram and District Health Service — Report, 2010–11.  
 Latrobe Regional Hospital — Report, 2010–11.  
 Legal Practitioners' Liability Committee — Report, 2010–11.  
 Melbourne Health — Report, 2010–11.  
 Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2011 and Summary of Variations notified between 29 June 2011 and 7 October 2011.  
 Sentencing Advisory Council — Report, 2010–11.  
 St Vincent's Hospital (Melbourne) Limited — Report, 2010–11.  
 Subordinate Legislation Act 1984 — Documents under section 15 in respect of Statutory Rule No. 113.  
 Surveyors Registration Board of Victoria — Minister's report of receipt of 2010–11 report.  
 Terrorism (Community Protection) Act 2003 — Reports under sections 13 and 13ZR of the Act, 2010–11 (two documents).

Victims of Crime Assistance Tribunal — Report, 2010–11.

Victoria State Emergency Service Authority — Report, 2010–11.

Victorian Environmental Assessment Council — Report, 2010–11.

**PLANNING: PHILLIP ISLAND REZONING**

**Mr SCHEFFER** (Eastern Victoria) — On behalf of my colleague Mr Viney I desire to move, by leave:

That notices of motion nos 190, 191 and 193 relating to the decision to rezone land at Ventnor, Phillip Island, be moved and debated concurrently.

**Leave refused.**

**MEMBERS STATEMENTS****Cranbourne Information and Support Service**

**Mr TARLAMIS** (South Eastern Metropolitan) — On 24 September I attended the opening of the Cranbourne Information and Support Service extension. This service plays a vital role in the health and wellbeing of the Cranbourne and Casey South community and sees between 50 and 100 people per day. It is an important resource for many people experiencing hardship or seeking advice, temporary help or assistance.

The service provides information, referral and support across an extensive range of areas. It provides immediate support for people in crisis and emergency relief by way of food, food vouchers, gas and petrol, public transport tickets, pharmaceutical needs and financial aid. The service takes a holistic approach to people in crisis through ongoing support such as assistance in negotiating with landlords and creditors, and financial counselling as well as family counselling and financial assistance. It also offers a compassionate ear to its clients, who feel unheard and powerless to address their problems.

In addition to the devoted allied health professionals employed by the service, the centre is staffed by a band of dedicated volunteers who undertake an extensive training program, orientation and a probationary period before becoming accredited community information workers. The service supports some of the most disadvantaged and marginalised people with compassion and professionalism. I was honoured to attend the opening of its extended facility.

### **Noble Park Football Club: premiership**

**Mr TARLAMIS** — I would like to congratulate the Noble Park Football Club, the Bulls, on winning the 2011 Eastern Football League division 1 grand final last month. The Bulls finished the season with an emphatic 70-point victory over Scoresby, making them back-to-back winners. The hard work, commitment and dedication shown by coach Mick Fogarty, captain Craig Anderson and all the team should be commended, and I wish them well for next season.

### **Murundaka project: Yaruki Tamboore wetlands**

**Mrs PETROVICH** (Northern Victoria) — I recently launched the Murundaka project in the Yarra Valley wetlands in Lower Plenty. Murundaka means ‘stay and live at’. It is the result of a great community effort which has transformed this reserve into a very special place of spectacular wetlands for the outer suburbs. The wetlands are now officially called Yaruki Tamboore, as they were called by the traditional owners, the Wurundjeri people, meaning ‘magic waterhole’.

Congratulations to Greensborough Secondary College, Friends of Yarra Valley Parks, Conservation Volunteers Australia, Melbourne Water and Parks Victoria staff who have done an amazing job in transforming this piece of public land into a special place for present and future generations to enjoy. Only a short time ago this area was overgrown and overrun by weeds and pests. It is now home to a variety of birds, reptiles and turtles. This amazing transformation was achieved by clearing a space measuring 100 metres by 60 metres by 2 metres. Drains were cleaned by Melbourne Water to allow the cleansing effects of the wetlands to improve the catchment water going into the Yarra River.

In consultation with the Wurundjeri people, significant Aboriginal cultural values have been preserved. They include eel traps, scar trees and an indigenous garden to preserve plants and educate people about the value of plants used in Aboriginal culture and foods. This is a great example of Parks Victoria’s Healthy Parks Healthy People approach.

I took a gumboot trek into the lagoon to listen to Cam Beardsell from Parks Victoria explain the habitat and activities of a colony of native swamp rats who have made their home in these wetlands. This is significant as there are no large colonies of this species in Victoria. There is much to learn from these new wetlands, such as the migration of birds and the new and rare species

of plants and animals that are coming back to Murundaka.

**The PRESIDENT** — Order! Yesterday we congratulated Mr O’Brien on his new child. Does she have a name yet?

**Mr O’Brien** — As yet she is unnamed. An options paper has been released and we are taking submissions. We will consider every view and report back in due course.

**The PRESIDENT** — We do not want to rush Mr O’Brien, but we think he has about 30 days. Congratulations, Mr O’Brien.

**Mr O’Brien** — Thank you, President. My wife is still recovering from the effects of morphine, and she wants to make sure she makes that decision with a clear head.

**The PRESIDENT** — Does Mr O’Brien not get a say?

**Mr O’Brien** — I have had my say, and I await her decision.

**The PRESIDENT** — Comment was passed yesterday that we would be more than happy to assist in wetting the baby’s head.

**Mr O’Brien** — Thank you, President.

### **Bushfires: community preparedness**

**Ms BROAD** (Northern Victoria) — Following Black Saturday, Labor in government held a fire awareness week, in conjunction with Community Safety Month in October, to encourage all Victorians to prepare and protect their homes from fire well in advance of the fire season. This has not happened this year under the Baillieu-Ryan government, yet the CFA (Country Fire Authority) and the Bureau of Meteorology are saying that due to the higher rainfall there is a greater risk this season of fast-moving grassfires which could extend into suburban areas.

Meanwhile maps issued by the government have failed to list many areas with histories of bushfires as being at risk despite their being listed by the CFA as at risk. Communities in Northern Victoria Region that have been left off the at-risk list include Bendigo, Castlemaine, Eaglehawk, Macedon, Woodend and Kangaroo Flat.

In addition, the government has delayed the release of a vital final report on fireproofing powerlines — a key recommendation of the 2009 Victorian Bushfires Royal

Commission — and the government has failed to match Labor's commitment to upgrade or rebuild 250 CFA stations across Victoria because it has other priorities. In northern Victoria the Swan Hill region alone is missing out on 20 CFA station upgrades or rebuilds. I call on the Baillieu-Ryan government to live up to its responsibilities and get on with the job of doing everything possible to ensure that all Victorians are prepared to face the fire season.

### **Emergency services: blessing of the fleet**

**Mr ONDARCHIE** (Northern Metropolitan) — Last Saturday, 8 October, I attended the City of Whittlesea's annual blessing of the fleet, hosted by the mayor, Cr Rex Griffin. This is a multifaith service that blesses the emergency service personnel and their fleet and equipment. The Country Fire Authority (CFA) was represented by the Kinglake West, Whittlesea, South Morang, Wollert, Doreen and other brigades. The State Emergency Service was there, as was the Metropolitan Fire Brigade, Victoria Police and Parks Victoria.

Most of the people are volunteers. Speakers included Fr Ray Hartley from the Anglican Church of Epping; Jasmine Huynh, representing the Buddhist faith; Reverend Malcolm Macmillan; Reverend Stuart Stuart, who is from the emergency services ministry; Elizabeth Enciondo, representing the Baha'i faith; and Reverend Glynis Dickens from the Plenty Valley Baptist Church. Michael Rudd from the Kinglake West CFA gave the firefighters' prayer.

There was wonderful community support, but what was disappointing — and this multifaith service was in the lower house seat of Yan Yean — was that I was the only member of Parliament in attendance. Similarly, at the community services dinner that was held the week before, with all the local service clubs present, I was the only member of Parliament in attendance in the seat of Yan Yean. It was disappointing.

As we enter into the summer season, we pray for the safety, the security and the support of all our emergency services personnel, most of whom are volunteers. They put their neighbours, their friends and their communities ahead of themselves, and we wish them well for a safe fire season.

### **Doug McColl**

**Ms PULFORD** (Western Victoria) — I would like to take this opportunity to congratulate Mr Doug McColl on being named 2011 Senior Victorian of the Year. Through his volunteer work, Mr McColl has

made a significant contribution to the community of Warracknabeal in western Victoria.

His list of achievements includes being the inaugural secretary of the Warracknabeal Promotions Committee, a member of the Townscape Committee and the Warracknabeal Arts Council, and a dedicated member of the Warracknabeal Historical Society for more than 50 years. Mr McColl was awarded an Order of Australia in 1985 for his volunteer work — quite a considerable range of achievements in only 82 years.

### **Road safety: Ride Beyond the Trauma**

**Mr O'DONOHUE** (Eastern Victoria) — I joined my colleague the member for Gembrook in the other place and a crowd of hundreds of people who gathered in Pakenham last Sunday to wave off a team of State Emergency Service volunteers embarking on a 5000-kilometre road safety journey. Five members of the SES have set out on a nine-day voyage to Toowoomba to help raise awareness about road safety as part of the Ride Beyond the Trauma event. The team was motivated to organise the event after their experiences as SES volunteers witnessing incidents of road trauma and the devastating impact they have on communities and the lives of loved ones who have been left behind or been seriously injured.

SES volunteers are vital contributors to our community and often witness some traumatic scenes. They give up their time so generously to attend local emergencies, as was demonstrated by the team members right up until their departure in working all day at a plane crash rescue in Tooradin the day before they took off on their ride. The group took off on its journey last week as the Premier launched a new road safety campaign to encourage rural communities to talk down the road toll as part of a partnership between 60 of the state's regional newspapers and the Transport Accident Commission.

### **Reginald Topp**

**Mr O'DONOHUE** — I wish to acknowledge the passing of Major Reginald Linnaeus St John Topp, MBE, ED, at the age of 90. Reg was a member of the Liberal Party for over four decades. An expert in rail, he contributed much to debate and policy development within the party. Reg was a tireless contributor to our community, as evidenced by his long involvement with Puffing Billy.

**Esplanade, Mount Martha: pedestrian crossing**

**Mr O'DONOHUE** — I was pleased to join the member for Mornington in the other place in announcing that construction of the Mount Martha pedestrian crossing will soon commence. This will improve safety to the beach, particularly for the hundreds of nippers who use —

**The PRESIDENT** — Time!

**Disability services: regional and rural Victoria**

**Mrs COOTE** (Southern Metropolitan) — Last week I paid a visit to western Victoria, and it was very interesting for me to experience the tyranny of distance — to see the huge distances that many of our country members have to travel and how much pressure is put on service delivery in these areas. First of all I went to Warracknabeal and visited Woodbine Inc, which provides supported accommodation and day programs for people with disabilities. I saw some of the excellent work that Sharon Taylor and Ray Duffield do at Woodbine. Then I went on to Mildura and spent some time with Mallee Family Care. Vernon Knight has done an extraordinary job, especially with work in the mental health area and with a whole range of other programs that he has initiated.

I also saw Fiona Harley from Chances for Children, who has done some excellent work, Marian Leuhman from Sunraysia Residential Services Inc., Cath Murphy from Mallee Family Care, Graeme Loison from Access Mildura Inc., Mary Bassi from Sunraysia Community Health Services, Glenda from Christie Centre Inc., Richard Garlick from Sunraysia Residential Services and Gayle Danson from Sunassist Volunteer Helpers Inc. In Swan Hill I saw Alice Saville and the LeadAbility for Women program for women with disabilities. I commend Peter Crisp, the member for Mildura in another place, and his staff, who know their community, are highly regarded in their community and have done some excellent work on behalf of this constituency.

Disability in this region is a challenge, and I commend all the people I saw. I thank them for the time they gave me and the encouragement they showed me. Disability is in very good hands in this part of Victoria.

**Coptic Christians: Egypt**

**Mr FINN** (Western Metropolitan) — Earlier this year I raised in this house my concerns about the treatment of the Coptic Christian minority in Egypt. Very tragically I must do so again. Religious

persecution is rife in that sorry nation, with Christians openly being targeted. All too often we have seen Copts slaughtered in large numbers, and it continues on an increasingly large basis today.

As Australians we should take a stand in support of human rights in Egypt. We should support the Coptic Christians in their time of trial. More than that we should be opening our borders, as I suggested earlier this year, to accept those genuine refugees fleeing Egypt in fear for their lives. We certainly should not be sending home to Egypt anybody who may be facing death as a result.

Instead of grandstanding in various locations around the globe and seeking votes in his leadership quest, Australia's Minister for Foreign Affairs should immediately make representations to the Egyptian government asking it to protect its Coptic community and to stop the killing of Coptic community members. Egypt's Coptic Christians need our help; we should stand with them. They need us now; we should give them our wholehearted support and stand with them.

**Geelong Football Club: premiership**

**Mr KOCH** (Western Victoria) — Congratulations to the mighty Geelong Cats for their magnificent premiership win of 2011. The 2011 AFL Grand Final was a great contest between historic rivals that saw one of the best premiership matches of recent years. Geelong has now beaten Collingwood three times at grand finals: in 1925, 1952 and 2011. It has secured a ninth premiership win, with three premiership wins in the last five years. This has certainly been the year of the Cats, who have not lost to Collingwood all year.

The Geelong Cats are a well-disciplined team, managed without equal in the AFL. New president Colin Carter, new coach Chris Scott and captain Cameron Ling, along with one of the best administrators in AFL history, Brian Cook, successfully regrouped the players for the 2011 season. Even though Cameron has decided to hang up his boots, his leading of the Cats to their ninth premiership and his kicking of the final goal in the 2011 grand final makes him one of the best AFL players of modern times.

While too many commentators discounted Geelong's capacity to get to the finals, let alone win the premiership cup, the Cats demonstrated that through their skills and determination anything is possible. Jimmy Bartel's Norm Smith Medal was a just reward for a player who manages risk so well in kicking those impossible goals, and Corey Enright capped a premiership-winning season with his second Carji

Greeves Medal, a huge effort amongst giants in his own team. My congratulations to every player and supporter of the Geelong Cats.

**The PRESIDENT** — Order! Unfortunately Mr Koch did not mention Meatloaf's performance as part of the 90-second statement. I have tickets for this week. If anybody would like to buy them, see me in the lobby!

### **Youth: Visioning Justice project**

**Ms PENNICUIK** (Southern Metropolitan) — On Friday, 30 September, I attended the launch of the Visioning Justice project, which was launched by magistrate Pauline Spencer. Visioning Justice is a collection of short radio documentaries made by young people about their experiences with the law. It is a partnership between the Springvale Monash Legal Service and 3CR community radio, and it is funded through the Legal Services Board grants program.

The project aims to get young people's stories onto the airwaves and also to train them in broadcasting and presenting their views. Amongst the short radio documentaries are ones called *Indigenous People and the Australian Justice System* by Luad; *The Sudanese Community and Melbourne's Media* by Temar and Bec; *Views of the Justice System — Falling in Love with the Law* by Hannah; *Journey through the Justice System* by Daniel; *Young People and the Police* by Nancy; *Youth Power* by Luka; *Youth 'Gangs', the Media and Victoria Police* by Temar; and *Black Face White Mask* by Daniel.

All of these short radio documentaries are available on the 3CR website, and I urge members to listen to them because there is a lot to learn from these young people and their experiences with the law in Victoria.

## **PLANNING: AMENDMENT VC82**

### **Debate resumed from 14 September; motion of Mr TEE (Eastern Metropolitan):**

That amendment VC82 to the Victoria planning provisions be revoked.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to continue this very important debate on the future of the wind farm industry in Victoria — a debate that will have a long-lasting impact because unless we are successful here today we are looking at the decimation of regional communities and farmers, and we are looking at gaps in our regional communities as families move elsewhere, gaps in our Country Fire

Authority brigades, gaps in our sports clubs and gaps in our community clubs.

This is a very important motion, and I hope those opposite have been able to take the opportunity of the break in sittings to talk to some of the farmers, as I have been able to do, who are very concerned about this government's policy on wind farms — a policy which might for some mean the difference between their having the ability to stay on the land or having to sell up and move on. The motion is about asking for a more balanced approach, a fairer approach and a more decent approach to this policy area.

Even if you put aside those important concerns for farmers in terms of their rental returns — and those opposite have clearly done so — what about the small businesses and what about the regional families? And again, perhaps those supporting the wind farm policy just do not understand how difficult it is to make a living in regional Victoria.

What about the communities that want wind farms? You see the great difficulty with this policy is that large chunks of Victoria are just simply out of bounds. There are communities at Woodend and at Castlemaine that support wind energy, but those communities do not have a choice. In areas that have been excluded it does not matter whether every member of the community wants a wind farm, this minister's ears are closed. They cannot under this proposal have wind farms in those communities. Those individuals, those families and those communities simply do not have a choice.

The proposals at Woodend and Castlemaine are for small-scale, three-turbine wind farms that are hidden from view and supported by the local communities, and I would hope that as part of this debate those opposite would explain why projects like these, projects that build community spirit and strengthen community resilience, have been so cruelly killed off by this government. I hope those opposite, as part of their contribution, will take the opportunity to explain why this government, this minister and this Premier think they know what is best for communities like these and why it is that this government's view should be imposed on those communities. What is it that those communities have done wrong that means that they should be treated in this way?

What is at stake as well as the farmers', the families' and the communities' choice? The other issue at stake is really an alternative industry that is a viable and proven alternative industry. The wind industry currently produces nearly half of all renewable energy in Victoria. This is tried and tested technology; this is

technology that today competes effectively against all other forms of renewable energy. It is an industry that provides high-skilled, ongoing maintenance and manufacturing jobs, and these jobs will be lost right across Victoria.

We have had an opportunity to provide some hope for this industry and for those in regional Victoria who are struggling as the manufacturing industry, which is being buffeted by the high Australian dollar, declines in some centres. What the wind farm industry provided for a lot of those communities was the hope that they would have a replacement industry in place and that regional Victoria would become the centre of a national — indeed an international — research hub around this important renewable energy. Instead that support has been ripped from those communities, and the chance to supplement, replace or complement some of the industries that are struggling in regional Victoria has now been taken away by this government's actions relating to the wind farm industry.

The real impact of that missed opportunity will be felt in areas like Ballarat in particular, which stood to be a national focal point for this industry. We now know — developers are telling me this — that the industry is moving to Queensland and to other areas where there are governments that support investment, regional jobs and regional families.

The motion I seek to have passed today asks members opposite to rethink, to take a less extreme and radical position and to show a degree of compassion, understanding and empathy. It is about asking those opposite to talk to farmers, as I have done. I am happy to facilitate those discussions and to set up those meetings so that those opposite can see in the eyes of these people the fear and concern many have that they will be the last generation on the land and the concern of many workers that they will need to take their kids out of school and away from their friends and families as they move interstate, perhaps even to Queensland, to follow the wind farm industry. I have urged and continue to urge those opposite to talk to people in regional Victoria — to farmers and to workers.

While they are doing that, I also urge them to talk to local councils, because when it comes to the wind industry and to this policy — in fact councils tell me that this is the case with most issues — the government has not spoken to local councils. It certainly has not spoken to local communities, but it is also clear that it has not spoken to local councils. We have a very complicated policy being delivered by this government. It is a bureaucratic mess and will require local councils to impose additional burdens on their ratepayers. Local

councils will need to increase their rates to work their way through this bureaucratic red tape. No-one from government is talking to them. The mayor of the Pyrenees Shire Council, Michael O'Connor, was quoted in the *Maryborough Advertiser* on 2 September this year as having said:

'Some degree of consultation with the major shires who are impacted upon by wind farms would have been nice,' he said.

'We haven't seen any of the lead-up to this announcement.

'We've been trying both singularly and through the MAV as a group of councils to get a meeting with Minister Guy on this sort of thing since back in March of this year.

'He just wasn't really available to talk to us.'

We know what the minister has been doing, and I will not go there, but it is clear that the minister is not available to talk to local councils in regional Victoria. He is not available and does not care about how those councils will deal with this mess. It is clear that unless there is an international Hollywood superstar on your team — unless you have Miley Cyrus tweeting — this minister and this government just do not care.

Another council has stood up and expressed its concern and frustration about how this government is behaving. An article in the *Weekly Times* of 21 September says:

The Mount Alexander council said the new rules did not reflect local conditions and did not consider the impact on smaller communities.

What it is saying loudly and clearly to the minister and to the government is that a one-size-fits-all solution does not work. The article goes on:

'In particular, there is potential economic loss to the shire as a small community-owned wind farm would now not be able to proceed,' a council motion said.

A similar wind farm now operating at Daylesford injected \$7 million into the region during construction, employed four people permanently and powered 2000 homes.

That and the many other wind farms that are in place will become historical relics as we move forward and close down this industry.

I urge those opposite to think carefully about this motion and to think about the constituents who will be harmed by this in many of their electorates. My motion is a plea for those opposite to spare a thought and have some compassion for regional Victorians and the members of those families who are so cruelly treated by this minister and this government. I urge those opposite to join with me in supporting this motion.

**Mr RAMSAY** (Western Victoria) — I have stood here before and responded to a contribution from Mr Tee in relation to this amendment and about wind farm generation generally in the state of Victoria. I find myself having to defend the Baillieu government's policy in relation to the new amendments but also the new guidelines. I do so on the basis that what I have heard from Mr Tee is absolute and utter rubbish. Consistently in this house I have heard his misinformation, his non-factual and his downright incorrect information about wind farming.

**Mr Barber** — Choose your words carefully.

**Mr RAMSAY** — Yes. I say this on the basis that I have some intimate knowledge as a land-holder, as a farmer and as someone who is going to live next to a wind farm in my area, whereas Mr Tee living in suburban Melbourne perhaps has not had that interaction.

The issue is that under the old planning permits we still have over 1000 turbines to be built in the state of Victoria. There is plenty of opportunity for generators who use these permits to trade. That is what they do: they buy and sell permits. There has been a permit to build a wind farm near me for eight years, and do you know how many trades have happened? Four trades. Four different generators have traded that permit. Land-holders have been tied up under land heads of agreement for eight years — which they cannot get out of without seeking legal counsel, which comes at a huge cost — to supposedly build a wind farm. The fact is it is unviable for many generators to build wind turbines in the state of Victoria at the moment. It has absolutely nothing to do with the new guidelines in relation to wind farms that the Baillieu government put in place.

I want to refer to some of the points raised by Mr Barber and try to remove some of the drivel that was part of his contribution over the last 10 to 15 minutes in relation to wind farm generation in Victoria. The Baillieu government is extremely supportive of renewable energy and has in place a number of renewable energy policies that stimulate and support those willing to invest in that energy sector. Mr Tee talked about the choice of farmers being at stake, and I am trying to understand what stake he was talking about.

The Brumby government's wind farm policy was an utter and total disaster. In the last few dying months of the Brumby government a plethora of planning permits were issued for wind farm generation with absolutely

no thought about any of the stakeholders that Mr Tee referred to in his dubious contribution.

This has pitted community against community, land-holder against land-holder and farmer against farmer. If Mr Tee wants an example of that, I suggest he get out of suburban Melbourne, saunter down to Winchelsea and attend the Barunah Park meeting tomorrow night. He will see what his government did to inflame, incite and divide communities right across Western Victoria Region due to the haphazard way the Brumby government provided planning permits.

Mr Tee spoke about jobs. As Mr Tee knows, most of the components of the turbines are built in Korea and China, so there is little or negligible effect in terms of any stimulation of job growth in the renewable and wind farm energy sectors. The generators are made in China, the turbine heads are made in Korea and most of the stem work is transported here from overseas.

**Ms Tierney** — So you don't care about Keppel Prince?

**Mr RAMSAY** — Have you talked to Keppel Prince?

**Ms Tierney** — All the time.

**Mr RAMSAY** — I can assure you our new guidelines will have absolutely no impact on its industry in Warrnambool — —

*Honourable members interjecting.*

**Mr RAMSAY** — I have talked to Keppel Prince many times, Ms Tierney. Most of the components of wind farm generator turbines are made overseas.

**Mr Tee** — What is Keppel Prince doing then?

**Mr RAMSAY** — If you want to stimulate jobs in China, Mr Tee, that is fine. We are looking to stimulate jobs in Victoria — in Australia — not in China, Korea or the Netherlands.

**Mr Tee** — Two hundred and forty workers; 240 families — you tell them those workers are not working.

**Mr RAMSAY** — Two hundred and forty families. Mr Tee talks about councils not being involved. The new amendments provide councils with a choice. They can either provide the planning permit under the old regime or they can refer the matter to the minister. Many councils have come to me saying they do not want to make the decision; they want to refer the planning permits to the minister. This amendment gives

that opportunity to councils, meaning if they do not wish to provide the planning permit in relation to generator developers' applications, they can refer those to the minister.

As Mr Tee would know, councils are also beneficiaries of significant revenue in relation to wind farms, so why should they not be proactive in wanting wind farms around their different shires? In relation to the proposed Mount Gellibrand wind farm, the Colac Otway Shire Council would receive \$40 000 just for the development of the wind farm, plus another possible \$200 000 for the energy generated by that wind farm. That is \$240 000 per year, meaning the Mount Gellibrand wind farm would be the largest ratepayer in the Colac Otway shire.

Why would councils not want to embrace wind generation in their shires? I will tell members why they would not. They would not because doing so devalues land in their shires. While they have a win on the one hand, on the other they have a significant loss. That applies right across the board in relation to the farmers who opposition members have suddenly found some sort of kindness or support for, after 11 years of Labor's policy had a significantly detrimental effect on the ability to enhance primary production.

Embracing wind farms will decrease land values. If Mr Tee wants an example of that, I suggest he walk around Ballarat and have a look at the valuations of properties adjacent to wind farms. He will find they have had significant impacts on property valuations. Not only do farmers have to bear the cost of the interruption to their activity and business — not to mention the livability impact — but they also see their property and assets being devalued by significant amounts.

An issue in relation to the 2-kilometre limit to which Mr Tee referred in relation to amendment VC82 is something I also do not quite understand. Before the election, land-holders and a variety of stakeholders came to talk to the Liberal Party about the impact turbines have when they are in close proximity in terms of livability, health and the ability to use land productively for food production, wine production or for other purposes. They felt a distance of 2 kilometres, as described in the amendment, would at least allow a significant lessening of the impact of turbines in the areas I have talked about, including the livability and health issues, which have been well acknowledged.

Not long ago a Senate inquiry came to Ballarat. There were many contributions to that hearing, and evidence was provided. A significant number of the people who

contributed to that hearing provided evidence that they were having significant health problems as a direct result of the noise, vibration and subsonic noise of the turbines near their properties.

**Mr Tee** — That is not what the minister said.

**Mr RAMSAY** — I say to Mr Tee that I have actually been there. I have stood under turbines at the Waubra wind farm and heard very distinctly the extent of the noise and vibration that comes from those turbines. I can certainly say that if I had to live within 2 kilometres of a turbine, my health would be affected, my livability would be affected and certainly any activity I wanted to engage in within close proximity of those wind farms would be affected. I would not want a turbine, as is the case in some places, up to 600 or 700 metres from my home, where I live, work, sleep and try to enjoy life and the vista around me.

Unfortunately — or perhaps fortunately for him — Mr Tee will never see a turbine 700 metres from his backyard because they are not allowed in inner city Melbourne.

**Mr Tee** — No-one will. That is the point!

**Mr RAMSAY** — I say to Mr Tee that that is absolute rubbish. There are still 1000 turbines that are yet to be built under the old planning scheme, which does not infringe on proximity unless it is with the agreement of a land-holder.

There are a couple of other points I want to make in regard to Mr Tee's contribution. He talked about the need to talk to farmers. How audacious it was for Mr Tee to make a remark like that. He has no sympathy or understanding of the impact these turbines have on farmers, land-holders and people right across Victoria. It was audacious of Mr Tee — Mr Suburbia — to say that the government needs to talk to farmers across Victoria in relation to the impact of wind farms.

I will tell Mr Tee a little story. The Waubra wind farm was launched at the Quoin Hill Vineyard by Theo Theophanous way back when. However, now the owner of that winery does not want and does not support wind generation around his property. It is interesting that we have a person who was at one time willing to host the launch of the Waubra wind farm on his property with the then minister and who at one time supported the idea of renewable energy and wind farms, but who realised after he had lived with those turbines sited 600 metres away from his property the impact and effect they were having on the health of his family and the livability of his property. His workers now have to wear earplugs at work because they cannot

stand the noise. They can only work 24 hours in a three-day cycle, because again the noise and vibration of the turbines affect their capacity to work.

We had a Brumby government policy launched in Waubra with a local property owner. At that time the property owner was willing to host the launch, but now he is a strong opponent of wind farms and a strong supporter of the Baillieu government's new guidelines in relation to the 2-kilometre limit. I also add that the 2-kilometre limit is flexible in that there can be agreements between land-holders and developers about the siting of the development plan.

I want to tell Mr Tee a little story about how these developers work. They pit farmer against farmer. They deal in secret. You cannot access their development plans, you have no idea where their wind farms will be sited and they do not do any preliminary work in relation to noise or health impacts. You go to them to ask for information and they will not provide it before the development plans are put before the minister. They lie. They are untruthful in regard to the information they do provide. They pit one farmer against another in relation to compensation and payments and a whole lot of other things.

There are no collective agreements between land-holders. There cannot be, because no-one knows what the others are doing or what the others have signed up to. They do not know about the agreements the developers have made with other farmers. That is why the division occurs, that is why the secrecy occurs and that is why some people do not trust the developers or support the wind farms. People will not support developers when they are not honest, straightforward, open, transparent or accountable in the way that the Baillieu government wants them to be, as outlined in these new guidelines.

I can see that Mr Tee has had enough of me — he is walking away. I can assure him that these guidelines were put in place upon the advice of communities, even councils, land-holders and farmers who came to this government and said that they were unhappy with the way the previous government provided the planning permits. They were unhappy with the way the developers traded these permits over a long period of time. They were unhappy with the fact that there were some significant viability issues in relation to electricity generation by wind farms, and that is why these turbines are still yet to be built under the old planning permits. They are unhappy about the way the wind farms have divided communities. They are unhappy about the way developers are allowed to place turbines next to the homes of people who have lived and worked

on and enjoyed the land around them but who now suddenly find they have hundreds of these 100-metre turbines flapping around them, creating noise, vibration, light shadows and a whole lot of other things.

In closing I say that I strongly support these guidelines. As I said, I am passionate about this issue because I am an interested party. I was disappointed in the way the previous government issued planning permits without any thought for the people who would be affected by them. I cannot do it in this chamber, but I certainly encourage the opposition to talk to these people about how their lives have been affected by wind farms, because it is very distressing.

The Senate inquiry in Ballarat heard many emotional and passionate pleas about the impacts these wind farms were having. I do not support the argument about jobs. I do not support the argument about the impact wind farm energy generation has in relation to providing renewable energy. It is an unviable sector at the moment. I suspect that the carbon tax legislation that will go through the federal Parliament today will have many components that support the renewable energy sector and wind farm energy generation, because it will not stand up on its own — I can assure the house of that.

The 2-kilometre limit is important because it provides some relief for those land-holders who, through no choice or fault of their own, have turbines in close proximity to their home, their family and their work activities. I am happy for Mr Tee to bring up issues around this amendment. I will stand up here and defend our policy and the new guidelines. I am happy to pass on to Mr Tee what people have been telling me about what these wind farms are doing to communities in rural Victoria, particularly in the western region of Victoria, which I represent.

I can assure Mr Tee there is not one policy I can think of that has created such division, such passion and such heartache for those involved. If opposition members want evidence of that, members like Mr Viney and Mr Leane can come from their electorates to Winchelsea tomorrow night and witness for themselves what the previous government's planning permits have done to a small, rural, provincial — —

**Mr Viney** — Why are you picking on me? What did I say? We did not speak to you. We were speaking to each other.

**Mr RAMSAY** — I just wanted to get the attention of Mr Viney and Mr Leane. The people in these areas who have worked cohesively over hundreds of years to

produce food for the people of Victoria are now actually arguing. I have lifelong friends who have lived and worked together in harmony for over 150 years who are now not talking to each other. That is an absolute disgrace, and Mr Tee will pay for that. No-one could stand up and defend what the former government did to these local communities right across Victoria — western Victoria in my case — with such a stupid and irrational policy that actually divided rural communities across Victoria. It is a disgrace.

**Mr BARBER** (Northern Metropolitan) — I will go line by line through the government's amendment VC82 to the Victoria planning provisions which Mr Tee is seeking to disallow and I will talk about what the policy actually does and whether I think it achieves its stated aims. Along the way I will make some asides as to my view on the reasoning behind this policy. In terms of demonstrating why it is that the coalition parties have got themselves into this mess, Mr Ramsay has given me a rich vein of material, material I would have had to introduce myself from various sources if he had not simply put on display the utter irrationality behind the design of this policy. Let us go through the policy line by line and put it to the test as we go.

The first thing that Mr Guy, the architect of the policy, has introduced into this planning scheme is a requirement that wind energy facilities, as defined in the planning scheme, must not be located on land described in a schedule to the National Parks Act 1975. This is largely a redundant provision. Wind turbines were never permitted in the public conservation and resource zone which covers the vast majority of national parks and state forests, so this does nothing new. It simply does the same thing via a new mechanism. You never could put a wind farm in a national park and you still cannot put a wind farm in a national park. Even if these rules were not here and you wanted to put a wind farm in a national park, you would have to get permission from the government, and it could simply say no. Therefore that part of it is largely redundant.

We then come to a new provision. A permit is required to use and develop land for a wind energy facility and it is prohibited in the locations listed in this table. The first of these locations is land where any turbine that forms part of the facility is located within 2 kilometres of an existing dwelling. It must meet the requirement that before you make an application you must have forms signed by all residential landowners within 2 kilometres. It is not simply a case that any one individual within 2 kilometres can veto this wind farm; in fact any one individual within 2 kilometres can veto you making an application in the first place. I would be

happy for any government speaker or the Minister for Planning to correct me if I have read this wrongly.

Let us think about what that means. If you want to construct a wind farm, you need these forms signed by everybody within 2 kilometres before you can even apply. Let us say you adopt the same procedure that was used in the past where you needed to get landowners' permission to put turbines on their properties and you needed to go around and sign them up. One of Mr Ramsay's concerns seemed to be that the past policy created divisions within the community. Let us just stop and think for 1 minute how this provision might create divisions in the community. You cannot even make an application until you have consent forms from everybody within 2 kilometres.

If you are the terrible exploitative developer that Mr Ramsay describes, the first thing you might do is rock up to Mrs McGillicuddy's house. She is having trouble paying her electricity bill this week and you might offer to pay that bill in return for her signing your form. You have then got your first permission slip from the dozen or more residential land-holders within 2 kilometres. You may then continue entering into agreements of various forms with all these land-holders until you have signed them all up. Certainly that may include payment for consideration.

