

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 23 March 2011

(Extract from book 4)

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

Environment and Planning Legislation Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Wednesday, 23 March 2011

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

PETITIONS

Following petitions presented to house:

Planning: Altona development

To the Legislative Council of Victoria:

The petition of residents of Altona in the state of Victoria wishes to draw to the attention of the house a proposed three-storey social housing development at 2 McIntyre Drive, Altona. As part of the Nation Building program, this development was initially designed specifically for elderly immobile homeless citizens comprising of 69 units with 17 car parking spaces in a quiet residential street. As this social housing development is part of the Nation Building program, the local community has been excluded from the planning process. Residents are concerned that the proposed dwelling does not fit within the existing streetscape and will overlook and overshadow multiple properties. Residents are also concerned that there is not adequate car parking for a dwelling of this size.

The petitioners therefore request that the Legislative Council of Victoria ensures the development is appropriate for the streetscape and does not exceed two storeys. The petitioners also request that the plans include adequate car parking for the size of the dwelling.

**By Mr FINN (Western Metropolitan)
(356 signatures).**

Laid on table.

Planning: Altona development

To the Legislative Council of Victoria:

This petition of residents of Altona in the state of Victoria draws to the attention of the house the proposed social housing development at McIntyre Drive, Altona, as part of the Nation Building program, which was designed specifically for elderly immobile homeless citizens and provides 69 units with 17 car parking spaces in a quiet residential street. As this social housing development is part of the Nation Building program, the local community has been excluded from the planning process.

The petitioners therefore request that the Legislative Council of Victoria ensures the development is only used for its designed intention by including a condition in the planning permit that limits its use to an aged-care facility.

**By Mr FINN (Western Metropolitan)
(383 signatures).**

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General's reports on —

Effectiveness of Small Business Victoria's Support Programs, March 2011.

Local Community Transport Services: the Transport Connections program, March 2011.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2011.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 12.

Water Act 1989 — No. 13.

MEMBERS STATEMENTS**Radio: community stations**

Mr TARLAMIS (South Eastern Metropolitan) — I rise today to talk about the valuable contribution made by community radio. A 2010 survey revealed that 26 per cent of Australians over 15 years of age listen to community radio every week. Community radio provides locally relevant news and information, emergency services information, specialist music programs and culture and events information targeted specifically at local communities, and it is produced by members of the community. Community radio stations across Australia broadcast on average over 131 hours of local content per week. Over 20 000 volunteers are involved in community broadcasting around Australia.

I make special mention of 3RPP and 3SER Casey Radio, two of the local stations whose broadcast footprint covers my electorate of South Eastern Metropolitan Region. Both stations broadcast programs on a diverse range of topics, including but not limited to sports, environmental issues, ethnic issues and all genres of music. Community radio gives a voice and an open forum to those who are ignored by mainstream media.

Melbourne Food and Wine Festival: Afghan banquet

Mr TARLAMIS — I recently attended the Afghan spice banquet as part of the Melbourne Food and Wine Festival. A traditional Afghan wedding banquet was held at the general merchandise hall in Victoria's oldest market, in the heart of Dandenong. More than 600 attendees were greeted by camels and dancers from

the Afghan Atar dance group and were entertained by traditional Afghan singers and musicians. All attendees enjoyed a special Afghan celebration, sampling and savouring the spice-perfumed morsels reserved for very special occasions.

I congratulate the organisers of the event as well as the Afghan Pamir Restaurant and the Salang restaurant, both located in Dandenong, for a most delicious and memorable banquet.

South Eastern Metropolitan Region: community events

Mrs PEULICH (South Eastern Metropolitan) — With Harmony Day and diversity being a focus of attention on our calendar of events, there is a range of activities right around the state of Victoria that celebrate what we all know has been Victoria's strength — that is, the multicultural nature of our community.

I would like to take the opportunity to offer my congratulations and express my sincere thanks and support to the organisations that have convened and put together multicultural events in order to showcase the strength of their communities through community contributions. These events have included: the Federation of Indian Associations of Victoria gala night at the Springvale town hall, which was held recently in order to raise funds, and I congratulate the organisers on a very successful day; the Holi Festival of Colours, held recently in Carrum Downs at the Shri Shiva Vishnu Temple, which was attended by many people, particularly young people, and I congratulate the executive and the president on another successful event; and the Bright Moon Buddhist Society's 30th anniversary celebration on the weekend. The Bright Moon Buddhist Society has raised in excess of \$5 million over 13 years in order to build a temple, and it shows its strong support of multiculturalism by opening up the temple to the rest of the community.

A number of events were also held to celebrate International Women's Day, including those scheduled by the Voice, Interests and Education of Women Clubs of Australia. I attended one at the Amstel Golf Club at Cranbourne and enjoyed it thoroughly. In addition to that I attended a successful Victorian multicultural affairs dinner, and I would like to thank the Premier for a wonderful night.

Schools: National Secondary Schools Computer Fund

Ms BROAD (Northern Victoria) — The National Secondary Schools Computer Fund is a key component

of the Gillard federal government's \$2.4 billion Digital Education Revolution initiative. It aims to provide all students in years 9 to 12 with a computer by the end of 2011.

The funding for the next round of this program has been approved, according to the Victorian Department of Education and Early Childhood Development, and I am pleased to say that many schools in my electorate of Northern Victoria Region are ready and waiting to purchase computers for their students. However, many schools have no idea when these funds will be released by DEECD.

With the end of term 1 rapidly approaching, many Victorian teachers are feeling increasingly despondent about not having the tools to do their job. Computers are essential for the education and future prospects of today's students; they are not optional extras.

Accordingly I call on the Minister for Education to inform all Victorian schools before the end of term 1 on 8 April when they will be getting the funds they are entitled to so they can purchase computers for their students.

Cultural Diversity Week

Ms HARTLAND (Western Metropolitan) — Yesterday I attended the Brimbank council leaders breakfast, which celebrated Cultural Diversity Week. The council staff did an excellent job of putting it together. We were welcomed to the country by Aunty Dianne; we heard beautiful singing by a local young woman, Victoria Jones; and a group of young Bosnian dancers put on a fantastic show for us.

Elleni Bereded-Samuel, who is the first African commissioner for the Victorian Multicultural Commission, was the keynote speaker, and she reminded us why multiculturalism is so important and how we can use it to fight against blatant and subtle racism and religious intolerance. Elleni also talked about mateship and friendship and how we must extend and encourage these values to all members of the community.

It is mornings like that one that remind me why I wholeheartedly support multiculturalism and why I love to live in the western suburbs with its rich diversity.

City of Greater Geelong: mayoral election

Mr KOCH (Western Victoria) — I would like to congratulate the Minister for Local Government, Jeanette Powell, and the Baillieu government on

delivering their election commitment to allow residents of Greater Geelong to elect their mayor.

A survey conducted by the *Geelong Advertiser* in February 2010 found that 74 per cent of readers wanted a direct say in who holds the reins at city hall. In the newspaper's 2011 reader survey conducted this month 76 per cent indicated the same view.

The desire of Geelong residents to democratically elect the city's mayor was continually thwarted by the previous Labor government, which remained out of touch with non-metropolitan communities.

Responding to Geelong's overwhelming grassroots demand, the Minister for Local Government this week launched a discussion paper outlining methods that the residents of the Geelong community might consider in their endeavours to elect their next mayor. The document requests residents to think about whether they wish to directly elect only the mayor or a leadership team comprising both the mayor and the deputy mayor. Further consideration may be given to the roles undertaken by the mayor and deputy mayor and their responsibilities, which may vary from those of other elected councillors.

The Baillieu government is committed to community consultation and to allowing locals to have a legitimate say in how their communities will work. It is also serious about following through on commitments made during the 2010 election. Community meetings and submissions on the direct election of these positions will be accepted until 16 May.

Natural disasters: Japan

Mr EIDEH (Western Metropolitan) — Like all members of this house, I pray for those people who have suffered from one of the worst earthquakes in history. I also firmly believe the good people of Japan are resilient and will rise from this disaster, just as they did following World War II. However, they will need help for years to come, and I am proud that this nation and this state have already committed to providing help. Yet at the same time we must also worry about the Australians who have been reported as missing in the disaster areas. We can only join with their families in hoping and praying that they will be found safe and uninjured.

There are many Australians who live permanently in Japan, including businesspeople, teachers and students, just to name a few, who we must also keep in our thoughts and prayers at this difficult time. We must also remember the many tourists who were visiting Japan

when the tragedy unfolded and hope that they return to their loved ones unharmed. Let us all hope that the news is good news.

Bendigo Bushfire Action Group: petition

Mr DRUM (Northern Victoria) — My members statement concerns a petition that was taken up by Joy Bice of the Bendigo Bushfire Action Group. The petition has not been correctly worded, so it cannot be presented to Parliament following normal procedure. However, Ms Bice had 600 people sign this petition, so I am presenting it to the Parliament on the group's behalf.

The petition addresses community concerns about burnt and dead trees in the Bendigo region that have been left over from the Black Saturday bushfires, particularly in the areas surrounding Maiden Gully Road and Bracewell Street. The dead trees are a constant reminder of the anguish that members of the community have gone through. The bushfires caused the community much grief, and the burnt and dead trees are a constant reminder of what happened just over two years ago.

The burnt trees that remain standing are very dangerous and could fall on anybody at any time without warning. These trees are so dangerous that men who have worked in the bush all their lives call them widow-makers. On quiet days they fall out of nowhere without necessarily needing any wind to push them over. The dead and burnt trees around Maiden Gully Road have simply been pushed into piles and left to rot, and there is a lot of growth around them.

On behalf of the people who have signed this petition I will be contacting the City of Greater Bendigo and the Department of Sustainability and Environment to ascertain which department has the responsibility for this clean-up. I hope that we can work together to clean this area up.

Geelong Trades Hall Council: annual dinner

Ms TIERNEY (Western Victoria) — Last Friday night, along with a number of vehicle workers, I attended the Geelong Trades Hall Council annual dinner at Buckley's in Geelong. It was a very well attended function. Tim Gooden was the master of ceremonies.

For me there were three highlights of the evening. The first was the announcement of the woman trade unionist of the year award, which went to Sharon Rowlands, an ASU (Australian Services Union) member who works at the Surf Coast Shire Council. Sharon was able to

negotiate the inclusion of a domestic violence clause in the council's enterprise bargaining agreement, and that has been a groundbreaking clause for a number of industries. I congratulate Sharon and her team on that breakthrough.

The second highlight was seeing Anne Morrison awarded life membership of the ASU by the state secretary of the union, Ingrid Stitt. Anne is a favourite person of many people around Geelong. She has been a long-time employee and administrator of the Geelong Trades Hall Council. She does all the nuts and bolts work behind the scenes and organised the dinner last week.

The third highlight was the launch of a 100-year history of the Geelong Trades Hall Council, written by Allan Sargent. It traces the history of the hall from 1909 to 2009. I would urge all those who might be slightly interested in the history of workers to contact the Geelong Trades Hall Council and purchase a copy.

I congratulate Tim, Anne and the Geelong Trades Hall Council executive for their fine work that evening.

Port Fairy Folk Festival

Mr O'BRIEN (Western Victoria) — I had the pleasure of attending and performing at the 34th Port Fairy Folk Festival that was held on the Labour Day long weekend. It is a wonderful festival and a tremendous promotion of western Victoria, specifically Port Fairy and the surrounding towns. The festival attracts festivalgoers and musicians from all around Victoria as well as world-class musicians from Australia and abroad. The Port Fairy Folk Festival is invaluable to the local economy and the tourism industry of the entire western region of Victoria.

I would like to thank and congratulate the organising committee, led by Bruce Leishman, Jamie McKew, Sandy Brady, Rotary, the Country Fire Authority, Victoria Police and the many other government and community organisations who, together with the musicians and supporters, made the event a great success. I extend my personal thanks to Russ Goodear and his band for granting me the opportunity to perform at the festival, and I thank him for his role in supporting the very worthwhile 32-hour community challenge in Warrnambool.

Waubra Community Hub

Mr O'BRIEN — I would also like to speak on the Waubra Community Hub, which Mr Damian Drum, as the Parliamentary Secretary for Regional and Rural Development, opened this past Sunday, 20 March.