I know Mr O'Brien thinks that land-holders outside those titles that will host the turbines should get paid for living next door to wind turbines. Mr Ramsay has also told us that he believes that neighbouring properties will be devalued as a result of being near turbines and that they do not get any benefit because they do not get payment for hosting turbines. It seems to me that the coalition's intention, from what it is telling us, is that as part of this process wind farm developers will offer payments to people who do not host turbines but who live within 2 kilometres. Again the Minister for Planning, who is at the table, might want to correct me if I am wrong, but it seems inevitable that under the process the government has just set up wind farm developers will need to offer payments or some sort of benefits to get the signatures of people to then be allowed to apply for a permit.

**Mr Ramsay** — Where do I say that?

**Mr BARBER** — I am not saying Mr Ramsay said it. In fact I do not think Mr Ramsay has any awareness whatsoever that this will be the outcome of his government's policy. I am simply pointing it out to him now that if you need to sign up everybody within 2 kilometres in order to make an application, you are going to have to offer them some consideration to do

that. Think of a situation where you have everybody signed up except for one holdout. This is the last person you need to sign your form before you can make an application to build a wind farm. That guy is going to get himself a pretty good deal. If the whole multimillion-dollar development, possibly even hundreds of millions of dollars, is being held up by this one person, that person is going to be able to write their own cheque.

In the meantime you have already entered into agreements with all the other neighbouring land-holders. They have all got their promise of a payment, possibly on delivery, and they are waiting for this last guy, who is now trying to get that little bit more for himself. And the government thinks that this is going to cure division in local communities.

There is a second issue, though, and I am glad the minister is here to hear it. By signing a consent form that allows the developer to make an application, you are certainly not contracting out of your statutory right to then go on and object to the wind farm. I am sure Mr Guy would agree that even if you have given consent for a wind farm application, that does not stop you having the right to object. It is actually the Planning and Environment Act 1987 that gives people the right to object to an application. Developers will want to wrap all this up in one package and deal with all those objections, if they can. It is difficult enough to do that when you have not even formally lodged your application yet, but these are the logical implications of this process.

I would like to know whether Mr Guy considers it good practice and an enhancement of the integrity of the Planning and Environment Act 1987 for developers to pay people not to object. It seems inevitable, in the way this particular policy on this particular type of application has been constructed by this government, that developers will need permission and therefore will have to offer some incentive to people to get their application on the books and then get that application through.

In the past there have been cases where, for example, hotel developers have paid people to withdraw their objections to a development, and as a result we have seen the number of objections against a particular project fall steadily. I do not consider that a good thing. The government's policy seems to endorse that as a practice. It seems to make it inevitable, but if it was happening in any other area covered by the Planning and Environment Act 1987, we would all say that that is dastardly and potentially opens up a form of corruption.

In any case, except for wind farms, there is no class of application of any type where one person can simply veto it. You cannot do it for coalmines and you cannot do it for rail lines. You cannot do it even about your next-door neighbour's pergola. It does not matter how objectionable a group of residents finds any particular proposal — it could be a slaughterhouse, an orchard with issues of spray drift from gas guns going off at all times of the day and night or a cattle feedlot — there is not one single type of application in the entire scheme of developments that the coalition considers neighbours should get the veto on, except for this one. It is an interesting precedent to be establishing, but not one that the government will be able to live with when other groups from communities within electorates held by government members come to the government with concerns about other types of developments.

**Mr Ramsay** interjected.

**Mr BARBER** — It is interesting. As Mr Ramsay raised the issue, is it not the case that Mr Ramsay gave permission for a wind turbine to be constructed on his property at one stage?

**Mr Ramsay** interjected.

**Mr BARBER** — Yes. He confirms that.

**Mr Ramsay** — Eight years ago. It has never been built.

**Mr BARBER** — Is it not the case, Mr Ramsay, that you then sold that parcel of land?

**Mr Ramsay** — Yes.

**Mr BARBER** — He confirms that. Do you believe that that devalued that piece of land?

**Mr Ramsay** — On a point of order, Acting President, I am happy to have this conversation with Mr Barber, but I am a little unclear if he is actually providing a contribution or if he just wants me to have an exchange with him about my family's business in relation to wind farms.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! There is no point of order. I point out that Mr Barber was actually responding to an interjection made by Mr Ramsay. If Mr Ramsay does not want Mr Barber to respond to interjections, I ask that he refrain from making interjections.

**Mr BARBER** — Mr Ramsay obviously agrees that by hosting a wind turbine on a parcel of land with the future stream of lease payments in return for the option

that that developer took over his land, an agreement willingly entered into between consenting adults, he increased the value of that parcel of land.

**Mr Ramsay** — No.

**Mr BARBER** — Then Mr Ramsay seems to be an irrational property investor.

**Mr Ramsay** interjected.

**Mr BARBER** — Mr Ramsay entered into a property agreement that he says devalued, despite a future — —

**Mr Ramsay** interjected.

**Mr BARBER** — We are talking about live examples here. While Mr Ramsay purports that these are the effects across parcels of land or across Victoria, he also raised his personal situation. I just want to know what Mr Ramsay thought about hosting a wind turbine on a parcel of land with a future stream of lease payments, which are considerable. They are drought proof and they come into your bank quarterly, is my understanding, so they are better than a wool cheque. Farming electrons is just about the steadiest business you are going to be in; it does not have the vagaries of other types of crops. Mr Ramsay, as a consenting adult land-holder, entered into that transaction and subsequently disposed of that parcel but now lives next door to the proposed wind turbine that he gave permission for — and he is a vociferous objector to that turbine.

**Mr Ramsay** interjected.

**Mr BARBER** — We understand that the Mount Gellibrand wind farm received its permit some time ago. Now there is a second step, though, permitted under the way that permits are issued — that is, some minor changes to be made to the location and spacing of turbines to the satisfaction of the responsible authority. The permit itself is not up for objection, but Mr Ramsay is pulling every lever he can to have changes made by the responsible authority, which in this case is in fact Mr Guy. Mr Ramsay does not have to walk far to have his view on this heard — but that is the process.

**Mr Ramsay** interjected.

**Mr BARBER** — Mr Ramsay says he supports wind farming. We will put that to the test as we move on. We will come back to the issue of the 2 kilometres and what amenity that might actually be impacting on.

To move along through the policy in Mr Guy's amendment VC82, having dealt with the prohibition on land in the National Parks Act 1975, we also read that it is not permissible to put wind farms on land declared to be a Ramsar wetland under section 17 of the federal Environment Protection and Biodiversity Conservation Act 1999. I wonder if Mr Ramsay, Mr O'Brien, Mrs Petrovich or even Mr Guy would like to tell us which are the Ramsar wetlands in Victoria? Can anybody name the Ramsar wetlands?

**Mr O'Brien** interjected.

**Mr BARBER** — Western Port bay. Mr O'Brien can move to the top of the class, having named Western Port bay. It is a Ramsar wetland. Members should be reassured that nobody will be able to build a wind turbine in Western Port bay. Mind you, the coalition's plan is to turn it into a massive container port and ram a dredge straight up the middle of it. When members ask about the environmental impacts of that particular proposal, which government members are pushing forward as fast as they can, they say, 'That's all right; we'll be able to do an environmental impact statement'.

I am not sure the environmental impact statement itself reduces the environmental impact of turning the Western Port bay wetland into the overflow and exponentially growing container port with the necessity for not only dredging but continuous dredging. I reckon that any scientist the government wanted to haul out would tell the government that that type of proposal will probably have more impact on the Ramsar wetland of Western Port bay than a couple of wind turbines would have. On that, I am pretty confident.

Another Ramsar wetland site in Victoria is the Gippsland Lakes. You are not allowed to build wind turbines there. What is the major threat to the Gippsland Lakes? Right now it is the constantly rising salinity and nitrification of the lakes. There is no doubt, to within a shred of scientific certainty, that there is an ecological collapse going on at Lakes Entrance. The reason it is happening is that historically an entrance was dredged open there, but to this day that problem continues to worsen.

What is the government doing right now? It is allocating tens of millions of dollars to the continued dredging of that mouth, knowing full well the environmental impact that is having, effectively defying the Environment Protection and Biodiversity Conservation Act 1999 and defying the requirements under the Ramsar treaty to protect and enhance that wetland. The government knows that the thing it is doing is the cause of the environmental degradation,

which anybody down there can tell you about, and knows that if it keeps doing it, it is going to keep getting worse, but it has no plan to make it better. But that is all right because it is going to protect the Gippsland Lakes from wind turbines.

Do we want to keep going through a tour of Ramsar wetlands? There are the Barmah and Gunbower forests and the red gums. I do not know that there are any proposals for wind turbines up there, but we certainly know what the major threat to the red gum forests is. It is a lack of water, and the government has no plan for that. There are the Kerang Lakes. I do not think there will be any wind turbine proposals there any time soon, but the major threat to the Kerang Lakes is the altered water regime. They are used effectively as storages, which means water gets delivered in irrigation —

**Mrs Petrovich** — Have you been up there recently? There's a bit of water around.

**Mr BARBER** — I know Mrs Petrovich, the environmental subaltern, is loving it at the moment, because she can kick back and watch the water flowing through those lakes and pretend she has got something to do with it. But there is no plan in place for the next dry spell. In fact the government is using it as cover.

**Hon. M. J. Guy** interjected.

**Mr BARBER** — Yes, we can only speculate about what the view of Mr Lenders's favourite shooters party candidate would have been on wind farms. It would make a change from shooting at road signs, I guess. There would be more target practice with a rotating turbine.

The Ramsar wetland thing came out of nowhere. It is a piece of environmental nonsense. The government has absolutely no commitment to protecting or enhancing, let alone restoring, the habitat of very important water birds, such as the brolga. Mr Ramsay would be aware of what the threat to the brolga is and why it is so endangered. It is a creature of shallow marshy wetlands, 92 per cent of which have been destroyed. Ninety-two per cent of those wetlands have been destroyed by being drained for agriculture pasture, and the government has no plan to restore the necessary habitat across western Victoria to allow a sustainable increase in brolga populations.

**Mr Ramsay** — They're all back. They're all nesting — exactly where they were 50 years ago.

**Mr BARBER** — I thought Mr Ramsay would have talked about the Ramsar wetlands closer to home.

**Mr Ramsay** — We're talking about turbines.

**Mr BARBER** — We're talking about protecting wetlands from turbines, according to the government's proposal, and I am asking Mr Ramsay about the Ramsar wetland that is close to home, but I think he needs to go and look up the list and learn a bit more about Ramsar wetlands and the threats to them before he makes the assumption that turbines could provide any kind of threat to the wetlands or their natural values or the species that inhabit them.

There are then a set of specific provisions relating to local towns that the government believes it is necessary to 'protect' from wind turbines. For example, there is a 5-kilometre exclusion zone around Moe and Morwell. We would not want wind turbines there. It is quite okay for people to live next to a bunch of polluting power stations and giant coal pits, but if you tried to put a wind turbine next to Hazelwood, you would be told, 'You can't do that; you might damage the environment'.

Coalmining down there caused the Latrobe River to fall into the pit and the Princes Highway to almost do so, but people in Moe and Morwell can rest assured and sleep better because, 'We will not let any of those nasty turbines be built within 5 kilometres of your towns', and likewise across a seemingly randomly picked set of towns across Victoria.

It is all coming back to this concept that it is dangerous to live next to a wind turbine. Mr Guy, to his credit, did not try to sell the policy in that way. Mr Guy, as the main person who has to go out and sell this policy, has only really made two claims in relation to it. One is that it returns certainty and fairness to the planning scheme in relation to turbines. Certainty and fairness is what we are all after, Mr Guy —

**Hon. M. J. Guy** — That's what you've got.

**Mr BARBER** — I think I have demonstrated that this does the opposite.

**Hon. M. J. Guy** — A subjective demonstration.

**Mr BARBER** — Let us argue it from the other point of view. If this is the way you give certainty and fairness, how about rolling it out for the regional rail lines, or how about rolling it out for Mr Guy's forthcoming decision about the Anglesea coalmine? The Penhurst wind farm, according to Mr Guy, needs an environment effects statement (EES), but the Yallourn baseload gas plant does not. Any number of other coal-fired and fossil fuel-based projects that are coming down the line — some of them with specific

actual noise impacts — do not need an EES, but Peshurst does. If this is certainty and fairness, then let us see the government apply it with fairness to all sorts of developments that have off-site impacts and provide certainty for developers of those projects that the minister does not see the planning scheme as his personal plaything, designed to reward certain loyal and vociferous groups, but that he wants a rational framework for development in the state of Victoria.

In my view this whole thing is a rapid return by the coalition to irrational politics. It is effectively pre-Enlightenment. Once upon a time a government had to come up with some evidence for its policies. This idea has been around basically since Copernicus. The government wants to take us back to the Dark Ages when superstition and belief in mysterious forces, if strongly held and officially accepted, became the law.

**Hon. M. J. Guy** interjected.

**Mr BARBER** — I think Mr Guy needs to do a bit of research on that one. Basically since Galileo if you could prove a physical phenomenon, then that was to be accepted — you do not simply put superstition against empirical fact. Otherwise we could have the Treasurer, Mr Wells, casting the I Ching before us rather than relying on Treasury's financial analysis. At this rate the government will be pulling out the ouija board in cabinet meetings to help guide it in its decision making, and that is the sort of thing that scares people. It not only scares rational people, it scares those who want to make rationally based investment decisions. For many rural communities wind farms have been, and would have continued to be, the major economic growth story.

Mr Ramsay, getting easily baited by others, made the claim that there were negligible jobs in wind, and at one point, before he was cut off, said, 'No jobs'.

**Mr Ramsay** — Once they are built.

**Mr BARBER** — You actually said, 'No jobs'.

**Mr Ramsay** — Just a bit of maintenance, two or three people.

**Mr BARBER** — 'Just a bit of maintenance, two or three people', says Mr Ramsay, the member who claims to have visited the Waubra wind farm. I say to Mr Ramsay, for every two or three turbines he can see up on the hill, there is a permanent, full-time, high-skilled, high-paid, locally based job.

**Hon. M. J. Guy** — In Hamburg, in Bremen. Have you met them?

**Mr BARBER** — You bet I have.

**Mr Ramsay** — They are transitory — they move around.

**Mr BARBER** — You are talking about skilled mechanical and electrical engineers here. Again these are empirical facts.

**Mr Koch** — What a lot of rubbish. You have not been out there at all.

**Mr BARBER** — I have been to Waubra twice in the last year, including for the Waubra community festival and for my own tour.

**Mr Ramsay** interjected.

**Mr BARBER** — We will come back to Waubra and its noise performance; we have got plenty of time, members need not worry. If Mr Guy sticks around, he might even have the chance to tell us a bit more about Waubra and its performance against the conditions of its planning permit.

**Hon. M. J. Guy** — I am happy to hear from you.

**Mr BARBER** — Mr Guy says he is happy to do that.

**Hon. M. J. Guy** — I said, 'I am happy to hear from you'.

**Mr BARBER** — No, I think the community wants to hear from Mr Guy. After all, the Waubra wind farm completed its post-construction noise monitoring report and gave it to him in October last year. He then wrote to them asking — and this was in the *Ballarat Courier* — —

**Hon. M. J. Guy** — I was not the minister!

**Mr BARBER** — You then wrote to them asking for points of clarification and telling them that they had 28 days to get back to you with those points of clarification. As we stand here today, you have not signed off on the post-construction noise monitoring report for the Waubra wind farm, or at least you have not informed the company or the community that you have done so. And yet someone at the *Ballarat Courier* seems to be very well informed about correspondence coming in and out of the minister's office on this issue because whenever one of these letters goes back and forth there is a story in the *Ballarat Courier* about it.

Last week we read that although the company had not received a letter from the minister, the minister had written a further letter to it, and this was coming out of

his office, from someone who his office informed. That is an appalling way to treat any developer of any project in this state, wind farms or anything else.

**Hon. M. J. Guy** — Are you saying it was me?

**Mr BARBER** — No, I am not saying it was Mr Guy. I am saying someone is extraordinarily well-informed about the correspondence between Mr Guy and the Waubra wind farm, about its post-construction and noise monitoring reports and the status of those, which we would all like to hear about — I would like to hear it, the Waubra Foundation would like to hear it, the locals would like to hear it. We would like to know whether the minister has given this wind farm the sign-off that it is compliant with the terms of its planning permit. For the minister to string this out in that way while permitting a series of strategic leaks to stoke the public dialogue I think — —

**Mr Koch** — Here is a bit of licence.

**Mr BARBER** — The Ballarat *Courier*, Monday, 3 October, in an article by Brendan Gullifer, states:

Waubra wind farm run by Spanish multinational Acciona is still under the microscope from the state government.

A government source said last week planning minister Matthew Guy had written to the company again demanding further information over ongoing noise testing.

‘This is a complicated issue but the minister wants more information,’ the source said.

However, an Acciona spokesman said the company was still waiting ministerial sign-off.

‘Acciona commissioned an independent 12-month post-construction noise monitoring report which showed compliance, and submitted to the state government last October,’ the spokesman said.

‘We are still awaiting government’s final sign-off.’ But a Spring Street insider —

**Mr Ramsay** interjected.

**Mr BARBER** — I am sure Mr Ramsay would fall into that category —

said the minister’s latest letter would have only ‘just been sent’.

Certainly the Spring Street insider is well aware of the correspondence the minute it is signed by Mr Guy and sent back to the company. While the company can only fall back on its necessary post-construction reporting, there is a continuing dialogue running down that company and stoking — —

**Mr Ramsay** — Is that independent reporting?

**Mr BARBER** — That is up to the minister to judge, is it not, Mr Ramsay? Was it independent? Was it sufficient? I am just saying that with all the other developments and amendments that the minister seems to rocket through his in-tray, he is struggling over this one, and the upshot of that — whether it is the minister’s intention or not — is that mischief makers out there can make a lot of this and increase uncertainty when really it should be a routine matter for the minister to say that the company either is or is not compliant with the necessary guidelines. The noise guidelines, which I am trying to get to, are what are at issue here.

We should talk a little about the science of noise, because it is not that mysterious. Noise is a phenomenon that is well understood. The noise generated by a wind farm is simply the noise of an object rushing through air, with some mechanical clanking associated with the mechanism. Again there is nothing mysterious about that. Mr Ramsay and now Mr Koch want to say, ‘Well, you suburbanites, what would you know about it?’. First of all, I have visited plenty of wind farms, and secondly — —

**Mr Koch** — But you don’t live there, do you?

**Mr BARBER** — I have been asked this question: ‘Would you live next to a wind farm?’. I live in West Brunswick. There are no wind farms in West Brunswick. I am under the flight path of two airports, I am a few hundred metres from the Tullamarine Freeway, I have trams rumbling along Melville Road, hoons in my street, garbos waking me up, I have uni students partying on until all hours — —

**Hon. M. J. Guy** — You’ve got the baby at 7.00 a.m. on ABC radio.

**Mr BARBER** — I have got the baby. I have the wind in the trees sometimes. I am living in an environment with a considerable amount of noise, and there is nothing amazing — —

**Mrs Petrovich** — But you chose that.

**Mr BARBER** — That is right, but the residents of Footscray did not choose to live next to the regional rail link either, did they, Mrs Petrovich? I have asked the minister on a number of occasions in this chamber what the guidelines are for the rail noise coming out of the regional rail link, which he has under construction, but I have not received an answer. There are no guidelines, but the Environment Protection Authority’s report on the regional rail link was scathing. It pointed out that the noise generated by that project, which all government members want to stand up and endorse and

take credit for, is vastly greater than the noise coming out of wind farms. It is hardly a question of fairness or certainty.

But one just has to read the report put together by the Clean Energy Council, through Sonus, the noise experts — —

**Mr Ramsay** — That's impartial, is it?

**Mr BARBER** — I did not say, Mr Ramsay, that the company was impartial; I am saying that you should read it, and if you can disprove what is in it, using the same science of noise engineering, good luck to you.

But to give the house the short version, this is what noise is all about: 140 decibels is the threshold of pain with noise. A hundred and twenty decibels is the noise from a jet aircraft flying 250 metres overhead, which is a regular occurrence in a large part of Sydney, as members would be aware. One hundred and ten decibels is the noise of a pop group. Mr Ramsay would have been to a few pop concerts in his time; he probably rocked out to Huey Lewis and the News last time they were in Melbourne.

Ninety decibels is a heavy truck at 40 kilometres an hour, at a distance of 7 metres. We should ask the residents of West Footscray whether they get any say over that noise. A passenger car at 60 kilometres an hour at a distance of 7 metres — 70 decibels. A busy general office — 60 decibels. Mr Ramsay in his normal tone of voice — I would say about 70 decibels. Standing directly beneath a wind turbine when it is operating — which I have done — something less than 60 decibels, which is the level of decibels of a noisy office. A typical living room — 45 decibels. That is with some people sitting around chatting, and maybe with the noise of the fridge in the kitchen.

The wind farm baseline limit outside a house — these are the South Australian guidelines, and it is pretty much the same in Victoria — is 40 decibels for a rural area or 35 decibels, 5 decibels less, for a rural living area. That is all we are talking about. We are talking about a typical conversation that would be going on normally between me and Mr Koch. That is 35 decibels. In the South Australian guidelines the noise in a quiet bedroom is a baseline of a bit over 20 decibels. That is what has to be achieved on a performance basis by these wind turbines.

They are the conditions that have been set out for the Waubra wind farm, and if Mr Guy says they are non-compliant, he has the option to tell that wind farm to turn off some of its turbines. He has not taken it up yet. He is just dragging it out, letting this debate brew

and fester, and we know now who that will benefit. We are talking about 35 decibels; we are talking about the noise from a wind turbine that will actually be drowned out by the noise of the wind itself as the wind gets higher, and of course for a considerable majority of the time the wind will not be blowing enough for those wind turbines to be generating at their full level. We know that.

Mr Ramsay also made the false claim that they do not do any preliminary work. Of course they have to do preliminary work; it is in the guidelines. They have to do baseline monitoring. Admittedly they need the permission of land-holders to do baseline monitoring and work afterwards. They do, as Mr Ramsay would be able to attest, need the permission of land-holders in order to do monitoring on or near those land-holders' dwellings. Any wind farm developer or operator needs the permission of someone such as Mr Ramsay in order to install a noise monitoring device on their property and then to come and get it to collect the data. In that respect Mr Ramsay cannot complain too much if he will not let them do monitoring on his property.

**Mr Ramsay** — They didn't ask! They trespassed under a bedroom window. Broke the law.

**Mr BARBER** — Well there you have it. Some degree of cooperation is required from those who claim that a wind farm is non-compliant at their dwelling. It is a necessity — —

**Mr Ramsay** — They are required to seek permission from the land-holder. They broke the law. That's how they work, Mr Barber.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Ramsay!

**Mr BARBER** — I have hit a sore spot. I have come straight under the ribs. For those who claim that the wind farm is non-compliant in its operation, it is necessary to enable that wind farm operator to place a noise monitoring device on the relevant complainant's property. It does have to go both ways for us to ever sort out the innuendo, the rumour and the voodoo from the science — and there are people, many of them in the coalition, who want to keep the voodoo going for as long as they can.

It is about the politics of the politics. It is not about policy any more. We are in the post-truth era of politics, and they are all taking their lead from the federal Leader of the Opposition, Tony Abbott. They think they are on a roll at the moment with Tony, but I am here to tell them that, first of all, nobody likes Tony Abbott — the numbers show that; and secondly, that

primary vote that they are so chuffed about is soft. I could understand why they would not want to put it in Prime Minister Julia Gillard's column at the moment, but they should not think they have earned it or that this kind of approach to politics will see them through to 2014.

A majority in the community want action on climate change, and wind farms are the fastest and one of the most effective ways to cut our emissions. That brings us back to the — —

**Mr P. Davis** — By a transfer of payments, by increasing the cost of electricity to consumers so that all the poor people in your area in Brunswick — the student class, for example — have to subsidise wind farm development; is that what you are suggesting?

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Davis will have to wait his turn.

**Mr BARBER** — Mr Philip Davis raises an important point, which I fully intend to get to, but right now I am dealing with the government's other main claim. Mr Guy, to his credit, has stayed on message. The first is that this is fairness — —

**An honourable member** interjected.

**Mr BARBER** — Credit where credit is due. If a guy tries to sell a policy like this, you have to give him some credit. The first claim is about fairness and certainty. The second claim is that there are already 1000 turbines already approved, so we do not really need to worry about it. This will not change anything. But Mr Guy well knows that about a third of those turbines will need to take advantage of his limited window of opportunity for them to get an extension on their permit and commence works. They have to do that by the end of March. That is a third of those 1000 turbines.

What they need to do is get an application and get it to Mr Guy. They need to get it approved. Then they need to get their financing, their contractors and everybody rolling and commence works by the end of March. I would say for any major development, and there is no doubt these are major developments, that is a hell of a burden. If they do not achieve it, or if Mr Guy just leaves their permits sitting on his desk, as he has done with some other planning issues in this realm, then they are stuffed, to put it simply. Hopefully they will get their permits extended, they will be able to commence works by the end of March and they will have deep enough pockets to be able to go on and build those wind farms. That is the first third. Of the remainder,

about half of them will have their permits expire in 2013.

**Mr Ramsay** interjected.

**Mr BARBER** — This is a verifiable fact, Mr Ramsay. You just need to get out the permits and get out the information on the approval and expiry dates of those permits. Half of the remainder outside that first third could expire by the end of 2013, and I am pretty sure that every one of those permits will expire if the wind farm is not built before the 2014 election comes around.

The government thinks it is on a winner with this anti-wind-farm policy, but the majority support action on climate change. They see renewables — solar and wind — as one of the big ways to do that, and over the next two years we are going to see a series of challenges to that policy as individual applications come up and either need a renewal or actually expire — and Mr Ramsay's 1000 turbines will start falling pretty fast. He will not be making that claim in a year and a half's time, and he certainly will not be able to say it at the next election; in fact, most of these wind farms will either have been built or there is no way they will ever be built under these guidelines.

**Mr Ramsay** interjected.

**Mr BARBER** — I will help Mr Ramsay out, because we have got time and I have got plenty of material. He needs to come to grips with a whole range of issues, but it comes back to Philip Davis's issue about the renewable energy target. The renewable energy target means that this year about 5.6 per cent of all the electrons that we buy in the pool of electrons will be from renewable sources. That target — and I believe it was originally supported by the Howard government — will ramp up; in fact it will quadruple over the next nine years, so there is going to be considerable development of renewable generation to meet that target, and most of it is going to be wind. But my hypothesis is that most of that will not be in the state of Victoria.

**Mr P. Davis** — And at what cost?

**Mr BARBER** — We know the cost. We know the price. In fact I can tell Mr Davis what the trading price of a renewable energy certificate was yesterday if he wants to know. What has happened with that target, just to give a quick seminar on the economics of that market, is that it has been met and exceeded, usually in advance of the arrival of each year's target, so at the moment we have an oversubscription of renewable energy certificates. The retailers have more than they need, so

right this minute there is no pressing need to build a wind farm. That is why it is legacy projects, such as two being built out west, and others who want to retain their rights to do so in the next year or two, but as the target ramps up, we will see a recovery in that price. It will be boosted from about \$30 a megawatt hour to \$40 or \$50, which is what makes it viable for a wind farm to go ahead.

What does that mean in relation to the issue that Mr Davis raised: will that be on our electricity bills? Yes. Will Victoria get the benefit in terms of development of renewable energy? No. We will pay for it, but it will be built in South Australia, Tasmania and New South Wales, and those regional communities will get the jobs, they will get the construction and they will get the knock-on effect. They will get the ongoing stream from selling the wind.

That to me looks like a pretty bad deal. I thought there was bipartisan support for the renewable energy target, but perhaps not; you never can tell with Mr Abbott, who says he is going to do a lot of things. He says, 'Don't really believe me unless I write it down first'. Hopefully we will get some clarity on his view on the renewable energy target — or will that be the second prong of the attack by the coalition on renewable energy industries? We will find out.

That is very much the situation we are going to be facing. In fact, if this renewable energy target continues the way it has been going, we will see the Victorian border marked by a line of wind turbines, because they will have been chased out of Victoria to South Australia.

**Mr Koch** interjected.

**Mr BARBER** — No, it is certainly true that many of the best prospective areas are in Victoria, so if the whole of the renewable energy target needs are to be met in other states — and South Australia is booming along with this at the moment — that is a very real likelihood.

In terms of the price impact, though, of wind on our power price, you might be surprised to know, Acting President, that wind farms, once built, have quite an impact on the power price. The impact that wind farms have on the power price is that they drive it down. For proof of that you only need to check out the behaviour of the Victorian energy grid at times when, like now, it is midwinter and perhaps the middle of the night and therefore our power demand is not very high, but wind farms across the South Australian border are going flat out. Of course the fuel is free, so the marginal cost of

running a wind farm is zero. You might as well sell the power for whatever you can get.

**Mr Ondarchie** interjected.

**Mr BARBER** — That is right. The very well educated in financial matters Mr Ondarchie understands the difference between short-run marginal and long-run marginal costs, but he would also understand that once a sunk cost is there you will often find yourself in a situation of selling the short-run marginal cost. The short-run marginal cost of a wind farm is pretty low. Just watch the behaviour of the grid at times when our demand is fairly low and wind farm generation, particularly in South Australia, is very high, and you will see an immediate depressing effect of up to \$10 a megawatt hour.

I have a copy of *Pricing Events Report*, which is published by the AEMO (Australian Energy Market Operator), and in February 2011 it noted that not only did the price of power drop to zero but it actually went negative. Work that one out, Mr Ondarchie! How is it that people would pay to sell power into the grid? You will need to read up on it to learn how that can happen for short periods of time.

**Mr Ondarchie** interjected.

**Mr BARBER** — Whacko! I have found a kindred spirit and possibly an intellectual ally in explaining to the other 38 members of the chamber how the power grid actually works. But the AEMO would be the expert. What it says is that the principal contributors to the negative power prices were:

The South Australian demand was less than 1350 megawatts with between 1749 megawatts and 2109 megawatts of generation capacity in South Australia offered in negative price bands and substantial wind generation of up to 713 megawatts.

Flow into Victoria on the Murraylink and Heywood interconnectors combined was approximately 580 megawatts, the maximum transfer limit for the two interconnectors for transfer into Victoria.

And here it comes:

With excess generation capacity in South Australia, negatively priced generation offers set the price for a number of dispatch intervals during the affected TIs —

or time intervals, short ones.

That is the negative pricing event. But if you want to start playing with spreadsheets, and I am sure Mr Ondarchie has the software at home somewhere, you will actually see the immediate and depressing effect. I said I would talk about the why, and at the end

of the day that is the why. It is not Mr Ramsay with his wacky ideas. It is not Sarah Laurie with her utterly discredited data. Every time that data about the so-called wind turbine syndrome has been put in a court and tested to a legal standard of proof it has been trashed, most recently in the Allendale case, where the judges trashed her evidence and preferred that of the South Australian professor — who actually used her data to refute her conclusions, by the way. It is not about that.

At the end of day for people like Mr Ramsay, some of the landscape guardians and, I have to say, the Premier, it is about the fact that they just do not like looking at them. They do not like looking at turbines. It is an amenity issue; they just do not want to look at them.

**Mr Ramsay** — We are looking at them — about 2 kilometres away.

**Mr BARBER** — We will come to the Lal Lal application in due course. Their application is for an amendment to their permit, which again sat on Mr Guy's desk for some months while this policy was hatched.

They just do not like looking at them, and more recently with their angst over everything related to climate change, they do not kind of like what they represent. They do not like the idea that we are making progress, and that maybe the greenies are right or they are getting their way. That is the kind of thing that really bugs them.

However, that is not what is behind this. The reason we are here is that coal does not like this. Victoria's power demands are not growing at any great rate; the growth has been about 0.5 per cent per annum for the last five or six years, and so there are no real prospects of major generation. Coal-fired power stations, notably Hazelwood, are spending a considerable amount of time with part of their capacity offline, and wind is filling the gap, both from Victoria and through those interstate interconnectors which at times are carrying as much green electricity as they can possibly carry and depressing the price. Coal hates it, and so coal is fighting it. Behind all of this is coal.

Who else hates it? Gas hates it, because when it comes to the marginal increase in our generation capacity that is really gas versus wind, so wind has got a lot of enemies at the moment. It is taking money directly out of the pockets of coal-fired energy shareholders, and when it comes to any increase in power supply gas is fighting them as well, and they have been pretty obvious about it.

As always, if you follow the money, you actually get the answer. It does not have to be part of this cultural craziness that the coalition parties have whipped themselves up into by talking to their strictly limited gene pool of landscape guardians and their wild representatives causing them to block their ears to the vast majority of community members and what they want.

I am sure that by the time you have finished listening to Sarah Laurie you do have high blood pressure and a thumping headache — that is certainly the way I feel. So that is what is driving this, and I can tell the house that there were no empirical assessments of the landscape values of the Bellarine and Macedon Ranges which caused them to have blanket bans issued. To find the reason you only need to look at the fact that they are marginal seats, they are pretty low down on the pendulum, and the coalition wants to win them at the 2014 election. That is what that is all about.

**Hon. M. J. Guy** — What, Lowan?

**Mr BARBER** — No. I am talking about, in order — skip over Eltham — Bellarine, Ballarat East, Ballarat West and then Macedon.

**Hon. M. J. Guy** — There are none in Ballarat West. There are none even close to Ballarat West.

**Mr BARBER** — I know. You went out and banned wind farms anywhere it was windy. Of course that was part of the policy. I understand that completely, but there is not a lot of rationality that Mr Guy can demonstrate with this policy. It was written out by the Premier on the back of a cornflakes packet. It is about his personal peccadillo in relation to wind turbines, which has been around for a long time.

The last time we heard Mr Baillieu go to town on wind farms was on 26 August 2004 in relation to Bald Hills, which I notice is being built. Mr Baillieu was talking then about electoral oblivion for any government that supported wind turbines. He is reported as saying:

They will be just as angry as those in whose garden Labor left these towering triflids. These structures will stand as permanent reminders of the contempt Labor showed for our coastal landscapes.

That was Mr Baillieu at his most flowery but his least cautious. We know he is a cautious politician. Even for this mob it is necessary that there be some fig leaf of rationality over the top of this, but look behind it and there is nothing there. We see headlines that would normally cause conservative politicians to start howling — '100 jobs may be lost' was a headline in the *Portland Observer and Guardian*.

Wind farm developers, who understand fully what this policy means for their applications, for the timing of their permits and for the reality of the industry they are working in, do not seem to be given any credit. Their difficulties are considered to be a greenie plot. There are similar sorts of difficulties for the farming and development industries, which may go through cycles. They are the sorts of things the government is meant to get behind and help them with, but on this it is an excuse to cut them down.

In some cases we are talking about companies that are investing not just in wind farms but also in all sorts of infrastructure projects in Victoria that bring with them access to international capital. The government is not just trashing wind as a category; it is trashing our reputation amongst those companies. I would have thought a coalition government would be keen for those companies to have confidence in it.