Mr Drum represented the Deputy Premier when he opened the \$1.4 million facility, which received funding from commonwealth, state and local governments and from local businesses in the Waubra community.

The community hub has many great functions, including the provision of a modern preschool facility and playground, a new community space, a storage section, a new netball and umpires room and redeveloped public amenities. I am making specific note of the Waubra Community Hub because it is a shining example of what the three tiers of government and members of local communities can achieve when they work together. I would like to thank the mayor, Michael O'Connor, the CEO of the Pyrenees Shire Council, Stephen Cornish, and Lynette Hughes from Regional Development Victoria, who attended the opening alongside Mr Drum.

Footscray Community Legal Centre

Hon. M. P. PAKULA (Western Metropolitan) — Last Friday I had the pleasure of visiting the Footscray Community Legal Centre. The centre is very ably run by Denis Nelthorpe, who kindly allowed me to sit in on the weekly staff meeting. It was quite an eye-opener. The Footscray Community Legal Centre does far more than simply offer legal advice to local constituents; it also provides a financial counselling service and a more general counselling service. Like other community centres around the state it is an organisation which does fantastic work on behalf of the community. The Footscray Community Legal Centre is probably in a more fortunate position than many of the others. It is a relatively well-supported and well-funded legal centre, but it could always do with more.

Later this month the Footscray Community Legal Centre will be conducting a free help-with-your-bills day, which will involve taking financial counsellors and legal advisers to the community. The centre places notices in letterboxes in the local area, and people can get advice on telecommunications bills, energy bills and other legal and financial matters that concern them. The support is provided free of charge by representatives of the legal centre, and they do great work on behalf of the community.

PLANNING: AMENDMENT VC78

Mr TEE (Eastern Metropolitan) — I move:

That this house requires the Standing Committee on the Environment and Planning References Committee to inquire into, consider and report on the impact of Victoria planning

provisions amendment VC78 and that the committee present its final report no later than 24 May 2011.

As this house knows, wind farms have become an important part of our attempt to seek a more sustainable basis for energy generation in this country. There is now a broad consensus in the community, if not in this chamber, that climate change is a real and present danger. It is a threat to our economic and social wellbeing, and it is a threat to our environment and more broadly to our globe. We need to find ways to reduce our reliance on fossil fuels for the generation of power, and we need to find an alternative source which is renewable and does not generate CO₂, or carbon dioxide, emissions as the basis for power generation.

Fortunately Victoria has shown leadership nationally in terms of wind power generation, and increasingly it has taken a leadership role by showing that we have a viable alternative to coal-fired power generation. An average wind turbine can power 1000 homes and displace up to 115 000 tonnes of carbon dioxide per year, replacing the use of some tens of thousands of tonnes of coal.

We have a viable alternative right here in our part of the world, and wind farms have now demonstrated their capacity to provide a sustainable alternative. Rightfully, there is criticism about the cost of power generation from renewable sources — from wind farms. I think the important outcome of what Victoria has done is that we have demonstrated that if you provide the suitable policy settings for renewable energy, then it can become a viable alternative. If you have a government program that has foresight and encourages renewable energy, it can become viable.

Over time the cost of wind generation has come down significantly, and the reason for that has really been the policy framework, which has seen a massive expansion in the capacity for wind generation. Here in Victoria in the last five years we have seen a 30 per cent increase in the capacity for wind generation. Of course this is a success story in our battle to tackle climate change, but it is also an important success story for innovation and for jobs, and in particular it is a success story for jobs focused in regional and rural Victoria. Those jobs flow both from the construction of wind farms — that is, off-site construction — and also from the on-site construction of wind farms. For example, in Portland we have Keppel Prince, which is an engineering tower manufacturer that employs hundreds of people in its wind energy generation business providing the technology for wind farms that are then constructed elsewhere.

Construction can employ up to 450 people, and then there is the ongoing maintenance and the ongoing running that requires on average — and it varies, but normally it is around this — 15 full-time permanent employees. I have also seen figures from, I think, the Business Council of Australia which suggest that there are another 750 indirect jobs related to the renewable industry in Victoria. The picture that is becoming clear is that of an emerging and reasonably innovative industry in terms of its capacity to continue to be competitive and to reduce costs, but also of an industry that is flourishing. It is providing jobs where they are needed.

I want to illustrate what happens when you set up an industry and provide a policy framework for it to occur. Initially costs in the renewable industry were high, but I think they are coming down. Over the last 25 years the cost of producing a unit of electricity from wind has reduced by 80 per cent. We have seen this technology improve, and Victoria has been lucky to be on the front line of driving the innovation and smart thinking that has meant this industry is now becoming very competitive. There is no reason to suspect that those changes will not continue. There is no reason why, if we provide the right regulatory framework, we will not continue to see a reduction in those costs.

Despite all this good news, there is a cloud on the otherwise bright horizon. You do not need to look too far to see reports that the wind farm industry is in revolt, and you do not need to read too far into the local newspapers to see that local councils are in revolt in relation to wind farms. Across the board the industry is effectively threatening to turn off the lights and leave Victoria. The industry is threatening to close down this growing and important source of employment in regional Victoria and to take away the innovation that has been generated in the attempt to reduce the cost of wind power.

Some of these concerns are identified in an article in the *Australian Financial Review* of 21 March. It states:

A number of Australia's largest renewable energy companies are threatening to pull the plug on new wind farm projects in Victoria.

The article goes on to say:

The executive manager, government and corporate affairs, for Pacific Hydro, Andrew Richards, said the company would look to other states for future wind farm developments ...

The article continues:

'At this point we won't be taking any new projects through planning in Victoria', he said. It was unbelievable that the

wind energy sector should be subject to stricter requirements than coal or gas-fired power stations, he said.

‘One of the key issues with the 2-kilometre setbacks, under our current reading, is that it only takes one farmer to say no and they have veto over \$300 million worth of regional investment’.

That is not all. The Portland-based firm to which I referred, Keppel Prince, which provides the area with hundreds of jobs directly as well as hundreds more indirectly, has told regional ABC Ballarat radio that it could be forced to close down, take its advanced technology and move interstate. AGL has also expressed similar concerns. It is clear that there is a real and present threat to this important industry.

What has caused this concern? What has changed the environment so that this once flourishing industry is now literally threatening to close the gates, shut up shop and move interstate? The industry’s view is that the change has been the election of the Baillieu government. It has made no secret of the fact that it feels threatened by the government’s wind farm policy. It should be noted that the policy provides for sweeping changes. This government is seeking to impose an enormous amount of red tape — an enormous regulatory burden — on this emerging industry, which takes the view that this regulatory burden is such that it will drive the industry out of the state.

If you have a look at the wind farm policy of the Liberals and The Nationals, you will see they have new requirements such as that the placement of turbines will be no less than 2 kilometres from the nearest home unless there is an agreed contract between the resident and the wind farm developer. So, as I read the policy, there has to be a legal contract with each and every householder within a 2-kilometre radius of a turbine. Implied in that is a considerable time factor as well as a potential cost, as householders may require some financial compensation for signing up to those contracts.

Another part of the policy is the reinstatement of local governments as the relevant planning authority — and I will come back to that issue. There is also the establishment of a shared payment system for landowners who are within a 1 kilometre radius of a turbine, the establishment of no-go zones in a large part of the state and the exclusion of wind farms from areas that are near national and state parks.

This policy has resulted in an amendment to the planning scheme, and the minister has approved amendment VC78 to the Victoria planning provisions, which purport to implement the government’s planning policy. Through this planning scheme amendment the

government has sought to put in place a number of hoops that developers or wind farm proponents need to go through. These hoops will need to be installed by local councils, meaning that local councils will need to work through and try to understand what amendment VC78 means when it talks about requiring greater consideration of the effects of a wind energy facility on the local community.

There is also a requirement to provide a plan showing all dwellings within 2 kilometres of a proposed turbine; a requirement to provide a concept plan showing associated transmission infrastructure, electricity works and access to roads; and a requirement for local councils to have a new standard in terms of noise levels, which is the 1998 New Zealand standard.

There are thus a number of complicated and confusing requirements, both in terms of the policy but also in terms of the rollout of that policy through VC78, and all of that bureaucracy — all that red tape and paperwork — has been dumped on regional and rural councils. As I said, I will come back to that.

Mr Ramsay interjected.

Mr TEE — Thank you, Mr Ramsay. Mr Ramsay quite rightly raises the issue of consultation. When the minister introduced amendment VC78 he did not give any notice. He exempted himself from the requirements of sections 17, 18 and 19 of the Planning and Environment Act 1987, being the requirements to make the amendment available for inspection and to give notice of the amendment.

Since Mr Ramsay raised the issue of consultation, which I think is a valid consideration, I will explain to him that the minister has sat down with people in the department, closed the door, come up with the amendment and then popped it out; he has not consulted. He has exempted himself from the requirements — —

Mrs Peulich interjected.

Mr TEE — Here we have the opposition saying, ‘No, that’s all right’ — that is what Mrs Peulich says. It is all right for this minister to go into his office, close the door and come out — —

Honourable members interjecting.

The PRESIDENT — Order! I know Mr Tee is being provoked, but he should direct his comments through the Chair. I ask those who are being provocative to be less provocative; I refer in particular to their acting like a chorus.

Mr TEE — People in the industry are faced with these significant changes. As the Department of Planning and Community Development (DPCD) has stated in relation to the amendment, it is faced with these changes where no notice of the amendment has been given, which is contrary to the requirements of the Planning and Environment Act 1987. No notice was given, and the minister ‘did not consult’ — —

Hon. M. J. Guy — That’s the election policy.

Mr TEE — I am reading, Mr Guy. Thank you.

Honourable members interjecting.

Mr TEE — Either Mr Guy is right or his department is right, but they cannot both be right when the department says ‘did not consult’. This raises the importance of the need to refer this matter to the committee so that there can be the consultation that this government — and this minister — by its own departmental admission has not done. It is important that we give the industry — —

Mrs Peulich interjected.

Mr TEE — This motion gives this house an opportunity to consult with the wind farm industry and local landowners like Mr Ramsay. For the first time, according to the DPCD documentation, Mr Ramsay will have an opportunity to express his views as someone who will be affected by wind farm — —

Mr Ramsay — We are all affected.

Mr TEE — We do not all own land that is subject to a wind farm proposal.

Mr Ramsay interjected.

Mr TEE — Only to the extent that we all benefit from renewable energy, but I am not sure if anyone else in this chamber has land that is affected by a wind farm proposal. I do not think there is anyone else in this chamber who has a direct pecuniary interest.

Mr Ramsay interjected.

Mr TEE — What this does is give Mr Ramsay and other landowners in his situation — —

The PRESIDENT — Order! Mr Tee has used the magic words ‘pecuniary interest’, and he has inferred that Mr Ramsay has a pecuniary interest in the matter. That is a fairly serious matter to suggest in a speech, and I am concerned about that because in the context of the motion before the Chair I do not believe that

Mr Ramsay’s exposure to a potential wind farm development in his area represents a pecuniary interest.

On the issue of trying to establish whether a pecuniary interest exists, as Mr Tee has suggested in the speech he has been making, I remind the house of standing order 16.07, which states:

No member will be entitled to vote upon any question in which he or she has a personal, pecuniary or direct interest in the matter, and the vote of any member so interested will be disallowed. The interest must be direct, personal or pecuniary and separately belonging to the member and not in common with the public in general or any section of the public or on a matter of state policy.

Mr Tee has made a reference in his speech to the effect that Mr Ramsay has a pecuniary interest. As I said, that concerns me because in my view, looking at the matter before the Chair, I do not believe he has a particular pecuniary interest that is a personal interest not shared by all Victorians.

We are talking about a planning scheme that affects all Victorians, and just because there may well be a proposal that is on or near a property that Mr Ramsay happens to own it does not mean that he has any pecuniary interest in the proposal or will draw any benefit from it. In my view he is entitled to vote and to exercise his rights in this chamber on this matter, because his position on this statewide policy is no different to that of any other Victorian. I urge Mr Tee not to pursue a line of debate that attributes pecuniary interest to Mr Ramsay, because I do not believe that such a claim can be established.