**Mr Ramsay** interjected.

**Mr BARBER** — Mr Ramsay persists with the argument that there are 1000 turbines that are eligible, and as we stand here right now that is absolutely true. However, within mere months that figure will fall off rapidly. By the end of 2013 that figure will hardly exist. Despite the fact that I, with the help of Mr Ondarchie, have been able to walk Mr Ramsay through the economics of this, he seems to want to deny that part of it as well. There is a huge reservoir of denial off to my left, with only a few of the sharper politicians — I would certainly include Mr Guy in that — willing to exploit the politics while not necessarily buying into it. It will only be over time that Mr Ramsay and others come to see that they are not on such a political winner as they think they are. The community at large wants to see action on climate change, and they particularly want to see action through renewables.

**Mrs Peulich** interjected.

**Mr BARBER** — The one-third of Liberal voters who ignored Mr Baillieu's call to put the Greens last and preferenced the Greens anyway might be that group. I am simply pointing out that there is every indication that on climate issues the Liberal Party is fairly wedged. When one-third of its own voters ignore the Liberal how-to-vote card and preference the Greens, it is a pretty good indicator that there is deep concern amongst a significant slice of Liberal voters and that they want to see action on climate change — and wind farms are one of the best ways for that to happen.

**Mrs Peulich** interjected.

**Mr BARBER** — I do not have time to do the carbon tax 101, as I did last week. Any talk about the carbon tax will be something of a post-match analysis in the next week or so. There is no question that the coalition thinks it is on a winner with both its anti-wind-farm war and the carbon tax, but time will tell. I am patient. I am laying out my case now so that the government is aware of what I will be telling the community. Of course, if we did not have a difference in views about what is electorally popular, we would not be in different parties contesting this matter.

I have tried to keep my contribution as far as possible, despite constant provocation, down to the essence of the policy. I have tried to debate the policy on its merits. Mr Ramsay gave me plenty of live examples and encouraged me to use him as an example of the things I was talking about, but I tried to separate out the elements of the policy and look at them rationally and in scientific terms. It is essential. We can have the politics later, but we need a scientific and empirical basis to the policies we offer.

**Mr Ondarchie** interjected.

**Mr BARBER** — And the science of economics as well. Mr Ondarchie and I had a good debate about his employment impact modelling versus mine or the Treasury's and the different assumptions in that. Mr Ondarchie and I gave it a better thrash than the Treasurer did. Mr Wells was almost incapable of selling his own modelling, but I am not sure that he has read the modelling. Mr Ondarchie and I have read the modelling, and we are quickly able to see the major assumptions that differ between that modelling and others. Seemingly Mr Wells has not written himself a checklist on that, and that does not augur well for the government's ability. The *Australian Financial Review* has said that Mr Wells is competing for the prize of worst job of explaining a carbon policy. It could be right in that one instance.

We have to go out and sell our alternative policies, and this is a big part of it. We have to sell our own policies. We cannot always have the luxury of explaining the other guy's policy. There is what I say about my policy and what you say about my policy, and there is what you say about your policy and what I say about your policy. I am trying to talk about what I say about my policy, and the government needs to say what it thinks about its policy — notably, the direct action plan, which miraculously would create twice as much domestic emissions abatement for half the price.

**Mrs Peulich** interjected.

**Mr BARBER** — There is actually no dispute about that between me and Mr Hunt, the federal shadow minister for climate action, environment and heritage. We had a conversation about this the other day. The federal opposition in government would create all the abatement domestically, but it would come out at half the price. They would do that by relying on soil sequestration, and that is an area I am prepared to explore. Hundreds of millions of dollars have already been allocated through the Greens-Labor package for both soil sequestration and biodiversity, so we are definitely getting in there.

However, I for one do not believe you can do what Mr Hunt says you can do, certainly not on the level of permanency we need. Yes, you can encourage better soil conservation practices that will store carbon, but the next 11-year drought could very well wipe out your carbon bank, and that is the risk that Mr Hunt will not admit to. We will get back to that one.

Regarding the evidence base that Mr Ramsay tried to marshal for his policy on behalf of the government, I do not believe the evidence is actually there. If he simply wants to go on gut, on his view or on a personal opinion, that is fine.

**Mr Ramsay** interjected.

**Mr BARBER** — Mr Ramsay, I have knocked around. First of all, I understand country people better than you might think I do: I come from a long line of cow cockies, and when I was a little tacker I was generally barefoot in the dairy.

**Mrs Petrovich** — That is disgusting!

**Mr BARBER** — It is disgusting, but it is a great feeling, especially when they are warm! On a cold morning that was how I used to warm my feet up. If Mrs Petrovich had been out there, she would know that before the sun has come up it is better to stand in a warm cow pat than on cold concrete. Warm up your gummies, and if you have not got gummies go for bare feet. My ancestors have been doing it on the Kempsey River since the late 1890s. For crying out loud, roll on question time!

If it were as easy to dismiss my evidence base as saying that I do not understand anything about country people, Mr Ramsay would be on a winner. But Mr Ramsay does not have a hope, and if we get out of here early enough on Thursday, I will come with him to that meeting in Whittlesea. We can share a lift or get on a train, if that is how we are going. I am happy to ride in the 'Re-elect Simon Ramsay panel van', if that is what it is, with the logos on the side. Mr Ramsay is on.

**Mr Ramsay** — I look forward to it.

**Mr BARBER** — Mr Ramsay should have no worries about that at all. There we have it: round 1 over. The government has its policy in place, but the impacts of that policy are going to be seen and felt, and that will knock on to the politics. But the evidence base that the government has marshalled so far is pretty lame; at some level you need a bit of science to back you up.

**Mr Ramsay** — You need to listen to the people too.

**Mr BARBER** — Government members do have to listen to the people. First they have the science, then they craft the policy and then they put the political overlay over that. I agree 100 per cent with Mr Ramsay on that, but we disagree on which square to land on. Hopefully we agree this will not be the end of the issue. I do not know if the government thinks this will be the end of the issue. I do not think it will be the end of this issue in this chamber or out in the community. I think it is something we will be talking about for a long time.

**Mrs PETROVICH** (Northern Victoria) — I am very pleased to speak on the coalition's policy on amendment VC82, which was announced in the Macedon Ranges, a significant landscape of character and beauty. We are fortunate to currently have a proactive Minister for Planning who delivered a policy that was both an election commitment and a policy clearly articulated by the coalition prior to the election about areas that perhaps were not suitable for wind turbine developments. The provision of a 2-kilometre buffer zone will give some protection to communities in those areas where wind turbines are being constructed.

The Labor government, lacking this policy, had very few planning controls relating to local communities. This lack of control produced division in communities and the disempowerment of local government, which is supposed to be the responsible planning authority. It has been sad to go to some of these communities, as was outlined by Mr Ramsay. He has good rural credentials, understands his broad electorate and talks to his community. The area he represents has been particularly impacted on by a vast number of turbines.

I would also like to say from the outset that the coalition is not against wind turbines; we are supportive of a range of sustainable, alternative energies. When the wind turbine plans were released in 2003 by John Thwaites, a former Minister for Planning — a plan continued also by the previous Minister for Planning, Justin Madden — we had a wind atlas which showed that turbines would be erected across Victoria and said

that unless they were below 35 megawatts in output the local council had no contribution to make to the planning process. This harsh provision disempowered communities, which in many cases were not supportive of turbines in their area — and we have to remember the turbines are 180 metres tall; they are very big structures. We are not talking about putting turbines in Brunswick, we are talking about putting them in rural zones. It is industrial use in a farming zone.

One of the interesting points about the announcement made by Mr Guy in the East Paddock at Hanging Rock — and I believe it was quite a visual opportunity — was that we had the magnificence of Hanging Rock on one side, Mount Macedon on the other and fantastic farming land to the right. Looking at that visual contrast, the analogy I make is that the turbines would be as high as Hanging Rock. They are 180 metres tall and have huge infrastructure; they are definitely of industrial use size.

One thing that the policy announcement made at Hanging Rock on 29 August did was to give some surety to communities, which they did not have previously. It gave local communities and local government a say on where these turbines were to be constructed. We acknowledge that there are some areas where these structures would be unsuitable because of landscape character values or environmental values. You would not build an industrial park in a national park. You would not build a multistorey development on the Great Ocean Road, just as you would not put a highly industrial structure on or in a place such as the Yarra Valley, the Dandenongs, the Mornington Peninsula, the Bellarine Peninsula, the Great Ocean Road, the Macedon Ranges, the McHarg Ranges or the Bass Coast. This policy presents our communities with some certainty and a guarantee in relation to where these structures are going.

As Mr Ramsay said in his contribution, it is terrible to see communities that have been divided by these arbitrary decisions made under the previous planning system, which I must say was very much a scattergun approach. In many cases those applications were not determined within 18 months, which is not ideal for the proponents of wind farms either. There are community members living alongside turbines who were given no choice in the matter. The 2-kilometre buffer will at least provide community members some distance in the future.

The most divisive element, which has not been discussed today, is that there was no equality in the previous policy. Those who were able to secure wind farms on their properties would glean between \$5000

and \$7000 per turbine — that was my last estimate, but the amount has probably increased since then — but those in the neighbourhood lost their amenity and lost, in their view, their peace and quiet. Landscape values were lost, and there was also an increase in the use of country roads as a result of these wind farms.

We have talked about the relevant planning in terms of the natural environment, which was raised by Mr Barber. In an area Mr Ramsay represents I witnessed a case where broilga breeding grounds had been built on. No environment effects statement was done in relation to that application. The local farmers knew that in that part of the property there was a wetland and a broilga breeding area, but there was no acknowledgement, either by the planning department, under the then Minister for Planning, Justin Madden — —

**Mr Barber** — Which application are you talking about?

**Mrs PETROVICH** — I would have to take that on notice, Mr Barber — —

**Mr Barber** — You're telling the story. I just want to know — —

**Mrs PETROVICH** — No, I am not telling a story; I can actually give you that later — and after an hour of your storytelling, that is a hot shot.

It is very important to note that in just nine months the coalition has returned planning control for wind farms to local councils and communities and given regional Victorians greater confidence in the planning system.

It is also very important to note that amendment VC82 now provides certainty for the industry and the community. It ensures that opportunities still exist within Victoria to develop wind energy without there being an impact on local communities and on the important social and environmental assets which, as we need to understand, people who choose to live in these regional communities value. They choose to run their businesses, which are farms, and to have a lifestyle in these areas because that is where they want to live. Their having had no say in these matters previously had been dividing communities. There are families whose members no longer speak to each other and friends who no longer speak to each other because they were opposed to the turbines that were erected on neighbouring properties for between \$5000 and \$8000 per turbine.

Those were economic decisions those people took, but unfortunately those around them have had to put up

with the consequences and the impact of these megastructures.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Minister for Health: register of interests

**Hon. M. P. PAKULA** (Western Metropolitan) — My question is to the Minister for Health, who is also the Minister for Ageing. In his register of interests update the minister has declared in part:

As a parliamentary member of the Liberal Party, I received campaign assistance, political and legal support from the Victorian division of the Liberal Party, its members and supporters.

The Members of Parliament (Register of Interests) Act 1978 says that a member who is a minister shall ensure that no conflict exists or appears to exist between his public duty and his private interests. Can the minister tell the house how anyone can be satisfied that there is no conflict between the support he received and his ministerial responsibilities when he has not identified which supporters of the Liberal Party have provided him with the support he discloses in the register?

**Hon. D. M. DAVIS** (Minister for Health) — I have made a declaration there that is appropriate, and donations to the Liberal Party are declared in the normal way to the Australian Electoral Commission.

#### *Supplementary question*

**Hon. M. P. PAKULA** (Western Metropolitan) — I thank the minister for his non-answer, but in fact the register of interests is about donations made to the member. I understand that the minister has said both in the register and in his answer that there will be disclosure under federal law in the appropriate reporting period, but the minister has obligations under the Members of Parliament (Register of Interests) Act 1978. I ask: will the minister now satisfy the house that there is in fact no conflict between his private interests and his ministerial duties by revealing which supporters of the Liberal Party helped pay his legal bills?

**Hon. D. M. DAVIS** (Minister for Health) — I have made all declarations I am required to make.

### Health: maternity services

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Health, who is also the Minister for Ageing, Mr David Davis. I ask: can the minister inform the house of the failings in Victoria's maternity services and the Baillieu government's response to the Auditor-General's report headed *Maternity Services — Capacity?*

**Hon. D. M. DAVIS** (Minister for Health) — I am pleased to respond to Ms Crozier's question concerning *Maternity Services — Capacity*. This report, tabled today by the Auditor-General, is a very important report. It lays out a series of issues with maternity services around the state. The report makes six recommendations, all of which have been accepted by the government. A range of activities are currently being undertaken to address the issues.

I have met with the Auditor-General's team. In doing so I have understood many of the key points that have been made in the report. I welcome this report by the Auditor-General's performance audit team. The report highlights the failure of the former Labor government to properly plan or deliver health services through the community. It particularly points to a lack of planning for maternity services and a particular lack of planning in growth areas.

*Victorian Health Priorities Framework 2012–2022* lays out a number of key points about planning better in our growth areas. It is clear in this report that the previous government and previous health minister did not in any way plan adequately. This is a damning attack on the performance of the previous health minister and the previous government.

It will take some time to turn around 11 years of mismanagement. We have indicated that there will be additional support in these areas, but we are particularly pleased to announce the establishment of a Perinatal Services Advisory Committee, members of which will be appointed after consultation with the sector. That is recommended in this report. We will happily put that in place because it will inform long-term planning more adequately. It will make sure that growth in the growth areas is better responded to. It is clear that Premier John Brumby and the former Minister for Health, Daniel Andrews, in the period of their management of these areas — —

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — It is amazing to look at the old metropolitan health plan from 2003, which was in

operation until a new plan was announced under this government. That plan talked about networks that no longer existed. It completely failed to plan adequately — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am concerned about the persistence of the interjections by the Deputy President. I am particularly concerned about the substance of the last one, because it was similar to one for which I rebuked Mr Lenders earlier.

**An honourable member** — They're grubs!

**The PRESIDENT** — Order! I am not sure who said that, but I do not need that assistance. I suggest that the Deputy President curtail those types of remarks in respect of the proceedings of this Parliament. The minister, to continue without assistance.

**Hon. D. M. DAVIS** — The report's recommendations include monitoring maternity capacity, implementing a capability framework, putting an advisory committee in place, dealing with access in the growth areas and working with the commonwealth to deal with a number of key issues around antenatal care. The commonwealth needs to work with the states to deal with issues around GP access and the continuity of care around antenatal care in particular. There are significant challenges there. I will write to the commonwealth minister with some of the findings of this review and seek to work collaboratively with the commonwealth government.

There are also recommendations about greater information for women, and we will certainly ensure that there is greater information available. The Better Health Channel already provides significant information in terms of having a baby in Victoria. That is a very useful source of information for women, but I think it could have greater exposure and there could be greater dissemination of that information to enable women to make more informed choices.

The health plan talks about health literacy and its importance and also self-sufficiency in the regions. That is an important key challenge for governments picking up the particular — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — Opposition members may regard it as amusing that the Auditor-General has come down with a report that is damning of their performance in government. They clearly have failed to understand the lesson put out by the Victorian people. If you fail to

manage in a proper way, a significant judgement will be made by the Victorian people.

This report of the Auditor-General is important. The government has endorsed its recommendations. It is acting on them. I have met with the Auditor-General's people to understand the nature of the audit and some of the challenges there. There is significant capacity for improved performance; that has been outlined by the Auditor-General.

### **Planning: Phillip Island rezoning**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to the minister's reversal of his decision regarding the rezoning of land at Ventnor on Phillip Island and his statement that, and I quote from his media release:

Our commitment to listen is genuine, and the government has heard the community and the council's concerns ...

Can the minister advise the house whether this means that he will not approve any rezoning where there is significant community or council opposition?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Tee for his question. I make two key points in relation to the issue that he has asked me about regarding community opinion and listening to community opinion. Firstly, there is a very clear difference between me and the Minister for Planning I replaced, Justin Madden, now the member for Essendon in the other place, in regard to listening to people and taking a message. It is a reflective point. Listening to people is something that this government does seriously.

It is a real shame that Justin Madden did not listen to people in respect of the Windsor Hotel. It is a real shame that he did not have the courage or the ability to listen to communities and to say, 'What is being proposed over the road — a monstrous redevelopment of the Windsor Hotel — is not worth going ahead with'. I simply say that a key feature of this government, one on which it was elected and on which members of the government will act, is that it will never stop listening to people, whether it is in relation to rezoning, wind farms or any other planning matter in this state.

**The PRESIDENT** — Order! Before calling Mr Tee to ask a supplementary question, I indicate there is an issue in respect of the anticipation of matters that are listed on the notice paper. Matters related to the Ventnor estate are included on today's notice paper. Standing order 12.19 refers to this issue. It states:

A member may not anticipate the discussion of a subject listed on the notice paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the President should not prevent incidental reference to a subject.

I do not intend to do that. I am just advising the member that when he is framing his question he needs to be mindful of not impinging upon the motion that is to be discussed later this day. I did not have a problem with his original question in specific terms, but I am offering advice rather than checking his questions at this time.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — Thank you, President, and I am cognisant of that standing order.

I welcome the minister's commitment to listen to communities, and many communities have approached me in relation to that commitment. They have asked me what criteria the minister will use to gauge community support and act as the minister did in Ventnor. What can I tell those communities in terms of what they need to do to demonstrate to the minister their opposition to particular proposals in order to get the minister to act?

**Mr Barber** interjected.

**Hon. M. J. GUY** (Minister for Planning) — As Mr Barber interjected, it is about fairness and certainty. Fairness and certainty are now back in the planning system. What I find astounding is the opposition asking me to take on board people's concerns and to listen to communities. The member for Altona in the Assembly held a community forum about possible changes to the urban growth boundary, and the first one she called she did not even show up to. If Mr Tee wants to listen to people, maybe he should show up to the forums he invites people to and that he actually spends his electoral allowance on.

**Road safety: toll**

**Mr O'BRIEN** (Western Victoria) — My question is to the Assistant Treasurer, the Honourable Gordon Rich-Phillips, and I ask: can the minister inform the house of recent initiatives the Baillieu government has undertaken to reduce the road toll in regional areas?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr O'Brien for his question and for his interest in this very important issue. Reducing Victoria's road toll has been a bipartisan issue for 40 years. Both sides of Parliament and governments for the last 40 years have been committed to reducing Victoria's road toll. Forty years ago, with a much

smaller population and far fewer vehicles on the road, we had a road toll that exceeded 1000 people killed per year. Last year in 2010 we had a record low road toll of 288 people killed on Victorian roads, which demonstrates a dramatic decline over that 40-year period, at a time when Victoria's population is now at 5.5 million and there are far more vehicles on our roads.

I am very pleased to advise the house that currently — and I stress currently — the 2011 road toll is tracking at around 5 per cent lower than last year, but of course we cannot be complacent. It would take only a minor series of incidents for that road toll to exceed the level achieved last year, so we cannot afford to be complacent. It is important that we continue with new initiatives to drive the toll down.

One of the big challenges of the road toll is the mix in the number of deaths that occur in metropolitan and rural areas. The reality is that rural collisions are overrepresented in our road toll. Last week the government and the Premier were pleased to launch a new Talk the Toll Down campaign. The Premier launched this campaign in Ballarat, along with 60 editors from rural and regional newspapers.

The purpose of this campaign, in partnership with the Transport Accident Commission, is not only to continue existing advertising campaigns with the TAC, which have been very effective and supported by both sides of the house for a long period, but also to actually engage regional and rural newspapers and their editors in editorial content. The purpose of the campaign is to get Victorian regional communities engaged directly, not only through advertising but also through editorial content, peer pressure and peer discussion, in reducing the road toll.

We have the strong support of editors from those regional and rural newspapers who are willing to take the road toll message to their communities through their papers. We are looking to work with Victorian communities in regional and rural areas to get the message out directly about the importance of improving driver behaviour and working to reduce the road toll. The Baillieu government looks forward to working with regional and rural communities to continue to drive down the Victorian road toll.

**Bushfires: risk area maps**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the release of the new bushfire-prone area maps by the government on 9 September and concerns about their content, and I ask: were councils given an opportunity

to have a look at these maps before they were publicly released?

**Hon. M. J. GUY** (Minister for Planning) — The Department of Planning and Community Development and the Department of Sustainability and Environment have obviously worked through a large body of work that has come out of the royal commission. They have put those maps out which they believe are reflective of what the royal commission called for and sought and for which there was bipartisan support, and that has been very important. Councils can now view the maps that are out there. We are working through any issues that may arise from them.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I thank the minister for his response. That confirms the concerns that councils have raised with me about the lack of consultation. There are a number of significant problems with the maps that have been identified as a result of the lack of consultation. The concerns are that they exclude areas that were affected by the Black Saturday and Ash Wednesday fires. Communities are excluded. The maps are causing confusion when residents on opposite sides of the same street are treated differently. I ask the minister: will the maps be reviewed? And this time, will the minister consult with local communities and local councils so that the government can get the maps right?

**Hon. M. J. GUY** (Minister for Planning) — What I find astounding is that the present leader of the parliamentary Australian Labor Party, Mr Andrews, the member for Mulgrave in the Assembly, went out and announced to communities that he found it astounding that certain areas had not been included in the bushfire overlays. He said that the maps were incomplete because areas had not been included. Now Mr Tee says that too many areas have been included. The opposition needs to get its story right. Opposition members are conflicting with each other every day when it comes to bushfire maps. Do opposition members think there are enough in or do they think more should go in? Do they think areas should be excluded or not? If Mr Tee does not have his story straight, then no-one can take his argument seriously, either in this Parliament or externally.

**Skills training: government initiatives**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, Mr Hall, and I ask: can the

minister advise the house of recent Baillieu government efforts to promote skills and skills training in Victoria?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank Mr O'Donohue for his question and obvious interest in this particular program. Last week was National Skills Week, an event celebrated for the first time to highlight the extraordinary talents of people in this country in terms of the skills that they possess in various trades and to highlight for young people the opportunity to engage in skills training. A range of events was conducted right across Victoria to celebrate National Skills Week, and I had the fortune to visit just some of those.

Of interest was the launch on Tuesday of last week which was sponsored by Victoria University and the WPC Group. It was also attended by the Leader newspaper group, and I want to pay particular tribute to the current campaign the group has operating, being '101 jobs in 101 days'. Talking to the group, I heard that at that time they had already achieved 45 jobs in just four weeks. It is an excellent initiative by that group of newspapers.

Throughout the course of the week I also attended two different presentations made to young trainees and apprentices in Victoria, one by the Housing Industry Association and the other by Apprenticeships Group Australia, which was staged at Pakenham, a town Mr O'Donohue would know well, given it is part of his electorate.

Later in the week I also had an opportunity to visit the William Angliss Institute and attend what was termed a culinary cook-off. Again, it was an opportunity for young people who have an interest in cooking to engage with some of Melbourne's top chefs, to see a demonstration by them, learn some practical skills from them and replicate two demonstration meals that had been demonstrated to them by a number of Melbourne's top chefs. That was a great event.

The highlight of the week for me really was the five young Victorians who were participating in the WorldSkills International championships that were staged in London during the course of the week. It was the week before when I farewelled at Melbourne Airport those five young Victorians who were joining 23 other young Australians to go across to London to compete in those WorldSkills International championships.

I was particularly pleased to see that the five young people who were participating in those events were all from regional Victoria. The Victorian contingent came

seventh amongst 51 member countries. I pay great tribute to all those young people from Australia who represented our country proudly and demonstrated that we do have some very talented people with wonderful trade skills. We also have a great number of providers here of whom we should be equally proud.

As it was a minor sponsor of National Skills Week, I was pleased that Skills Victoria was able to participate in what is a significant event for the promotion of the importance of skills training in this state.

**Planning: green wedge zones**

**Mr TEE** (Eastern Metropolitan) — My question is for the Minister for Planning. The state planning policy framework has a number of strategies to protect green wedges, including the protection of productive agricultural areas, the protection of environmental, landscape and scenic value, and so on. On 23 September the Department of Planning and Community Development released planning amendment VC77, which added an additional strategy to green wedges, being to protect mineral extraction in green wedges, and I quote:

Protect significant resources of stone, sand and other mineral resources for extraction purposes.

Why the change, and will it reduce the protection of Melbourne’s green wedges?

**Hon. M. J. GUY** (Minister for Planning) — It will not reduce the protection of Melbourne’s green wedges which Mr Tee, after 12 months, has found an interest in, given that the previous government expanded Melbourne’s urban growth boundary by 43 000 hectares into green wedge land and the only considerations at the moment are for a maximum of 6000 hectares into green wedge areas; so I think he needs to get his story straight on one part.

The first point is that mineral extraction has been designated in those local planning schemes and by overlays for some time. One of the key components that we have in Melbourne in relation to affordability is the movement of materials to build houses. If we do not protect areas which are already identified —

**Mr Tee** interjected.

**Hon. M. J. GUY** — Mr Tee, they were put in place in the planning scheme through Melbourne 2030. Mr Tee might want to look at who actually put them in place and who actually identified those areas. They were identified by his government; the Labor government identified those areas. The Labor

government — with, I might add, full support — identified areas. They were areas where we can attain stone and sand to build roads or housing in Melbourne, which have been identified since the 1960s and 1970s. Better it come 40 kilometres than 240 kilometres — due to a carbon tax. How about truck movements on roads? We are transporting it only 40 kilometres, not 140 kilometres.

There is a whole range of reasons why those areas have been identified and again further strengthened in the state planning policy framework, supported by Melbourne 2030 and fully supported by Melbourne @ 5 Million. I find Labor’s change of heart quite surprising and, indeed, bizarre. I am sure that the unionised workplaces that occupy those sites would be very interested to hear Labor’s change of heart about the hundreds of jobs that exist in or rely on those extractive industries.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — There is significant concern that the change to the planning framework to include the stone, sand and other mineral resources for extraction purposes will further reduce the protection of the green wedges, and I ask: was there any consultation with the community before the minister made the change which was introduced by him as amendment VC77?

**Hon. M. J. GUY** (Minister for Planning) — I hate to bring this to Mr Tee’s attention, but a lot of the consultation that occurred on these sites and on protecting these sites probably occurred under his government under Melbourne 2030. His government’s own documents outlined these sites. We are simply seeking to protect sites that the Cain government identified.

This conspiracy theory that the current opposition now has about the green wedges is astounding, given that the biggest incursion into green wedges in Melbourne’s history occurred just 12 months ago, on the motion of former Minister for Planning, Justin Madden, and voted for by Brian Tee.

**Kindergartens: regional and rural Victoria**

**Mr KOCH** (Western Victoria) — My question without notice is for the Minister for Children and Early Childhood Development, my colleague the Honourable Wendy Lovell. Kindergartens are an important and well-supported facility in our small communities, for our preschool children, and I ask: can the minister

inform the house of how the Baillieu government is supporting small rural kindergartens?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I thank the member for his question, his ongoing interest in the welfare of kindergartens in his community and his support for those kindergartens. The Baillieu government believes that access to a kindergarten program is a vital first step in a child's education. The Baillieu government also appreciates the contribution that parents make to not only the kindergarten committees and the running of our kindergartens but also to the fundraising to keep those kindergartens operational.

In rural communities kindergartens face particular challenges. They have small enrolments and they have the same costs of running those kindergartens, so often their fundraising requirements are onerous. Of course they also have limited opportunities for fundraising because of their smaller communities and because many of those communities have also suffered drought, fires and floods in recent years.

As the shadow minister, I listened to the rural communities and their kindergarten committees about the difficulties that they faced in fundraising and their need for some additional support. During the election campaign, I was delighted as the shadow minister to go down to Mr Koch's electorate, to the fundraiser that the Willaura kindergarten was holding, and announce that in government the Baillieu government would put aside \$6 million to provide operational grants of up to \$20 000 a year for small rural kindergartens with enrolments of 14 or fewer.

Recently I had the pleasure of announcing the first round of grants at the Axedale kindergarten in my electorate. I am pleased to say that this year 65 rural kindergartens with enrolments of 14 or fewer will receive grants of up to \$20 000. This will relieve parents of some of the more onerous fundraising requirements they have been facing. It will also ensure that rural children are able to get the best start to their education regardless of where they live.

### **Schools: special religious instruction**

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Higher Education and Skills in his capacity as minister responsible for the Assembly portfolio of education. It is in regard to a memo sent to schools by the Department of Education and Early Childhood Development containing two clarifications in relation to the provision of special religious instruction (SRI). The first of these states:

Students who do not attend SRI should be appropriately supervised by teachers and are required to be engaged in positive, independent learning ...

The second paragraph of the memo informs schools that note 1 — which is basically the opt-out clause — at the base of form GC 566 has been amended. The explanation at the bottom of that paragraph says:

This note is not relevant in all instances of SRI provision across Victorian schools.

I ask the minister to clarify that note and also to clarify how teachers can be supervising both the provider of SRI and students who are not engaged in SRI.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank Ms Pennicuik for her question, which was addressed to me in my capacity as representing the Minister for Education in this chamber. When such questions are asked of ministers representing other ministers, the normal practice would be to take them on notice and provide the member with an answer in due course. However, on this occasion Ms Pennicuik gave me some notice that this question might be asked of me. I was therefore able to seek advice from the Minister for Education so as to provide her with some information in response to the question she asked, which I will now do.

In regard to the memo sent around to schools regarding special religious instruction, having had some discussion with my colleague Minister Dixon about these matters, first of all, with respect to the supervision of students who elect not to participate in special religious instruction, the issue is basically one of schools making arrangements, within their circumstances, to accommodate that provision. That may work in a number of ways according to the school's resources.

I offer by way of illustration some of the ways in which it might work — for example, there may be several classes in which only some students elect to do SRI. In those circumstances it is not an uncommon practice to put those classes together and take those students who are doing SRI into one room and put the others, who are undertaking independently supervised, meaningful activity, in another classroom with another teacher. If there are small numbers of students who do not elect to participate in SRI, they may be supervised either in a class which is not undertaking SRI or by another staff member who does not have teaching duties at that time. As I said, how that requirement can be accommodated depends on the circumstances and the staffing arrangements at the school.

The second part of the question sought to clarify a footnote to the second point of the memo, which says:

This note is not relevant in all instances of SRI provision across Victorian schools.

My understanding is that that footnote relates to the fact that the original requirement, which was set some 20 years ago, applied when Access Ministries was the only provider of SRI in schools. That, I understand, is not the case now. There are providers other than Access Ministries that undertake this activity. In circumstances where Access Ministries is not the provider of SRI in a school, that footnote is required, because there is a different provider of SRI. I hope that is a meaningful response to the question Ms Pennicuik has raised.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — I thank the minister. In his answer he said that some students may be supervised by teachers who do not have teaching duties at the time. I would assume those teachers who do not have teaching duties at the time have rostered time off. Does this mean those teachers are now going to have to take up that extra duty?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — My understanding from my discussion with the Minister for Education on this matter is that staff are not forced to undertake those additional duties, if you like. I am not aware of any such demand being made of staff, but obviously if a qualified teacher at a school does not have teaching duties and is available and willing to supervise students who do not wish to participate in SRI, that is but one way in which this requirement of schools might be met.

**Industrial relations: building industry**

**Mrs PEULICH** (South Eastern Metropolitan) — My question without notice is directed to the Minister for Employment and Industrial Relations, and I ask: can the minister update the house on what action the Baillieu government is taking to deliver better value for money on major construction projects in Victoria?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for her question. The Baillieu government is very much committed to ensuring that Victoria gets the infrastructure it needs at a cost that is affordable and responsible. This government is also committed to ensuring the end of a culture of unlawful behaviour on our building sites. We know in June this year the Premier announced that the Victorian government

would review the industrial relations principles as they relate to the construction code of practice.

Last week the Minister for Finance released for public comment a draft of these new industrial relations guidelines. The Baillieu government is introducing these guidelines — —

**Hon. M. P. Pakula** — On a point of order, President, the question was asked of the minister as the Minister for Employment and Industrial Relations. He has just indicated that the Minister for Finance released the guidelines. I know in the past I have asked questions of the minister about matters such as this and he has said that they are not within his ministerial responsibilities. Can I ask, on a point of order, for the minister to clarify whether these guidelines are actually within his ministerial responsibilities.

**The PRESIDENT** — Order! While the minister may want to make an explanation in the course of continuing his answer, I accept the point of order the member is making. As the member knows, the Chair is not in a position to direct the minister as to how to answer the question. I also suggest that ministers always need to be aware that when they answer questions pertaining to other ministers' actions, such as the release of statistics or other information to the public, they obviously open themselves up to questions on those matters from other members of the house — in other words, they do not necessarily get to have one day of good news and avoid several days of pain. Ministers do that at their peril.

**Hon. R. A. DALLA-RIVA** — I find it amazing that the opposition does not realise that we have a very inclusive approach to the way industrial relations work in this state. I have been directly involved in the establishment of this construction code and also had responsibility for the overarching review of these guidelines. I am just putting this forward because it seems to be a sensitive issue for those opposite, that we are putting industrial relations guidelines in place to ensure that workplace arrangements and practices that apply to firms that tender for state government contracts comply with the workplace laws, promote productivity and reduce costs and delays.

There is a history of the way the former government dealt with construction across the state, and we know there is a desalination plant and a whole range of other projects where problems continued on and on and where there were cost blow-outs and industrial relations disputes. We are setting down some new principles which will achieve a new and more rigorous vetting of tenders, determining which tenderer has the best and

lowest risk workplace management systems, increasing accountability through monitoring compliance and undertaking enforcement in the event that the guidelines are breached. The new principles and guidelines will be built into contractual arrangements.

*Honourable members interjecting.*

**Hon. R. A. DALLA-RIVA** — Again I hear those members opposite barking, but they really ought to understand that we know that when they had control of the contractual arrangements in this state things were all over the place. It is interesting to note that Mr Pakula, a former industrial relations minister, did absolutely nothing to prevent some of the rorts that were going on.

We are acting to ensure that the key elements of the revised industrial relations principles within the Victorian Code of Practice for the Building and Construction Industry are also applied to the regional rail link. The new guidelines will limit the risk of cost blow-outs and ensure that taxpayers get better value for money when funds are spent on community infrastructure such as hospitals, roads and public transport because, as I have said before, we are about improving productivity. It is very hard for members opposite to understand productivity improvements. Every time the subject is mentioned they fail to understand exactly what it means to try to get value for money and productivity improvements through workplace reforms and improvements.

What we see opposite is the ongoing approach of those who seem to think that continually paying out will resolve industrial disputes. We know there has been a long history in this state of the failure of the former government to control industrial relations. We are going to bring back those controls in areas where we have accountability for the money of Victorian taxpayers.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 680, 1031, 2423, 3244 and 3276–371.

**Ms PENNICUIK** (Southern Metropolitan) — As it is Wednesday, I wish to follow up on unanswered questions on notice. Questions 139, 140, 167, 175, 2260 and 3566 were to Minister Ryan. We contacted his office on 15 June and were told the answers had been signed by the minister and were awaiting tabling. On 30 September we called and emailed again and

were told the minister's office would get back to us, but we have not had a reply.

Questions 170, 172 and 173 were to Minister Walsh. We contacted the minister's office on 25 May and again on 16 June and were told that the answers were lodged with the Department of Premier and Cabinet in mid-April. We contacted the minister's office again on 30 September by email, but we have not had a reply.