Mrs Peulich — Withdraw!

Mr Koch — Withdraw it!

The PRESIDENT — Order! I do not require it to be withdrawn, on the basis that I have made a comment on it and clarified the matter. I am sure Mr Tee will respect the Chair’s view on the matter. I do not require it to be withdrawn, but I have effectively provided some context for the remarks that have been made. As I said, having considered this matter it is my view that there is not a pecuniary interest.

Mr TEE — Thank you for your guidance, President, on standing order 16.07, which sets out the provisions in relation to pecuniary interests. These provisions have in the past, consistent with your ruling today, been very narrowly interpreted. The guidance you have provided is essentially that under standing orders Mr Ramsay is entitled to vote. I would make a separate point that Mr Ramsay, as the owner of a property that will be affected by a wind farm, needs to

consider his position. I understand that you, President, are saying that under standing orders he has an entitlement to vote, but I think that from a community perspective — —

Mrs Peulich — He's flouting your ruling, President.

Mr TEE — No, I am not. Mr Ramsay is entitled to vote under the standing orders, but he needs to examine his conscience and consider his position. I am not asking the President to rule him out — —

The PRESIDENT — Order! Is Mr Tee making a point of order now? Is this comment by way of a point of order, or is this a continuation of his speech? I would be more comfortable if it were a point of order and I had an opportunity to respond to the remarks that he is now making.

Mr TEE — In that case I thank the President again for his guidance, and I will raise the issue as a point of order. Having accepted that Mr Ramsay is entitled to vote under standing order 16.07, which has been narrowly interpreted in the past in other jurisdictions and by you, President, today, I am clarifying whether as part of my broader submission I can mount an argument that the member, as someone who has land that will be affected by a wind farm, ought to give personal consideration as to whether or not it is appropriate for him to vote in this debate because of a perceived conflict — —

Mrs Peulich — Because it would suit you.

Mr TEE — No, and I can give an undertaking — —

The PRESIDENT — Order! I ask Mr Tee to maintain the point of order rather than debate the issue. Now that we are treating the issue as a point of order I would prefer that we do not get into debate on the matter. I am happy to hear his argument. He has almost established that he wants me to make some comment as the Chair. If Mr Tee has something further to say on the point of order, I ask him to do so, without debating the issue.

Mr TEE — We are nearly there. I am not asking you to reconsider your ruling, President; I am not asking you to exercise your powers under standing order 16.07, because you have indicated your position. I want to suggest that as a personal issue Mr Ramsay ought not to vote on this motion, and I would like to mount that as an argument in my general debate.

The PRESIDENT — Order! I indicate in the first instance that it is my view that in most circumstances

the Chair is not in a position to determine the pecuniary interests of members because the Chair is simply not in possession of direct information about what members benefits, sources of income or advantage might be beyond the basic register of pecuniary interests.

Mr Grimwade, a former President in this place, made the point that the Chair ought not to be put in the position of trying to establish whether or not a member has a pecuniary interest, because the Chair would not be in full possession of the facts regarding that member's interests. He ruled that it was therefore incumbent upon members to determine for themselves whether or not they had a direct or pecuniary interest in a matter. On that basis it would obviously be important for them to inform the house and certainly to consider their position in regard to a vote or direct participation in the deliberations on a matter before the house.

In this case, in order to operate as a disqualification the direct pecuniary interest must, in my view, be immediate and personal and not merely of a general or remote character. On 17 July 1811 — we are going back a little way with this one — the rule was explained by Speaker Abbott when he said:

This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy.

May states that 'state policy' may be equated with 'public policy' and that it is not confined to public bills introduced by the government but is also the subject matter of private members bills.

There have been a number of rulings made over the years in this chamber that have upheld the principles and, as Mr Tee said, have perhaps had a fairly narrow definition of what a pecuniary interest is. Nevertheless, rulings on the matters I have just referred to and other rulings have been to the effect that a member does not have a direct interest in the matter if it is shared by other citizens, if the issue being debated concerns state policy and if the matter does not relate to any particular person. Further, a member would need to be one of a relatively small number of people with a pecuniary interest to be denied his or her right to vote, given their representative role in this place.

I believe the subject matter of Mr Tee's motion relates to a matter of state policy in that the planning scheme in question appears to me to apply to the whole of the state rather than a particular section of land in a particular town, city or municipality. I am therefore of the view that every member of this chamber has a right to vote on this matter. That includes, in my view,

Mr Ramsay, unless he is in possession of facts not available to me suggesting that he has some other pecuniary interest rather than an interest in common with other citizens of Victoria, given that the motion is about a state matter. In that circumstance it would be inappropriate for Mr Tee to continue the line of argument in his speech, which is trying to persuade Mr Ramsay to look to his conscience in considering whether or not he has a vote in this place on this matter.

In my view the only test that Mr Ramsay ought to face in this debate is whether or not he has another pecuniary interest beyond that of the interest shared with all the citizens of Victoria in a state planning scheme. Even in the context suggested by Mr Tee where there may well be a wind farm established in proximity to Mr Ramsay's property, I do not believe that necessarily represents a pecuniary interest for him. We might, for instance, be discussing a development on the Yarra River and there may be members who live in close proximity to the Yarra River who might form a view on that development. Again I think that in those circumstances those members would be entitled to form that view because it would be a view held in common with a large number of citizens of the state rather than one held by a very small group of people or an individual with a benefit or interest.

I thank Mr Tee for raising the matter as a point of order and giving me an opportunity to comment. I invite him to continue his contribution to the debate, but I suggest that the line of argument involving what he perceives to be a concern in regard to Mr Ramsay's position in voting on this matter in this chamber has been dealt with.

Mr TEE — Thank you again, President, for your guidance on this matter. I accept your ruling and will move on.

This motion asks us to bundle together these issues, the policy position and its implementation through VC78, and for the first time open it up to members of the public so that the committee can be informed by their views. Let us hear from the industry, from the workers who may lose their jobs and from those who might oppose wind farms, no matter where they live.

If, as the industry is arguing loudly and clearly, this is the death knell for wind farms in this state, surely this house must give those claims appropriate scrutiny. I have been careful not to go into the details or the potential merits of the policy, and I think that is important. The argument I am making in this debate is based on the concerns that have been raised by the industry. What I am saying is let us take the time; let us

have a committee to review those concerns, look at the facts and then report back to the house.

There is one further compelling argument for this amendment to be subjected to scrutiny, and that is the role of local councils. As I have indicated, in VC78 the model that has been put forward bundles all these requirements up. They are very complicated. Implementing the model requires specialist knowledge of wind noise, the application of the New Zealand standard and the particular detailed requirements of transmission infrastructure, electricity utility works and so on. That responsibility falls to councils as the authorities for all planning permit applications for the use and development of land for the purpose of wind energy facilities. This is another issue that has fuelled the debate, and both councils and industry have expressed concerns about this outcome.

The Building Designers Association of Victoria (BDAV) has articulated its concerns — concerns that I believe are more broadly felt — in a letter to the *Courier* in which Brian Morison, the executive officer, said:

Our members and their clients regularly experience the result of underresourced planning departments, which will only be exacerbated by the new requirement to make decisions on wind farms.

When Mr Morison talks about planning departments in that context he is talking about local councils. He continues:

A dangerous precedent is being set when state government responsibilities are imposed on local councils, which are ill equipped in both resources and skills to deal with these issues.

Councils in rural and regional areas are already under pressure due to their smaller scale and limited rate base. The additional resource impost and expertise required to deal with wind farm planning decisions falls well outside the capacity of these councils.

The BDAV implores the Baillieu government to reconsider the decision to pass on responsibility for wind farm planning to local government.

I stress for Mrs Peulich that he said 'implores'. Again, as per the Department of Planning and Community Development's planning scheme amendment notice of approval, local councils were not given notice. Local councils were not consulted in the development of this model. I think it is important that we get some views on the capacity of local councils to pick up the burden that has been placed on them by this policy.

It is clear that Mr Morison's views — those from the industry perspective — are shared by many local councils. I recently visited the Surf Coast Shire

Council, and councillors told me they believed they were ill prepared for these changes. They do not believe they have the resources to effectively implement what is being asked of them, and they do not have the resources to implement provisions which are, I believe, complicated and certainly confusing.

I know Mr Guy has responded to local council concerns by stating that he has created a department to assist councils. My question to Mr Guy is: if there is now a department, why has he handed responsibility over to councils? Either the department does it or the council does it. I am not sure how the two can be mixed. Either way it is clear that councils have not been convinced by Mr Guy's suggestion that all will be well because he has created a bureaucracy. Councils have not been satisfied in any way by that assertion by Mr Guy. Again, that matter should be explored without traversing the President's ruling.

I am told the Colac Otway Shire Council is also concerned that it will face extra red tape and growing costs when it takes over wind farm applications from the state government. These are legitimate concerns that we, as a chamber, ought not to simply push under the carpet. They are legitimate concerns that we should scrutinise and consider, and we should give those voices an opportunity to be heard, which the government has not given them.

We would be falling short of our duty if we allowed this process to continue without the degree of scrutiny that it deserves. When we think about what is at stake in terms of this emerging industry, which is threatened with being closed down, we would be neglectful of our duties if we did not step in and give an opportunity for those voices to be heard and those issues to be debated. I do not want to pre-empt the outcome of the inquiry; it would be inappropriate to do so. The debate today is whether this chamber should allow consultation and provide an opportunity for consultation, which the department says has not occurred. It is about whether we should give those voices an opportunity to be heard.

There is one final matter I draw to the house's attention, and that is the very tight time frame in terms of the reporting date. That is deliberate. The final report is due no later than 24 May 2011. That time frame has been deliberately set out for a number of reasons: firstly, we do not need an excessive period of time for the consultation; and secondly, the house needs to receive the report prior to the last date on which the house can move to disallow the relevant planning provisions. The time frame has been deliberately set out to maximise consultation, to maximise the time we have to consult and to ensure that there is an opportunity for the house

to consider, in view of the report and in view of the committee's considerations on these matters, whether we ought to allow VC78 to remain on foot or whether we ought to exercise our power to disallow that planning scheme amendment.

This chamber has a great responsibility to exercise its powers to disallow planning scheme amendments with appropriate caution. That is an important power, and with power comes responsibility. It is an important responsibility. We should not be negligent in our duties in considering whether or not to exercise that power, and the best way we can exercise that power responsibly is to make sure that we exercise it only when we are informed of all the facts. We will be informed of all the facts if we allow the committee to consult with the industry, with those affected and with landowners who live in proximity to proposed wind farms. We can then come back with a considered view and with a report that this house can take note of when it considers any steps it might want to take to disallow VC78. It would be a tragedy if this house did not provide for that accountability, that transparency and that openness.

If you look at the concerns that have been raised about this being an important issue, you see there is a lot at stake. We should support this motion because all it does is say, 'Let's have a look at this; let's scratch the surface and see what is there; and let's come back and inform ourselves so that we can have a proper, considered debate'. I would be very disappointed if those opposite, or indeed anybody in the chamber, did not grab this opportunity and see it for what it is, and instead want to shut down the debate, shut down those voices, shut down those concerns and shut down those members of communities and families who are feeling vulnerable after hearing that their jobs in regional and rural communities are under threat because this industry looks like it might close down and move interstate. We owe it to those families who are under threat to get a clearer picture of what is occurring here. We owe it to them to make sure that we are informed about the impact of this planning scheme amendment. I would urge members in this house, particularly those with rural and regional constituencies, to give consideration to those families when they are deciding how to exercise their vote on this matter.

Mrs PEULICH (South Eastern Metropolitan) — I have been appointed as the chair of the Legislative Council Environment and Planning Legislation Committee and, as per protocol, deputy chair of the references committee to which this particular motion refers. I find the motion most peculiar. Not only is the time frame exceedingly challenging but the motion also

calls for the Environment and Planning References Committee to inquire into, consider and report on the impact of Victorian planning provisions amendment VC78.

First and foremost I will address the impact. Because of the recency of the election and the announcement in terms of change, the process has not yet been fully implemented. It is academic to say that the references committee would be in a position to fully consider the impact, given that the implementation has only just begun.