Questions 684, 685, 688, 692, 710, 848 and 852 were to Minister McIntosh regarding prison rates, mandatory sentencing costs, crimes against the person, targeted sexual assaults in prisons and the Graffiti Prevention Act 2007 charges and fines. We contacted the minister's office on 24 June and did so again about all questions except 848 and 852 in late June, but we have never had a reply. Again on 5 October we emailed about all these questions but have not had a reply.

Questions 704 and 705 were to Minister Smith regarding the FReeZA program and musical equipment bank. On 10 October we contacted the minister's office and were told that question 704 had been signed by the minister on 29 July, and we have not yet heard back regarding question 705.

Questions 711 and 714 were for Minister Dixon regarding school rebuilding and maintenance. On 5 October we called the minister's office and left details, but we have not heard anything in reply.

Question 445 was for Minister Napthine regarding the Port of Melbourne Corporation tidal stream limits at Port Phillip Heads. On 5 October we were told the answer was awaiting sign-off and the minister's office would move it along.

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her queries and would welcome the list she has in her possession, if she could provide that to me. I note that the member has requested responses from Ministers Ryan, Walsh, McIntosh, Smith, Dixon and Napthine. I will follow up those queries and seek to do that expeditiously.

I note that today we have hit some sort of new record with these questions on notice. On a rough calculation I make it 2832 that have been added to the list, which might be some sort of record. I notice in the other chambers around the country such extraordinary rates of questions on notice are not reached, so around 2800 is some sort of record — I am not sure of what. But in relation to Ms Pennicuik's points I will follow those up, and I would appreciate that note from her.

**Mr BARBER** (Northern Metropolitan) — I need to raise a number of questions that have been unanswered. It is essentially the same list of questions that I have raised with the same ministers in many previous sitting weeks. If it is of assistance to the ministers in chasing these down, we notice that some of these questions are taking two months from the date they are signed to make it the 200 yards from Treasury Place to Parliament, so perhaps sacking the entire mail room might be advisable before the government sets a new record.

Question 161 has been on the notice paper against Mr Dalla-Riva's name since 3 March. Noting his undertaking last sitting week to supply a response to that question, and noting the many statements and the language he used in relation to the previous government — which I am sure he will recall, and which are still on the record — when his questions were not answered, I am wondering if there is anything he can tell me about the commitment he made last sitting week.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I am interested to follow that up, because I did say that I would, and I will pursue it again. Was that a question directly to me?

**Mr Barber** — What is the answer to the question? The minister's name is on the notice paper.

**Hon. R. A. DALLA-RIVA** — But was it a question directly to me?

**Mr Barber** — It says, 'To ask the Minister for Employment and Industrial Relations'.

**Hon. R. A. DALLA-RIVA** — Then I will follow it up.

**Mr BARBER** (Northern Metropolitan) — Question 675 was first raised on 3 May for the Minister for Health representing the Minister for Environment and Climate Change in relation to permits of authority to control wildlife. Again for the Minister for Health, this time representing the Premier, question 718 on 26 May. Then also on 26 May, questions 731, 733 and 734. That is all for the Minister for Health.

**Hon. D. M. DAVIS** (Minister for Health) — Questions 675, 731, 733 and 734 were for the Minister for Environment and Climate Change, and I will follow those up; and question 718 was for the Premier, and I will follow that up as well.

**Mr BARBER** (Northern Metropolitan) — Questions 728 and 729 from 26 May were for the Minister for Higher Education and Skills to be passed on to the Minister for Energy and Resources, and question 735 was for the Minister for Agriculture and Food Security.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — Might I begin by saying that in response to some debate to these matters during the course of last week I personally went through the records to check every single question that was asked directly of me in my capacity either as Minister for Higher Education and Skills or as Minister responsible for the Teaching Profession, and also those that have been asked of me in my capacity representing other ministers.

Of the 300 or thereabouts that were directly asked of me, all but nine have been processed by my office. In respect of questions asked of me in my capacity representing other ministers, about two-thirds of those have been tabled in Parliament. There are a few outstanding ones which I am trying to track down.

I understand Ms Pennicuik has said that she has contacted the offices of ministers Walsh, Ryan and Dixon about answers, but where it is expected of ministers in this chamber to table those answers it would be helpful if her contact with those ministers was also conveyed to our offices so that we could collectively try to pursue those for the member. For example, in the cases Mr Barber has raised of a number of questions for the Minister for Energy and Resources and the Minister for Water, if he has made contact with those ministers directly seeking an explanation or an answer, if he could also give me a copy of those representations he has made to those ministers it would assist me in following up those questions and answers for him.

**Mr BARBER** (Northern Metropolitan) — Now for the Minister for Planning. Starting on 26 May there were a series of pre-budget questions. I am still interested in the answers, but clearly the ship has sailed to some extent and the opportunity for the government to be accountable on those matters has also sailed with it. I refer to questions 747, 752, 755 and 757 from 26 May, question 791 from 2 June, question 2741 from 16 August and questions 4067 and 4068 from 30 August. I seek an explanation as to what has happened to those questions.

**Hon. M. J. GUY** (Minister for Planning) — Regarding any questions which are outstanding under my name, I apologise to the member, and I will seek, with my office, some feedback as to where they are and

try to get them to the member as quickly as possible. Again I apologise for the delay.

**Ms HARTLAND** (Western Metropolitan) — I still have a number of outstanding questions: question 235 for the Minister for Public Transport and question 599 for the same minister, this time in his capacity as Minister for Roads. Also, I have repeatedly asked for an answer to question 680 and it has just been delivered to me, but it was signed on 19 August, so it has taken two months to get to me in this chamber, which I think is extraordinary. Then there are questions 793, 2940, 2941 and 2942, all for the Minister for Public Transport — obviously there is a problem there.

We do fax the ministers, and I have a copy of the fax we sent to the minister's office with regard to question 680. Regarding Mr Hall's request, I would be happy to send them to ministers in this house as well, but I am very concerned that it was signed two months ago, and I am happy to show that to the President.

**Hon. M. J. GUY** (Minister for Planning) — Again, I apologise to Ms Hartland. It should not take two months to post that to her, so I will ask why that was the case and ascertain the status of the questions she has asked me about.

**The PRESIDENT** — Order! I will make two brief statements. The first one is that Ms Hartland has actually written me a letter of yesterday's date seeking reinstatement of her question on notice 677, which indeed was to the minister responsible for public transport, and it was in regard to Werribee railway services. She has indicated to me that she felt the answer provided was unsatisfactory in that the minister referred her to a website, suggesting that the information sought was publicly available and that therefore it was not necessary to provide the details she sought.

I have considered her letter and I have read the question, and I am of the view that part of her question should be reinstated on the notice paper. This question — question 677 — had two parts: part 1 and part 2. Each of them had a number of elements. I am of the view that part 2 is not directly relevant to the point made in the letter or to the preamble of the question itself. That information could be obtained fairly and easily from the timetables as per the response of the Minister for Public Transport. However, on the question of part 1, I believe the Minister for Public Transport ought to be able to provide information in that regard, because I do not believe that information could be easily obtained in the same manner.

## RULINGS BY THE CHAIR

### Sub judice rule

**The PRESIDENT** — Order! I wish to make a statement in regard to general business items that are on the paper for today, specifically motion 194 in the name of Ms Pennicuik. The notice requires the Leader of the Government to table by 25 October 2011 the briefing note to Victorian government ministers that was prepared by the Secretary of the Department of Justice regarding the transfer of prisoner Carl Williams from an isolation unit to one shared with two other prisoners in Barwon Prison.

It has been drawn to my attention that certain matters relating to this motion are before the courts and may therefore be sub judice. The sub judice convention is a restriction the house imposes on itself to prevent its deliberations from prejudicing the courts of justice. Just because a matter is before a court it does not necessarily follow that every aspect of it must be sub judice. There are four criteria which need to be considered when applying the sub judice convention: one, whether there is a danger of prejudicing the case if the matter were debated in the house; two, the danger of prejudice occurring versus the public interest in the matter; three, whether the danger of prejudice would occur if the case were being heard by a judge, judges or jury; and four, whether an individual's rights would be unduly transgressed or injured if the matter were discussed prior to the judgement.

The application of the sub judice convention is always subject to the discretion of the Chair. The Chair should always have regard to the basic rights and interests of members in being able to raise matters of concern in the house, and regard needs to be had to the best interests of persons who may be involved in the court proceedings and to the separation of responsibilities between the Parliament and the courts.

The matter which is of concern in this particular motion is a criminal matter. As a general rule matters before criminal courts should not be referred to from the time a person is charged until a sentence has been announced and, furthermore, until an appeal, if any, has been decided. I am advised that in this matter the case has been heard and the sentence is awaited.

*May's Parliamentary Practice*, 24th edition, makes it clear at page 442 that where in a criminal case there is a delay between conviction and sentence the restriction remains in force until the sentence has been passed. I add that I have made passing reference to *House of*

*Representatives Practice* in respect of matters of sub judice as well.

It could be argued that motion 194, proposed by Ms Pennicuik, is narrowly focused and that debate could be confined simply to whether or not the document should be produced. However, in my view, given the nature of the matter, it would be difficult for the debate not to potentially stray into areas that are still before the court and into matters that would be of concern in relation to the sub judice principle. I am also mindful that the motion imposes a deadline for the production of the briefing note, which I understand is 25 October. It is possible that the sentence may still not have been imposed by then, irrespective of whether or not an appeal has been lodged.

I accept that there is considerable public interest in this matter, but I believe that on balance the sub judice principle should apply and therefore debate should not proceed on Ms Pennicuik's motion at this time. I am obviously not seeking to delete that motion from the notice paper, and I would expect that motion to be debated at a future date when it is clear to me that there is no danger in respect of the sub judice principle. I assure Ms Pennicuik and members of the house that I will continue to take advice in respect of the status of this matter so as to advise her and the house at which point this motion could be proceeded with. I thank members for their understanding on that, particularly Ms Pennicuik, with whom I have discussed this ruling.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

## PLANNING: AMENDMENT VC82

**Debate resumed.**

**Mrs PETROVICH** (Northern Victoria) — I started my contribution before question time and I was talking about the changes that have been made through amendment VC82, which was timely. They were an election commitment made by the coalition to restore some planning certainty and community rights to the planning of wind farms.

The previous government announced the establishment of a wind atlas in January 2003 and work was done by the then Minister for the Environment, John Thwaites, in 2003. I remember that because I was serving as the mayor of the Macedon Ranges Shire Council at the time and I was horrified to realise that there had been no consultation with the council. When I addressed the issue of the planning controls that councils would be involved in I was told that anything over 35 megawatts would be the responsibility of the planning minister. I

spoke firmly on ABC radio. When I asked about what consultation there was going to be with local government and in communities, understanding the sensitivities around the landscape values of the Macedon Ranges, I was told that there would be a phase of consultation to talk about planning controls and what inputs the community would have.

Unfortunately the Labor machine rolled on and that vital strategy of talking to people, talking to communities, was excluded from the conversation, and we ended up with a system that disenfranchised communities and was extraordinarily divisive in many respects. It was not good for the environment. I do not think it was good for the alternative energy industry, and in some cases it split communities in a way that should not happen.

As is the nature of the rural communities, friends and families contribute in a range of ways. Many hats are worn and whether it is through the Country Fire Authority, through the football club or the netball club, or the pony club, or Rotary or Lions, people have a way of interacting in rural communities that perhaps is not understood by those opposite. When they were in government they made some fundamental mistakes, as we saw with issues such as the north-south pipeline. When you fail to acknowledge how country communities work and take on board their concerns, it is very easy for things to go awry. It takes a lot to rouse country people; they are generally very community-minded people who just go about what they do best, which is participating in community life and trying to run their businesses or their farms and just getting on with it. But the previous Labor government had a way about it that caused many anxious moments with issues such as the ones I have mentioned.

In just nine months the coalition government has returned planning control for wind farms to local councils and communities and given regional communities greater confidence in the planning system. Minister Guy, the Minister for Planning, is in every respect a stark contrast to the former Minister for Planning and current member for Essendon in the Assembly, Mr Madden, who was very slow to move on a number of issues and very fast to move on others. Process was not a strong point, and I think we have a much greater capacity for clarity and delivery of what the community is wanting because of the new style demonstrated by this minister, who has delivered on this election commitment.

This commitment was expressed in a report which I worked on as part of an all-party committee in the previous Parliament. The Environment and Natural

Resources Committee inquired into the approvals process for renewable energy projects in Victoria. It is quite astounding when people like Mr Barber talk about the conversations that have been had with rural communities. I can tell the house that that particular committee travelled far and wide and took many submissions about how planning was developed around these very large structures.

It is a terrible experience to sit in hearings and see tough old farmers weeping because of the loss of amenity in their area, their lack of control and their belief that in a democratic society they should have a say. They are affected by the lack of contact with neighbours and friends as a result of poor planning processes, and they have concerns about the environmental impacts and lack of the environmental work that is necessary when these very large structures are put in some sensitive areas — those same sensitive areas which in many cases the farms have operated in for over 100 years.

I have worked with groups such as the RATs (Residents Against Turbines) of Tooborac and a group that works out of Baynton and Sidonia, and they have had great concerns about the proposals for wind farms in the Macedon Ranges because of the lack of planning controls, the lack of buffers and the lack of consultation and consideration for their requirements. Many of these people operate rural businesses; they operate bed and breakfasts or they run other tourist enterprises.

The concerns that have been raised with me relate to conductivity of the turbines, the noise and the reverberation. There are health concerns with these turbines, and I think the jury is still out in many cases regarding the health implications of turbines. Regardless of that, I know there has also been work done through the Senate inquiry, and there has been fairly damning evidence about the effect that the structures have had on the people living alongside them.

People have had to move out of their own homes, and when you talk to people who live alongside these turbines there is always a conversation about the noise of the turbines not always being audible; it is almost a reverberation that is felt. They talk about the flicker from the blades which can be seen through closed blinds. They talk about the loss of peace and quiet and amenity, and maybe there is a tort of nuisance there if that is the case. I am not sure. That is something that needs to be explored before we impose these turbines on people. Under the previous planning regime some people just had these turbines imposed on them without there being any right of appeal. We can fairly say that

the previous government's approach was unfair, slow and divisive.

**Mr Elsbury** — That is being kind.

**Mrs PETROVICH** — It is being kind, as Mr Elsbury says, particularly if you talk to the communities who were affected. In contrast our policy provides equity for community and wind farm proponents.

I will quote a couple of things from this report because they are quite enlightening in respect of the really good listening process that went on during that inquiry. The report quotes one of the proponents from the Ararat Rural City Council as explaining in August 2009:

If the current system of approvals is to remain in place, it is critical ... that staff in the minister's office understand the impact of their approvals process, specifically the time it takes once it [the application] lands on the minister's desk, at their discretion. Once an application reaches the desk —

the Crowlands wind farm proposal —

... is probably a classic example of this — there is no clear or accountable time frame that we are aware of when that project is dealt with. To put that into perspective for us, Crowlands went to a planning panel more than 18 months ago. We are no closer to having any clear understanding of where that process is at, nor are any of our businesses or the people we have worked with to try and gear up for the project. There is certainly no process of communication between the minister's office and any other stakeholders that we are aware of. It affects our credibility and the developer's credibility with our local business community. We sit down and brief our contractors and businesses to be geared up ready for these projects... \$150 million of local content coming into a region from one project alone, Crowlands — and then the mystery of the minister's desk results in projects like Crowlands being idle for 18 months. It makes us look quite foolish in front of our businesses and others who either have other projects on the go or are trying to keep businesses afloat ...

That really highlights that perhaps the previous regime was not an ideal world for a proponent of a wind farm development either. The report goes on to say:

At the time of writing, a decision on the Crowlands wind farm had not been made by the Minister for Planning.

That was of course the former Minister for Planning, Justin Madden. It goes on:

The committee calculated that it has taken between 2 and 9½ months for planning panels to prepare reports and 1 to 15 months for the minister to then make a decision.

It is an interesting read. I am sure people would find it most enlightening to go back and have a look at some of this, because it sets the tone of where we have been previously and where we are going in the future.

We need to consider alternative energy solutions. We know on the one hand that wind farms were the heroes of alternative energy solutions for the previous Labor government, whereas the coalition believes in a suite of alternative energy solutions. The coalition looks towards the effectiveness and abundance of brown coal as a means to provide a reliable source of energy for Victorians. Until a reliable alternative source is located how, as a responsible government, can you condemn people to an unreliable power supply? We saw blackouts and brownouts occurring a couple of summers ago with 150 elderly people dying as a result of the lack of power supply. It is the role of government to make decisions about provision of services and to make sure that those services are reliable.

In the inquiry into the approvals process for renewable energy projects in Victoria, which I was talking about earlier, we received some submissions on the reliability of wind farms. One submission is quoted in the committee report as saying:

All wind farms in all regions produce a common-characteristic output. This output is characterised by extreme variability, extreme unpredictability and extreme intermittency. Their output is typically somewhat less than one-third of installed capacity on average. The wind industry and its academic supporters concentrate on reporting average outputs only. They fail to report these other, negative performance aspects. Indeed, it could be inferred that they do their best to cloak these aspects in a veil of secrecy.

There were a variety of conversations, as I alluded to earlier, around the health risks and reported impacts of turbines on people who live close to them. The committee report says:

The draft national wind farm development guidelines acknowledge that there are risks that people living near a wind farm will be impacted by noise from the turbines and the impacts may relate to the volume, timing and/or character of the noise produced. There is also the potential for cumulative noise impacts should a new wind farm or an extension to an existing wind farm be proposed in close proximity to the existing wind farm.

Something the current minister is cognisant of, which the previous minister was not, is that even though there is a wind atlas that says somewhere is a windy area, there needs to be an understanding of the cumulative effects of wind farms. Not only from a visual perspective but also from a noise, reverberation and health impact perspective, it is important to acknowledge that the placement of turbines needs to be strategic, not only on the basis of them being in a windy spot but on the basis of the impacts they will have on the communities around them.

Mr Ramsay, who as I said earlier is a man who understands rural activity and rural communities, noted

the distress around the lack of process in planning for wind farms in rural communities. They have divided communities. It is true that many relatives and friends in these communities no longer speak, and I have spoken about that a couple of times already. One of the most significant impacts was outlined in a submission to the inquiry. The report says:

The negative social impact of wind farms and other major projects, including the gas plant projects, in the shire of Corangamite was also described to the committee by Ms Segafredo —

who now, coincidentally, works as a senior planner in the Shire of Macedon Ranges. However, at the time, she made a submission to the inquiry. The report quotes her as saying:

One of the most significant [impacts] is the social impact these sorts of projects have on local communities, and the breakdown in those rural communities, pitting even family against family. It is not just within towns but is often in the rural landscape; there is a significant problem that arises through these sorts of major projects which may not ever be healed. When you are looking at populations that need each other to operate in terms of the footy team and the whole community fabric, projects like this — and these are not the only things — have a significant impact on that social cohesion. I think it is accentuated with the linear nature of the wind farms in particular, but in our experience the gas plant projects have had a similar impact as well.

She also alluded to an understanding of the community's expectations of the shire, and that is something that has previously put local councils right in the line of fire. Local communities believed that councils had planning control over wind farms and wind turbines when in many cases they did not. They were not given that opportunity and not included in that conversation. Minister Thwaites, a former Minister for Planning, excluded communities when he forgot to consult with them. He excluded local government when he did the same to them. The report says:

A community-led approach to identifying suitable sites for wind farms also occurs in Germany ... This means that 'every community has determined their own dedicated areas, especially for wind farming'. This approach is in contrast to the current approach in Victoria where proponents investigate and determine suitable sites ...

We now give access to a variety of sites. As we have heard, there are already 1000 turbines on the agenda with permits let. We support alternative and renewable energy, but in this case we have carefully selected some sensitive areas. On the whole communities have told us that they are not appreciative of wind farms in those areas.

It is interesting that a number of people, including Mr Tee, have spoken about the proposal for a

community-based wind farm on Black Forest Drive in Woodend, which is a community and a town that I have a lot to do with. I live there and have represented the area in various capacities. I was an inaugural member of the Woodend Sustainability Group, along with a fantastic man called Rodney Snell, who came to me with a proposal to start a sustainability group in Woodend. He was looking for a home, and he thought it would be a good idea to cohabit with the pony club, with which I was heavily involved. We sat down and worked on a proposal to find a better spot. He and the group were made very welcome at the Woodend neighbourhood house. We applied for a federal grant and received money, along with some support from the shire. We now have a fantastic building, which was built on sustainability principles, at the back of the neighbourhood house. It has a fabulous permaculture garden, which is in the process of having some sculptures added to it. It is something the community can be very proud of.

That group is probably disappointed in many respects that there is now no opportunity for a community-based wind farm on Black Forest Drive, which they had a proposal for, but there were some concerns around the siting of that. The turbines were suggested to be put in the middle of a pine forest plantation owned by Hancock. When this was first thought of the thought was that the turbines would be hidden by the pine forest, but that forest is due to be harvested. The area also has a wildfire management overlay, so there were some complexities with the siting of that proposal. I am sure that group will continue to work with me to look at other alternative energy proposals, and my door is always open to them.

The position the government has come to is one that I am proud of. I am proud of the work that is being done by this government now and also of the position that was taken by it in opposition. I refer to the Environment and Natural Resources Committee's minority report, which clearly sets out some of the basis for where we are today on positions around the need for sustainable and renewable energy. The minority report says:

The need for sustainable and renewable energy will continue to place demands for planning and development of these important facilities.

It will be increasingly important to engage and consult local residents whose lives, livelihood and environment may be impacted upon by these developments.

The wind atlas introduced in 2003 by John Thwaites was the preliminary phase of identification of suitable wind energy sites. A subsequent consultation phase with local government would have enabled greater capability and understanding of

the planning complexities facing local councils and residents and land-holders.

Unfortunately the Brumby government chose to exclude local government from planning for wind turbine developments over 30 megawatts. It is also regrettable that the Brumby government did not see fit to provide adequate resources to local government to deal with the complexities of planning for wind farm developments less than 30 megawatts. Local government needs to be given the tools and resources to ensure proper planning at a local level is carried out.

Local communities in some cases welcome wind energy developments; others feel that these facilities may have negative impacts on health, wellbeing and amenity.

...

Establishment of clear guidelines are needed to assist in the development of constructive relationships between residents and wind farm proponents.

Local knowledge of the topography, the environment, flora and fauna needs to be taken into consideration in the planning approval process.

Concerns were raised about limited EES processes being included in areas which have a zoning of rural conservation or environmental significance overlay. An EES would normally be required to assess the impacts of a development on listed flora and fauna to ensure protection of our biodiversity.

It was signed off by me and Christine Fyffe and Peter Walsh, the Legislative Assembly members for Evelyn and Swan Hill respectively. There were some slight differences in views, but at the hearings conducted across Victoria, which included the western and northern areas, and in the many conversations held about a variety of alternative energy sources, it was quite clear that there was no opposition to alternative energies. It is something responsible governments need to look at because it would be irresponsible to charge in blindly and disregard the rights of communities who previously had no say.

When I read that report I was pleased to note what it said about where we are at now with the policy developed by the Minister for Planning, Matthew Guy. A government can make substantial changes that have real and positive impacts on people's lives. Planning is everything in communities. It is not just about the built form; it is also about social aspects and health and wellbeing issues. This government's direction will provide a much more consultative approach which will benefit communities who felt excluded from the conversation for a long time. Local governments now have an opportunity to have their say. We will continue to listen to and work with communities, as is our government's direction. I am proud to be part of that. With those few words I will finish up my contribution.

**Ms TIERNEY** (Western Victoria) — I rise to support Mr Tee’s motion, and in doing so I support regional jobs, regional development, renewable energy, investment in regional Victoria and sustainable communities and families. I will start by talking about jobs. We all understand that the creation of jobs and the investment of industry and jobs in regional Victoria is often a little bit more difficult than in other areas of the state. That is primarily because of transport, communication and associated costs. But when we are successful in securing those industries in our rural towns and regional cities we usually support them as well, whether it be at a local, state or federal government level.

At the moment the situation for the people of Portland is one that is full of anxiety. Keppel Prince Engineering is a major contributor to the wind farm industry. It employs something like 400 people in a number of activities. With a population of approximately 11 000 people in Portland, Keppel Prince is the second-largest employer in the town. A threat to any job there results in pressure on families, let alone the number of jobs available. That means enormous pressure is placed on the town, its local economy and all other families directly and indirectly associated with the company.

It is not surprising that when it comes to the wind industry there is a lot of commentary in the *Portland Observer* and the *Warrnambool Standard*, particularly given, as other members here in this house from western Victoria have said, that area is basically the home of wind farm energy. I want to give the house a taste of what is being said in those newspapers, in particular in south-west Victoria. I quote from the *Portland Observer* of 5 September this year:

One hundred jobs destined for Portland are on hold, as Keppel Prince looks interstate.

Following the introduction of —

the Minister for Planning’s guidelines, general manager Steve Garnet is reported as saying:

Portland based Keppel Prince Engineering has suspended plans for a new \$6 million painting and blasting facility, instead looking to develop in less regulated states.

...

The \$6 million facility —

and I understand it was for grit blaster capability —

destined for Portland would have generated 100 new jobs ...

Keppel Prince currently employs 450 in Portland, with 200 of those dedicated to the wind farm sector, a sector that may relocate.

...

The minister’s decisions were baseless, pandering to a vocal minority.

He was also quoted as saying that they ‘would have to look elsewhere and that would be 200 jobs’.

On ABC South West Victoria Radio the mayor of the Glenelg Shire Council, Cr Bruce Cross, said:

Main concern for Glenelg at this point is its influence on the manufacturing sector ... The main thing to bear in mind at this point is that there are over 200 jobs in Portland that are directly aligned with manufacturing wind farms. There are certainly other jobs associated with the operation of existing wind farms.

This is a point reinforced by the Australian Manufacturing Workers Union which has coverage in the area. Gary Robb, who is secretary of the metals division of the AMWU, wrote in an email to me that:

... wind farm companies such as Keppel Prince may be forced to close its workshop in Portland and relocate these jobs interstate where they could receive support from another state government, which would see over 300 direct jobs and hundreds of indirect jobs lost to Victoria forever.

...

... the AMWU strongly oppose the suggested amendment and believe this state government should be building on the work the former ALP government had done to encourage wind farm investment in regional Victoria and grow manufacturing and create good paying regional jobs instead of sending them interstate where we will end up importing that work in from other states ...

There have been a number of commentaries in the *Weekly Times*, but I will just include one in my contribution this afternoon. It was on 31 August and it indicates that since the government handed councils planning control over wind farms earlier this year, the Moyne shire has voted against extending planning permits for the Ryan’s Corner and Hawkesdale farms. Developers Union Fenosa Wind Australia said in a company statement that the projects proposed for south-western Victoria were valued at more than \$400 million and would have created 150 jobs during construction and a further 20 jobs during operation.

Jobs in regional Victoria are incredibly important. The impact with which the wind industry is threatened as a result of the changed policy of the current government means there is severe pressure on and threats to a number of workers and their families. This is being done with the background of the government knowing

full well that families out there at the moment are doing it tough and are up against a whole range of cost of living pressures.

One of the key elements of keeping families together is of course making sure they have jobs — and jobs that are within a reasonable travel time from the family home. Already in south-western Victoria family members are being forced to travel long distances to secure work, and many live away from the family home during the week and try to get home when they can on the weekends. Many are being forced east to Geelong and to Melbourne and beyond, as well as interstate. This has been the case particularly in the last 12 months as infrastructure works and major projects have basically dried up in western Victoria — and there are none planned in the foreseeable future.

This current situation is bad enough, but Mr Guy's hurtful kick directed at the wind industry will mean working families in western Victoria will be under further and enormous strain and will be searching for work elsewhere. We all know what that leads to. Families in western Victoria really do not deserve the circumstances this government is putting them in.

I turn to the issue of investment and what is essentially the loss of regional development, and I will advise the house of a number of comments that have been made in recent times on this issue. Lane Crockett, Pacific Hydro general manager for Australia, is reported as saying on 29 August:

In our view these changes send a disturbing signal to other infrastructure projects and investment in the state. In the context of planning policy requirements for consistency and fairness, these rules should apply to all infrastructure developments not just one industry.

...

However, under the new guidelines, Pacific Hydro does not envisage pursuing any new project development in Victoria ...

It should be noted that Pacific Hydro's current three projects in Victoria are expected to 'drive around \$530 million in investment for regional Victoria'.

On ABC's *The World Today* of 29 August we heard from Russell Marsh from the Clean Energy Council. He said:

On the face of it it would indicate that certainly wind development in Victoria is going to be severely affected and wind developers may start looking to other states to develop projects.

...

The 2K setback the government was talking about would do something like reduce investment in wind energy in Victoria by between 50 and 70 per cent. We were forecasting about, you know, over \$3 billion worth of investment will disappear from Victoria as a result of the 2K setback policy.

An article in the *Pyrenees Advocate* says:

... the Ben More project, between Lexton and Amphitheatre, is still in the planning phase, and appears unlikely to gain approval.

The Ben More project was to have injected around \$1 million a year back to the local community.

Time and again we are getting told we are going to lose an enormous amount of investment that was planned for our economies and our local communities in regional Victoria and that the investment simply will go elsewhere. There was also a letter of the week on 27 August in the Warrnambool *Standard*, written by Geoff Rollinson, a local from Purnim on the Hopkins Highway. He wrote:

The decision to reject permit extensions for the Hawkesdale and Ryan's Corner wind farm projects and the subsequent loss of \$430 million to the region is an ill wind indeed.

While I agree that project proponents can sometimes ride roughshod over councils and communities, the basis for rejecting the extensions are not based on any sound scientific or planning reasons.

...

As the wind changes in Moyne shire, of most concern is the ill wind. How councillors will defend knocking back projects that will enhance the economic, social and environmental bottom lines for us and our descendants remains a mystery.

When the local building industry is being impacted by depressed housing prices and volatile financial markets, we should take on, rather than reject, clean energy projects.

That is just a taste of some of the comments being made in the local press. If we go by a selection of just a few of these comments from the enormous commentary on this issue, it is clear that regional development will stagnate, and local towns and economies will just not have the jobs to generate great spin-offs for our local communities.

Then there is the issue of renewable energy, the environment and community sustainability. A lot of that has been covered by Mr Tee, and Mr Barber has also covered it. I also raise the concerns of the Woodend Integrated Sustainable Energy group. The new guidelines will affect the group's plan for a community wind farm. The group was planning to set up a three-turbine community wind farm to generate enough power for 3500 homes in Woodend, Mount Macedon and Newham. In an article published in the

*Macedon Ranges Leader* of 6 September Peter Hansford, a representative of the group, is quoted as follows:

It's a great disappointment to a group that has been working on this project for four years and enjoys community support and interest.

In an article in the *Bendigo Advertiser* of 30 August 2011 he was quoted as having said:

Finding another location is pretty well impossible. If there is a mandated 2-kilometre setback, there's no part which is 2 kilometres from the nearest house.

We have also heard from the Hepburn Wind project. In an article that appeared in the *Age* of 18 October 2010 Vicki Horrigan, a director, was quoted as having said:

The turbines are estimated to produce about 12 200 megawatt hours each year ... That's enough to power 2300 homes, which is more than the number of households here in Daylesford and Hepburn Springs.

In relation to the Hepburn community wind farm near Daylesford, Andrew Bray, an organiser of 100% Renewable Energy, said in an opinion piece in the *Warrnambool Standard* of 7 September 2011:

The winner of the Premier's Sustainability Award, the Hepburn community wind farm near Daylesford, would not likely have been built under these laws.

Cam Walker, of Friends of the Earth, said in a media release dated 29 August:

At a time when we urgently need to generate more clean energy, this policy is sending us back to the Dark Ages.

I could not agree more with Mr Walker's comments.

Two sitting weeks ago I made a contribution in which I questioned this government's commitment to tackling climate change. I questioned its insistence on putting significant hurdles in the way of the wind farm energy industry. Since that time, which was about four weeks ago, this government has again demonstrated its lack of commitment to the renewable energy sector through its withdrawal of the solar tariff rebate to Victorian households. This in itself jeopardises a further 20 jobs in Portland, jobs that are involved in the installation of solar panels. Again that is work undertaken by people at Keppel Prince. In an article published in the *Portland Observer and Guardian* on 5 September the managing director of Keppel Prince, Steve Garner, said that these changes could threaten the jobs of 20 people. He is quoted as having said:

I feel as though we've been kicked well and truly in the teeth ...

... just another kick in the guts for the renewable industry.

That sentiment expressed by Steve Garner just about sums it up. Many individual stakeholders, employer organisations, investors and community groups are saying that their voices are not being heard by this government on this issue. Instead the government has come up with a policy that seems to be based on the views of a small vocal group of people within the community and it overrides the rest of the community.

I am in total agreement with sentiments expressed in an editorial in the *Age* of 31 August which called on the Baillieu government to explain its policy rationale on wind farms. I certainly do not think that is too much to ask. I certainly do not think that is too much to expect from any government, but this government continues to refuse to provide that rationale, and that is why it is important that members vote for this disallowance motion.

Amendment VC82 will deliver a significant wrecking ball that will swing through Western Victoria Region. It will wreck jobs, it will wreck families, it will wreck regional development, it will wreck investment opportunities, it will wreck renewable energy opportunities, and very importantly it will wreck the opportunities for communities to become innovative and sustainable. On those grounds I urge those in the house to support this motion.

**Mr P. DAVIS** (Eastern Victoria) — I thank Acting President O'Brien and take the opportunity to congratulate him on a great event in his family life this week with the birth of a child.

Before I proceed to deal with the motion specifically, which is a disallowance motion in regard to a planning scheme amendment related to the establishment of wind farms in Victoria, it seems to me that it would be useful to give some context to the position I am going to outline — that is, to take up the invitation that Mr Barber offered to widen the debate significantly. Mr Barber, as he generally does, made an impassioned speech.

**Mr Barber** interjected.

**Mr P. DAVIS** — Mr Barber made an impassioned speech that covered a broader range of matters than those covered by the planning scheme amendment. Indeed we had a veritable travel log from Mr Barber about a range of environmental issues across the state.

Mr Barber wants us to recite some history, so having been invited by Mr Barber to recite some history, let me put forward a perspective here. In 2000 I was a relatively freshly minted shadow minister for natural resources and energy and relatively new in opposition.

At that time wind farms were emerging on the horizon and stalking the countryside of rural communities across the globe. These wind farms emerged out of the sea, you might say. I decided that I should go and have a look at an area that was leading in the development of wind farms at that time. Interestingly that area was in the UK. Like some other parts of Europe, the UK was an early adopter of wind technology. I went to the UK in 2000 and had a look, and I wrote a quite detailed report on the subject. I am not sure where that report is today, but it will be in my archive somewhere. If Mr Barber is very polite to me, I might give him a copy one day to share with him some of my thoughts from that time.