Secondly, as I said, the time frame is very tight and quite clearly shows that Mr Tee — and he was quite open about it — wants to use this committee for a policy debate. He wants the policy debate to be hijacked and to be funded by taxpayers. We have had the policy debate; it was called the election. As much as it hurts Mr Tee — he is deeply wounded and was probably enormously surprised by it — there was an outcome, and part of that outcome was this policy. VC78 has been announced and is being implemented under the leadership of the Minister for Planning, Matthew Guy.

If Mr Tee had come in with this motion in 18 months time, there may have been some considerable logic and grounds for debating it. The wording of his motion focuses on impact, and I find it extraordinary that he is even in a position to be able to ask for it. Mr Tee has called for consultation. There is no stronger consultation than a good old election campaign and election outcome. He has called for a process; he has called for transparency, fairness and appropriate scrutiny. I would have thought that all those who were concerned at the process that existed under the previous Labor government, which basically rode roughshod over local communities, could see that VC78 redresses issues of unfairness.

The government has sponsored and supported that redress. We are committed to restoring fairness to the wind farm industry and to the communities affected by wind farms, and that does require a balance to be struck. This process allows for fair outcomes, including the ability of the Victorian Civil and Administrative Tribunal (VCAT), as part of its normal process, to scrutinise decisions that are made by councils if that is desired, and also for communities, through local government, to refer matters to the minister if they feel unequipped or unable to make that decision due to a shortage of technical expertise. In addition, Mr Guy has announced through his department additional supports, processes and mechanisms to guide local councils in

exercising the powers which the previous government denied them.

Mr Ondarchie — That is leadership.

Mrs PEULICH — Yes, it is leadership. It is called fairness; it is called democracy. I would like to commend Mr Guy for making the reforms he has announced. I am looking at a press release dated 3 March with the headline ‘Minister announces first steps to restoring fairness for industry and communities on wind farms’. It is now 23 March, three weeks later, and already Mr Tee and the Labor Party are calling for an inquiry into the impact of that amendment. If they had been that quick out of the starting blocks on a whole range of other issues that Victorians delivered a verdict on on 27 November, this state would not be facing the debacles, waste and mismanagement which it is facing and which each and every taxpayer will be paying for. For example, the waste on smart meters, the waste on the desalination plant and the waste on the myki ticketing system. They were not particularly quick out of the starting blocks on those issues, but here, three weeks after the minister’s announcement, they want a joint standing committee funded by the Parliament — a committee which has a broad range of functions.

I refer to page 70 of the Legislative Council’s standing orders and to standing order 23.02, which is headed ‘Functions’:

- (2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.

The committee can inquire into myriad issues and has a very broad function, yet Mr Tee brings to this chamber something that was announced only three weeks ago. He was quite explicit about the purpose of his motion and the nature of the short time frame — he wants to overturn that amendment. This is the Labor Party trying to use the benefits of parliamentary resources to flex its muscles to overturn a policy position that Victorians have already voted on. Is that fairness? I would say that the average punter and the average voter would say, ‘No siree’. They have already cast a vote on what they thought of Labor’s brand of democracy, which was about riding roughshod over communities on a range of issues and matters. It is the single biggest message that came out of the last election — the voters did not like it. Labor was not listening, it was out of touch and it was arrogant. This policy takes a different approach. It restores some of the fairness that did not exist under the former Labor government.

I return to the press release of 3 March, which states:

Planning minister Matthew Guy today announced the Baillieu government has delivered on its election commitments —

that is, consultation —

to ensure homes within 2 kilometres of proposed wind turbines are considered in planning applications, and local government will have its authority restored for all new wind farm permits.

How is that unfair? If a decision made by local government were a bad decision and was appealed to Victorian Civil and Administrative Tribunal, presumably VCAT would overturn the decision and we would end up with a contrary decision. It is a very transparent and fair process, and there are support mechanisms available to councils that feel it is beyond them to make those assessments and those decisions. Let me refer to some of those.

On 15 March amendment VC78 to the Victorian planning provisions and local planning scheme was gazetted, implementing the state government's wind farm policies. The changes include restoring local government as the responsible authority for all wind farm applications; changes to planning provisions to strengthen consideration of local amenity impacts — and this is what the opposition thinks is unfair — updating the Victorian wind farm planning and policy guidelines, including adoption of the best practice 2010 New Zealand wind farm noise standard to set noise limits. I am sure Mr Kavanagh, who is no longer a member of this chamber, would think very differently.

The government is aware of concerns among some local councils over their technical skill base to undertake the appropriate assessments. Councillors are constantly concerned about their skill set for making all sorts of decisions. The same argument could be mounted in relation to any area, but if officers lack the technical expertise, Mr Guy, as the relevant minister, has created the position of a statewide wind farm coordinator in his department to assist.

Mr Tee — A bureaucrat.

Mrs PEULICH — You had a facilitation unit. What was that? That was more than just a bureaucrat providing technical advice.

An honourable member interjected.

Mrs PEULICH — No, it was a lot more than that. Support by a coordinating central department is now a bad thing, according to Mr Tee. That coordinator is going to assist local government. An advisory

committee will also be established to assist with technical challenges. To me that seems like a sensible pathway. There is a process: consultation has occurred, this debate is taking place, there is transparency and there is fairness because it is part of a planning process. The government clearly wants to make sure that the system works and that nothing falls through the gaps. Where a development straddles council boundaries or presents complex issues beyond the capacity of a council, the minister will consider any council request to act as the responsible authority. The minister will concede that power. That to me sounds like a sensible pathway.

Further actions in relation wind energy facility development will obviously be progressively implemented as practical measures are developed. How can you inquire into the impact of these practical measures when they have not yet been developed? Those practical measures include new steps to minimise the effects of wind farms on national and state parks and designated tourist areas. That to me sounds like a sensible course of action in response to the concern of communities and other stakeholders. Of course there will be further arrangements to support nearby residents.

I rebut outright the claimed urgency of this motion and the substance of the motion.

Mr Barber — I am going to rebut your rebuttal.

Mrs PEULICH — Mr Barber can rebut all he likes, but the reality is that we made some announcements three weeks ago. This motion is calling for an inquiry into the impacts, and it shows clearly the agenda of Mr Tee and the Labor Party, obviously supported by the Greens. Here they are getting cosy with one another; it is a reflection of the preference arrangements at the last election, much to the detriment of the Greens. If it were a genuine political party that wanted to advance its own cause, it would be a little bit more circumspect about how and where it directs preferences and maybe mix it up a little bit. But, no; what the Greens do is just fall into line. They were prepared to forfeit and sacrifice an opportunity to win lower house seats by falling into line and delivering the additional votes that Labor needed to try to hold on to office. The environment is too important an issue to be sacrificed by people who are clearly prepared to play second fiddle to the Labor Party and Labor Party interests. I would have thought that Mr Barber was more intelligent and able than that. He is probably much more able than many of the former Labor ministers.

Mr Barber — I'm blushing now!

Mrs PEULICH — I am paying Mr Barber a compliment. He is not just a ranga. Even though he is going to rebut my rebuttal, I recognise the fact that he has a genuine interest in the environment. However, the preferences organised by the Greens did not serve that environmental cause well. The Greens were prepared to play second fiddle and to diminish their cause and just end up being lackeys of the Labor Party. That is sad.

Mr Barber — We were the tail wagging the dog!

Mrs PEULICH — I thought the Greens were the tail that wagged the dog too, but clearly that was not the case. That is a shame, and I urge Mr Barber to reconsider his policy and strategy. It is possible for the Greens to advance their interests, but that is not going to happen by hooking up their wagon to the Labor Party for every seat whenever they can. The Greens come in here and try to present themselves as being independently minded and having their own agenda, but when it comes to how-to-vote cards it is the typical story. That is a sad fact. For those of us who share a passion for the environment it is a sad state of affairs.

I am pleased to give this new policy an opportunity to be fully implemented. This Parliament and this chamber will have opportunities to debate it if there are flaws and problems concerned with the policy's implementation and impacts — not three weeks after the reforms have been announced but once they are implemented. That would be far more logical in my mind.

We know there is an agenda. There is a commonwealth Senate Community Affairs Committee inquiry into the social and economic impact of rural wind farms. Coincidentally the time line for submissions to that inquiry closed on 10 February, and the committee is scheduled to report by 30 April. Rather than doing its own work, the opposition wants to piggyback on the work of the Senate so it can come back here with a report on 24 May and have a good old policy debate. Victorians had the policy debate; it was on 27 November 2010. Mr Tee and his colleagues may be sore losers, but Victorians have given this government the imprimatur for the next four years to implement its policies, and that is its obligation. I commend Mr Guy for doing precisely that and being fast out of the blocks to implement a number of those policy recommendations, including getting rid of that dreadful VC76.

Communities are delighted that he is proceeding with the implementation of those election policies. We in this chamber will have the opportunity of debating the impact of those policies at future points in time, when

we are in a position to see how they have been implemented. I look forward to contributing positively to that debate. I have every confidence that those results will be good and will be received favourably by the community. I will certainly vote against this motion. It is not the best use of our time. It is misleading; it is a thinly veiled motion to just get into a good old policy debate.

Mr BARBER (Northern Metropolitan) — We should be able to agree that this is a significant planning scheme amendment. It is significant in terms of its impact on a significant industry, and I will talk a bit more about the industry towards the end of my presentation. It is certainly significant within the context of the government's election platform on planning.

I have here with me the collected coalition pre-election policies and plans — the holy of holies, if you like; the Dead Sea scrolls of what this government's political agenda is. Within that is the Liberal-Nationals planning policy. If I go through the Liberal-Nationals planning policy I can find a short list of proposals where we can see the government's intention to amend the planning scheme. There is a lot of other verbiage, a lot of other intentions and a lot of other changes to bureaucratic arrangements, but there is that short list of planning scheme amendments that have been foreshadowed.

There is a planning scheme amendment to make it easier to cut down more trees. There is a forthcoming planning scheme amendment to make it easier to expand the urban growth boundary. There is a forthcoming planning scheme amendment that will require local councils to define the boundaries of activity centres — I do not know what the activity centres are yet, because the government is still working out the metropolitan strategy. There is a proposal to amend VC71 to make it easier to subdivide land in the farming zone, which seems to coincide with the new urban interface zone, and then there is this planning scheme amendment. This amendment implements only part of the government's policy on wind farms, so we can be pretty confident that as well as the measures contained in this planning scheme amendment there will be a further, and no doubt soon-to-be-introduced, amendment that will specifically address the remaining issues of the government's platform, which include both the requirement for a contract between wind farm developers and residents within 2 kilometres of the wind farms and the establishment of a shared payment system for landowners whose properties are within 1 kilometre of turbines.

The remaining measures in the government's wind farm policy are being implemented by this amendment, or, if you take the example of the public availability of all data on the energy output of wind farms, then in fact the government's policies have already been implemented. The government does not need to do anything to implement those policies, because the measures already exist.

In the context of the government's stated plans in relation to amendments, this amendment is a fairly major one on its short list. I completely concur with the main thrust of Mr Tee's argument, which was that because this planning scheme amendment is a significant one it should have gone out on exhibition. When the Bracks government came to office in 1999 with a pledge to reform ResCode, even though that was a government election promise and a very well understood one it nevertheless put to a panel its proposal for changes to the old Good Design Guide in creating the new ResCode.

The reason Mr Guy will not put to a panel this amendment or his subsequent amendment on wind farms is not due to it being a matter of urgency or having a mandate. As Mrs Peulich said by way of interjection earlier, 'We won. Get used to it'. The reason Mr Guy will not put this amendment to a planning panel is that we already know what a planning panel would say. The proposition that residents within 2 kilometres of a wind farm should have a right of veto or that there is a magic 2-kilometre buffer zone has been argued before panels many times in relation to wind farms. In every case the panels have rejected those arguments. Just recently with respect to a wind farm at Moorabool the shire council argued for a 2-kilometre fixed buffer zone — or a 'ring of confidence'; call it whatever you want — and the panel specifically rejected that argument, stating that it is illogical that 2 kilometres can be a magic line that represents anything. However, that is the proposition the government took to the election.

The government is not willing to put this amendment to a panel because that would put it in a very difficult position. Every panel report so far has rejected the idea of a fixed 2-kilometre buffer, and it is obvious why that is so. What is the magic in 2 kilometres? What does that distance of 2 kilometres deliver? Is the issue to do with noise? If it is, why do we and why does this amendment require wind farm developers to do detailed noise modelling, to modify their proposals and to assess a whole range of complex factors that contribute to noise levels? These factors were embodied in the New Zealand guidelines, which were brought into the Victorian government's scheme only to be tossed out.

The government said, 'You know what? Two kilometres is the magic number'. Someone could be upwind of the prevailing winds in their area, they could be behind a hill or they could have a six-lane freeway between them and the wind farm, yet under the government's proposed amendment they are able to veto the wind farm. This policy of 2 kilometres is illogical. There is no sense to it, and there is no science that can be brought to bear that indicates that a distance of 2 kilometres will have a particular impact on noise levels.

I will move from the noise impact to the human impact. We can talk about that in much more detail. It is interesting to note that the Senate recently set up an inquiry into these impacts as they relate to wind farms. The federal coalition, currently in opposition, is very keen to have an investigation into the exact same matters that we are proposing to investigate here. In fact one of the coalition's objections to wind farms is that it believes that wind farm developers act coercively towards land-holders and that they play land-holders off against each other. The federal Senate inquiry offers an opportunity for land-holders to speak about these issues under parliamentary privilege even though they have allegedly signed confidentiality agreements.

At the federal level the coalition is quite happy to provide parliamentary protection to people so they have the opportunity to talk about the impacts that wind farms have had on their properties, yet at the state level — and this is an overall principle in relation to all inquiries that we may propose over the next four years — we cannot offer the same protection to any witness in Victoria. As long as the government opposes every inquiry into something that might embarrass it, this Parliament will never be able to get a witness before an inquiry and give them the protection of parliamentary privilege when providing testimony. If the government persists in opposing all inquiries into its policies, then we have lost a major plank of our integrity mechanism and our watchdog here — that is, the Parliament and parliamentary committees.

I return to the substantive issues contained in this amendment and the foreshadowed policy. The amendment requires applicants to identify neighbouring properties and neighbouring dwellings. That is completely redundant because every planning permit application for anything requires a design response, the purpose of which is to look at the proposal in relation to neighbouring properties. In fact a local council would be in a position to refuse outright an application that did not contain a design response. If I want to build a pergola on the back of my house, I have to hand in a plan that shows where my neighbour's house is in

relation to my house, and I would be amazed if an applicant would bring forward an application that did not identify neighbouring properties and neighbouring houses, roads, powerlines et cetera. The government wants to make this a requirement, but I argue that it is already a requirement.

The government intends to go further and require a legal contract between a resident and the wind farm development if it is within 2 kilometres of the resident's property. Otherwise, if the contract does not exist, my understanding of this policy is that the wind farm will not be able to go ahead. The idea of a resident or neighbour veto over a development is an amazing concept to introduce into the planning provisions in Victoria.

Over the last few months Mr Guy has wanted everyone to know that there is a new sheriff in town. With this policy there is no doubt that there is a new sheriff in town. He has introduced a concept into Victorian planning — —

Mr Lenders — He is whipping the horse.

Mr BARBER — Let us not extend the analogy too far, but later on we will talk about whether he fired his revolver before he took it out of the holster.

This is a new concept of a resident veto or a neighbour veto over a development. Many moons ago my colleague Mr Ramsay, as part of his role before being elected to this place, invited me to a forum about planning. We managed to have an exchange with him and some of his supporters about planning issues as they related to rural industries. I remember it very well. The theme of the forum set up by Mr Ramsay in Whittlesea that day was how neighbours were making it impossible for farmers to farm through constant objections to the off-site impacts of various farming activities.

I remember we talked about spray drift onto neighbouring properties, gas guns, the smell from fertiliser spreading or perhaps the dung coming off the wheels of tractors, which is what people were complaining about. The then Victorian Farmers Federation president brought forward a litany of planning issues where residents and in some cases local councils were making it virtually impossible to undertake normal farming activities which had some off-site impacts, whether they be sound, smell or water issues.

That is why I am absolutely fascinated to see one of the first acts of this new government has been to introduce the concept that neighbours within

2 kilometres of wind farms should be able to veto a farming activity — that is, the farming of wind. We could probably agree that wind farming is the biggest and newest rural industry. I do not know anything that has come along recently that would match wind farming as a new rural industry, certainly not in the municipalities that we are talking about. We are talking about millions of dollars of lease payments to farmers, significant local employment — —

Mrs Petrovich — But not their neighbours.

Mr BARBER — Let us explore the government's proposition a bit further. It is arguing basically that there is a reduction in amenity and, through that, land values to neighbours and therefore — —

Mr Ramsay — By about 40 per cent.

Mr BARBER — The figure is 40 per cent. What is the reduction in land values for properties near abattoirs? How much should those land-holders be compensated, because — I think we can all agree — nobody really wants to live near an abattoir, and certainly not downwind of an abattoir? What is the government's proposition for people who live near piggeries, feedlots or abattoirs or who experience spray drift? Will they also be given a veto over neighbouring developments? I think we know the answer, and I would not advocate it, but that is what the government is advocating. We have to find another reason for the government picking on wind farms. I will have to come back to that.

The government is now putting forward the proposition that people living within 2 kilometres of a wind farm are so affected by the impacts of that wind farm that they have to be compensated or, at the extreme level, given a veto over that development. It relates to various theories that have been put around about noise from wind farms and the impacts of noise. From my experience, there is nothing particularly awful or mysterious about the sort of noise that is generated by wind farms. It is the same physical phenomenon that anyone would observe from an object rushing through the air. People have asked me if I would live near a wind farm. That is a daft question because I live in the city where the noise environment is much more significant than anything generated by wind farms.

With all the science, study and application requirements around noise assessment, at the end of the day the government just does not trust any of it, because there will be some people living near wind farms who do not accept the science, monitoring or raw data. I have no doubt that in some cases they genuinely worry

themselves sick. I am not saying those people are making up their symptoms or making up what they are experiencing; I am simply saying that nobody can point to any physical connection between sound at these levels and what people are experiencing.

The World Health Organisation (WHO) and the National Health and Medical Research Council (NHMRC) have looked at it and said, 'This is the way noise would affect people: it would affect them if they could not sleep at night'. If you could not sleep — that is, if you did not get any sleep — then you would experience a whole range of stressful and ultimately physical symptoms. That is why the WHO, the NHMRC and everybody else who has looked at this, including every other Australian state jurisdiction and New Zealand, have come up with a measure around the 40-decibel level. All the material that is brought to bear in this amendment confirms this. But the government is now saying, 'We do not care about 40 decibels any more. What we care about is 2 kilometres', and, as we have heard, the government does not really want to see the evidence tested in a Victorian parliamentary inquiry.

This amendment will have a real impact on the development of the wind industry. As we know, the wind industry is tied almost directly to the renewable energy target. At the moment the renewable energy target is about 10 000 gigawatt hours a year. That is going to rise to 45 000 gigawatt hours a year, which is four and a half times what it is now. If Victoria gets its share of the target, and if in the early days that is mainly produced by wind, we could expect to have four and a half times as many wind farms as we have currently. But the industry is certainly arguing that the guidelines and the government's policy are so restrictive that there would be very few places in Victoria where a wind farm could be developed that would not be within 2 kilometres of a dwelling.

If we fast-forward a few years, we can see a situation where that target, which had multiparty support in federal Parliament, will continue to come through, but either due to the physical constraints put on by this government's policy or due to the uncertainty created by that, much of the possible wind farm development will be driven out of Victoria. I would say that if Mr Guy has his way, then 10 years from now you will know where the South Australian border is because it will be marked by a line of wind farms on its side.

Just to go into a little bit of the politics for a minute, I ask: how did the government get into this pickle from which it is now going to have to extract itself? I cannot see any other way forward but to make some sort of

strategic withdrawal from this policy, although possibly that would not be in the short term because the renewable energy target is not driving a lot of new wind farms this year. However, over time there will no doubt be a strategic withdrawal.

The government has been captured somewhat by a group of people who are deniers, and I do not just mean climate change deniers as they are a subset of the scientific deniers. Of course scientific deniers are a subset of people who are just deniers: they say, 'Stop the world I want to get off. I don't like the way things are going', or that is what they say in this particular instance anyway.

The government has a fair few people who worship the market and it has a fair few people who are old-school agrarian socialists, whatever that might mean these days. But in the middle there is now a great wedge of deniers: people who do not like the science if it tells them something that according to their social and cultural agenda they do not want to hear. It is classic Galileo telescope stuff: 'I am not going to look down it because it is going to show me something that theologically my priests tell me cannot exist, so it cannot be a very reliable instrument'. I will bring this right down to the 40-decibel discussion. These are people who do not question the science of jumbo jets when they are flying in one, they do not question the science of chemotherapy when it is saving their lives and they do not question the science of laptop computers when they make their day a bit easier, but they totally question every aspect of the science of something as relatively well understood as noise.

There is another screwball theory every week about what the noise from wind farms is doing, when in actual fact it is very well understood. It is the exact same physical phenomenon that we experience from the sorts of noises we get all the time in the city. Interestingly, and this is a good one for Mr Guy, there is a range of different planning instruments that set noise levels and 40 decibels is one benchmark in relation to wind farms. But there are a lot of other issues that Mr Guy might soon grapple with, such as the noise from freeways or the noise from live music venues, where you would hope for some consistency.

Effectively the deniers have taken over the policy. In the short term they are feeling very emboldened because they see the text of their ask translated straight into the government's policy statement, while the government, in the short term at least, feels that it has no choice but to implement its policy word for word. At this point the government has a number of bad policies which pretty much everybody around the place knows

were not great ideas, but it will not back down on them because it is worried that if it backs down, it will look weak and that might be the beginning of the end.

There is no doubt that the media would attack the government if it backflipped at this early stage on any of its policies which are now being queried. I would not. If the newly elected government did a proper investigation and said, 'You know what? We still want to achieve the same objective but we have come up with a different way of doing it', I would give it a tick for flexibility and for consideration. Maybe the media and the opposition would come out and bag the government, but I would argue that if we all agree on a particular objective, which in relation to noise and wind farms is a good night's sleep for the neighbours, and if there is a better way of achieving that objective, then the government should re-look at it.

The government is not going to do that, and, as we have heard, it is not going to let the Parliament do that. But over time I think the government will succumb to pressure to change the way this policy operates, and I think we are already seeing that. It has not been a Liberal government thing to chase development out of the state of Victoria and certainly not to chase significant capital investment and job creation out of rural areas or to stop councils that have limited rate bases from getting a great big whack of rates. If those millions of dollars in rates are not collected from wind farms, then those same millions of dollars will have to be spread over all the other ratepayers in that rural municipality.

Mr Ramsay interjected.

Mr BARBER — There is no doubt that significant rates revenue comes from wind farm installations. Coming back to my previous association with Mr Ramsay, there is one thing I know he hates, and that is paying rates. If there is one thing farmers like to moan about, it is paying rates to council.

Mr Ramsay — No, we want to pay our share.

Mr BARBER — Okay. They like to pay their share. What we are offering here is the ability for the rate burden to be reallocated within Moorabool shire, the Pyrenees shire and all those other shires because now the capital value associated with wind farms — —

Mr Ramsay interjected.

Mr BARBER — Surely you are not telling me that wind farms do not pay rates. Do they not have a rate bill? Are they not rateable?

Mr Ramsay — The land-holders pay the rates.

Mr BARBER — They are rateable.

Mr Ramsay — The land-holders pay the rates.

Mr BARBER — No, you can rate a lease. I will let Mr Ramsay into a little secret: electricity installations in urban areas are rateable separately to the land they are on, strata title car parks are rateable separately to the building they are in and telecommunications towers are rateable separately to the piece of land they are on, and I would be shocked and appalled if councils had not worked out how to rate wind farms yet. With their capital value and earning potential, we know what the lease payments are worth.

Mr Ramsay — Give me an example.

Mr BARBER — I am not privy to the rate database of any particular council; I am just saying I would be amazed if councils were not able to collect rate revenue associated with what might be a multimillion-dollar development on a piece of land and if councils were not in a position to capture some of that value, but if they cannot, then we have a decision for whichever minister is responsible for the land valuation process.