Something that was apparent to me even at that time, as is clearly apparent now in relation to the community view of wind turbines, was that, like all matters of industrialisation of a country or rural landscape, there was a significant impact on the quality of life and the amenity of the communities. Importantly from my own perspective and from the way I perceive that country Victorians and, frankly, most Victorians see this, it had a huge impact on the visual amenity of our countryside.

It might be all right for Mr Barber of Brunswick to live in an industrialised urban environment and claim environmental credentials because of the association he has with a political party that is more closely attuned to environmental protesting than any other singular activity for which it is known, but what I have to say is that this opposition that I see from the Greens to most forms of economic activity outside the metropolitan area is not replicated in their view of the consequential impact of wind turbines on the countryside and those amenity values I have described.

I could see the problem emerging in 2000. It was even recognised in the UK by the British Wind Industry Association, with which I had meetings. I clearly recall sitting in its office and having a look at its plans for the future development of wind farms, if we want to use that term — it is not very effective because what it was proposing then was to put a lot of the wind turbines offshore. Buried in my file somewhere I have a great visual representation of offshore wind farms from the report I wrote. It was in the early days of airbrushing photos. The point is that it was recognised even then, some 11 years ago, that there was an acknowledged problem in relation to the adverse impact of wind turbines on the amenity values of our countryside.

As a consequence of that thought, deductive reasoning led me to believe that in principle, on the basis of the information generally available, the development of the wind industry might be a useful thing because it might

actually contribute a net benefit in terms of a renewable energy source and that we would see the development of the wind industry over time.

But it is now time for a little more history. Prior to the 2006 state election I recall that the then Minister for Energy Industries and Minister for Resources, Mr Theophanous, introduced legislation into the Parliament to establish the Victorian renewable energy target scheme. There was some debate around that issue, which essentially came down to a matter of principle. Frankly, it is the same principle which was debated and voted on in Canberra today in relation to the carbon tax: it was about a massive redistribution of wealth. The analysis of the Victorian renewable energy target scheme was that an imposition of net present value cost of \$2.5 billion on the future price of electricity — that is, the cost of electricity to consumers — would be a net transfer payment to wind farm developers. For that reason, the then opposition, the Liberal Party, joined by The Nationals, opposed that legislation.

We did so because we thought this was an unsustainable model in relation to the development of the wind industry in Victoria and Australia. But we have seen an escalation of what I think is a fundamentally poor understanding of economic theory being manifested in Canberra with the carbon tax. I do not want to turn this into a debate about the carbon tax, but clearly the principles are equivalent.

The issue for many is whether there is a significant benefit to Victorians from the development of a wind energy industry in this state. Like a lot of things in public policy, it depends on where you stand. If you are one of the beneficiaries of transfer payments under various commonwealth models of redistribution of the natural benefit — that is, a wind farm developer and a prospector for sites, which in effect has been the reality in Victoria — then you would be strongly in favour of wind farm development.

Prior to 2006 in my capacity as then leader of the Liberal Party in this house, I had the chief executive of a business which had an equity interest in wind farms actually sit in my Parliament House office and make a direct threat about the political future of a serving member of Parliament in relation to targeting him in his seat if the Liberal Party opposed that bill. That confirmed for me everything that I find objectionable about the issue of public policy in Victoria. I might say that the direct threat to campaign against a position taken by a political party in a public policy sense is fine in a generic sense, but to actually identify an individual

member of Parliament and try to blackmail a political party is entirely objectionable.

Having said that, what that incident did was serve to reinforce in my mind that this view of the wind farm development industry was something we had to question, which we now do. The Minister for Planning, Matthew Guy, has to be congratulated —

**Mr Finn** — Most honourable.

**Mr P. DAVIS** — Generally speaking — all the time, yes. The Minister for Planning, Matthew Guy has worked assiduously to implement the coalition's policy positions in the area of planning. I have to take the opportunity as it exists for me to say right now that I consider Mr Guy is demonstrating his very real capacity as a minister. I sincerely mean this: while the planning portfolio is in some respects unenviable, because there are always winners and losers and you cannot satisfy all parties all the time, I think Mr Guy has demonstrated an incredibly good feel for the need to consult, listen and respond when appropriate to the views of the community. That stands in stark contrast to previous ministers for planning, one of whom was subject to much scrutiny in this place in the last Parliament.

**Mr Finn** — Whatever happened to him?

**Mr P. DAVIS** — He has gone missing; I have not noticed him for quite some time. Last night I had the opportunity to speak to another former Minister for Planning, the Honourable Robert Maclellan, at an event here at Parliament House. I am delighted to say that Rob Maclellan was a very effective Minister for Planning who had a great reputation as planning minister, and I am looking for the current Minister for Planning to learn from that and take it to another level.

The implementation of the planning regime in relation to wind farms that Mr Guy has proposed has brooked some opposition from the opposition benches, from both Labor Party members and the Greens. Why is this? It is because it is the same coalition in Victoria as is working in Canberra to achieve the most significant redistribution of wealth in modern Australia. The carbon tax legislation is quite clearly the most profound economic policy that has been implemented since the failed attempt at bank nationalisation in 1948.

**Mr Barber** interjected.

**Mr P. DAVIS** — When I look at the scale of the adverse impact on our community and the future economic life of this country of the measure to introduce a carbon tax, I cannot imagine that it will be

long before even Mr Barber will acknowledge that it is a failed and flawed redistribution of wealth. In any event there are many comments I would like to make today, because there is much to be said.

I was wondering how to illustrate some of the points I wish to make. I thought I should try to put in context, and in someone else's words, the perspective I am talking about, because obviously to date in this debate I have not succeeded in persuading Mr Barber of the merit of what I say about the impact on landscape. What does somebody else say about this? This book, *The Real Global Warming Disaster*, published in 2009, is an analysis by Christopher Booker, who is a commentator and political and social science writer for various publications. He sets out the description of wind turbines in this way:

In many people's eyes, of course, wind turbines had another serious failing. It seemed incongruous that, in the name of some supposed 'environmental benefit', these vast industrial structures were all too often being erected in particularly beautiful stretches of countryside, such as the Scottish Highlands or the mountains of mid-Wales, severely intruding on their natural environment. Rising as much as 400 feet into the air, the height of a tall city office block or the spire of Salisbury Cathedral, these incongruous towers of steel, with their blades giving off a dull, low-frequency 'whump' each time they revolved, dominated the once-unspoiled landscape for miles around.

In that comment Booker makes a useful point in describing the British experience in relation to landscape, which I have seen. I was back in the United Kingdom again as recently as July, when I spent most of my time looking at landscape issues. I saw wind farms and was able to compare that footprint, having made a good inspection in 2000 and again more than a decade later. That footprint has expanded, and it seems to me that the objections I hear from the community here are particularly replicated in the objections of communities in the UK — that is, they are based on exactly the same reasons.

One of the intriguing things about the analysis — there is a lot of analysis by Booker of the UK and European experience, which I do not mean to go into in too much detail — is the important issue that he goes to, which is the significant impact on electricity bills. He recites, for example, that the cost of turbines made Denmark's electricity easily the most expensive in Europe.

In an analysis of the UK experience he quotes from a study carried out for the Royal Academy of Engineering that showed that the cost of electricity produced by onshore wind turbines, including the cost of stand-by generation, was at least more than twice the cost of any other form of electricity generation and that

that can be paid for only with a significant cross-subsidy from the tariffs on electricity consumers.

He says:

The net effect of all this was that the electricity supply companies were forced to pay twice as much for wind-generated electricity as they did for conventional power.

He goes on:

But this was hidden from the public because the additional cost was merely added, without explanation, to their electricity bills.

This is the very issue with which we wrestled in 2006, and it is again the very issue which in recent days has been argued in the federal Parliament in relation to a carbon tax. The reality is these costs are borne not by Mr Barber, political parties or government but by consumers. At the end of the day — —

**Mr Barber** interjected.

**Mr P. DAVIS** — On 100 per cent GreenPower. In installing that, was Mr Barber the beneficiary of any government schemes and programs?

**Mr Barber** interjected.

**Mr P. DAVIS** — He was not? That is excellent. I am very pleased to hear it.

One of the interesting things that Booker looks to is the analysis of what scale of wind industry is required to generate a meaningful supply of renewable electricity. He refers to the 2007 election campaign for the Scottish Parliament and to the governing Labour Party. Funny; this is always driven by Labor, is it not? He stated:

... the governing Labour Party promised that by 2020 Scotland would be producing no less than 40 per cent of its energy from renewable sources.

I wish. He then says:

To achieve this new target would require building at least 8000 more turbines, covering 7 per cent of Scotland's entire land area. But even these would generate on average only 3.3 gigawatts of electricity, equal to the output of just a single conventional power station ...

My point is that the scale required to generate any meaningful power from wind turbines is of such a magnitude that if free rein were given and there were sufficient subsidies to make it economic to build the wind towers required to generate significant capacity of power, then you would not see the landscape in rural Victoria. The countryside of Victoria would be totally dominated by the wind industry, but it would only be so if the theories of Mr Barber and his ilk were to run wild

and reign supreme in the sense of continually ramping up the cost of electricity to consumers, continually ramping up the cost of power so that consumers frankly would not have access to it. It is my view that that sort of policy is unsustainable.

I think it is interesting that the same sort of analysis applied to the Scottish experience was undertaken in regard to the US. Just to conclude my reference to Booker's book, his analysis was that the 10 000 wind turbines already built in the US had an average output of just 3.9 gigawatts, which was equivalent to a single large coal-fired power station. In other words, the perception that wind can in fact contribute significantly to electricity generation is naive.

In Victoria today we know from general experience that when you talk about renewable energy primarily, substantially you are talking about long-term hydro-electricity — in other words, hydro plants which are established and have been in place for decades. There is a limited capacity for the extension of hydro-electricity in this state, but that will provide the base of renewable energy for some time to come. It will be interesting to see what the future development of wind farms will cost electricity consumers. But I digress.

I did want to come back to the more general issue of whether the further development of wind energy — which is, as I say, a minor component of renewables and will remain so — can have a meaningful effect in reducing greenhouse gas emissions, which Mr Barber would have us believe are a substantial threat to the world in which we live. I would put it to him that a more substantial and direct way of reducing emissions from conventional power generation, meaning from coal and to some degree gas — I am not quite sure where the Greens sit on gas — would be just to go straight to establishing nuclear power. This is a question for the Greens to respond to, because we know that a nuclear power plant will not generate emissions in any significant way.

**Mr Barber** — That's wrong.

**Mr P. DAVIS** — Mr Barber has had his chance. Ms Pennicuk can perhaps respond to my contribution.

Therefore it seems to me that if you want to make a profound difference to emissions, then you really have to think a bit more broadly than sticking up a few Southern Cross windmills. It seems to me that if the policy objective is to do something about emissions, then you actually have to go to the question of baseload

power. Clearly wind turbines will never ever achieve any meaningful contribution to baseload power.

**Mr Barber** — You're a socialist. The only people who support nuclear power are socialists, therefore, QED, you are a socialist.

**Hon. M. J. Guy** — I've heard him called a lot of things!

**Mr P. DAVIS** — I am being seriously challenged intellectually. I am really just trying to work out a segue.

**Mr Barber** — Only socialists support nuclear power.

**Mr P. DAVIS** — The United States of America, which is the most economically powerful capitalist economy in the world, has nuclear power. Is there a problem with the French? Are they all socialists in France? The United Kingdom has had nuclear plants for years. I am not quite sure what Mr Barber's point is. What you are confirming, Mr Barber, by your interjections is that there are nuclear power plants nearly all over the world except in Australia. What is going on here?

Let us come back to it. If Mr Barber is serious about wind energy policy being a contributor to reducing emissions in the interests of dealing with greenhouse emissions and climate change, why does he not get up and advocate for a nuclear power plant? If he wants to shut down Hazelwood, why does he not suggest replacing it with a nuclear power plant? Mr Barber has not posited for a moment how his view of the world can possibly prevail without totally disrupting the economics of this state, without reducing access to a reliable power supply, without replacing baseload with baseload. What is the alternative, Mr Barber? You have not posited a solution to that.

**Mr Barber** — It would make your job easier if that were true. Unfortunately it's not the case. Are you looking for an easier life?

**Mr P. DAVIS** — I am asking that the Greens demonstrate that they have a clear and consistent view on this.

**Ms Pennicuik** — We have that.

**Mr P. DAVIS** — I hate to use the word 'brown', but it is certainly looking a bit muddy at the moment.

One of the issues we deal with is that of contributing emissions. My understanding is that, notwithstanding

the substantial growth in population around the world, China, which is regarded per capita as a much less significant emitter than Australia, has a significantly increasing emissions path. The projected data shows clearly that China will be increasing emissions by about 500 per cent over the period from 1990 to 2020. That is significant indeed.

**Mr O'Brien** interjected.

**Mr P. DAVIS** — Mr O'Brien interjected with a question, 'Will the Chinese be subject to carbon tax?'. I am not aware of any proposal for the Chinese, who will of course be the beneficiaries of the export of our minerals and resources, to contribute in a meaningful way. I am not sure about that.

Let us be frank about this. If one accepts that emissions from stationary energy have increased over the last several decades, we need to understand why that is. It is not because the technology is less efficient than it was. It is because there is an increasing amount of stationary energy producing electricity and we need to understand that there is an increasing demand. There is demand at two levels. There is demand because of the increasing use of electricity for our consumer goods. Australians, like the rest of the world in the modern economy, have more consumer demands. Where once a radio on the mantelshelf was enough to satisfy the entertainment needs of a family, today most families have more than one television set in a home and at least one computer — and generally more than that if there are a number of children in the home — and today we see that there are a lot more demands on the need to generate electricity. But the primary driver of the increase in emissions from energy generation is population growth.

**Mr Barber** interjected.

**Mr P. DAVIS** — I think Mr Barber is trying to distract me from my contribution, but we are having a discussion about a policy which is an endeavour, is it not, to deal with emissions on a global level, or is Victoria on its own going to solve the whole global emissions problem? No, it is not. That is so ridiculous as to not even warrant a riposte, so I will ignore it.

We have an estimate of global population of about 7 billion people, and various commentators, including Bernard Salt, suggest that by about 2050 that population is likely to plateau at 9.5 billion. We are not sure exactly, but that is about the range, with a plus-or-minus variability of projections. That in itself is presumably going to achieve an outcome in limiting the growth in emissions, if indeed global population does

plateau, providing that the effective use of resources, and in particular the efficiency of use of resources by the usual sorts of technological developments in terms of improving the efficacy of the use of crude oil and other fuels, stabilises that demand in combination.

Will wind energy be a major contributor at that time? I think not, but what wind farms and wind turbines will do in the long run in this state, if they are allowed to run rampant, as Mr Barber would have it, is ensure that the high value of the rural landscape is significantly diminished. I do not just object on the part of those families who feel the immediate impact of that. I do not just object to that on behalf of those families who are currently feeling the impact of that. I have spoken to many and I have been very aware of the tensions which have arisen in communities, in the community around Toora for example, which is not far from where I live and where I saw this conflict, and in other places around the state. It is not just about the contemporary residents of those areas: it is about the quiet enjoyment of life for future generations of Victorians.

Therefore it is not unreasonable for the government to have a planning policy that will limit the impact of wind turbines to the extent that there will be a lessening of the impact on the landscape, on the aesthetic amenity of the landscape and on life, because we know that the objections which have been raised about flicker and sound from turbines are very real to those people who experience them. They might not be real to somebody sitting in a little cottage in Brunswick, but they are certainly real to the people who have had the experience.

As I said, I think that is a different level of concern. The level of concern for me is that there is nothing richer than the beauty of the rural landscape. It is something that needs to be protected, and I am surprised that the Greens party does not value that at all — that there is no value perceived by the Greens party in visual amenity. In fact it is profound that the Greens do not have any sense of valuing that aspect.

**Mr Barber** interjected.

**Mr P. DAVIS** — I am not quite sure what Mr Barber's point is, and I will not pick it up because I am not concerned about taking up his interjections.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I have tolerated a fair bit of interjection from Mr Barber and Ms Pennicuik. I did that on the basis that there was no-one from the opposition benches, apart from the mover of the motion, in attendance in the chamber at the time, which I find quite strange. With

respect to allowing Mr Davis to complete his contribution, I ask Mr Barber to stop interjecting.

**Mr P. DAVIS** — I thought I should help Mr Barber better understand the broader issues about climate change and the alarmist view that he shares with others like him about the end of the world being nigh. To do this I thought I would refer him to somebody I find enlightened. This is not somebody you could ever categorise as a climate change denier; this is somebody with impeccable credentials. This is in fact Dr Patrick Moore, who was a co-founder of Greenpeace.

**Mr Barber** — No! Is that your best shot?

**Mr P. DAVIS** — It is not my best shot by any means; I am just warming up. Dr Patrick Moore has written a great background paper to question some of the eco-activist/ecoterrorist views of the world that we see being represented and advocated by green groups in current society. His book is entitled *Confessions of a Greenpeace Dropout*. Dr Patrick Moore, who became engaged in the environmental movement 40 years ago, was motivated because he was passionate about the Japanese whaling fleet at that time and subsequently concerned, as part of that campaign, with the nuclear debate, about which he may have changed his mind a lot now.

The issue I found interesting from Patrick Moore's contention is that carbon dioxide CO<sub>2</sub> is at historically low levels in geological terms. The point he makes is that the problem with the current debate about climate change is that it is framed in the context of a comparatively short time line.

**Mr Barber** — Like the lifetime of humanity?

**Mr P. DAVIS** — His argument is that the climate was warmer during most of the past 500 million years than it is today. That is essentially his case. Further he contends, as a demonstration of the point he makes, that glaciers have been retreating for about 18 000 years as a result of the climate becoming warmer; so the warming of the climate is not related to emissions from man-made stationary energy, which is essentially the substantive debate that —

**Mr Barber** — He says that, or do you say that?

**Mr P. DAVIS** — No, I am trying to paraphrase him for you, Mr Barber. He contends that we are in a period of warming which has been going on for some significant time, recovering in effect from an ice age, and that this is a natural cycle and there is nothing unusual about it. My point in relation to the commentary by Moore is that it does not really matter

what I think, because I do not know, and I have to say I am quite certain that Mr Barber does not know.

**Mr Barber** — We're policy-makers.

**Mr P. DAVIS** — We are policy-makers. Taking up the interjection of Mr Barber, which is absolutely the point — I am and we are policy-makers, and we know policies change. The policy position of the current government in Victoria is that essentially a lot of the opportunity for the development of renewable energy is inevitably to be driven by federal government policy, because that is where the major levers are, and that Victoria needs to take a position broadly which does not discourage the opportunities that are afforded by federal government policy. Insofar as there is opportunity for Victoria itself to allow or facilitate any economic development in this area, the government will do what it needs to do to remove the obstacles.

But that has to be balanced across the wider community interest, so the Victorian government, like other governments around the world, has to wrestle with a number of issues at one time. In relation to this issue about energy policy, on balance I think the position taken by the planning minister is an excellent position. It reflects a position taken by the coalition before the election. I have absolutely no doubt that it is the correct position to take in supporting the debate today, and therefore I am absolutely opposed to the disallowance motion.

With that regrettably short contribution, allowing an opportunity for Mr Finn to make a very significant contribution shortly, I look forward to hearing from another Greens speaker, because I think Mr Barber is looking a bit lonely on that side of the house, and it would be good for the Greens, before we leave the chamber today, to set out clearly what it is that they expect government — given that the Greens are not the government of Victoria — to do about dealing with reliable baseload electricity supply. Clearly there is a delinquency in the Greens' policy, so I look forward to one of Mr Barber's colleagues coming into the chamber and helping me understand his position better, but in the meantime I thank the house for its courtesy.

**Mr LEANE** (Eastern Metropolitan) — This motion takes up one and a half lines on the notice paper, and I respect the position of government members — that they feel they need to defend this particular amendment to the Victoria planning provisions — but I say to government members that the best way for them to defend this amendment is to let this matter go to a vote and to vote as per their contributions to the debate.

Yesterday a motion was passed in this chamber which put some limitation on the time allocated to general business in a sitting week. It was moved and passed, and these are the guidelines we work under.

David Davis, in his summing up of debate on that motion, said this house should work with a view to cooperation. As far as the opposition is concerned, with the government's legislative program — and I talk from personal experience — I have tried my best to work with the Government Whip and the Leader of the Government in reducing the number and length of government bills so that the program can be cleared by the time messages are received on Thursdays. Therefore I put on record my disappointment at what is now occurring.

It appears to be the government's position on a motion like this — and we have seen it on previous Wednesdays when we have been able to debate only one motion on the general business program — to allow no time limits on a Wednesday, for its members to talk as long as they can and never allow non-government parties the chance to vote on items they have placed on the notice paper. If that is the case, it is definitely not in the spirit of cooperation, and I find it very disappointing. If it is going to be a one-way street, then we all need to think about how we go forward in this air of cooperation.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I am having some trouble understanding what part of that contribution related to the amendment.

**Mr LEANE** — On a point of order, Acting President — and this might need to be referred for the President to make a ruling rather than you, Acting President — I have not found a reference in the standing orders, or anywhere else, to acting presidents being able to provide editorial advice on members' contributions. This has happened time and again.

**Mr Finn** — On the point of order, Acting President — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I see no point of order there.

**Mr FINN** (Western Metropolitan) — I rise today to oppose Mr Tee's motion. I have to say that until this morning I had been under the impression that the Labor Party in this state actually cared about the environment. That was so until I walked into this chamber today and saw what was awaiting me and every member of this chamber — Legislative Council notice paper 38 dated Wednesday, 12 October 2011, listing questions on

notice 5304 through 8136. We have a tome which would have to be almost 2 inches thick.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I gave a ruling on Mr Leane's contribution being relevant to the motion at hand. I also fail to see what part of Mr Finn's contribution up to this stage has relevance to the motion Mr Tee brought to this chamber. For consistency, I ask Mr Finn to refer his contribution back to the motion.

**Mr FINN** — Acting President, if you and the Deputy Clerk would listen to what I am saying, you would note that in fact I had — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I hope Mr Finn is not reflecting on the Chair.

**Mr FINN** — No, not at all; I am trying to be helpful. I am trying to explain what I am doing. You do not want me to be helpful; is that what you are saying?

**The ACTING PRESIDENT (Mr Ramsay)** — Order! It would be helpful if Mr Finn would continue his contribution by being relevant to the motion.

**Mr FINN** — Deputy President, in the first line of my address on this motion I referred to the environment. This an environmental issue. If I cannot speak about what I need to speak about, I fail to — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! For the record, I am not the Deputy President; I am an Acting President. I ask Mr Finn again to refer his contribution back to the motion at hand.

**Mr FINN** — Yes, Acting President, whatever you say. I will certainly bow to your superior knowledge and experience in that regard.

**Mr Barber** interjected.

**Mr FINN** — I did bow. This debate began, and I struggled to stay awake during Mr Tee's contribution earlier today. To say it was passionless would be somewhat an understatement. To say he did not have his heart in it would be a further considerable understatement. I think the view of most members of the house who heard Mr Tee's contribution would be that he was going through the motions, and that is fine; we can cope with that. But then Mr Barber got up and spoke extensively on this motion. He in fact did not just speak on this motion, he spoke on a wide-ranging number of matters related and unrelated to this motion.

Acting President, it was a pity that you were not in the chair at that particular time. You might have been able

to curtail him as you were able to curtail me, because Mr Barber went on for about an hour and a half on a whole range of matters. I would have thought a precedent would have been set for members following Mr Barber in contributing to this debate.

I have to say the thing that really struck me while I was listening to Mr Barber was the thought that if verbal diarrhoea could be harnessed as a power source, Mr Barber would light up the entire eastern seaboard of Australia. There is one great thing about the Greens — that is, they practise what they preach; they provide their own renewable energy. If bulldust were electricity, Bob Brown would power Tasmania on his own. The Green caucus here in this house of the Victorian Parliament would look after the rest of Australia. If Senator Lee Rhiannon were able to be harnessed in the way that I speak of, all of Europe's energy needs would be solved for the next century.

I never thought a discussion on wind energy would produce such rampant nonsense as we heard from Mr Barber early today. As I said, he spoke on a whole range of matters that travelled far and wide, some related to the motion, some not related to the motion, and that is perhaps a particularly important point to consider.

I have to say I quite like windmills. I grew up on a farm just outside Colac. I spent a fair bit of time down in Colac over the last week or so, and a fair bit of time on the farm that I grew up on. I am aware of how impressive windmills can be in producing to a degree a water supply on the condition of course that there is wind. One thing I discovered very early in my life is that if there is no wind, a windmill does not work, and that is something that perhaps the backers of wind energy should take into consideration. That is something I learnt a long time ago, and therein lies the problem.

Wind farms are exceedingly ugly. Very few people would be able to hold their hand to their heart and say wind farms are attractive. Mr Barber is an exception; he is in love with wind farms, and that is a marvellous thing. Perhaps he should take a poll of some of the farmers who live near them and hear their complaints about these grotesque windmill farms that pop up from time to time along our coastlines in particular but in other areas as well.

Wind farms are not only ugly but also very noisy, and that is something that would obviously annoy those who live near them. I am not exactly sure how close one would have to live to a wind farm — maybe you, Acting President, will be able to illuminate me — to

cop an earful of the noise that these windmills produce, but they certainly are noisy.

We have the double of their being ugly and noisy, and that is obviously not a very good thing. They are also unhealthy. There are a number of reports that have been written over the years that have shown that these things can radiate magnetic fields and so forth and produce an unhealthy environment for people who live around them, and that is clearly something that is totally unsatisfactory. Now we have the trifecta: they are ugly, they are noisy and they are unhealthy. We might as well go for the quadrella: they are unreliable as well.

I ask members of the house to use their memory — even Mr Barber — to remember back to the days when we used to have hot summers, before global warming took over and reduced the odd summer day to around 23 or 24 degrees. I ask the house to think back to those long, hot days when there was not a breath of wind and recall that those days would sometimes continue for two or three weeks on end. I remember them very well. They seem a long time ago now. How are the wind farms going to work then? If there is no wind —

**Mr Barber** interjected.

**Mr FINN** — Yes, that is right; you can go back, Mr Barber. I remember those days, those long hot summers when we had day after day without as much as a breath of wind, very well indeed. How on God's earth are these windmills supposed to produce electricity if there is no wind? If you put all your eggs in one basket — and there seems to be a fair bit of enthusiasm for that idea today — then you will find yourself in a fair bit of strife.

I have to say, Acting President, I am grateful to Mr Barber, and so that there is no confusion on anybody's part I am referring specifically to what Mr Barber said in the course of this debate. I am grateful for the words he used, because they gave us all quite an insight into what I think has been described by many public commentators and even politicians as the 'new green religion'. It is a religion that worships the earth, and it regards people as really nothing but a nuisance.

I suppose we could have the First Church of the Holy Green, with Archbishop Barber, Pope Bob Brown and Father Tim Flannery — although he is a little short on holy water since it has not rained for so long, as he predicted. In this new green religion, which will have taken over the earth, we could have Saint Al of Miami Beach, a saint whose appetite for wealth would be

matched only by his capacity for hypocrisy — a modern-day Buddha without the holiness.

This religion that Mr Barber gave us an insight into is built on a number of myths, and I ask the house to give some consideration to the basis of this new religion — this throwback to earlier times. I ask the house to think about what this religion gives us in this modern day and age. The first myth of this new green religion is that all we need is the sun, the sea and the wind. Yes, if you are going to the beach, then all you do need is the sun, the sea and the wind. There is no doubt about that; that is all you need, and that is great.

**Mr Scheffer** — That is all we have got.

**Mr FINN** — That might be all Mr Scheffer has got, but over on this side we have got a little bit more. We have got added value over here, let me assure Mr Scheffer. That is the view that the followers of the green religion have: that all we need to do is sit back, let nature work its magic and follow its course, and everything will be fine. That would be fine and dandy if we wanted to live in the dark; that would be fine and dandy if we did not want to have air conditioning. That would be fine and dandy if we did not want to have heating — and speaking of heating, this new religion commands us to warm ourselves by the fire, except that we cannot burn wood. This new religion tells us that if a tree falls down in the forest, we cannot pick it up and burn it.

**Mr Ondarchie** interjected.

**Mr FINN** — Maybe nobody else heard it, Mr Ondarchie, but you can be guaranteed that Mr Barber heard it. This new green religion tells us that we cannot go into the bush to pick up wood and branches that have fallen from trees. In fact under the previous government it was made illegal. Can you believe that? Then people wondered why there was so much fuel for the bushfires. It was because we were not allowed to go in, pick it up and burn it at home, which we should have been doing.

This new green religion that Mr Barber gave us such an insight into is something of a mystery. I have been looking at it for quite some time and have wondered about a religion that delivers the sort of prime stupidity that tells you that if a piece of wood falls to the ground, you cannot pick it up and burn it to warm yourself. What sort of philosophy or new religion would tell us that? It is the new green religion that is worshipped by quite a number of those on the other side of the chamber, and I believe that is very sad indeed.

It is sad for us, but today is a great day for the new green religion. One of the biggest myths is on its way to becoming reality. Earlier today dozens of federal Labor MPs sold out their electorates and betrayed their constituents by voting for a carbon tax which they went to the last election saying they would not introduce.

We all remember Julia Gillard, who was a Prime Minister of sorts, saying just a few days before the election, on behalf of every Labor candidate in Australia and every Labor member of Parliament, 'There will be no carbon tax under the government I lead'. She has copped a fair bit — we have heard people refer to her as 'Juliar' and in a number of ways that are a bit more crass than that — but the reality is that it was not just Julia Gillard she was speaking for; she was speaking for the entire Australian Labor Party. She was speaking for every single member of the ALP who had their name on a ballot paper in August last year. That makes today's vote by every Labor member of Parliament who voted for the carbon tax and for the 18 bills, which included financial support for the wind farm industry — —

**Mr Leane** interjected.

**Mr FINN** — Mr Leane, not for the first time, is trying to get me into strife. I am not straying in any way, shape or form from the motion, because the wind farm industry is a major part of the 18 bills that were passed today in the House of Representatives. That is part of the betrayal by Labor members of their constituents and their electorates. They told a monstrous porky last year and turned around this year and did exactly the opposite of what they had said.

It is sad that it looks like the myth that a carbon tax will somehow solve our environmental problems will become a reality, but I can understand how the followers of the one true faith of the green religion will be dancing in the streets, possibly without clothes on — I do not know; that is up to them. They will be very happy as a result of what has gone on today. As myths go, this carbon tax is a ripper. It is very hard to beat. This carbon tax is a great big tax on everything, but it will achieve nothing. These people have in their minds — Mr Barber, Mr Leane, the Prime Minister, the federal Treasurer and every member — —

**Mr Leane** interjected.

**Mr FINN** — Perhaps there is nothing in your mind, Mr Leane. I am not sure. I will give you the benefit of the doubt. Every member of the federal Parliament who voted for those bills today has in their mind that the carbon tax will in some way be good for the

environment, and that is a nonsense. We all know it is a nonsense. Anybody who looks at it in a dispassionate way — —

**Mr Leane** — On a point of order, Acting President, regarding relevance, this motion consists of one and a half lines about an amendment to the Victoria planning provisions. Mr Finn has discussed religion and federal issues and has called the Prime Minister names, and I ask you to bring him back to the issues pertaining to the one and a half lines on the notice paper.

**Mr FINN** — On the point of order, Acting President, I ask you to consider the issue of precedence. Earlier this day we heard Mr Barber speak for close to an hour and a half on this motion. In the course of his address to this house I do not think there was any issue he did not touch on. Debate on this motion became very wide ranging and broadbased not as a result of what is actually in the motion or anything Mr Tee has done but as a result of what Mr Barber did when he got up and spoke for nearly an hour and a half on everything known to man. The precedent is there, and I ask you to uphold it and allow me to give the address that is my right as a member of this house.

**Mr P. Davis** — Further on the point of order, Acting President, I make the point that on the face of it this debate appeared quite narrow, but it has become evident from the contributions made by all members during the course of today that it is a much wider debate than it may superficially appear. It relates to the context of the planning policy of the government, which fits within the framework of the broad climate change issue. Therefore members have been seriously digressing, inspired and led particularly by Mr Barber.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I do not uphold the point of order. However, Mr Leane has made some pertinent points, and I agree that this is a very narrow motion that is now becoming a much larger discussion. I take on board the comments made by Mr Davis.

**Mr FINN** — Thank you, Acting President, for your ruling. I reiterate that this became a much wider debate some time ago, not as a result of what I have said but as a result of what Mr Barber said when he gave his oration earlier today and touched on a whole range of issues. Some were related to the motion and some were not, but at that time it did not seem to matter. Now it seems to matter, so it is a bit hard to follow.

One of the 18 bills that comprise the carbon tax package contains very generous support for the wind farm industry, and that makes the carbon tax directly

relevant to the matter we are debating here today. This carbon tax is a tax on businesses, jobs, homes, transport, energy, schools, hospitals and local government. As I said before, it is a tax on everything, and a large part of the tax and the 18 bills that comprise this tax package is generous subsidies and support for the wind farm industry. Even if members opposite want to, they cannot remove wind farms from the carbon tax; they are intrinsically linked.

Another myth I have referred to in this green religion is that the extraordinary imposition of a tax that will put people out of work is going to help the environment. I do not understand that at all. This is a tax which is going to cause hundreds of thousands of people, at the very least, to lose their jobs. Out in my part of the world it is going to hit the western suburbs particularly hard. I have already spoken to a number of businesses that are teetering on the edge, if not preparing to pack up and either head overseas or close up altogether. It is going to have a devastating impact on so many people. It is impossible to believe that as a result of an 18-bill package — —

**The DEPUTY PRESIDENT** — Order! I understand that the motion has been debated to a point where it has broadened out. I am fully accepting of the rulings of Acting President Ramsay, but we need to be confident that contributions are relevant to the motion. Passing reference to broader issues is perfectly in order, but members are making contributions that are substantially on related matters rather than the substance of the motion. Whilst it has always been acceptable for lead speakers from the various parties to make broad-ranging contributions, it is important that subsequent speakers stay substantially on the motion before the Chair. They can make reference to issues raised previously, but that should only be a reference, not the substance of their contribution. I ask Mr Finn to return to the motion and keep his remarks on other matters as passing references or in specific response to contributions made by other members.

**Mr FINN** — As the Deputy President has just taken the Chair, he may have missed my comment earlier when I referred to the 18 bills that comprise the carbon tax package that was passed by the House of Representatives in Canberra today. In those bills there is very generous support for wind farms in this country. As I said a moment ago, if support for wind farms is part of the 18-bill package, then we cannot remove reference to and discussion of the carbon tax from any discussion on wind farms and this motion here today. I ask the Deputy President to take that connection into consideration, because this motion is not so much a planning motion as a motion about the environment. Up

until this point all speakers have been given latitude to discuss the environmental impact, if indeed there is any, of wind farms and wind turbines. I find it difficult to believe that up until this point everybody has been given the freedom to raise those issues and now the policy has changed. I throw that comment in for what it is worth.