The final issue is the suggestion to give back to local councils the power to make the decision, as if that is some kind of panacea. We all know that is not going to happen. We know from past experience that councils frequently do not make a decision about an application within the time limit. The time limit for making a decision on a wind farm is exactly the same as the time limit for any planning permit application; there is no graduated scale of decision-making time. This leaves it up to the applicant to decide the timing in a way, because these things are always out of time, so the applicant has to make the call about when it applies to the Victorian Civil and Administrative Tribunal (VCAT). That is exactly what happened with the Chepstowe wind farm application. The Minister for Planning, Mr Guy, said, 'We will return this power to councils', the council failed to determine the Chepstowe application within the statutory time line, the application went to VCAT and the minister intervened at the tribunal — it went back into the minister's bailiwick.

Oddly, the minister says the applications for big wind farms — those above 30 megawatts — should go to councils. However, just a few days ago, on 8 March, the Peshurst wind farm, which is a really big one, was ordered by the minister to produce an environment effects statement (EES). There is no way the council will be able to make a decision on that application, the

argument being that it is too big. It is so big it needs an EES, and all the approvals will be wrapped up in the EES process. It is yet another example of where the minister's proposal to give decision making back to local councils has been reversed. He has twice reversed the intent of his own decision making. I am hearing different things about the attitude of local councils to this issue — whether they want to make these decisions or whether in practical terms they end up defaulting to another authority with more specialised knowledge.

That is my view of the government's overall policy on wind farms. This amendment is the first tranche of that policy. We know the second tranche is coming very soon. We should consider this amendment in a public inquiry. If the second half of the amendment comes soon, we should move a motion to attach that to the same inquiry, but that is a separate debate — we are not there yet. It is unfortunate that we did not get the whole thing in one amendment, as we could have considered it all. However, we have heard from the government that it will not support such an inquiry, which means that debate will continue to play out in the public sphere. Either way I am sure all members will be busy with this issue for quite some time to come.

Ms TIERNEY (Western Victoria) — I rise to make a contribution to this debate in support of Mr Tee's motion. I do so because of the incredible importance of renewable energy and its industry to Western Victoria Region. I particularly refer to wind energy in terms of jobs and its direct and indirect contribution to local economies.

Western Victoria has the vast majority of wind farms in the state. Its association with the wind industry goes back a considerable length of time. Several wind farms are currently being constructed in the area, but there are also a significant number of wind farms in the queue — in the planning process. That is one of the drivers for the level of anxiety that is being played out in our communities and indeed in the local media.

It is not surprising that the local media in the length and breadth of Western Victoria Region often covers wind industry issues, closely following government policies as well as related issues. I must say the amount of media attention on the issue in the past week — whether it be in the local newspapers, on TV, on the radio, in the *Weekend Australian*, in the *Sunday Herald Sun* or in the *Age* — has been particularly large, to say the least.

I want to give the house some of the flavour of the concerns that have been expressed, particularly locally. We have obviously heard from the key wind industry

proponents, Keppel Prince and Pacific Hydro. Pacific Hydro was quoted in the Warrnambool *Standard* as recently as on 22 March as saying that at this point it will not:

... be taking any new project through planning in Victoria.

One of the key issues with the 2-kilometre setbacks, under our current reading, is that it only takes one farmer to say no and they have veto over \$300 million worth of regional investment.

On ABC south-western Victoria radio in Warrnambool on 21 March, Chris Schulz, a partner at Allens Arthur Robinson, the law firm that represents some of the large wind energy companies, was quoted as saying local governments did not have the resources to handle large wind farm applications. Mr Tee quoted from an article about this issue in the *Colac Herald* of 11 March in which Rob Small, the chief executive officer of the Colac Otway Shire, indicated:

This decision will place an enormous burden on councils which will have to process and assess applications for new wind farms.

Again, as recently as yesterday, on ABC radio at 6.32 a.m. we heard that Keppel Prince Engineering:

... could be forced to move interstate under the Victorian coalition government's new wind farm planning rules. Some wind energy companies plan to halt investment in new Victorian projects under the rules that include tougher restrictions on the proximity of turbines to houses. Keppel Prince general manager Steve Garner says it will move interstate if work dries up in Victoria.

Again as recently as yesterday Keppel Prince also said it required the government to pay much closer attention to this issue.

There have been letters to the editor in almost every local newspaper. There was one in the Ballarat *Courier* on Monday from Brian Morison, the executive officer of the Building Designers Association of Victoria. Mr Tee has quoted from that letter today, so I will not do so, but Mr Morison's letter makes a very strong argument that council planning departments are vital tools for ensuring that in particular the housing needs and expectations of Victorians are met and that this new planning control responsibility is a move in completely the wrong direction.

Yesterday in an article entitled 'Spinning out of control' the Warrnambool *Standard* said:

New laws giving local councils planning control threatens proposed wind farm projects, energy companies say.

That is just a very small taste of some of the coverage in western Victoria in the last 48 hours.

I will summarise the issues that have been raised. They essentially go to the new planning regime being a burden on councils and planners at the local government level not having expertise in relation to wind farms. The MAV (Municipal Association of Victoria) has also been quoted as saying it thinks there is a possibility councils may play politics and deliberately block proposals. We of course are concerned that there will be a loss of millions of dollars of potential investment, particularly in the south-west and particularly as a result of what Keppel Prince Engineering is saying. Keppel Prince is a local manufacturer based in Portland employing about 450 people. If its threat in any way comes true, that will have an enormous impact on the Portland and south-west Victorian community, as it and Alcoa are the two largest employers in that area.

We need to have a solid look at what this policy means, because it is not fair in any fashion or form to have such a large group of people have their job insecurity waved in their faces.

We also have the issue of a single person now having the potential to veto a project worth hundreds of millions of dollars, a veto based on a 2-kilometre restriction which, as Mr Barber has pointed out, is not based on any scientific argument. Then there is the issue that the Baillieu government gave bipartisan support to Victoria's renewable energy target of 20 per cent by 2020, yet going through with these guidelines would put that policy in question as well as under the microscope.

With these points, and given the importance of this issue, I note that it is important for us to give voice to all stakeholders with issues — those who are being affected by the changes. I support this motion, because it provides an opportunity for not just one group but a range of groups to come and talk to us about their concerns. We are not talking about only a very small group of people with concerns, and we are not talking about just one group with vested interests. The scope of concern about this issue in the stakeholder community is enormous. I therefore think it is only proper that we allow these groups to participate in an inquiry.

I support the motion before us, because I think it is only proper that the issues raised by the stakeholder communities are properly looked at by the newly formed Legislative Council Standing Committee on the Environment and Planning. I believe the government voting down this motion — a motion that gives voice to the numerous issues and the numerous stakeholders — would flout the government's own views about consultation. I ask government members whether they

intend to vote down this motion. Are government members intending only to allow matters to be referred to reference committees if the prerequisite for doing so requires such matters to be encompassed by coalition policy or coalition election promises? It is important to get the answer to that question on the table fairly early in this parliamentary term.

What have we set these committees up for? Are we only allowed to give these committees references for matters the government indicates there should be inquiries into? If that is so, I call on the government to show me the standing order that supports the position that references should be based only on government policy or the government's own election promises. I ask government members: is this the way they intend to govern? Will government members shut down the new upper house committee structure before it gets off the ground and narrow the areas of inquiry to the whims of the government?

In conclusion, I support the motion before this house and I encourage all members to support it. I also encourage a full and proper examination of the issues confronting western Victoria and its very important wind farm industry.

Mr RAMSAY (Western Victoria) — I rise to speak against the motion proposed by Mr Tee and to respond to a number of comments made by various speakers who support this motion. The good news is that I do not intend to speak for long, because I think enough hot air has been generated by those supporting the motion to run a number of wind farms across Victoria without me adding to that burden.

At the outset let me say that I am a strong supporter of wind farm development and renewable energy generation — important activities in the electorate I represent. I also agree with Ms Tierney that it is important and economically valuable to have a number of renewable energy projects across our region supported by government. I refer not only to wind energy but to a number of energy projects that have come before the present planning minister, as well as those that came before the previous planning minister.

I would like to make some comments about some remarks that have been made about me during this debate. There was an implication or an insinuation made about my supposed interest in a wind farm development in close proximity to my property. I do not think Mr Tee had quite enough courage to declare exactly what he was implying or insinuating, but let me place on record that I do have an interest in a wind farm that is proposed to be built locally in my area, as I do

have an interest in at least 14 wind farm proposals that were slashed with a tick by the previous Minister for Planning, Justin Madden, in a haphazard manner just prior to the last election. The fact is that the former minister's actions have left a number of our half a million voters absolutely floundering and wondering what will be the impact of this rushed process, which was conducted without due diligence and with a lack of common sense, and which was driven politically by the former planning minister, Justin Madden.

For Mr Tee's information, the implication in relation to my interest in such matters concerned a planning permit applied for and issued eight years ago for a wind farm development in the Shire of Colac Otway. The fact is that the permit sits under the old planning regime, so it has no relationship to either this motion or the gazetted new guidelines that the planning minister proposed; the permit sits under the old guidelines of 2003.

I also remind Mr Tee that this project was so successful that in eight years we have not seen any sign of any construction. This project has gone through three project managers and two deeds of agreement, and it has left land-holders floundering about exactly what they signed up to eight years ago. That is the point. In my previous role as president of the Victorian Farmers Federation (VFF) one of the significant major issues in relation to planning and the environment was about permits for wind farms right across the length and breadth of Victoria. It is true that there has been a divided view in the farmers federation and in the constituency of Western Victoria Region about the purpose of wind farms and the benefit that they provide to land-holders who are directly affected or not directly affected.

I am disappointed that Mr Tee would raise the issue of my interest without having done the due diligence or the background work to appreciate that I have no direct interest in the proposed wind farm under the planning permit issued eight years ago. The project has had three different managers, and there is still no sign of any construction.

I would like to confine myself to speaking on the motion put forward by Mr Tee. I concur with Mrs Peulich that there is no possible way that a committee sitting under the auspices of this house could make a final report in 60 days in relation to planning provisions that come under planning amendment VC78.

I also draw to the attention of this chamber the rush of blood experienced by the previous planning minister when he issued at least a dozen planning permits to the

electorate of Western Victoria Region. There was absolutely no consultation with the land-holders and no significant consultation with local government — and that is what this amendment is all about — in relation to what impact those planning permit provisions would have on those sites or on the community and what other effects those developments might have. I can assure the house that since becoming a member for Western Victoria Region I have been inundated with questions from concerned constituents about many proposals under planning permit provisions that the previous minister applied in the Western Victoria Region and about what impact they would have from the points of view of aesthetics, health, noise and land value.

The original guidelines were gazetted in 2003, unfortunately in such haste that in my previous role as president of the VFF I learnt that many land-holders were unclear about, unaware of or not provided with information that would help them negotiate with wind farm generators. It is a nonsense to say that many projects will be on hold because of the proposed amendments put forward by the planning minister. The fact is that there will be requirements for the fossil fuel generators at the very least to get renewable certificates to be able to meet the 2020 guidelines in relation to the 20 per cent reduction in greenhouse gas emissions. That will be the driver of the initiative for the historical generators to invest in renewable energy so as to be able to garner some of those certificates.

Mr Barber interjected.

Mr RAMSAY — That is true, Mr Barber. Thank you for that; it will be the retailers.

We need some time to understand the benefits and impacts not only of the old planning provisions under the old gazetted guidelines but also of the new guidelines. However, it would not be possible for this house to investigate the matter in 60 days through a committee process and understand the impacts of the VC78 amendment. I might add that this is not an amendment that has been quickly placed on the table; the amendment process was done with considerable consultation with local councils prior to the election. Prior to the election I spent an awful lot of time working with councils right across western Victoria discussing what the merits, benefits and disadvantages were under the old 2003 guidelines, and I also started to formulate a policy that the coalition could support in relation to new wind farms.

I will refer to Mr Tee in my closing remarks because he has made a number of statements in relation to both the proposed amendment and his motion. He talked about

jobs, and it is true that the wind farm energy sector will create jobs, but certainly not to the extent suggested in the information he has received. The fact is most of the parts for wind farm are imported. The actual rotor blades are imported, the generators are imported and most of the steel structures are imported. The only things that will provide the job capacity that Mr Tee talked about are the concrete slabs to be placed on the farms, which I agree are quite significant.

Here we have another dilemma, though. In the rush to provide planning permits and the rush to have land-holders sign up under these heads of agreement there have been no provisions made for who is going to take responsibility when the 25-year leases expire and all these land-holders are left with many hundreds of tonnes of 100-metre concrete stems all over their properties.

Having said that, I am not actually arguing for or against wind farms. I am arguing that Mr Tee's motion will add no credible value at all to the proposed new amendment.

I also refer to Mr Tee talking about a success story. That is not what I am hearing out in western Victoria. I am hearing about a disaster.

Mr Tee — Bring them on; let's hear them.

Mr RAMSAY — Mr Tee needs to come down to western Victoria. He has to get out of the metro limits. Mr Barber has kindly informed me he has now become a land-holder, so I am sure he will understand the right-to-farm issues he mentioned. He will talk about the cows walking past, the smells and everything else. He will enjoy living among — —

Honourable members interjecting.

Mr RAMSAY — Come on out, Mr Tee. Come on out of the house, the cement buildings — —

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Planning: Fishermans Bend development

Mr TEE (Eastern Metropolitan) — My question without notice is to the Minister for Planning, and it relates to the development proposal that his government has signalled for Fishermans Bend. Mr Phil Lovel, the CEO of the Victorian Transport Association (VTA), has publicly stated that he was not approached for feedback on the proposal, which he believes will

greatly impact on the transport industry. The CEO for Shipping Australia Ltd, Llew Russell, has been critical of the planning minister's lack of consultation, stating that he was surprised that Shipping Australia had not been approached and, 'One would hope that we can collaborate to meet everyone's requirements, but you can't do that if you're not consulted'. I ask Mr Guy if he sought the views of the VTA and Shipping Australia prior to making his decision?

Hon. M. J. GUY (Minister for Planning) — The Labor Party does not seem to understand that in November last year there was a state election, and at that state election we had a planning policy, unlike the Labor Party. Urban renewal was clearly articulated in that planning policy, and in the coverage of the planning policy at the time the sites that were mentioned were ones such as the one Mr Tee is referring to. If Mr Tee cannot understand, whether it is on wind farms or urban renewal, that the Victorian people have spoken and that when it comes to consultation on policy we had a planning policy and Labor did not, then he will find himself in opposition for some time.

The proposition this government has put forward on urban renewal is visionary. Labor's opposition to urban renewal comes from the same Luddites who opposed CityLink, the same Luddites who opposed the new museum, the same Luddites who opposed the exhibition centre redevelopment and the same Luddites who opposed every measure to bring Victoria's budget back into the black when they were last in opposition. What they show today is that the Labor Party has fundamentally never changed, from its time in opposition in the 1990s to its time in opposition now, in that it is a party of zero vision and zero policy. Despite John Cain starting Southbank and Jeff Kennett starting Docklands, Mr Tee's party has zero vision, and its opposition to urban renewal proves it.

Supplementary question

Mr TEE (Eastern Metropolitan) — In the election commitment there were promises around consultation, around openness and around transparency. Here we have got two stakeholders saying they had no consultation. My supplementary question goes to Mr Lovel's view — which you would know if you had consulted with him — that the noise levels in the area are too high for a neighbourhood. My question to the minister is: does he share those views?

Hon. M. J. GUY (Minister for Planning) — Can members imagine if the John Cain government back in the 1980s had said the noise levels were too high on

City Road and Sturt Street for any kind of residential development, or back in the 1990s when we were building the CBD and trying to repopulate Melbourne's centre it was said that the noise levels would be too great for residential development? It is about having a vision. That is why we are putting in place an urban renewal authority that will do the consultation, the structure planning and the precinct planning. That is the kind of stuff the Labor Party just does not get when it comes to urban renewal. The Luddites opposite just do not understand that you do not just roll up and say, 'Here it is; we'll buy up a whole CBD area like Dandenong and do it ourselves'. Urban renewal is something like that which was perfected by the Cain and Kennett governments, with an authority to manage it. We are putting those structures in place. The appropriate people will be consulted over the rollout of the Urban Renewal Authority, and I, unlike the Labor Party, have every confidence it will be a success.

Royal Children's Hospital: funding

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Health, Mr David Davis. Can the minister inform the house about the underfunding of the Royal Children's Hospital as a result of the previous Labor government's failure to provide for modern information and communications technology systems?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her longstanding interest in the redevelopment of the Royal Children's Hospital. All members of this chamber would be supportive of the redevelopment of the Royal Children's Hospital, a very important project worth almost \$1 billion to try to build a world-class hospital for Victorian children in the future.

I have to inform the member about the sad fact that the previous Labor government went ahead with building this world-class facility but failed to outfit it with modern information and communications technology (ICT) that would have led to a higher standard of clinical care and that would have completed the — —

Honourable members interjecting.

Hon. D. M. DAVIS — I say to Mrs Coote that it is very unfortunate that the former Treasurer knocked back a budget bid by the Royal Children's Hospital, knocked back its business case and said, 'I will not fund it'.

Mr Leane — On a point of order, President, this minister has once again flouted one of your earlier

rulings that he should direct his response through the Chair. On top of that he should not be pointing aggressively towards this side of the chamber.

The PRESIDENT — Order! Mr Leane's point of order is bordering on frivolous, so I am not all that happy about it. He will recall exactly what I said about the so-called pointing yesterday. Unless they are absolutely belligerent, members have the opportunity to make some gestures and comments. Mr Davis is directing his comments through the Chair. It is more difficult for members who are speaking to address their comments through the Chair when they are provoked by interjections from the other side, and I have to say that Mr Jennings was particularly loud in making a number of interjections at the start of Mr Davis's answer to Mrs Coote's question. Obviously that can distract him from his responsibility to direct his matter through the Chair. I suggest that Mr Davis will in future speak through the Chair. Mr Leane should be cautious about the way in which he raises these points of order, because I am not entirely happy with this one and the manner in which it was raised.

Hon. D. M. DAVIS — I will direct my comments through the Chair, and I will try not to point at the failed former Treasurer. The fact is that the Brumby government left a massive black hole in the budget and did not fund the ICT systems at the Royal Children's Hospital. The Labor Party in government knocked back funding for the Royal Children's Hospital's ICT system. This important information communications technology would have enabled the hospital to operate to the most modern standards and would have allowed it to provide the highest level of clinical care. It is unfortunate that the previous government knocked back that budget bid despite the business case and despite the clear evidence that this would have led to the highest clinical standards and the chance for the Royal Children's Hospital to be best hospital that it could possibly be.

We all want the Royal Children's Hospital to be a leading, forward-looking hospital that has a great vision for Victorians and Victorian children, but it was sold short by the black hole left by the previous Premier, John Brumby, the previous Treasurer, John Lenders, and the previous Minister for Health, Daniel Andrews. It was their failure to fund ICT at the Royal Children's Hospital.

Mr Leane — On a point of order, President, the minister is debating the question.

The PRESIDENT — Order! That is not a point of order. The minister was asked a question in relation to

the amount of money spent and the circumstances of the hospital's budget, and I think he has been a lot more relevant in his response to this question than we have experienced from ministers over many years in this place in terms of their responses to questions. I do not think the minister is debating the question in this context. While the opposition might find his remarks annoying, I suggest that their interjections are inviting that very commentary.

Mr Viney — On a point of order, President, I find the minister's answer to be inviting interjection in that the manner in which the question was asked was clearly to encourage criticism of the previous government. I ask that the President request the minister to answer the question in such a way as to encourage the house to hear the answer in an appropriate manner rather than inviting, through his answer, interjections.

Hon. D. M. DAVIS — On the point of order, President, it is very clear that the question sought information, as is appropriate in question time. It was about the failure of the previous government to fund ICT at the Royal Children's Hospital, and I am providing information about that failure.

The PRESIDENT — Order! Members are aware that overt criticism of the opposition and individual members of the opposition is frowned upon by the Chair. It offends our standing orders. In this context I think that Mr Davis, notwithstanding what I said about debating, needs to be a little cautious about just how far he goes in terms of the standing order that refers to overt criticism. Nonetheless I think he is being responsive to the question, and from my point of view it is hard to decide whether it is the chicken or the egg in this instance: did the interjections start before the minister's comments or did the minister start his comments before the interjections? I am not sure. I suggest that the parties give some consideration to giving a fair answer in response to the question on the one hand and giving the minister due courtesy and a fair opportunity to deliver that answer on the other.

Hon. D. M. DAVIS — The reality is that the previous government did not fund ICT at the Royal Children's Hospital, and that leaves us in a very difficult position. The business case was rejected. The previous government was very much aware of the requests made by the Royal Children's Hospital. It is now a fact that the Royal Children's Hospital will open in November without ICT and it will have to be retrofitted. Not only will that be more costly but the fact is that the time line will not allow it. The budget process will operate, and the Baillieu government will

have to work through the many black holes left by the previous government as part of that budget process.

Children: early childhood services

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. I refer the minister to her comments reported on Channel 9 news last night regarding the early childhood sector, when she said, 'We're working towards a complete change to the law and to the regulations'. Given that this was not a commitment made by the minister or her party prior to the election, can the minister outline what she meant by these comments, or is this yet again proof of a government that is making it up as it goes along?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the shadow minister for her question. I am currently the chair of the early childhood part of MCEECDYA — the Ministerial Council for Education, Early Childhood Development and Youth Affairs. We released new regulations in February. They are now out for community consultation. We are working towards implementing the national quality agenda by 1 January 2012. That is what I meant by those comments.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — As the minister is aware, in 2009 the Brumby government introduced significant reforms to Victoria's Children's Services Regulations 2009 following extensive consultation with parents, peak bodies and the sector. Those reforms included increasing the staff-to-child ratio, staff qualifications and first aid training. Given that the minister has admitted that the government has secret plans to change the early childhood sector's regulations without informing the sector, how does this sit with the government's commitment to being open and transparent, and what aspect of the regulations does the minister have a problem with?

Mr O'Donohue — On a point of order, President, according to standing order 8.05(2) the supplementary question must have relevance to the initial question. That supplementary question had no relevance to the initial question.

The PRESIDENT — Order! I do not accept the point of order. I thought Ms Mikakos raised matters in her supplementary question that were relevant to her original question.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The shadow

minister makes me laugh. As my colleagues rightly said, announcing something on Channel 9 news is hardly an example of a secret plan. It is a national process that I am chairing.

Hon. M. P. Pakula interjected.

Hon. W. A. LOVELL — The process that we have gone through, the consultation with the sector, the engagement with the sector and the community consultation sessions that are being held right around the state this month are all hardly secret plans. Unlike the former Labor government that did do things in secret, this government does not.

The PRESIDENT — Order! Mr Pakula's remarks during the minister's supplementary answer were most unhelpful. Those sorts of remarks ought not be made in this chamber.

**Information and communications technology:
Port Melbourne data centre**

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Technology, Mr Rich-Phillips, and I ask the minister: can he inform the house of any recent investments in data centres in Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Ondarchie for his question and for his interest in data centres. The Victorian government is strongly committed to investment in the information and communications technology (ICT) sector here in Victoria. We see the ICT sector as an important driver of innovation and productivity in the Victorian economy.

One of the key opportunities for ICT companies in Victoria through the growth of cloud computing is the data centre market. I am pleased to advise the house that NEXTDC Ltd, which I understand is the only listed data centre provider in Australia, has now received development approval from the City of Melbourne for the M1 data centre to be constructed at Port Melbourne. An investment of \$50 million will be made so that the data centre will open by the end of 2011. This is only the first stage, with a further \$50 million to be invested at the Port Melbourne M1 data centre within the next two years. The data centre is going to be the largest carrier neutral and systems integrator neutral data centre in Australia, with an ultimate technical area of more than 6000 square metres on the site in Port Melbourne.

This is a strong endorsement of the business environment in Victoria. The decision by NEXTDC to invest ultimately \$100 million in the data centre in Port

Melbourne is a strong endorsement of the business environment in Victoria and a strong endorsement of the potential for the ICT sector in the Victorian economy.