It is extraordinarily important that this issue be taken into consideration with the carbon tax. There is no way to separate them. It is a part of the package, and to try to separate it would be quite ludicrous. We have a number of myths that surround this issue, the major myth being that wind farms and wind turbines are going to be able to provide us with the sort of energy that we will need for the future. That is clearly not the case at all. What we are looking at here is a situation where wind turbines and wind farms, which as I said are ugly, noisy and unhealthy, are going to put a lot of people out for very little benefit. They are a bit like the carbon tax itself. In this country we put out some 1 per cent of the world's emissions, and the carbon tax bill passed today aims to cut emissions by some 5 per cent. It does not matter how many wind farms you have and it does not matter whether you have a wind farm on every corner or every beachfront, because a carbon tax reducing 5 per cent of 1 per cent of emissions is not going to make any difference at all. The whole thing is quite ludicrous.

My support is with what is good for people. I do not believe that wind farms built willy-nilly all over the place are good for people, and after speaking to people in country areas they made that point very clearly. Mr Guy, the excellent Minister for Planning, has discussed this matter over an extended period with a wide range of people and has come to the view that it is important that this amendment be introduced, adopted and extended, and I support that. We all know Mr Guy as a very intelligent and compassionate man who works very hard and is very diligent. He is pretty much the opposite of his predecessor in so many ways. He has taken all of this on board, and he has come to the view that this amendment is good for Victoria. That is what members opposite must realise — that what we are on about over here is what is good for Victoria.

**Mr Ondarchie** interjected.

**Mr FINN** — No; I do not know. Mr Ondarchie suggests that Mr Tee wants to build these things in green wedges. Mr Barber may well want to do that, because he certainly does not want to build anything else there. If they are so environmentally friendly, perhaps a green wedge or two full of windmills would not hurt anybody. That may well be Mr Barber's

attitude. Given some of the things I have outlined in my address this afternoon, that would not surprise me at all.

I commend the minister for looking after the people — for doing his job. He is doing his job, yet we have the shadow minister coming into this place and trying to knock him for that. Where is the common sense in that? I ask Mr Leane where the common sense is in that. Mr Tee is just playing games. He comes in here, and he is just playing games. Members have to take into consideration that these windmills — these wind turbines — affect real people in real families. These are matters that members must take into consideration.

I suggest that instead of playing games Mr Tee might like in future to take into consideration, as Mr Guy does, the very real impact these decisions have on real people. I do not know whether Mr Tee would like to live near one of these wind turbines. I am putting money down that he will never have to think about that and that it is not something that will ever be on his radar. He is a long way from where these farms, for want of a better word, will be built, so it is not something he has to take into consideration. Mr Guy, however, does. As the minister, he has to take into consideration the concerns and worries felt by real people who have spent their money building their homes, building their livelihoods and raising their families. These issues are real, and they affect real people. Mr Guy has taken these into consideration and come to this decision, and I say, ‘Good on him’. I say he has done an exceptionally good job.

I commend Mr Guy, and I ask members of the house to defeat this motion. I ask them to disregard the nonsense we heard earlier in the day, particularly from Mr Barber, who spouted his new green religion, as I said, when he was allowed to do so. I ask members to take into account the feelings and the futures of those people who would be adversely affected if this motion were carried.

I will leave it at that, but once again I urge the house to defeat Mr Tee’s motion and to very strongly support a minister who is doing a great job for Victoria and who I have not the slightest doubt will continue to do a great job for Victoria for many, many years to come.

**The DEPUTY PRESIDENT** — Order! I call Mr O’Brien and offer my congratulations.

**Mr O’BRIEN** (Western Victoria) — Thank you, Deputy President.

Wind has been and is a very important resource for the state of Victoria. It has been recognised by rural people — it has been recognised in Penshurst, in

Portland, in Toora and in all the windy parts of Victoria. For that matter, it has been utilised for many years for water bores. We now have a wind industry that is developing into electricity generation, that has been developing throughout Victoria and that will continue to develop throughout Victoria under the coalition government.

The specific motion that has been put forward is to revoke the new wind farm guidelines that have been brought in under amendment VC82. To revoke a planning scheme amendment is a very serious motion; it is the type of motion that should be moved rather sparingly. We seem to see a number of these motions coming from the shadow Minister for Planning in order to create debate.

The debate today has been a very constructive debate. I begin by congratulating the speakers, particularly Mr Ramsay for his passionate contribution, as well as Mrs Petrovich and Mr Finn. In time I will turn to Mr Barber’s contribution and congratulate him on some of the points he has helpfully put, not serving his argument but serving the argument I wish to make in support of amendment VC82. That involves returning to the notion of the wind as a resource. In this way it is comparable to other resources used to create power, such as minerals, wave energy and solar energy, and there is a comparison also, as raised in the very helpful contribution of Mr Philip Davis, with the potential for nuclear power.

The wind farm industry has gathered momentum throughout Victoria over the last 10 years. It has largely been responsible for the mess the wind farm approval system was left in at the time the coalition government took its policy to the last election. I say it was a mess because potentially this was an industry that could have been harmonious and non-divisive for rural communities, and it could have embraced those communities. Hopefully under coalition policies it will once more be a community-accepted industry, because there is great potential in towns such as Penshurst, Portland, Macarthur and other places for jobs generated by wind farms. But there is also great potential for division. That was not recognised under the administration of the previous government.

I have some experience with this. I was involved in two of the very first wind farm approvals in this state — firstly, in East Gippsland at Toora, which was the first wind farm facility in the state to be approved by the Victorian Civil and Administrative Tribunal and was referred to as a wind farm policy zone in the East Gippsland planning scheme. That was also a very divisive proposal because some landowners benefited

from having turbines on their properties, while their very near neighbours, with whom they had previously worked together well and were otherwise cohesively living near, missed out on turbines and had to put up with the loss of amenity. This divisive aspect of the policy has remained throughout the last 10 years of the Labor government's administration.

I was also involved in the Cape Bridgewater panel hearings, which also looked at wind farm policy and at the significance of wind farms on land of natural importance. Those hearings also looked at the issue of jobs for Portland. Portland is still benefiting from the wind farms that have been approved in that area. Currently 1000 permits have been approved for an estimated \$2 billion to \$3 billion industry, and there are 400 in production.

However, in western Victoria there is a sizeable strain on the resources of the road construction industry in terms of scoria and other basalt quarries as a result of the establishment of approved wind farm projects. These are perhaps unintended consequences of the initially approved wind farms, but they raise another important environmental aspect — namely, the source of the stones. However, that creates the potential for further jobs and further extractive industry proposals to be approved. To that end I have had meetings, and will continue to have meetings, with local quarry operators, who are encouraging quarry exploration wherever it is feasible, including in relation to our own properties at Penshurst from which one day some of our valuable basalt might be used for road construction.

I am also affected in a personal capacity by the approval at Penshurst of what will be the largest wind farm considered by RES Australia. RES has been involved in the Penshurst community for some time. It has been involved in community stakeholder forums, and it sponsors the local football and netball teams. I have spent a couple of years running around with a RES logo on my football jumper. That sort of community support will continue.

Nevertheless, RES recognises that there are significant issues to be identified in the local approvals. It is particularly important that the community is cohesive. That particular community is generally a fairly cohesive community, but all communities will have differences of opinion. There will always be potential rivalries and tensions between landowners. The problem with wind farm approvals under the former Labor government was that that government had a winners-and-losers approach to the approval of wind farms. In other words, if a wind farm company was able to secure royalty payments with lessees who would benefit out of it, then

those proposals would have great support and they would go through without much consideration of the attitude of the wind farm's neighbours.

In terms of the impacts of wind farms, Mr Finn's contribution helped to identify some of the key impacts — namely, the visual impacts. One must acknowledge the visual impact of facilities that are over 100 metres tall. They have a tendency, even if approved, to visually dominate a landscape. Previously where you might have had rolling hills around Waubra or anywhere else in eastern Victoria, or flat, open plains, you will now have the stick-like figures of wind turbines at observable distances. That is an impact and a change. The impact certainly becomes much greater the closer you are to them, but they are visible from 10 to 15 kilometres away. This is something that the community will most likely bear for a long time.

Having said that, one benefit of wind farms is that they are, in theory, reversible. In a sense it is not like an open-cut mine, which may not be reversible in the same way that wind farms are. Nevertheless, in all likelihood wind farms that are approved are likely to be there for a very long time, so the visual impact needs to be acknowledged. Visual impact is assessed in wind farm approval cases by the giving of complicated expert evidence about view sheds and the percentage of the impact, but ultimately it has to be experienced in the real and lived with for its merits to be considered.

As a number of speakers have identified, there are different views about whether or not wind farms have a good visual impact on the environment. Most people tend to be concerned about the visual impact, but there is no doubt that some people — including Mr Barber, judging by his contribution — believe that wind farms have a positive visual impact. Based on anecdotal evidence, I believe the people who benefit from turbines in terms of royalty compensation payments tend to be those who also have less concern about their visual impact. I do not say that in a selfish sense. It is just a fact that if you see the benefits of a proposal, you may not be as concerned about how it looks, certainly from your own point of view. That is one of the key aspects of wind farms.

Under the previous government's policies, you could have had a wind farm that was further from someone's house — say, 2 to 3 kilometres from their house — but located down in a back paddock somewhere that would be much closer to the house of their neighbour who would receive no compensation as a result of any royalty payment. On the other hand, a person who had a turbine on their farm would receive compensation of the order of \$5000 to \$7000 per turbine, which is what

Mrs Petrovich said and which is my understanding of what landowners are generally paid. However, these amounts are kept secret by confidentiality agreements, which is another aspect of the divisive nature of the wind farm approvals that have been conducted to date. There has been a secretive process of signing up landowners under confidentiality agreements to receive turbines on their properties; therefore those landowners do not object to the turbines as a result of that process.

In essence what the coalition policy does in recognising this very important aspect of the inequity of the previous government's policy is that it includes those landowners within 2 kilometres of the wind turbine in that important decision-making process. To respond to Mr Barber's contribution, there is already a financial aspect within the wind farm approvals. At present everything just goes to those landowners who get it on their property and not to those who might have to put up with the amenity aspects. Under the coalition's policy, which is a simple means by which we can achieve a greater level of fairness and certainty, one will be able to consider the impacts of wind farms on the owners of properties on which they are sited as well as the impacts on their neighbours.

This is something that is frequently misstated by opponents of the coalition's policy. It is frequently misstated by the shadow minister and those putting out misinformation in relation to what the coalition's policy actually does. This first emerged in the Public Accounts and Estimates Committee hearings that I was a part of, when a large yellow map of Victoria was put on the table and then quickly withdrawn. I have a copy of a similar map. I will describe it. It virtually has the whole of Victoria covered in yellow. It indicates that the areas in yellow are those where a wind farm is not permissible under Liberal-Nationals policies. The article I have extracted this map from is entitled 'Maps show where you can't build a wind farm in Victoria', and it is by Ben Courtice. The article states:

The following maps are from the office of Brian Tee, ALP MP and shadow Minister for Planning.

These maps imply that the coalition's policy acts as a veto on the approval of wind farms within the 2-kilometre buffer zone. That is just not correct. It is a policy whereby landowner consent is required in order to proceed to an application. That is not a veto; it is quite the opposite. It is a further example of this government restoring local decision making to local people affected by a proposal. It is important that it is local, because that is where the impacts and the benefits are felt and those affected are the people who should

have greater consideration in relation to the decision making.

To suggest it is a veto is misleading. It implies that the coalition has put a blanket stop to wind farm approvals in Victoria. What the coalition has done is restore a greater degree of balance and fairness. I commend the minister for his work in delivering this policy, which was also an election promise. Any suggestion that no mandate has been put up in support of the motion is absolutely refuted. In order for a revocation motion to succeed, you really need something to have gone seriously awry — as occurred perhaps in relation to the issue of the Windsor Hotel — in the approval process of a particular planning policy to suggest that it should be revoked. This was a clear policy which was taken to the election and which was also very well received within the community.

**Mr Barber** — What about Peshurst?

**Mr O'BRIEN** — Mr Barber asks, 'What about Peshurst?'. One thing that I am very conscious of doing in my job is staying in touch with that community. I would now like to quote from *Wind Farm September 2011 Update*, written by the proponent of the Peshurst wind farm, RES Australia, to which I referred earlier. I first received notification of this document through an even more helpful summary by RES which was published in the Peshurst newspaper. Unfortunately I have not brought my copy in with me, but I could provide that to Mr Barber at a later time. I urge him to read that excellent publication in relation to the attitudes of that community.

The document states:

The most relevant policy within this amendment for the proposed Peshurst wind farm is that wind turbines for the project will now no longer be allowed within 2 kilometres of an existing dwelling without written consent from the owner.

Again, this is accurately stated. There is no misleading spin of a veto.

The document further states:

RES are now in the process of reviewing the impact of this policy on the layout of the proposed wind farm. Initial analysis undertaken by RES, however, has determined that despite the new policy a wind farm in the region is still viable and RES are still working towards submitting the project into planning in early 2012.

In response to the contributions of Mr Tee and Mr Barber about whether any proponents are able to work within the existing policy, there is the very example they cited demonstrating that that particular wind farm proposal is continuing. An EES

(environment effects statement) is also continuing. I am aware of that because of another matter that Mr Barber raised, which is the question of broilgas. I might pause there for a moment.

One of the things to consider around wind farm approvals is that there are often competing environmental issues, including amenity, noise, visual issues and in many instances birdlife issues and bird strike — for instance, the orange-bellied parrot issue down in Gippsland and also now an issue that often involves broilgas. As a matter of stakeholder interest, I will again refer to the broilgas that are on our property at Murdum Creek. During the Stockyard Hill wind farm approval process, which was one that involved Mortlake, broilgas counters came to our property and identified it as a particularly important flocking site. The Biosis Research report into the Penhurst wind farm property, *Penhurst Wind Farm — Targeted Fauna Assessment Report*, states:

The flocking site also takes into account a number of previous records from the Murdum Creek area as shown on figure 3. Birds Australia Atlas records BA04 is noted as being on 'Murdum Creek'; however, the location of the record does not plot on Murdum Creek and the datum does not have a high level of accuracy ... This record is of 132 broilgas and indicates a flocking record.

We have had broilgas on our property for many years. From our observation they become more frequent during periods of low rainfall. They are not on other properties because they dry up, including Lake Bolac, Lake Linlithgow and other open waterways to the north of us. Ours seems to become a very favoured site, not only for broilgas but for other birdlife, including ibises, storks and ducks. My grandmother's geese used to also find it a very productive waterhole.

We are very familiar with those issues and how they will be balanced. In that regard I put it on record that we will stay involved with RES and the rest of the community in considering this very important application's impact upon broilgas sites. It may or may not have a negative impact; my family will always be guided by the science. But I wish to place that on record.

I also wish to indicate that these very important issues are best resolved through the local decision-making process that this policy has restored to local communities, councils and beneficiaries of wind farm developments. That is very important, because the previous divisiveness that occurred in these proposals will probably still be there. There will be differences of opinion. One of the reasons that these wind farm proposals are so divisive is that they cover large areas.

It is estimated, for example, that with all approvals presently under way in western Victoria we may well have wind farms stretching from the Grampians to the sea, which is about 70 or 80 kilometres. If you just start with the Penhurst, Macarthur and Willatook wind farms, that includes a large number of turbines. That is not necessarily a bad thing, because many people in that area will be supportive of them, but there are other people who will not be.

There are the famous examples of those who missed out in the Macarthur approvals, including the Gardners and other families who have been devastated by the impact of these turbines and who are now putting up with the road construction and other impacts on their properties. They will not have the opportunity to benefit from the fairer policy the coalition has now put in place for new wind farm applications. They will have to live under the regime put in place by the previous government that was unnecessarily unfair to adjoining landowners in particular. The reason I say it was unnecessarily unfair to adjoining landowners is that under the coalition's small-government philosophy, this is essentially a permit-generated, applicant-generated and non-dictatorial policy describing how wind farms should be approved.

In other countries they have much greater use of community-owned facilities. Obviously we have community-owned wind farms in Victoria. They can be encouraged, and I urge that. In the main the wind farm industry has pursued a model of very large wind farms. That model will continue to be put forward by most proponents, resulting in a need for a greater consideration of the regulatory environment in which they operate.

One of the important things in wind farm regulation is that it is basically an industry that is funded in one way or another by renewable energy certificates or carbon taxes. In that regard certainly I do not accept that the industry should be free from regulation. If an industry is seeking government funding to advance itself for reasons that seem to please the Greens of Brunswick or Northcote — namely, environmental benefits and reduced emissions — and it is getting subsidies, carbon tax credits or carbon trading credits, it also needs to accept that it is subject to regulation of the impacts.

There has been a tendency among some players in the wind farm industry to scream blue murder every time there is to be a change in policy, saying, 'This will put us out of business; this will shut us down'. When dealing in a regulatory environment there can be a boy-crying-wolf response, to use a popular phrase. It is not good enough to just assert that the industry will be

closed down; people need to be very careful in saying how a suite of policies may impact on an industry.

As I said, the evidence in relation to the particular applicant with whom I am familiar is that they will continue. I know other wind farm proponents who have been concerned. I know that one of the proponents of the Willatook wind farm, who is a personal friend, has made extensive representations to the minister. The policy is still rolling out. They will nevertheless have to comply with that policy and seek the consents.

Consents are a matter on which I would also like to respond to Mr Barber. They may or may not require financial consideration. They could be just consents. The policy that has been put in place by the minister helpfully sets out a guideline statement of consent, or a consent form, which is not a document that is very difficult to obtain. It may have more complicated things attached to it, but in itself it is a quite simple document. It is a statement of consent, requiring full details of the property. It also requires the name or names and address or addresses of the owner or owners. It says:

I/we as the owner/s of the existing dwelling on the above property:

declare that I/we consent to an application for ... a planning permit/an amendment to planning permit number [insert] for a wind energy facility to be made that includes a turbine or turbines in the location(s) shown on the attached plan

acknowledge that the proposed turbine(s) will be located within 2 kilometres from the dwelling.

Signed

Dated

Attached: A plan ...

It is not so different from the sort of consent that needs to be obtained from landowners who are the permit applicants in any proposal.

To pick up Mr Barber's central criticism, all that has happened is that there has been a shift from a turbine — not a whole wind farm but an actual turbine — being the basis of receiving royalty payments under a lease or royalty arrangement. A turbine occupies proportionately a very small percentage of a farm from a boundary fence on one side in effect to the other. That is how it used to operate: if you wanted to get someone into the scheme, you would shift the turbine. In fact I have seen that happen in relation to a wind farm application. I can tell members that there can be nothing more divisive than someone who was one of the objectors to a proposal or was concerned about it all of a sudden turning up with a turbine on their property at

the last minute and having to drop out of a community group or switch sides. This sort of process was going on all the time.

Cheques have been being passed from the time the industry came into Victoria. They have been called royalty payments. They are different from what goes on with approvals for mining and other things. The reason is that there might be a 10-hectare wind farm, but in terms of the physical earth it actually occupies it is a very small part. You can have a wind farm facility made up of turbines dotted around but touching the physical earth at only comparatively small points. There is no other industry with that sort of stretch but very small actual land impact. Because of that the 2-kilometre buffer policy will be much fairer. It will not solve all the disputes, it will not stop environmental considerations arising and it will not stop some wind farms or turbines being approved and others not, but as the minister has said, it will bring a greater degree of balance and fairness into this important issue.

I have made a number of disclosures about my personal involvement. I have thought carefully about ducking out of this issue. I will not do so. I will stay involved in the wind farm industry because the turbines, approved or not, and the jobs and roads will be things that we will have to live with in western Victoria for the rest of our lives. For that reason, I regard this as a very important time in the consideration of these very important approvals, and I consider it most appropriate that we stay involved in the debate.

I commend the minister on his administration of the portfolio and on bringing the policies together. I encourage those in the wind farm industry to continue to work constructively with local communities, as RES is doing. I encourage them to hold forums and endeavour to avoid community division and to make this a continued advancement of western Victoria. In that regard I also support further training and consideration of tertiary places at the South West Institute of TAFE at Hamilton, which has recently considered what wind farm training could be done.

I note that this important debate has been long, and I am conscious of the time. I absolutely oppose this motion.

**Ms CROZIER** (Southern Metropolitan) — I will be brief in my contribution this afternoon, also opposing Mr Tee's motion:

That amendment VC82 to the Victoria planning provisions be revoked.

This afternoon members have heard from a number of speakers what the Minister for Planning has done for

Victorians by putting some certainty back into the planning processes. This amendment is just one aspect of the planning responsibility he has undertaken very effectively in his time as minister.

I want to mention just a couple of things. The reason I am speaking briefly on this motion is that the places where some wind farms are located and proposed to be located are in areas of Victoria I know very well and because I know many people who have been caught up in the divisive decision-making process of the previous government in relation to the planning of wind farms, which is why this amendment has been introduced.

For those reasons I refer to a number of things raised in the contributions of Mr Barber and various members of the ALP, including Mr Tee, in relation to investment in this state. I think it needs to be put on the record that, from my understanding, currently there are eight wind farms operating and a further 29 are proposed. In total they have close to 1000 towers, I believe, and each of those towers has a value of \$2 million to \$3 million. The proposal is for a \$2 billion to \$3 billion investment, which is a substantial potential investment. So to say that this government is not supporting investment in this state is quite wrong.

It is not because of the decision of this government that there is some uncertainty in relation to investment. As Mr O'Brien aptly pointed out, people in the wind industry have been having trouble both in obtaining finance for wind farms and with the current price of the renewable energy certificates. This has been on the record for some time, and various commentators have pointed it out. As far back as 4 December 2009 the Clean Energy Council, which I am sure members on the other side of the house would be familiar with, said in a discussion paper on the renewable energy certificate (REC) market:

Current surplus RECs and market conditions suggest no new ... large-scale generation projects will be commissioned until 2013.

The website Climate Spectator on 25 August had the following article under the heading 'AGL under the weather':

AGL is currently building three wind projects: the massive Macarthur wind project in Victoria, as well as Oaklands and Hallett 5, but that will be it for the moment. 'We're not committing to any more projects', managing director Michael Fraser said. 'There is still a surplus of RECs washing around the market'.

In the *Australian* of 14 March, under the heading 'Clean industry warns of boom-bust', an article states:

Nationwide, wind farms projects have been stymied by low prices for the renewable energy certificates that are supposed to be a key income stream for the projects — sparking fresh warnings of a boom-bust cycle ...

Pacific Hydro corporate and government affairs executive manager Andrew Richards said there was a significant backlog of shovel-ready wind farm projects, but developers struggled to lock in the power purchase agreements needed to finance them.

Clean Energy Council chief executive Matthew Warren said uncertainty about the carbon price was weighing heavily on REC prices.

Again in the *Australian* last year, under the heading 'Price hit puts wind projects in limbo', the following appeared:

At least \$1.5 billion worth of investment in wind farms is in limbo after a collapse in the price of renewable energy certificates.

Those issues were affecting the industry well before this government was elected last November. What the minister announced was our commitment in the lead-up to last year's state election.

One other thing I would like to refer to in my contribution is Mr Barber's mention of Dr Sarah Laurie. I thought he was quite disparaging about Dr Laurie. She has concerns for a number of her patients, and a number of other health professionals — —

**Mr Barber** — She's got nothing. She's working off nothing.

**Ms CROZIER** — I would like to remind Mr Barber that the Senate's Community Affairs References Committee also undertook an inquiry into this matter, and I will quote a few of the recommendations of that committee. Firstly:

The committee recommends that further consideration be given to the development of policy on separation criteria between residences and wind farm facilities.

That goes to our 2-kilometre buffer zone, which has been debated this afternoon.

Secondly:

The committee recommends that the commonwealth government initiate as a matter of priority thorough, adequately resourced epidemiological and laboratory studies of the possible effects of wind farms on human health. This research must engage across industry and community, and include an advisory process representing the range of interests and concerns.

And thirdly:

The committee recommends that the National Health and Medical Research Council review of research should continue, with regular publication.

Those recommendations have come from a Senate inquiry. Mr Barber said a number of things in his contribution that I wanted to respond to on the record. Our minister clearly stated his position and the Baillieu government's position on this issue in the lead-up to last year's election. It was out there. He has listened to and continues to listen to communities right across this region in relation to major planning projects, and that is why I, along with the other members of the government, will be opposing Mr Tee's motion.

**Mr KOCH** (Western Victoria) — Like my colleague Ms Crozier, I will only be making a short contribution. Firstly, I would like acknowledge the contributions of my colleagues from the Western Victoria Region. Mr Ramsay's contribution this morning was very good. Although Mr Ramsay and I share a similar region of Victoria and he probably pulled a little bit of the ground out from under me, I thought he put the issues very well and I really appreciated that. My other colleague, Mr O'Brien, in the last 20 minutes has followed on from where Mr Ramsay was, and I think a very good representation of the western Victorian community has been put forward here today, including its appreciation for the minister having recognised what a lot of people saw as the plight they were facing, with no local controls being applicable to the location and size of wind farms, particularly across the Western Victoria Region.

The media release by the Minister for Planning, Matthew Guy, on 29 August certainly outlined provisions that a lot of people were waiting for and were very glad to see introduced. A couple of those are important to recount. Minister Guy made sure that wind turbines would no longer be permitted to be constructed within 2 kilometres of existing dwellings unless there was consent from the owners of those dwellings. The provision is that without written consent of those homeowners turbine placement cannot be approved. He also went on to say that he had given planning controls on wind farms back to local councils and, more importantly, made resources available to those local municipalities through the planning department to assist in making their own decisions on any wind farm applications that came their way. As we all appreciate, there will be no-go zones for wind farms in close proximity to national and state parks, and no wind farms will be permitted within 5 kilometres of regional growth areas.

It is a very succinct policy that I think addresses a lot of the concerns the community has had, particularly in my

region, over the last five or six years. Mr O'Brien alluded to the Macarthur wind farm development, which gave no hearing whatsoever to locals in the community who were not going to be directly involved as recipients of rental payments from these wind towers. I think he referred to the Gardner and Jelbart families, who were affected. They were also looking at the effects of shadows from some of these large infrastructure developments as the sun sets.

I certainly support what Minister Guy has announced. As I say, the announcement has come as a breath of fresh air to many in western Victoria. As long as four years ago I represented people at Waubra, and I also at that stage raised an adjournment matter in the chamber on behalf of Victor and Trish Godfrey. They were dealt what I believe was a very severe blow by a company that actually got a planning permit for a wind farm and then onsold it to another company for development. The original company representatives indicated to people living in the area at Waubra that there would not be towers in close proximity to the houses and the wind farm would not be a great disturbance to their way of life. In many cases people were very supportive, as I am, of raising energy from alternate sources.

Mr and Mrs Godfrey were a couple who had retired to Waubra and bought a 12-acre property. They were convinced that the wind farm development would be for the betterment of their community and also Victoria. They were told that no obstacles would be in close proximity to their property. Mr Godfrey really enjoyed using his telescope to look back across the Pyrenees range on a regular basis. Mrs Godfrey was assured that, as they ran a cottage industry from their home, they would have minimal disturbance. On those grounds they signed to allow the proposed development to go ahead, only to find out that there were towers between 500 and 600 metres from their house. There were towers on three sides of them. Although he had discussed the issue with the developer, Mr Godfrey could no longer enjoy using his telescope to look at the Pyrenees range as he had in the past. To their dismay, and without their knowledge, a transmission line was put around two sides of their 12-acre property.

To say that Mr and Mrs Godfrey were disappointed would be an understatement, and they suffered not only mentally but also from the noise of the machines, especially when they were rotating in strong winds. In representing Mr and Mrs Godfrey I was fortunate enough to get the wind farm to give further consideration to their situation. As it turned out the wind farm purchased their property and relocated them to Avoca, which was a great outcome for the Godfreys,

but I can assure members that other people in that area were not offered a similar privilege.

On one occasion I was called to Mortlake by people in the community who were very dissatisfied with what was taking place. Members should remember that the wind farm operators carried out their business under the cover of darkness. As Mr Ramsay very correctly stated this morning, generational families, people who had lived beside each other for generations, with children who had gone to school together, who had worked together on various community projects, were pitted against each other.

In a case at Mortlake I clearly remember a lady and her husband who had bought land in that district. The husband had some health concerns and they retired from their business in Melbourne. When they went to Mortlake the lady of the house became the carer of her husband. They proposed to build a new home. They went through the shire and got a building permit and a planning permit to erect a new home, which they went ahead and completed. Everything was going swimmingly well until one day the wind farm development company representatives arrived, knocked on their door, introduced themselves and indicated to the family that the company proposed to put a wind tower within a couple of hundred metres of the kitchen window. The window had a marvellous rural aspect around which the house was designed for the family to enjoy. The family had absolutely no idea of the proposals because there were no overlays — the council had given them a building permit without full knowledge of where the towers were, and that has caused much grief for that family. The neighbours were also disappointed about what was proposed. One case involved an airstrip where pilot training took place and a wind tower was proposed to be erected within 50 metres of one side of the airstrip. There was no consideration whatsoever shown for any of these people.

Regrettably under the previous government the wind farm companies had full say in what was going on. They had the opportunity to achieve any regime they wanted to put in place with no community consultation and no transparency, and at the end of the day, if the community had a lucky run, the public hall or something might have got a coat of paint on the west side, and that was the sign of the company's appreciation of these rural communities.

From all meetings I have attended, and I have also felt it here today through the contributions not only from Mr Tee but also from Mr Barber, the wind farm companies do not know how rural Victoria works, and I

do not know that they care how rural Victoria works. They would never have these towers, in Mr Barber's case, dropped into Brunswick, or in Mr Tee's case, out at Doncaster. They have absolutely no idea of the conflict this has caused with generational families in rural Victoria, and it is an absolute disgrace that it happened under the previous government.

There is absolutely no doubt that those two metropolitan colleagues do not have an understanding. I heard Mr Barber say this morning how regularly he had visited these people and how he understood the problem, but I can assure members, from the people I have spoken to, that that certainly has not come through, and I say that genuinely. It is one of those things that this government has certainly recognised and a lot of us did a lot of work in relation to.

*Honourable members interjecting.*

**Mr KOCH** — As I was saying, I support Minister Guy and others for getting this policy in place. We have been looking for such an opportunity for a long time. Today by chance I happen to have correspondence in my satchel from a couple at Glenthompson who have been involved, regrettably, in the Oaklands Hill wind farm development. This development was commissioned on 23 August. Our policy was introduced on 29 August, but the development had been completed by the time Minister Guy announced our policy position. The correspondence comes from Mr Adrian and Mrs Helen Lyon of Glenthompson, and within 24 hours of the turbines starting operation, Mrs Lyon was experiencing problems. Within a couple of days the same sort of discomfort was being experienced by Mr Lyon.

We all support the initiative to find alternative ways of raising energy, including wind, but the placement of wind towers is very important to rural communities. We have plenty of space in regional Victoria where wind farms can effectively operate and be sustainable for those companies wishing to put their capital up against the commonwealth taxpayer dollars to try to make these things viable.

The government's cabinet members recognise that our policy has healed a shocking rift that was taking place among rural communities. I thank everyone for making their contributions today. This is one of those matters that we have waited a long time to discuss, and I thank Mr Tee for bringing it forward so that we could all have an opportunity to speak on it.

**Hon. M. J. GUY** (Minister for Planning) — I know there is very little time to go through this motion, given

that it is part of opposition business and there have been a number of speakers. However, I point out that a number of members on this side of the house, particularly country members like Mr Koch, who has just spoken, are exceedingly interested in this issue and want to make their points known, and so they should. Therefore I congratulate the government members who represent regional electorates who have made a contribution on this important motion.

A revocation motion is a serious issue and should never be treated with flippancy. I suspect the idea of introducing a revocation motion, thinking it would last 25 minutes, was not completely thought through by my parliamentary colleagues opposite, because this is an important issue for my side of the house, which has gone to two elections with a clear and transparent policy on the placement of wind turbines.

From the outset I state that the Liberal-Nationals do not oppose wind energy at all. We do not oppose the renewable sector, but we do believe we need clear guidelines in place for any major planning application in regional Victoria. Those guidelines need to be fair, certain and clear, and people need to know exactly what might be built next to their properties. That is what is driving our reform of the planning system in the metropolitan area and our reform of wind turbine placement in regional Victoria.

We have to remember that the structures we are talking about are, in most cases, in excess of 120 metres high. While I did hear some flippant comments before from members opposite about the height of the towers, about why they do not really matter and how they might be fantastic, whatever a member's personal views are on wind turbines, the reality is that a wind turbine is a building the size of a 40-storey apartment tower. People do not move to regional Victoria to live near a structure that is the height of a 40-storey apartment tower; so if we are going to impose these structures, particularly under the previous government's regime of no notification or appeal rights, we need to ensure that the process is cleaned up and that the planning system acts in such a way that all people in those areas can have a say as to where such a large structure can be situated.

I reiterate very clearly, as my colleague Mr Ramsay did in his presentation, that this is a policy that was taken to the 2006 and 2010 elections by the now government. This policy has been a longstanding commitment, and people know of this commitment. Amendment VC82 concerns the placement of turbines no less than 2 kilometres from a home unless an agreement can be reached.

**Mr Tee** interjected.

**Hon. M. J. GUY** — I am trying to go through this really quickly. If Mr Tee wants to interject, I can make it a half-hour speech if he likes. I will leave it up to him.

Amendment VC82 was around the 2-kilometre placement. We do not oppose a turbine within that 2 kilometres, nor does this policy. It says very clearly that turbines can be built within 2 kilometres, so long as there is agreement reached between the homeowner and the turbine proponent. Any turbines outside of that area go through a normal process.

We also said that the no-go areas — and I point out that similar no-go areas existed under the previous government — would ensure that the visual amenity areas of Victoria, such as the Great Ocean Road and national parks, would be protected. I remember being in this chamber probably four years ago when a former Minister for Energy Industries and Minister for Resources, Mr Theophanous, was talking about a project that was close to the Great Ocean Road. As a Labor minister at the time he was saying that his government wanted to protect the visual amenity of the Great Ocean Road from turbines. That policy is similar to what was included in our policy at the last election — the one we were elected on.

Clearly, if you have a large turbine wind farm in a population corridor, then you cannot have large urban growth nearby. We are simply protecting the future growth of a number of regional towns identified in the state planning policy framework as places that will grow into tourist areas and population corridors of the future. We are putting in place mechanisms that will allow towns to grow into the future and allow regionalisation and decentralisation of regional towns to grow. We are in effect saying that those turbines can operate and can be placed outside of those town areas and those future growth areas, and we have done that for a clear and transparent reason.

This is a very clear policy that we were elected on, and those points were featured in our policy and complemented the amendment VC78 provisions which we introduced at the start of the year, giving councils the right to be consulted first as the responsible authority on all wind applications.

I was curious, I must say, about the reasons that some people actually thought this was a negative — giving power back to councils. Despite all the bleating about ministerial call-ins, about government running roughshod over planning, here was a perfect example of a government giving power back to local

communities, saying, 'Irrespective of the size of the permit application, you will be the first people to decide and have a say on that permit', and opposition members opposed that initiative.

This initiative will give councils the first point of call as opposed to what happened under the previous government, which, through ministerial responsibility over a 30-megawatt provision, approved those turbine proposals without any consultation with the councils involved. We are giving communities in regional areas the right to have a say, and that is exceedingly important. That is why we did it, and that is why amendment VC78, which complements amendment VC82, actually allows regional councils to be involved.

If councils cannot manage it, there are facilities within my department to assist those councils with that workload. If councils want to manage the application entirely by themselves, they can. If they want to refer it to the minister for ministerial responsibility, they can. They now have three options. In most cases before they had none. Before the election they had none, and they now have three. That is real local decision making. The Liberal Party and The Nationals have given that back to regional councils, and we are very proud of that.

I want to get some facts on the table about future wind energy growth. There are around 400 turbines operating in Victoria at the moment, producing around 428 megawatts of power. There are 1100 turbines permitted but not yet built. There is a huge amount of work within the sector and, as Ms Crozier mentioned before, even the Clean Energy Council and a number of other organisations, including wind farm proponents, have mentioned that the system is, to use their language, almost 'permit-ed out' until 2013.

There are enough permits around before anymore need to be approved. There are so many permits for turbines within the system that have not been built — 1100 turbines, nearly three times the number that exist in Victoria today. Therefore I find it astounding that some of those opposite run around saying this proposal will cost jobs immediately, straightaway, tomorrow, when we have permits for nearly 1100 turbines in the system which will require a large number of years to be built, let alone get through the system.

I note that in the Warrnambool *Standard*, in relation to one wind farm in particular — the Penshurst wind farm being built by RES Australia — the developer was quoted as having said:

We're looking at the new policies and assessing what impact it will have on the wind farm. We believe that we still have a viable project in the area ...

They will fit in with new regulations. Like any developer, those who seek to build wind farms will fit within the planning guidelines and planning regime of the day, and the planning regime of the day now says that if you go within 2 kilometres of an existing dwelling, you need consent, and that is something we are very proud of.

In a press release dated 29 August 2011 Pacific Hydro's general manager, Mr Lane Crockett, is quoted as saying:

Pacific Hydro remains committed to our existing approved projects in Victoria and fully intend to proceed with our three current projects at Portland (PWEF IV), Crowlands and Yaloak South.

These projects will account for 209 megawatts installed capacity and drive around \$530 million in investment for regional Victoria.

The Henny Penny attitude of those opposite in saying the sky is about to fall because of amendment VC82 — —

**Mr Tee** — Why has it said it is moving out of the state?

**Hon. M. J. GUY** — Mr Tee, it is not.

What we see is a very clear set of indications from the wind energy industry that it is prepared to stay here and prepared to reinvest in Victoria. People who are putting up these towers are developers — whether it is a residential tower, whether it is a power station or whether it is a wind turbine, it is a development — and like any developer, these people will fit within the regime of the day, because they are producing something and making revenue out of it. They will do that, and we believe the regime of the day puts fairness and certainty back into the system.

This policy does not have an impact on the wind energy facilities in some of our urban areas — on top of new buildings, for example. They will not be affected by this policy.

I note, as it was mentioned before, that a report produced by a Senate committee that was chaired, I think — Mr Barber can correct me if I am wrong — by a member of the Greens expressed support for examining buffer zones around homes, which is precisely what the Victorian government is doing. I note that in Canada there are provincial counties that have responsibility for this level of planning which are now putting in place 2-kilometre buffer zones and citing Victoria as a world leader in this policy.

**Mr Barber** interjected.

**Hon. M. J. GUY** — Mr Barber can laugh just because he does not agree with it, but this is fact. We are being cited as a world leader in this policy, and we actually respect those who have a different point of view to ours. There are some clear examples.

I want to refute a couple more points in a few minutes. The Greens and others — including the Labor Party, I might add; apparently it is still around — have been running around this state saying it is easier to build a coalmine than it is to build a wind energy power station. This is complete rubbish. If anyone has sighted the minerals and energy acts and actually seen the 260 pages of regulations within them, they would know it is not easier in any way to build a coalmine than it is to build a wind energy facility in Victoria. There is no doubt about that.

I have noticed a couple of industry lobby groups, the ALP and I think the Greens once or twice running around the state saying that this policy will possibly cost up to \$3 billion worth of investment in wind energy in Victoria. That figure being quoted relates to the existing 1100 permitted turbines, and this policy is not retrospective. It will not have that impact on those existing 1100 turbines. If they are built according to their existing permits, they can be built. They will go ahead.

**Mr Tee** — You see, that's the tricky bit. That's the slippery bit.

**Hon. M. J. GUY** — It is not slippery, Mr Tee. Mr Tee may disagree, but it is fact. What is fact is that \$3 billion worth of permanent projects can proceed at once. They can proceed in this state; they have been permitted and they can go ahead. To run around the state saying that \$3 billion worth of projects have been threatened by this policy is to tell an absolute and complete lie. However, that is what is being said.

I noticed Mr Barber saying in his speech that living near a wind turbine is similar to living next to a busy office. He talked about a busy office producing the same level of decibels. People do not move to regional Victoria to live near the sound of a busy office; they move to regional Victoria because it is different and because it is not like Melbourne. To expect that regional Victoria should be an industrialised place that sounds like a permanently busy office is more reflective of the Greens' attitudes to regional Victoria than of wind energy. I found that quite an astounding comment.

I put it to Mr Barber and those opposite that if they want to organise a community group to put up a 120-metre wind turbine in Brunswick or Macleod or

somewhere else, then why do neither the Greens nor the Labor Party have the courage to come back and say they want to put up a 120-metre wind turbine in the middle of Brunswick? I hand it over to them. If they want to do it, I will be very interested to see the application as well as the level of objection to it. Apparently that is of no concern to those people — the Greens and the Labor Party from inner city Melbourne — who could not care less about those people in regional Victoria who have to live next to a turbine that large and who have never had a chance to object or even be notified about those permits.

In closing, I state that the Labor Party has never, ever mentioned in its conversations the fact that under its watch — and I notice the Minister for Employment and Industrial Relations coming into the chamber — a large amount, and in fact the vast majority, of wind energy construction projects in this state went to China. Under the Brumby and Bracks governments the majority of the work that existed for wind turbine construction in this state was outsourced offshore — sent to China — under the Labor Party's watch. Now Labor Party members bleat about jobs. I simply say that if they cared about wind energy jobs in this state, they would not have sat back and watched a large number of construction projects, whether it be for the stems or other parts, being outsourced to overseas firms, but that happened under their watch.

Having opposition members running into this chamber and saying that the current government should have brought this policy before this chamber by way of legislation is astounding given that when the previous government brought in its wind energy regulations it did it overnight by the stroke of the pen of the former Minister for Planning and now member for Essendon in the Assembly, Justin Madden. Members opposite did not bring those regulations to the chamber. They did not do what they are now claiming should be done. Now they whinge and claim a level of accountability for the current government that they themselves never bothered to implement.

It is a classic, hypocritical attitude we have seen before. It is a bizarre attitude from the shadow Minister for Planning, Mr Tee, who says that amendments VC78 and VC82 will increase rates. I am waiting for him to say that they will make the world flat! It is an astounding belief, and an astounding level of scaremongering, fear and complete and absolutely deliberate rubbish is being espoused by an irrelevant shadow minister who needs to go away and have a serious think about what his minister did in government and what he is doing now. It is astounding to believe

that that ludicrous argument could be articulated by someone who is supposedly quite intelligent.

Under the previous government's regime there was no notice of objection and nothing in terms of notification. It could not care if 130-metre towers were built right next door to residential homes in regional Victoria. It is no wonder that the barbarians at the gates opposite are sitting there screaming and squealing, wondering why regional Victorians cannot stand them and wondering why regional Victorians are over the Labor Party both federally and state. When you adopt this left-wing agenda of telling people, 'We know what's good for you', then eventually those people will rise up and say, 'Let us tell you what is good for you', and that is what is happening to the Labor Party at both a federal and state level.

While Labor tries to shove this agenda down the mouths of regional Victorians, it is the members of the Liberal Party and The Nationals who are standing up for country Victorians and who are listening to them, like we have on a number of other planning issues of late — listening to them and making decisions appropriately and indeed putting regional Victorians back into the picture and giving them the chance to have the same rights as people who live in metropolitan Melbourne.

**Mr TEE** (Eastern Metropolitan) — Just briefly in reply, I note the irony of this minister saying that this side of the chamber is trying to impose its views on those communities, when the communities in Woodend and Castlemaine, which would like to have those three turbine wind farms, are not allowed to under this minister and under this government; they do not have any choice.

There are a couple of matters I want to respond to in terms of the contributions that have been made. Those opposite, who complained about the health impacts, again cannot even convince the minister about the health impacts. This is the view of the minister. The minister said:

An assessment by the National Health and Medical Research Council concluded that there is no published scientific evidence to positively link wind turbines with adverse health effects on humans ...

That is Minister Guy's letter. Those opposite who complain about the wind farms cannot even convince their own side. Those opposite talked about the support that the government has for wind farms, and yet the figures of the Department of Primary Industries — the department's own figures — show that this government will not put any new wind generation into the grid for

the period that they are in government. Those are the government's own figures.

Then the minister says, 'No, we have 1000 that have been approved that will come on board', but what he does not say is that the developers are telling him that the transitional provisions he has put in place are so onerous, so complicated and so bureaucratic that most of those will never see the light of day. That is why the Department of Primary Industries is saying, 'No new wind generation for this term of this government'. Then this minister has the gall to stand up here and say he is handing over power so that decisions can be made locally. He has the gall to say he is giving local communities the right to have the say, when that is a slap in the face for those at Woodend and Castlemaine who would dearly like to have a say, but under this provision, under this proposal, under this policy, they have no choice.

The minister also says that this is an election commitment, but nowhere in this government's policy — not this time, not at the last election and not at the election before — did it ever mention anything about a 5-kilometre zone around 21 regional centres. That is a breach of the promise that the Liberal Party made to the electorate. This is not a commitment that was ever put to the Victorian people.

At the end of the day the opposition says, 'Let's not close down the industry. Let's not have this extreme agenda by those sitting opposite. Let's have some balance'. What we are asking for is some balance, some common sense and some dignity in the planning system, not for our sake but for the sake of those farmers who are relying upon this — those farmers who have been allocated \$16 million in rent on their properties. What is at stake now is those farming communities.

This motion is about some dignity, some respect and a bit of balance in terms of the approach — not this extreme view that those opposite have adopted.

#### House divided on motion:

*Ayes, 18*

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

*Noes, 20*

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs ( <i>Teller</i> )
Elsbury, Mr	Peulich, Mrs
Finn, Mr ( <i>Teller</i> )	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

*Pair*

Darveniza, Ms	O'Brien, Mr
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**Motion negatived.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Reference**

**Mr BARBER** (Northern Metropolitan) — I move:

That this house requires the Scrutiny of Acts and Regulations Committee to inquire into, consider and report no later than 15 March 2012 on the Victorian Fares and Ticketing Manual (myki) created by the director of public transport under section 220D(1) of the Transport (Compliance and Miscellaneous) Act 1983 as to whether it contravenes any of the principles of section 21 of the Subordinate Legislation Act 1994.

This relates to a subject that the government likes talking about even more than wind farms, and that is myki. Now that the Baillieu government has fully endorsed the myki system and charted a way forward, this is something that we are going to have to talk about a lot more.

The system that governs myki in terms of its rules particularly relates to the myki ticketing manual, which arises out of a power under section 220D of the Transport (Compliance and Miscellaneous) Act 1983 — that is, the power of the authorities within the Department of Transport to create the ticketing manual.

Let me make it very clear, Deputy President: when you buy a myki card, you sign up to 116 pages of fine print in the form of the myki ticketing manual, and the government has the power to change that fine print any time it likes and make it retrospective. The terms in the myki manual I find to be, in some cases, unconscionable by the standards of any contract. If this were a typical statutory instrument it would, in my view, offend a number of the principles set out under section 21 of the Subordinate Legislation Act 1994, particularly in relation to the retrospectivity of it, to the further delegation of powers and in some cases to the

unusual or unexpected use of those powers, as many myki users are finding out to their cost.

This is an extraordinarily coercive balance of power. If it related to the use of any other essential service — that is, the provision of electricity, water or housing — we would find an entire structure of law around that to ensure that someone did not sign up to an unbalanced contract, or if they did, they would be protected by the force of law. Instead we simply have this one line of power under section 220D which gives a departmental bureaucrat unlimited power to affect the essential service of transport.

When myki is up and running — if the government ever gets it there — this is going to be the contract that governs 500 million individual transactions each year. In fact since you now have to swipe both on and off, it will be 1 billion transactions every year that will fall under the terms of this particular manual, and I believe that needs more scrutiny. I believe the Scrutiny of Acts and Regulations Committee is the appropriate committee to look at the matter, but any parliamentary committee equally could do so. This is an issue that has come into my office time and again, and I would like to see further scrutiny of the fine print, if you like, that the citizens of Victoria unwittingly sign up to when they buy a myki card simply for the purpose of getting them to work, to school or to visit friends.

**The DEPUTY PRESIDENT** — Order! I cannot call for statements on reports and papers until 5.30 p.m., so I need Mr O'Donohue to at least start his contribution.

**Mr O'DONOHUE** (Eastern Victoria) — Thank you for that direction, Deputy President. I am pleased to respond to the motion moved by Mr Barber. Mr Barber has brought on yet another motion that relates to the myki ticketing system. In preparing for debate this afternoon I had a look at *Hansard* from the previous Parliament and at the debate that led to the changes to the Subordinate Legislation Act 1994, which Mr Barber refers to in his motion and which is part of the substance of the debate today. I note the comments of Mr Carli and Mr Jasper, the previous chairs of the Scrutiny of Acts and Regulations Committee and the regulation subcommittee respectively. I note that in his contribution Mr Jasper talked about having been a part of the scrutiny process since his election to Parliament in 1976, so he spoke with some authority.

I propose to continue speaking on this matter during the next sitting week, but so that the house has no misunderstanding as to where the government sits on this matter I advise members that the government will

be opposing the motion moved by Mr Barber. It will do so for a number of reasons. First of all it is the opinion of the government that the motion moved by Mr Barber contains some drafting errors. Whilst in and of themselves they could be easily amended, they are worth bringing to the attention of the house. The motion moved by Mr Barber refers to section 22OD(1) of the Transport (Compliance and Miscellaneous) Act 1983. I think what Mr Barber should have included in the motion is — —

**The DEPUTY PRESIDENT** — Order! I apologise to Mr O'Donohue. I know that I required him to start his contribution, but I must now interrupt business for statements on reports and papers. Mr O'Donohue will have the call when debate on Mr Barber's motion resumes in the next sitting week.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### Victorian Multicultural Commission: report 2010–11

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to speak on the Victorian Multicultural Commission's annual report of 2010–11. At the outset I put on record that Victoria does not just tolerate diversity but celebrates it. As I have said previously in this house, the population of Victoria comprises people from over 200 countries who speak more than 230 languages and dialects and practise over 120 different faiths. Further, around 1 million people speak languages other than English in their homes. Victoria is well known for its rich diversity, and I see it every day in the electorate I represent, which is one of the most culturally diverse electorates in Victoria.

This is not to say that Victoria is perfect. We have and will have issues that come up from time to time, but it is the way in which we respond to and try to get in front of these issues that will lead to a strengthening of our community, and it is a responsibility of all members in this place to support this aim. The community grants program is an important way to contribute to this, because through it we encourage and support emerging communities together with more established communities to share and celebrate cultural diversity with all Victorians.

This report is a brief testament to the many people and groups that have worked hard to build our strong multicultural community. From just reading the report it is hard to visualise the work that goes on, but a

commitment to multiculturalism and to understanding, learning and celebrating each other's diversity is something I am sure every member of Parliament understands as a result of the many activities in which they participate in their communities. I would like to place on record my gratitude to one of the champions of multiculturalism, Mr George Lekakis, AO, who chaired the commission up until January this year. His commitment to multiculturalism, the state and our community during his almost 10 years in that role should be commended.

Earlier this year, via the Multicultural Victoria Bill 2011, the Baillieu government introduced a number of amendments to the way the Victorian Multicultural Commission operates. The result of this is that much of the Victorian Multicultural Commission's functions will be shifted to the Office of Multicultural Affairs and Citizenship established within the Department of Premier and Cabinet. I hope this does not foreshadow a more politicised approach to the funding of community groups. It would be unfortunate if the bipartisan approach to funding these community groups was based on the interests of the government of the day as opposed to the benefits to the wider community.

As I stated earlier, the community grants program is an important part of the work the Victorian Multicultural Commission does, as is outlined in some detail in the report. I would like to touch on some of the significant achievements outlined on page 10 of the report. In 2010–11 the Victorian Multicultural Commission and the Office of Multicultural Affairs and Citizenship awarded and distributed more than 2800 grants worth \$5.3 million to 1875 multicultural community organisations, schools and councils. This same period saw a 40 per cent increase in funding for the multicultural senior citizens organisational support grants. Over 700 multicultural seniors groups were able to build upon their existing activities that enrich the lives of many vulnerable and isolated Victorians. I hope the diversity of this distribution to many established and emerging communities continues.

In order to ensure that the needs of these diverse communities are catered for there are seven categories of the community grants program that have been developed through extensive consultation with Victoria's culturally and linguistically diverse communities. They include: building and facilities improvement grants; educational program grants; strengthening multicultural communities grants; multifaith and interfaith grants; multicultural festivals and events grants; senior citizens organisational support grants; and organisational support grants.

The previous Labor government had a strong record of investment in multiculturalism and successfully supported culturally, religiously and linguistically diverse communities. This was highlighted by the action we took to significantly increase funding. In fact, we made a sevenfold increase in funding after taking office. This was after a period of defunding and slashing community services by the previous coalition government, which is something I hope will not be repeated by the current government.

Pages 33 to 69 of the report demonstrate the large number of diverse groups that were supported during the last year. The funding received by these groups allows culturally and linguistically diverse communities to celebrate their cultural heritage and share their traditions and language. The funding has fostered an environment in which diverse communities can meet regularly and enjoy outings, lunches and festivals with their communities. In many cases these groups have assisted with reducing social isolation and included activities specific to people's cultural heritage.

Whilst I have focused a great deal on the community grants provided by the Victorian Multicultural Commission, it is also important to acknowledge that the activities the commission undertakes are a lot broader than just community grants. Some of the activities include ongoing communication with stakeholders and the commission's work in partnership with many other organisations to promote harmony, improve language services and support new arrivals and ageing and migrant communities, as well as the commission's ongoing support for cultural precincts and community infrastructure. It is important that we continue to support the work this organisation undertakes so that we continue the success of multiculturalism in Victoria. I commend the report to the house.

### **Office of the Public Advocate: report 2010–11**

**Mrs COOTE** (Southern Metropolitan) — This afternoon I wish to speak on the Office of the Public Advocate's annual report for 2010–11. First of all I would like to say how closely Minister Wooldridge, the Minister for Mental Health and Minister for Community Services, is working with the Office of the Public Advocate, particularly with Colleen Pearce, who is the CEO. It is 25 years since the Office of the Public Advocate was founded, and in July 1986 Ben Bodna was appointed the first public advocate.

The community visitors, one aspect of the Office of the Public Advocate, are to be commended. They do the most extraordinary amount of work, often in seriously

difficult circumstances. They are a silent group, and many people do not know of the work they do. They visit people who are vulnerable Victorians in the most elementary sense. They make friends and go and watch to make sure that people are being well cared for and that the services that are provided are being delivered with the dignity and respect that the individuals concerned deserve. I would like to put on record my great praise for the community visitors of Victoria and for the work that Colleen Pearce does in the Office of the Public Advocate.

One of the things spoken about in this report is Colanda. Colanda, to refresh members' memories, is probably the last so-called institution in this state. It is set in beautiful parkland in Colac and houses just over 100 residents, many of whom have very severe and challenging personal circumstances. I would like to commend all the staff who work at Colanda. I have been there on many occasions and will go back again in two weeks to address for a second time a meeting of the parents and friends group. Everyone involved with Colanda is to be commended.

After the closure of Kew Residential Services, Colanda looked like a fabulous example of what was going to be the future. But this type of arrangement is no longer appropriate for individuals as planned and it will not continue into the future as it currently is. This report states that Colanda's community visitors program will be ongoing, and I would like to put on the record my praise for the work that the president of the Colanda Parents and Friends Association, Noel Bates, and his late wife, Sandra, have done for this organisation.

The guardianship program is an interesting aspect of the Office of the Public Advocate (OPA). The report notes guardianship trends in relation to the age of clients: 36 per cent of clients are 80-years-plus, 3 per cent of clients are up to 20-years-old, and there are graduations in between those age ranges. The gender balance of clients cared for under the guardianship program is 54 per cent women and 46 per cent men. The disability profiles of clients under guardianship is acquired brain injuries, 18 per cent; dementia, 33 per cent; intellectual disability, 16 per cent; physical disability, 9 per cent; mental health, 17 per cent; and 7 per cent of disability types are not specified.

The OPA deals with a whole range of issues including accommodation issues; family conflict; non-family conflict; conflict between individuals; eligibility issues; end-of-life issues; health and medical treatment; justice and legal issues; service issues, including case management; sexual issues, including contraception; and welfare and safety at risk issues. The Office of the

Public Advocate does a wide variety of work. It does many other things, but I do not have time to talk about them today.

I would like to commend everybody associated with the Office of the Public Advocate, particularly the community visitors. In the next couple of weeks I hope to meet with the community visitors from Kew Residential Services to listen to their concerns about what they are experiencing and to see what trends there are so we can develop proper policies and systems to deal with what is emerging. I put on the record my thanks and praise for all those who are involved with the Office of the Public Advocate.

### **Scrutiny of Acts and Regulations Committee: review of Charter of Human Rights and Responsibilities Act 2006**

**Ms PENNICUIK** (Southern Metropolitan) — I would like to make a statement on the report of the Scrutiny of Acts and Regulations Committee (SARC) entitled *Review of the Charter of Human Rights and Responsibilities Act 2006*, which was released in September 2011. It is interesting that the cover of the report contains a photo of the preamble to the Charter of Human Rights and Responsibilities Act 2006. It states:

This charter is founded on the following principles —

human rights are essential in a democratic and inclusive society that respects the rule of law, human dignity, equality and freedom;

human rights belong to all people without discrimination, and the diversity of the people of Victoria enhances our community;

human rights come with responsibilities and must be exercised in a way that respects the human rights of others ...

Those principles are the ones we need to keep in mind when we as a Parliament and the government consider the recommendations contained in this report, which runs to 175 pages plus appendices. Obviously I will not be able to cover all that in the 5 minutes available to me.

The committee chair, Mr O'Donohue, says in the foreword that he hopes that the report continues the tradition of:

... parliamentary committees ... dealing with challenging and complex issues in a diligent and bipartisan manner.

It is hoped that this report continues that tradition by adequately responding to the terms of reference and provides the community with detailed and constructive

recommendations to improve the regime for protecting human rights in Victoria.

He also says:

In responding to the ... terms of reference there was much common ground. There is agreement regarding the problems with the current charter and only a difference on the most appropriate solution.

I recommend that everybody read through the report. For people not familiar with the charter and the general human rights framework internationally, interstate and in Victoria, there is a lot of information in this report to guide them.

However, it is not possible to agree with all the findings and recommendations made by SARC. There are some that are quite good. For example, some of the recommendations go to amending the charter so that there is more plain language and less reference to overseas jurisprudence and to other legal instruments. This would make the charter more accessible to ordinary people who have to deal with it on a day-to-day basis. I particularly agree that the issue of statements of compatibility needs addressing. Members who were around for the last Parliament in particular, but also in this session, would recall that I have raised the issue of statements of compatibility in terms of their inconsistency and the fact — and this is also addressed in the report — that SARC often does not finish its reports on statements of compatibility or has not received responses from ministers to whom it has written regarding issues raised in reports before the bill goes through the Parliament. That issue is addressed in the report.

Today I will be releasing for public consumption a summary analysis that I conducted of 99 of the 329 substantive submissions to the SARC review. I embarked on that project because reading through the submissions I thought to myself that we should have a summary of what is being presented in these submissions. SARC did not do that. The summary found that 74 per cent of the submissions viewed the charter as valuable and supported retaining and strengthening it; 6 per cent of them expressed neutral views, neither for nor against; and only 20 per cent were unsupportive of the charter itself or certain aspects of it. Nevertheless, the report's main recommendation, 35 — that is, the majority option 2 of recommendation 35 — basically recommends taking out the guts of the charter. That does not follow from the evidence presented by the substantive submissions or the submissions I looked at in preparing my summary.

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

### **Bass Coast Regional Health: report 2011**

**Mr SCHEFFER** (Eastern Victoria) — I wish to make some remarks on the Bass Coast Regional Health report for 2011. The previous Labor government initiated a number of significant developments in health service delivery along the Bass Coast, including the establishment of Bass Coast Regional Health in 2003. Improvements were made to many services and facilities, including midwifery, maternity, the new maternity unit, community health, the redevelopment of the dental clinic and consultancy suites, the completion and expansion of the haemodialysis unit, the development of the aged mental health partnership arrangements with Latrobe Regional Hospital and the redevelopment and expansion of the emergency department.

The Bass Coast Regional Health corporate plan notes that the Department of Health classifies Bass Coast Regional Health as a group C hospital and that the service needs to develop its capacity so that it can become the subregional health service for the south coast. Bass Coast Regional Health is certainly doing this and, leaving aside the Wonthaggi hospital, already incorporates residential aged-care facilities, the Inverloch Community Care Centre as well as a range of services delivered from Wonthaggi, Cowes, Inverloch, Corinella and Grantville.

Bass Coast Regional Health has of course established a range of partnerships with other health services in the area. The public system operates in conjunction with local medical practitioners such as the Wonthaggi Medical Group, radiologists and pathologists to strengthen the quality of health services across the area. I extend my congratulations to members of the board of management; the chair, Jeff Bennett; and to the CEO, Lea Pope, who has done an excellent leadership job and always makes time available to discuss the work of the organisation. I also acknowledge the fine work of all the staff right across the service. I take this opportunity to thank individuals such as Dr Nola Maxfield, who has been an active campaigner for better resources for regional health, and also Melissa Van Rennes, the CEO of the Bass Coast Community Health Service, and the board, which does so much good work providing nursing, allied health and drug and alcohol services in the area.

When I started working in the Bass Coast area the shortage of doctors was a critical issue. Back in 2007 the Wonthaggi hospital was having great trouble

running its emergency service, because there were not enough local GPs and those that were there were too overworked to meet demand. The shortage of doctors was common across regional Victoria, but the issue had become a crisis on the Bass Coast, because of the massive and rapid increase in the population. The regional doctor shortage was largely due to the failure of the Howard government to invest in training doctors.

By March 2008 the then Labor health minister was able to announce that five new doctors would start work at the Wonthaggi hospital owing to funding provided by the Brumby government as part of an 86 per cent health funding increase. Through the Council of Australian Governments process, federal Labor now works in partnership with the Victorian government to drive major improvements in public hospital services, and that is why the Minister for Health, David Davis, could visit Wonthaggi hospital and announce new commonwealth and state funding for Bass Coast Regional Health. In truth he was riding on Labor's coat-tails, re-announcing what Daniel Andrews, then Minister for Health, had already announced in March 2010 — namely, the expansion of the emergency department and the refurbishment of the maternity and theatre areas.

Eventually the carryover from Labor's investment in health services will end, and it will become even clearer that this government is reducing actual services behind a smokescreen of reviews, frameworks and plans. The opening of the children's hospital was also a classic example of that — and I know that the Deputy President played a key role in that area in past years. After 10 months in office the government has presided over a deterioration in the ambulance services, and yesterday Mr Jennings drew attention to this fact. The latest controversy over the collapse in bed availability at the Austin Hospital — with the minister refusing to say whether the government would adequately resource the hospital other than the \$1 million boost for an expansion of emergency services, which is of course welcome — is only the beginning.

People living in regional and rural areas experience poorer health outcomes than people living in cities. We know that city people live longer, that the rates of foetal and neonatal deaths are higher in regional areas and that more people in regional areas smoke, drink alcohol at risky levels and use cannabis and other illicit drugs. Not surprisingly, health professionals are less prevalent in regional and remote areas, which is why the work of Bass Coast Regional Health is to be commended.

### **Auditor-General: *Individualised Funding for Disability Services***

**Mrs PEULICH** (South Eastern Metropolitan) — Deputy President, I am speaking from a position a little out of my place, because I have an injured colleague next to me, who is recovering.

I would like to make a few remarks on *Individualised Funding for Disability Services — Victorian Auditor-General's Report*, which was tabled in September. The Auditor-General advised the Department of Human Services back in December 2010 of plans to conduct the audit of individualised funding for disability services. The objectives for the audit were to determine the effectiveness of individualised funding and whether it met client needs, including choice and control, and supported the provision of high-quality services and sector sustainability and capacity. These are really important issues for review, given there is a growing need for and growing pressure on the resources for supporting people with disabilities and given the need to ensure that these resources are being well utilised in order to best support those who need support.

The audit was conducted in three sample regions: the north and west metropolitan region, the Gippsland region and the Barwon-south western region. It involved extensive consultation with departmental staff, people with a disability and their families and carers, disability service providers, peak bodies and advocacy groups. After the report was made the department provided comment on the recommendations that emerged.

The main findings include that the process for accessing an individualised support package is hard to understand, it takes too long and is inconsistent — and indeed I understand that process is under review; that demand for individual support packages (ISPs) is greater than supply; and that people in crisis are not being consistently identified or supported. In particular the comment was made that the a person needs to wait for their circumstances to be reviewed is exceptionally long; it is getting towards 18 months, and clearly when people are faced with a crisis this is much too long.

Other findings include that people do not always understand how to use an individual support package and cannot get access to consistent information or help to do so; people who are vulnerable are not being consistently identified and supported; further research into the impact of current unit prices in the context of individualised funding is warranted, but successive submissions to increase unit prices for day services

have not been successful; and the department has worked to support the disability services sector through investment and training, but its reach has been limited. Of course the department responded positively to the report and recognised that the findings will be useful in forming enhancements in how individualised support is provided.

The government welcomes the Auditor-General's report. I am pleased that the report acknowledges some of the positive outcomes associated with the implementation of the ISPs for people with disabilities, their families and their carers. I am also pleased that the report recognises the significant program of reform that had been progressively implemented over the last 15 years for which Victoria is seen as a leader in Australia. With this experience in delivering a self-directed approach to disability services, Victoria would be well positioned to host a trial of a national disability insurance scheme (NDIS). Members would be well aware of the submission that was made jointly under the support of the Premier and the minister to the federal government on this particular issue.

I note that the Auditor-General's report outlines further work that still needs to be done to ensure an improved understanding of self-directed approaches, consistency of implementation and an increase in funding. Whilst the recent budget delivered a funding boost to disability services of \$93 million, we know that more needs to be done. That is why there is a lot of expectation and hope resting with the NDIS to see where that goes. Clearly it is an expensive scheme — it will cost \$12 billion. There is going to be a lot of discussion, dialogue and compromise that will need to occur between the state and the federal governments if that is to become a reality. The government will use the report to continue the work of reviewing current practice and identifying opportunities to improve and further develop services that provide greater choice and control to people with disabilities.

While I would like to make more extensive comments, time will not permit that. I look forward to making subsequent comments to serialise what is a very important report. A lot of people rely on its wisdom.

### **Office of the Health Services Commissioner: report 2011**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the report entitled *Office of the Health Services Commissioner — Annual Report 2011*, which primarily concerns the operations of the Health Services Review Council. The council was established under the Health Services (Conciliation and Review)

Act 1987. In 1987 the Cain Labor government instituted a proper process of complaints resolution. The council's raison d'être, or the purpose for its existence, is to investigate complaints referred to it by organisations and users of health services.

One thing that never lessens is the capacity for humans to make mistakes, and when a mistake happens in the health industry it can be a matter of life and death. The council and its professional staff play an interventionist role by investigating complaints of a serious nature with appropriate authorities in a timely and effective manner. The council's membership is comprised of highly medically qualified individuals appointed by the Minister for Health. The council's members are dedicated to providing excellent advice to the health commissioner. A team of conciliators and assessment officers have dealt with a multitude of complaints and resolved a fair number of disputes throughout 2010–11.

It is important to note that the council is also a body that provides advice to health service providers on how to improve service delivery. So in effect it is also a proactive council dedicated to ensuring the non-reoccurrence of legitimate problems identified within the health system. I also noticed with interest that dental complaints had risen due to the federal government's allocation of \$4200 to members of the community who met the criterion.

The health commissioner, Ms Beth Wilson, her board and her staff are to be commended for their ongoing commitment and diligence by continuing to provide real solutions to complaints highlighted by service providers and families living in the community.

### ***Auditor-General: Business Planning for Major Capital Works and Recurrent Services in Local Government***

**Mrs KRONBERG** (Eastern Metropolitan) — I am pleased to speak on the Victorian Auditor-General's report of September 2011 entitled *Business Planning for Major Capital Works and Recurrent Services in Local Government*. Whilst the four councils that have been subject to the scrutiny of the Auditor-General are not in my electorate, I have good reason for looking at this report quite closely. I can say parenthetically that the Whittlesea City Council, the Glen Eira City Council, the South Gippsland Shire Council and the Hepburn Shire Council — particularly the Whittlesea City Council — fall within the ambit of my investigations as the Chair of the Outer Suburban/Interface Services and Development Committee, so I was particularly interested in the Auditor-General's analysis of that particular council.

In terms of background information, collectively Victoria's 79 councils spend something like \$7.6 billion on capital works and recurrent services each year. Local government in Victoria is responsible for the management of a host of community assets and infrastructure that amounts to a staggering \$60 billion. We can see how important the question of how these assets and the delivery of services and infrastructure that fall under the ambit of capital works programs warrant good systems and close scrutiny.

In order that the public is assured that these large sums of expenditure are effectively managed and budgeted, the Local Government Act 1989 was amended in 2003 by the former government, and that resulted in the introduction of a significant change. Of course the new planning framework for local government that was subsequently introduced was really important. It is also important to stress that the Victorian Auditor-General undertook to see how effectively the new framework was being managed and responded to within local government. It is quite alarming that after the amendment in 2003 it was not until 2011 that this investigation took place, because there were many shortcomings and possibly a lot of ratepayers money could have been squandered.

The aims of the framework were to achieve better strategic planning outcomes through greater public input into the development of council's plans and budgets. With the opportunity for greater transparency in performance reporting, everyone was hoping that greater accountability from the councils would flow on from that. There was a sense of anticipation about that. Eight years have passed since the legislation was enacted, and it seems that that was a lot of time for local government to respond appropriately and actually implement the changes that were sought.

The Victorian Auditor-General has concluded that the actual intent of the reforms as foreshadowed in the legislation has not been realised. Apparently the councils examined and focused on the delivery of the minimum statutory obligations, and that is a very unfortunate attitude to have prevailed for these last eight years. Furthermore, the councils have developed plans and budgets without paying sufficient attention to whether they are effectively integrated or whether they contain useful and appropriate information that supports effective decision making. The Victorian Auditor-General also stressed:

Until they integrate and improve the quality of their planning and budgeting, councils will find it difficult to justify annual rate increases and effectively negotiate for equitable grant and other funding arrangements.

One of my areas of discomfort at the moment when thinking about justifying annual rate increases is with regard to Nillumbik Shire Council. This council was not included in the Victorian Auditor-General's investigation, but I hope one day it is because Nillumbik Shire Council has standing in terms of the amount of rates it charges its ratepayers. It is in the unenviable position of issuing the second highest rates by a council in the state of Victoria after the City of Melbourne. I think this warrants an investigation as to how it manages its forward planning.

The Maroondah City Council — —

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

### **Department of Education and Early Childhood Development: report 2010–11**

**Ms MIKAKOS** (Northern Metropolitan) — I wish to make a brief contribution in relation to the Department of Education and Early Childhood Development's annual report for 2010–11. It is a report that outlines many positive achievements of the department. These are almost wholly as a result of the great initiatives instigated in the education portfolio by the previous Labor government, which clearly made education its no. 1 priority.

Labor has a proud record of investment in education and rebuilding public schools, including many in my electorate which now face no prospect of receiving capital funding in the near future. We sought to ensure that all children had opportunities through properly funding the Victorian certificate of applied learning, which is now facing \$48 million in cuts by this government.

On page 13 the report talks about the early childhood area. Labor has a very proud record in this area. The report refers to the implementation of the universal access to 15 hours of kindergarten in the year before school in accordance with the national partnership agreement for early childhood education, which has also seen a number of kindergartens piloting the 15-hour program. These pilots were commenced under the Labor government. All we have heard from Minister Lovell is her whingeing about the federal government not giving her enough money. As is evidenced in the report, she is seeking to renegotiate the bilateral agreement for universal access to 15 hours of kindergarten, and this at a time when the federal government is providing Victoria with \$210.6 million over five years. All that Minister Lovell can muster is a

measly \$15 million this year for capital improvements to kindergartens.

This is an obvious underinvestment by a government which thinks it would be better to campaign against universal access to 15 hours of kindergarten rather than do the right thing by Victoria's children and provide the necessary capital infrastructure to support it. It is interesting to note that \$15 million is the figure the coalition has been boasting as being part of its record investment in early childhood education. Fifteen million dollars is only a fraction of the \$100 million promised by Labor at the last election and will be far from adequate to address the growing demand for kindergarten services across Victoria. I am seeing a number of kindergartens across Victoria complaining about this — the ramification is that they are looking at cutting their three-year-old kindergarten programs.

Since 2005 Victoria's kindergarten participation rate has increased to record levels. The report refers to a record 95 per cent participation rate for 2010–11. That is a testament to former Minister for Children and Early Childhood Development Maxine Morand's legacy in this area, and I wish to congratulate her for that. That 95 per cent participation rate exceeded the department's target for the number of children funded to participate in kindergarten. But I am very concerned about what will happen now that the Baillieu government is not indicating any willingness to move on its \$15 million contribution to capital improvements. This lack of investment will clearly have an impact on kindergarten participation levels across Victoria in the future. It is the responsibility of the state government to ensure that our children have access to the quality early childhood education they need to get the best possible start in life.

The other matter that I would like to bring to the attention of the house is the fact that the annual report does not make any reference at all to the Take a Break occasional child-care program, despite it being a program that is funded by the Department of Education and Early Childhood Development, or will be until the end of this year. I can only imagine that the total absence of that program from the report is because the minister would like to pretend that it never existed. Nevertheless it does, even though the government has decided to cut its funding at the end of this year.

The minister is clearly misguided if she believes this issue will disappear. The families who are affected are determined to raise awareness amongst the community and members of Parliament about this issue. They are not going to go away, and they will not be forgotten. I ask the minister to take heed of her fellow coalition member Mrs Donna Petrovich, a member for Northern

Victoria Region, when she said in Parliament on 20 May 2010 in referring to the Take a Break program that it was ‘fulfilling a great need of mums, particularly in rural areas where it is difficult to access child care let alone occasional care’. She went on to state that her gravest fear was that the Brumby state government would scrap its component of the funding, leaving this great community service high and dry. Labor did not do so. We kept the funding for the program in place and funded it for the last 12 months. Yet the Baillieu government has chosen to ignore its responsibilities to Victoria’s children and decided to axe it.

The Take a Break program is sustainable on state government funding alone. We know that this is the case because Labor did so — —

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

### **Greyhound Racing Victoria: report 2010–11**

**Mr KOCH** (Western Victoria) — It is a great pleasure to rise to talk about the Greyhound Racing Victoria (GRV) annual report for 2010–11. It has been a great year for greyhound racing generally. Total pool proceeds have exceeded \$30 million for the first time. Total returns for participants are forecast to rise by a further 11.2 per cent in 2011–12, and we will also see an increase of 20 per cent in travel fees for participants.

Along with GRV the Baillieu government endorses the important role that racing plays in regional economies. Racing of all codes is a very strong thread in the regional Victorian fabric. It also contributes to employment and supports many small businesses across many areas. Sixty per cent of racing employees across the three codes are in regional Victoria.

The report notes the recent redevelopment at Geelong’s Beckley Centre and the \$9 million investment that has seen Geelong become the unrivalled greyhound racing venue and the envy of greyhound racing in the Southern Hemisphere and possibly the world for its unique double track and modern pavilion. This investment at the Beckley Centre is a credit to Greyhound Racing Victoria, and the government, under Minister Napthine, was very pleased to contribute some \$4 million towards this unique venue.

More recently, last week a further \$144 000 was invested by the government and GRV in a new children’s playground and entertainment ground that will offer shared facilities to both greyhound racing people and those in the harness racing fraternity, who are immediately next door.

The \$3 million upgrade of the Sandown grandstand is another example of GRV putting its money where its mouth is. Similar works are now being undertaken in Bendigo to keep greyhound racing standards at that centre rising.

Something to be noted is the continuing growth in offcourse turnover, which has also gone up by more than 11 per cent. This has not been achieved by the other racing codes, and we now see the GRV market share approaching 20 per cent overall. Moving from the early teens to this level in a decade is truly a great achievement.

The move to three-tiered racing to assist older, out-of-form and less talented dogs has been really well received by owners and trainers. One thing this industry has never lost sight of is the humane life cycle of its major participant and principal stakeholder, the greyhound itself.

Other highlights that should also be noted in particular are the innovative provisions relating to unclaimed wagering dividends and oncourse wagering taxes that will underwrite more initiatives of this industry. This is a common-sense initiative of the Baillieu government.

I was personally staggered but certainly not surprised by the generosity of Craig Wilson in setting up on behalf of his late parents the Eric and Jan Wilson Scholarship Trust. Jan was a long-time and generous chair of Greyhound Racing Victoria, especially during the period when I was the shadow Minister for Racing. Jan knew the industry and always spoke well of those with whom she associated. Eric also made a large contribution to Dandenong as a former mayor. As members will be aware, Jan was a former member of this Parliament, having represented Dandenong North in the Assembly.

Through Craig’s initiative and GRV’s matching support, we see 10 recipients in 2011 already and know what a huge benefit these scholarships will be to both the industry and individuals. My congratulations go to Craig for his contribution to regional Victoria and this most worthwhile scholarship, which is a great reflection on the way he works for those around him.

I would like to acknowledge also my friend Eddie Caruana on being awarded the Ken Carr Medal. It is a just reward for his contribution to the industry and his chairmanship of The Meadows. I would like also to congratulate chairman Peter Caillard and CEO John Stephens on another year of success at Greyhound Racing Victoria. GRV continues to look enthusiastically to its future with confidence and

optimism, and it does not underestimate the support and endorsement from the Baillieu government in doing so.

**The DEPUTY PRESIDENT** — Order! I thank Mr Koch, and I concur with his comments on the Wilson family.

### **Swan Hill District Health: report 2011**

**Ms BROAD** (Northern Victoria) — I wish to make a statement on the Swan Hill District Health annual report 2011. A lot has happened since Swan Hill District Health's 2010 report was provided to the Parliament. To name just a few achievements, Swan Hill District Health and the community of Swan Hill have conducted a successful celebration of the health service's 150th anniversary; the health service has received accreditation from the Australian Council on Healthcare Standards for the next four years; the funding agreed last year by the former state government for a new dental facility has progressed to construction; funding has been agreed by the federal government for a community rehabilitation centre; and a new master plan for the service has been developed.

Notwithstanding these achievements and the high quality of care being delivered by Swan Hill District Health, the fact is that the hospital and the extended care unit require replacement in order to meet community expectations. No-one who visits the health service, as I have, can be in doubt that that replacement is required.

As outlined in the annual report by president Don Logan:

In December 2010 we made a detailed submission to the commonwealth government for funding through the special Health and Hospitals Fund ... Even though the state Department of Health gave us assistance in preparing the business case for the stage 1 development, we were unsuccessful. The stage 1 development included a new aged-care facility.

In discussions with the commonwealth department, one of the reasons given for the rejection was that there was no leverage; i.e., no state government funding had been approved.

We have made strong representation to the government and the health department as to our disappointment of this lack of leverage.

The commonwealth have invited us to make a further submission for our stage 1 development in the second round of funding later this year.

Hopefully we will be able to overcome the lack of leverage at state government level.

Swan Hill District Health certainly has my full support for its further submission to the federal government for

funding. I take this opportunity to call on the Baillieu-Ryan government to also commit to funding, as requested by the board of directors, so that the federal government can be in no doubt that the redevelopment is a priority for the state government.

I also take this opportunity to put on record my acknowledgement of and thanks to the president, Don Logan, and members of the board of Swan Hill District Health, the CEO, Ted Rayment, and staff, and the many volunteers who make such a valuable contribution to meeting the health-care needs of communities in the Swan Hill area.

**The DEPUTY PRESIDENT** — Order! Mr O'Brien, who might also like to advise the house of the status of the little baby he has been to visit.

**Mr O'Brien** — No change in status on that, but developments, discussions and consideration are continuing, and I will advise you as soon as we can.

### **Scrutiny of Acts and Regulations Committee: review of Charter of Human Rights and Responsibilities Act 2006**

**Mr O'BRIEN** (Western Victoria) — I would like to talk about the issues raised in the recent report by the Scrutiny of Acts and Regulations Committee on the Victorian Charter of Human Rights and Responsibilities Act 2006, which has raised strong opinions on all sides of the human rights debate in Victoria. This debate has been further fuelled by the recent High Court decision in the case of *Momcilovic v. The Queen and Others*, which was delivered almost simultaneously with the SARC report. Regrettably, at times the debate has strayed far from the actual terms of the report. Whilst human rights, truth and justice are three very important values that are often grouped together in the discussion of governments and their relationship with their citizens, in this instance at times truth has played second fiddle to spin.

If one thing is absolutely clear as a result of the Momcilovic decision, which provides significant vindication for the SARC report, it is that the Charter of Human Rights and Responsibilities Act 2006 has serious flaws as a legal instrument and has not improved certainty in the Victorian courts. In relation to its application to the courts, the charter has not furthered the administration of justice in Victoria, nor has it served to enhance human rights protections. It has been said that to amend or repeal part of the charter act as it relates to the courts would seriously undermine Victoria's human rights reputation. That is based on the false premise that the charter has somehow enhanced

Victoria's human rights protection in the first place. If anything, the charter act is a failed experiment with the dialogue model, which is fundamentally flawed, and it has put at risk the rule of law and greater judicial certainty in this state.

One needs no further vindication of the many concerns unanimously identified by all members of SARC — that is, Labor, Liberal and Nationals members — than to read the various judgements in the Momcilovic decision. It is a very complicated decision and one which time does not permit me to summarise adequately here — even if I could. I will, however, go to the strongest critique of the charter by one of the judges, Justice Heydon, who, sitting as a High Court judge, said of the 2006 charter act that it was invalid as it was in effect contrary to the rule of law. In paragraphs 380 and 381 of the judgement Justice Heydon states as follows:

The charter may reflect much of what is best and most enlightened in the human spirit. But there are some virtues that cannot be claimed for it.

One is originality. For a great many of the rights it describes already exist at common law or under statute. In that form, the rights are worked out in a detailed, coherent and mutually consistent way. Thus the very general rights to liberty and security in section 21 may be compared with the incomparably more specific and detailed rules of criminal procedure which exist under the general law.

This is the first truth that has regrettably been missing for much of the debate about the charter and the unanimous recommendations from this bipartisan SARC report — namely, that somehow the SARC recommendations would result in a winding back of human rights protection in Victoria. This claim has been made and repeated by numerous persons in the human rights lobby and media commentators.

On the contrary, the principal point of the SARC report is that these fundamental rights, freedoms and protections have already been passed into law and were enforceable in Victorian courts well prior to the so-called charter coming into force in 2006. In the Momcilovic decision Justice Heydon states at paragraph 382:

Another virtue which the charter lacks is adherence to key values associated with the rule of law — and the protection of human rights is commonly, though not universally thought to be closely connected to the rule of law. One value associated with the rule of law from which the charter departs is certainty, particularly in s 7(2). Application of the charter is very unlikely to make legislation more certain than it would have been without it. A further value associated with the rule of law from which the charter departs is non-retrospectivity.

The simple point identified in the SARC report is that the charter in its application to the interpretation of legislation and its vague aspirational statements of human rights does not create certainty or protection in the Victorian constitutional context. The SARC report correctly recommends that these rights are best protected under the various subject matters of detailed specific laws such as the Equal Opportunity Act 2010, the Mental Health Act 1986 or other criminal laws and procedures.

One final matter worth correcting is the spurious notion that there is a recommendation for the substantial strengthening of the role of the charter in the courts in the minority recommendations of the SARC report. SARC put forward two options in a unanimous report. The so-called minority recommendations 1 to 34 were also agreed to by the majority of the SARC committee and would result in significant amendment to and reduction of the role of the charter in the judiciary, not, as has been reported, a strengthening of its role in the courts. The only difference between the minority and majority positions in the 35 recommendations is the extent of removal of the courts — almost all in the case of the minority, and all in the case of the majority.

This does not mean that human rights would not be considered if either the majority or minority recommendations were adopted. To the contrary, by adopting the regime proposed by SARC there would be greater consideration of human rights in this chamber and in the Parliament, thereby enhancing human rights protection for the executive as well, and delivering greater certainty and therefore justice in this state.

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

### **Victorian Environmental Assessment Council: metropolitan Melbourne investigation**

**Mr EIDEH** (Western Metropolitan) — I wish to speak on the Victorian Environmental Assessment Council's final report on its metropolitan Melbourne investigation. The report has many key themes that affect us in this place as members of Parliament and as members whose electorates cover municipal areas. But it begins with an acknowledgement of Melbourne's growth and how this will affect us all in one way or another.

That is in part why the Labor governments of the Honourable Steve Bracks and the Honourable John Brumby were so keen to support a growth areas infrastructure contribution. If developers are making millions of dollars out of Melbourne's growth, it is only

fair that they should be paying significant contributions towards the cost of the infrastructure that automatically follows instead of expecting everyone else to pay for it through our taxes. Yet those opposite cannot appreciate such common sense, just as they do not understand how the average, everyday member of the community suffers. If someone is making a profit, they should pay their fair share of the burden that their profit has created. If land is being sold and homes and businesses will be built, then those who are making money out of those deals should contribute to the infrastructure needs of their projects.

Then there is this item in the report, which I quote from the foreword:

Public open space, whether it is city squares, small neighbourhood parks, sports fields or large national and state parks, is an important contributor to Melbourne's livability.

I fully agree with this statement. Yet until recently the administrators of the city of Brimbank were seeking to sell off 14 such properties, despite massive community opposition, as the member for Keilor in the other place, Ms Natalie Hutchins, has stated in that house. Thankfully the administrators saw the light and the community has saved 12 of these community facilities — land which is critical as our city becomes more and more dense, more and more concrete, more and more a jungle of non-living matter.

The community needs this space, and the report acknowledges that critical fact in a number of areas. As Melbourne's population grows and our streets become even more dense with three, four, five, six and even more storey buildings in our residential communities, with greedy developers providing less and less parking as they seek to maximise profits, how will the community survive?

Public land is absolutely essential, unquestionably essential to living. We were not born to live in concrete boxes and to not interact with others, to ignore the sun and the air and the trees and the grass. Public land is therefore essential to a better world, in this case to a better greater Melbourne, whether it is parks, gardens, reserves, sports fields, athletic tracks, land alongside creeks and rivers, escarpments or school land. Pages 64 and 65 of the report list such lands.

There are significant areas of public space within Western Metropolitan Region, such as Ryan's Swamp near Werribee, which is surrounded by 191 hectares of amazing land which the report identifies as containing many rare and threatened species of flora and fauna. Then there is the Truganina Swamp near Altona, with rare bird life having been identified north of the

Williamstown railway line. These are areas we cannot afford to lose, because once the plants and animals are extinct, they are gone forever; we will never get them back. Like the Tasmanian Tiger and the dodo, they will be lost for all time.

We need to consider this report and the recommendations that are presented in its final pages. We need to think about the future and ask ourselves if it is right that we allow every blade of grass to be concreted away. I fear that this state government does not have enough of a connection with the land to guarantee public open space. I can only hope that in this case I am wrong, but I doubt it.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Reference

#### Debate resumed.

**Mr O'DONOHUE** (Eastern Victoria) — As I was saying earlier when I started my contribution in response to Mr Barber's motion, the issue of myki has consumed a significant amount of time in this place for legitimate reasons. Myki has been a source of significant concern to the Victorian community, and indeed to the Victorian taxpayer. This government is taking action to improve myki and its ability to operate.

The government opposes Mr Barber's motion and, as I said previously, the government believes there are a couple of drafting errors in the motion. Mr Barber's reference to section 22OD(1) of the Transport (Compliance and Miscellaneous) Act 1983, as I understand it, should be a reference to section 220D(1).

In the second drafting error I bring to the attention of the house Mr Barber refers to section 21 of the Subordinate Legislation Act 1994, which says:

#### 21. Review of statutory rules by the Scrutiny Committee

- (1) The Scrutiny Committee may report to each House of the Parliament if the Scrutiny Committee considers that any statutory rule laid before Parliament —

It then lists a number of sections or subsections with applicability to that section. The issue in this regard is that the manual that is the subject of this motion is a legislative instrument, not a statutory rule.

#### Business interrupted pursuant to sessional orders.

## ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

**Questions on notice: answers**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise is for the attention of the Premier. Today after question time a number of members raised the issue of questions on notice (QONs) remaining unanswered by various ministers. There was a theme in which the MPs who raised those issues had gone through a number of ministerial offices and were clearly told that the ministers had signed responses to questions on notice, in some cases up to two months ago, but the responses were not getting through to the Legislative Council.

The Council has been debating the number of questions on notice, what they are and what is in them. Part of the issue in the Legislative Council is that many ministers are doing the right thing in responding to questions on notice, but the responses are not getting to the Council. I deduce from the information supplied to MPs by ministers and ministers' offices that partly what is happening is that responses are going through a central channel to come here. I am dotting the i's and crossing the t's to deduce that they are either going through the Premier's office — and I will not speculate on why they would be going through the Premier's office — or there is a phenomenal lack of productivity or a communications logjam somewhere in government.

The action I seek from the Premier is that he respect the Legislative Council and direct his office, his department and his government to coordinate responses so that when a minister signs an answer to a question on notice from the Legislative Council, that response is promptly delivered to the Council. That is the action I seek, but I reiterate the reason for my request. We have enough confusion in this house already with QONs and a whole range of other areas, but one area that would assist in clearing that backlog would be if responses were properly returned to the Council. That would assist all members.

That is the action I seek from the Premier. In the interests of the transparency that he so clearly enunciated as one of the goals of his government in his debate with the then Premier, John Brumby, and his response to Josephine Cafagna when he said he wanted to make Parliament quick, transparent and responsive, I urge the Premier to do that today.

**Industrial relations: Qantas**

**Mr FINN** (Western Metropolitan) — The matter I raise is for the attention of the Minister for Employment and Industrial Relations. I am deeply concerned about the union campaign against Qantas that seems to be coming to some sort of a crescendo at the moment. It is clear to anybody who has taken even a passing interest that Qantas is not as healthy as we would like it to be. I do not think there is any doubt about that at all, and I have to ask the question: are unions trying to permanently ground the national carrier?

The future of aviation already has an increasingly dark cloud over it as a result of the carbon tax that will be introduced in the middle of next year, which will be less than helpful for aviation. I am extremely worried about the impact on the north-western suburbs of Melbourne of losing Qantas. It would have a huge impact on the western side of Melbourne, but particularly north-west of Melbourne where, as the minister would be aware, 15 000 people are employed at Melbourne international airport at Tullamarine, many by Qantas. It is not just those who are employed at the airport, there are thousands more who are employed in auxiliary industries around the airport, supplying Qantas with a whole range of services.

I remember only too well what happened when Ansett hit the wall years ago. It might seem to us that it was some time ago now, but it is still very fresh in the memories of a good many of the ex-Ansett workers. They still feel the pain, and not just the financial pain but also the mental anguish from what happened and what they went through when Ansett went out of business. We do not want that to happen again.

I hope the unions have more brains than to subject their members to unemployment as a result of an ongoing campaign which seems — I say 'seems', but it is an extraordinary thing when a group of unions does this — to have set out to completely bring an airline into disrepute. At this stage there are many doubts as to whether any of us would fly Qantas, and no business can afford to continue down that path for very long.

We need action on this, and we need it now. We cannot have our national carrier, Qantas, out of business, with all the devastation that would cause. I ask the minister to intervene, if necessary with his ministerial colleagues from interstate, in an attempt to resolve this matter to ensure that Qantas stays in the air and those employees stay in jobs.

**Mr Viney** — On a point of order, President, clearly there is an event taking place in Queen's Hall, and I

think one of the effects of the house's decision to bring the adjournment on at 6.30 p.m. obviously will be disruptive to a number of things that are normally planned for the dinner break. I suggest the house postpone the adjournment debate until after committees have met to avoid the interruptions that are clearly taking place to this chamber in the conduct of its business. It is an example of why these proposed changes are quite impractical and an imposition on the normal activities of the Parliament as a whole and why we should not be focusing on ministers getting an early break from the operations of the house by having the adjournment at 6.30 p.m. on a Wednesday.

**The PRESIDENT** — Order! I thank Mr Viney, the Deputy President, for his views, which actually went into debate rather than necessarily just the point of order. On this occasion I was approached before tonight's proceedings and asked what I would do about the school band that was appearing in Queen's Hall, and it was my decision that tonight we would proceed with that band playing as it had been booked, and to proceed with the adjournment debate as per the sessional order decisions of the house yesterday.

I have made a note and will ensure that in future no further entertainment is staged on a Wednesday evening before 7.15 p.m. We will take action to ensure that it does not happen again in the future. On this occasion it is my view that we should proceed with the adjournment debate notwithstanding the comments Mr Viney has made.

### **Anglesea River: water quality**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is short and sweet, although the content of it is certainly not short and sweet — in fact it is a saga.

It is about fish kills in the Anglesea River. Nearly 12 months ago fish kills became evident in Anglesea, and there was a lot of reportage of them at the time. In April this year Minister Mulder, the Minister for Public Transport and Assembly member for Polwarth, launched a review into the health of the river. In fact at the time of the announcement of the review the Minister for Environment and Climate Change said the review would be complete and open for public scrutiny at the end of June.

Obviously now we are in mid-October, there has been a substantial delay and the problem continues to exist. When the *Geelong Advertiser* this week made inquiries of the Minister for Environment and Climate Change in relation to this issue, he could not answer the question

and delegated the issue to a spokeswoman. She is quoted in the *Geelong Advertiser* as saying she could not confirm whether the report was complete and that there was no definite date set for its release.

I believe this is totally unacceptable. It has been six months since the government launched its review and we are now leading into the peak tourist season, so it is absolutely critical that we identify the issues and work out a way of dealing with the matter. I ask the Minister for Environment and Climate Change to inform me as well as the people of Anglesea why this review is taking so long and to provide us with an exact date when it will be made available to the public.

### **Planning: Werribee employment precinct**

**Mr ELSBURY** (Western Metropolitan) — With my theme music in the background, I raise a matter this evening for the attention of the Minister for Planning, the Honourable Matthew Guy, and it relates to the Werribee employment precinct. I know the minister is aware of the site, which I visited with him in March at the invitation of Cr John Menegazzo, the mayor of the City of Wyndham.

I have been in contact with the minister's office on this matter before and following the visit, because I know the great outcomes this precinct can deliver to Wyndham and, more broadly, the western suburbs. I request that the development of this site be placed under the auspices of an instrument of the government like the Growth Areas Authority to ensure that it is carried out in a well planned and orderly manner.

The Werribee employment precinct development is a project that seeks to promote greater jobs growth in the outer western suburbs which will break the dependency of seeking work in the CBD of Melbourne and assist in alleviating the growing congestion over the West Gate Bridge. The site of the Werribee employment precinct holds unique opportunities. It comprises the former State Research Farm site of 925 hectares bounded by the Princes Highway, Maltby bypass and the best part of Wattle Avenue and residential properties.

The site is owned by the state government, with small parcels of it being used by the CSIRO, the Melbourne University vet school, Victoria Police, the Department of Primary Industries, the Suzanne Cory High School — a selective entry high school — Victoria University and the Werribee Mercy Hospital. A small private development is already under way to provide private medical care and day hospital services on Hoppers Lane opposite the Werribee Mercy Hospital.

Wyndham City Council has taken the lead in promoting the greater potential this site possesses, and I congratulate it for its work to this point. In stating its case for the Werribee employment precinct, the Wyndham council estimates this site will support 60 000 jobs. For a city, the population of which is expected to reach 400 000 residents over the next 30 to 35 years, this will be critical for addressing future transport, lifestyle and environmental issues that the western suburbs face.

The Committee for Wyndham has also taken a strong advocacy role in this case and has made its views clear to me. The desire is to see this site predominantly support office, administration and retail employment opportunities, rather than the industrial role most commonly associated with the west.

The Werribee employment precinct is strategically placed close to a major freeway and rail line running between Melbourne and Geelong. Its benefits include easy access to Avalon Airport and the port of Melbourne; and with its close proximity to the industrial and manufacturing hubs of Altona and Laverton North, this employment precinct is an infill site with great economic benefit.

I again ask the minister to place this development under the auspices of an authority like the Growth Areas Authority.

### **Planning: Phillip Island rezoning**

**Mr TEE** (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning, Mr Guy, and it follows a meeting on the steps of Parliament House today where hundreds of Victorians turned up to express their concerns to the minister about planning. They attended in response to the intervention of the minister on Phillip Island where he said he had listened to the community and would no longer proceed with the rezoning which was not supported by the community. Those in attendance wanted the minister to listen to their concerns about planning decisions that he is making which will harm their communities. Many spoke passionately about developments that would destroy the environment and put developments on open spaces which families use today and which should be protected for future generations.

The minister was asked to attend the rally and listen directly to the concerns, but he refused to do so. While it would have been better if he had been there, I agreed that I would reflect those views to the minister as best I could and make a request to him on behalf of the community.

Those in attendance believed in five key points: firstly, that planning should be driven by the voices of the community and not by the wallets of developers; secondly, that planning should be determined by the long-term needs of the community and not by political donations or who you know in government; thirdly, that green wedges and open spaces should be honoured, protected and enhanced for future generations and not be bulldozed for short-term development outcomes, because once they are gone they are gone forever; fourthly, that planning should enshrine and embrace the character and history of local communities and should protect against the destruction of communities associated with inappropriate development; and finally, that planning should be about listening to the community.

Those attending asked me to call upon the minister to set up an ongoing community forum that would provide a voice for the community and restore public confidence. The forum would be an advisory committee to balance the advisory committee which the minister has set up, which is headed by the former head of the development community. The forum would be there to bring balance and decency to the planning system. I ask the minister to respond to the proposals that were put forward by the community and to support the request for an ongoing community forum as a vehicle to address the views of the community.

### **Rail: Laburnum service**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Mr Mulder. It concerns the reduction in the number of train services that stop at Laburnum station. The number of services was reduced earlier this year. As the minister will know, petitions around this particular issue have been tabled in this Parliament, with approximately 400 signatures on them. A member of the public has also collected her own petition, which has been sent directly to the minister. Ms Lucy Krelle has collected about 350 signatures on her own petition around the reduction of these services.

I have had discussions with representatives of Box Hill High School. They alerted me that this issue is a problem for their students; it has made it inconvenient for them to get to and leave school. They previously enjoyed more services. The action I seek from the minister, in the position that he has, is that he respond to me on these concerns around the reduction of these services so I can alert the people who have signed the petition I have tabled in this Parliament. I also ask him to respond to Ms Lucy Krelle directly so she can let the people who have signed her individual petition know of

his position on these services and so they can be informed about what action, if any, the minister intends to take on this issue.

**The PRESIDENT** — Order! Building to a crescendo, Ms Pulford.

### **Coal seam gas: exploration licences**

**Ms PULFORD** (Western Victoria) — Thank you, President — with feeling! I am pleased to be accompanied by the students and very upset to hear that their timeslot might be truncated by the new sessional orders.

Moving right along, my adjournment matter this evening is for the Minister for Planning, Matthew Guy. Over the last few weeks Friends of the Earth, in association with the Environment Defenders Office and local interest groups, has had a number of public forums throughout western Victoria to address concerns over the expansion of coal, coal seam gas and shale gas exploration. Victoria is seeing a surge in coal seam gas exploration. There are many people in my electorate of Western Victoria Region who believe it will threaten landscapes, groundwater, communities and food security.

The environmental impact of coalmining is a significant concern. In Victoria it is easier to obtain a mining permit than to build a wind farm. The state of Victoria under the Brumby Labor government was leading the way in addressing climate change by committing to reduce carbon emissions by 20 per cent by 2020 — something that enjoyed bipartisan support, even though the Treasurer had a momentary lapse of recall on that fact the other day. Labor knows that one of the best ways to reduce emissions is to invest in green energy.

The Baillieu government has essentially wiped out wind farming investment in this state by imposing restrictions that make it unviable. Indeed the Hepburn Wind community project in western Victoria, which this year won a Premier's sustainability award, would not have been built under the new wind farm regulations. In stark contrast the government has overseen the granting of an exploration licence to a Western Australian company, Mantle Mining, with an exploration target of between 1 and 2 billion tonnes of brown coal in Bacchus Marsh alone. The exploration will take place on rich fertile land that is currently being used to grow fruit and vegetables. It is just illogical.

This government has created so many restrictions that it has essentially shut down Victoria for future wind farm projects. Companies are now abandoning new projects,

saying the new planning regime will make it impossible for them to get approval. A growing industry is being killed off, along with the jobs that go with it. Wind farms play a crucial role in reducing Victoria's dependence on dirty brown coal. Importantly the industry supports investment in Victoria in numerous ways, most significantly through the jobs it creates for hundreds of families in my electorate.

The action I seek is that the minister meet with concerned local residents in the same manner that he has met with and reacted to opponents of wind farm energy projects in western Victoria to discuss planning controls and permits for exploration.

### **Responses**

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Mr Lenders referred to the matter of questions on notice to the Premier in terms of some of the coordination in the responses. I will ensure that the Premier is advised of Mr Lenders's request in that area.

Ms Tierney asked the Minister for Environment and Climate Change about the matter of fish kills at Anglesea River. She also asked about a report that was launched in April 2007 and about the follow-up comments that were made in the papers this week. Ms Tierney had asked the Minister for Environment and Climate Change for a review and an exact date in respect of that report, and I will refer that on to the relevant minister.

Mr Elsbury raised a matter for the Minister for Planning regarding the Werribee employment precinct and gave an erudite explanation of the importance of this precinct and why it ought to be considered by the Minister for Planning. I will refer that matter on.

Mr Tee also raised a matter for the Minister for Planning. He outlined five key points raised today in relation to the Phillip Island matter and sought that the minister hold a forum. Even though the minister is here, I will pass the matter on in the appropriate manner.

Mr Leane raised a matter for the Minister for Public Transport regarding the number of trains stopping at Laburnum station, which he has raised before. He sought action from the minister in regard to his response and the position he has on the services, and in particular mentioned a Ms Lucy Krelle in the adjournment matter that he raised. I will refer that on to Mr Mulder.

Ms Pulford raised a matter also for the Minister for Planning — a popular guy, literally — in terms of

mining exploration permits and sought a comparison between wind farms and mining permits. I listened with intent and agree with her that the clock was not ticking. I will refer that matter to the minister, who is sitting next to me.

Mr Finn raised a very important issue for me in regard to the union campaign at Qantas and the concern that he has about a range of issues regarding the carbon tax, the impact of losing Qantas and the significant employment numbers throughout the area and particularly in his region where 15 000 people are employed, but Mr Finn also made reference to when Ansett hit the wall and fresher memories, as he said, of ex-Ansett workers and his understanding that there needs to be urgent action and intervention.

I note it has been put on the record before that the airline industry — in particular Qantas — is facing a very tough operating environment. We know that the airlines have been competing vigorously for market share and that it is most fierce in the international market, which has been outlined by Qantas. We know, for example, that the high Australian dollar, the relatively high domestic interest rates, the intense global competition, and I think it is fair to say Labor's carbon tax, which Mr Finn raised in his adjournment matter, are having an effect.

In response to Mr Finn, I remind members of the chamber that in a statement dated 11 July Qantas stated:

In the context of the significant challenges facing the global aviation industry, the Qantas Group will be unable to absorb the additional costs associated with the carbon price ...

Qantas assessed those costs to the airline's bottom line as being between \$110 million and \$115 million in 2012–13 alone.

I understand that the Prime Minister has dismissed the impact of the carbon tax on commercial decision making, but the airline's statement suggests otherwise. It is also important to understand that in the current climate Qantas is dealing with a fairly volatile industrial relations environment. We have raised, and I have certainly raised in my role, the importance of the commonwealth undertaking with Senator Evans. I have written to, called upon and met with him in respect of an urgent review of the fair work laws, but that has been rejected. We are seeing the full force, as Mr Finn rightly pointed out, in respect of the number of unions that are taking industrial action fairly heavily at a time when the company is facing a decline in market share, costs that are 20 per cent higher than its competitors and the impost of a carbon tax.

As Mr Finn rightly pointed out in his adjournment matter, this could potentially have a long-term impact in terms of people's perception of Qantas as being a reputable and ongoing business entity. People want certainty when they fly. They want certainty to ensure that when they arrive at the airport they are going to get on a flight or when they return from overseas that flight will be managed through the normal processes.

I think it would be fair to say that we, and certainly this government, have been very active in ensuring that the federal government understands the impact of its industrial relations laws and the effect they are having. I call on Qantas and all parties to continue to work to resolve this dispute. It is fair to say that the negotiations and the way the unions have been dealing with this matter have been less than satisfactory, and I agree with Mr Finn; we need to intervene. There are too many jobs at risk, there is too much goodwill with Qantas, and we would call for an urgent settlement of this at some point in the near future.

I have written responses to the adjournment debate matters raised by Mr O'Donohue and Mr Pakula on 30 August 2011 and by Mr Lenders and Mr O'Donohue on 14 September 2011.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 6.59 p.m.**