**Information and communications technology:
national broadband network**

Mr SOMYUREK (South Eastern Metropolitan) — I refer my question to the Minister for Technology, Mr Gordon Rich-Phillips. I refer the minister to his statement to the house on 22 June 2010 that broadband speeds in Narre Warren South are so limited and patchy that they run as low as one-tenth of one megabit and his consequent call for additional initiatives from the Victorian government for the outer suburbs. I ask the minister just what broadband initiatives will he extend to Melbourne's outer suburbs?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his question and his interest in broadband in South Eastern Metropolitan Region. This is an important issue for our constituents in the south-east and, more importantly, for Victoria more generally.

One of the key issues around the provision of high-speed broadband in Victoria and one of the key impediments to high-speed broadband in Victoria is the impediment to a competitive broadband market. If Mr Somyurek is suggesting that the national broadband network, as proposed by Senator Conroy, and the draconian legislative framework that the commonwealth government is proposing to put around that proposal, is going to be the key issue — and one of the key problems is the provision of high-speed broadband throughout metropolitan Melbourne in the areas where there are currently black spots — then the proposal by the commonwealth government to restrict competition in the broadband market is only going to make the problem worse.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — The minister previously regarded this as so urgent an issue that it could not await the national broadband network rollout. That is why he asked the question of the previous government. I happen to agree with Mr Gordon Rich-Phillips; it is an urgent issue. On 22 June 2010 Mr Rich-Phillips asked of this house that it — that is, the national broadband network — 'be made available far earlier than would otherwise be the case if we waited for the national broadband network from Canberra'. I ask the minister why this is now on the backburner. Judging from his reaction it seems that

he has not thought about the initiatives he suggested the previous government take.

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his supplementary question. I say to Mr Somyurek that I have thought about the issue and the government has thought about the issue. The solution to the problem he raises is quite clear, and it is for Senator Conroy to stop introducing legislation to the commonwealth Parliament to reduce competition in the broadband market. We have a federal government that is intent on reducing competition in the broadband market. I say to Mr Somyurek that he should talk to his friend Senator Conroy and get the federal government to stop its proposal to block competition in the broadband market.

Going forward Mr Somyurek says we cannot wait another decade for the national broadband network to be rolled out. The key challenge I put to Mr Somyurek, to his Labor colleagues and to the friends of Senator Conroy over there is to remove and stop the federal government from implementing legislation which limits competition. The way to get broadband to the areas that currently do not have broadband is by promoting competition in the broadband market and not restricting it.

Health: practitioner registration

Ms CROZIER (Southern Metropolitan) — My question is directed to the Minister for Health, Mr Davis. I ask the minister can he inform the house of recent problems with the national registration of nurses and other health professionals and the impacts on the Victorian health system?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I note that she has had direct experience with the health system as a registered nurse and has encountered some of the difficulties of being registered under the new Australian Health Practitioner Regulation Agency (AHPRA) system and the national nursing arrangements that have been put in place. She, as have many other nurses, encountered the slow and cumbersome challenges that have been left there by the arrangements that are in place. This is a matter of some significance. I have spoken a number of times with AHPRA now. At the health ministers' conference there was a long discussion with the CEO of AHPRA and a number of the officials, because I think all health ministers — federal and state ministers — are in fact very concerned that registration operates smoothly for the 10 registered health professions that are under the AHPRA arrangements.

The house will remember the serious bills that passed through this chamber setting up the national arrangements, but what was not put in place at the time was a set of arrangements that enabled smooth registration to occur. There is a shortage of health workers: a shortage of nurses, a shortage of doctors, a shortage of dentists and a shortage of other health professionals. The community expects that the registration authorities will operate in a way that enables registration to occur smoothly and enables roadblocks and delays to be minimised.

I have had many people speak to me — nurses, doctors and others — who have had significant problems with the registration arrangements. I have conveyed those issues to AHPRA. We have communicated the specific problems to AHPRA to seek —

Mr Lenders — Are you going to fix them?

Hon. D. M. DAVIS — I say to the former Treasurer that that is what I am seeking to do. He did not deal with this, and it is a significant issue for the Victorian economy and the Victorian health-care system. It is also a significant reputational issue. It is important to note that the British Medical Association recently wrote to authorities in Australia, laying out the difficulties that doctors coming to Australia for internships and various employment arrangements were encountering with AHPRA. That is a significant issue for Victoria's reputation.

The Victorian health system, both public and private, seeks to bring to Australia key health professionals with skill sets that are in short supply to fill holes and problems in our health system. If those professionals encounter barriers or untoward problems with registration — and they should be legitimately registered — and if they cannot be registered swiftly, that is a problem for the Victorian health-care system. We need to ensure that the AHPRA arrangements that the registration boards are operating are going smoothly. I am not yet convinced that that is the case, although, as I have said, the health ministers conference has had some input into AHPRA and future health ministers conferences will include a meeting with AHPRA to ensure that these arrangements are being put in place.

It is a serious issue, and I thank the member for her question. I look forward to working with AHPRA to ensure that the registration of health professionals, including nurses, occurs smoothly and without undue impediment.

Teachers: remuneration

Mr LENDERS (Southern Metropolitan) — My question is to Mr Hall, the Minister responsible for the Teaching Profession. I note the broken promise — or the promise with multiple equivocations — made by the government to make teachers the highest paid in Australia, and I specifically ask: given that we now have caveats all over the promise, will he explain to the house the definition of ‘real bankable productivity’ and what that means for teachers in Victoria?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank Mr Lenders for his question. Mr Lenders, as a former education minister, would know the process of EBA (enterprise bargaining agreement) negotiations probably better than anybody else in this chamber. He was involved in the 2008 EBA negotiations with the teaching service.

Hon. M. P. Pakula — We want to know what you’re going to do.

Hon. P. R. HALL — Mr Pakula might know a bit about it. He said perhaps Mr Lenders does not know a lot about it, but I give Mr Lenders a bit of credit in this regard.

Mr Viney — What are you going to do?

Hon. P. R. HALL — If the member will give me a minute, I will answer his question. I have been asked a question by Mr Viney’s leader. If he wants to put his hand up, he can ask me the next question, but I have one question that has been asked by his leader to deal with first.

With respect to EBA negotiations, it is interesting to note that in 2008, when the Labor Party negotiated the last EBA with the teaching profession, the starting point was a 2.5 per cent wage increase offer. That is interesting given the criticism coming from the other side. I always say with these issues that it is not where you start but where you end up that is important. The whole process of negotiation involves two parties starting at different positions and ending up somewhere in the middle where they can both come to an agreement. That is the process which this government is required to undertake and which it will undertake.

Mr Lenders asked a specific question about bankable savings. As a former Treasurer he would know what the concept of bankable savings is — that is, as part of the negotiation process you look at whether real budgetary savings can be made to assist in those negotiations in relation to payments to the participants.

This is the negotiation process which will start. This government will — —

Hon. M. P. Pakula — No leave loading?

Hon. P. R. HALL — How many questions does the government want today? It has one more left. Let us perhaps have one from somebody else after the leader’s question. In relation to this issue we will be exploring all options in good faith with the teaching service, and I am confident that at the end of the day we will come up with a solution that reflects the abilities, the needs and the quality of teachers in Victoria.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I note that Mr Hall did not even attempt to define ‘real bankable productivity’. He will not define what he sees as real bankable productivity, but I ask: will he categorically rule out in this house today that real bankable productivity does not include a reduction in the student resource package?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — Mr Lenders has asked me to make a comment on where we are going to end up in this negotiation process. I am not going to rule anything in, and I am not going to rule anything out. That would be a breach of the process itself. I for one am not going to breach that process and give an undertaking on any matter which is going to be the subject of negotiation between the government and teachers.

It would be totally inappropriate for me to say what the outcome of a negotiation process is going to be. If I knew what the outcome was going to be, I could forget about the negotiation process; it would be irrelevant and redundant. This is a genuine negotiation process, and we will enter into it in good faith and with good spirit, which is the way the process should be undertaken.

Higher education: regional campuses

Mr O’BRIEN (Western Victoria) — I have a question for the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, the Honourable Peter Hall. Can the minister advise the house about what the Liberal-Nationals coalition government is doing to support students who wish to study in regional Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr O’Brien for his question and for his interest in this subject. I am sure Mr O’Brien’s

interest in this subject is shared by all of us in this chamber who represent regional Victoria.

Research has indicated that 70 per cent of students who live and study in regional Victoria continue to live and work in regional Victoria, so it is very important that if we want to retain young people in regional Victoria, particularly young professionals, then we must do everything we can to provide opportunities for students to live and study in regional centres. I spoke about developing a regional plan yesterday, which I hope will throw up many possible ideas about how we can improve the opportunities for country people to live in their communities and study, and there are some areas in which we can act immediately. One of the significant impediments to studying in regional Victoria is a lack of student accommodation on campus.

Mr Lenders — You pinched Jacinta Allan's policy.

Hon. P. R. HALL — I am happy to look at good policy from whichever source it comes. My imperative is to do the best for the people whom I represent and for whom I have responsibility. If the Labor opposition wants to put something on the table and it is a good idea, I am more than happy to take that good idea on board.

I am pleased to say that in terms of increasing the provision of accommodation on regional campuses this government is prepared to assist in whatever way it can. Earlier this month my colleague the Deputy Premier was in Ballarat and made an announcement — which I am sure Ms Pulford would acknowledge — to support an application by the University of Ballarat to the federal government under the national rental affordability scheme; the application is currently being processed by the federal government. What we have said is that if that application to the federal government is successful, then we, the coalition government, will provide \$5 million to support that application. That will lead to an additional 200 accommodation beds associated with the University of Ballarat; 75 of those will be at the university's central campus and 125 at the Mount Helen campus.

This offer has been extended to other universities around the state that have regional campuses. Equally, if they have made applications to the federal government and if they are successful in their applications, then the state will make a contribution.

It is important that we leave no stone unturned to address the needs of students who live in regional Victoria. In that regard this is just one element of the things we can do to help. Another element is, for

example, the \$20 million Partnerships Facilitation Fund, which was an election announcement that will be funded when the budget comes down and will be effective on 1 July this year. As I have said, we will leave no stone unturned to help regional students. I was pleased to tell Mr O'Brien and other members who represent that area that we were able to assist the University of Ballarat in this instance.

University of Melbourne: research program

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Higher Education and Skills, Mr Hall. Section 5(e) of the University of Melbourne Act 2009 states that one of the purposes of the university is:

... to serve the Victorian, Australian and international communities and the public interest by —

...

- (iii) promoting critical and free inquiry, informed intellectual discourse and public debate within the university and in the wider society.

According to reports in the *Sunday Age*, a staff member at the Department of Sustainability and Environment attempted to pressure the university into accepting a research program in relation to the state government's alpine grazing plan, which it did not agree with, implying a threat to future research funding. Has the minister made any inquiries as to whether this did occur, risking damage to the purpose for which the University of Melbourne exists?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Ms Pennicuik for her question. The answer to her question is yes, I have made inquiries of that nature. The university has come back to me and indicated that no pressure was applied by the state government in respect of the independence of the operation of the university.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Will the minister table that correspondence?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advice we have received was not in the form of correspondence.

Honourable members interjecting.

Hon. P. R. HALL — Members may laugh, but we have contacted the university to ensure that it has not been compromised in its independence, which we hold to be just as important as Ms Pennicuik holds it to be.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I indicate to the house that we have in the gallery today the Speaker of the House of Assembly of the Parliament of Tasmania, the Honourable Michael Robert Polley. We welcome him. He has been a relatively frequent visitor over a period of time. He is certainly welcome on each occasion. It is very good to have him here.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Planning: Avondale Heights development

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning. In asking him this question I commend him on changing the face of planning in Victoria for the better. Can the minister inform the house of the Baillieu government's plan or plans for the former TAFE site on Military Road in Avondale Heights, and is the minister aware of any other developments that may have been proposed for the site over recent years?

Hon. M. J. GUY (Minister for Planning) — I begin by thanking Mr Finn for his interest in this issue and for his very strong advocacy, with Mr Elsbury, on behalf of the constituents of Western Metropolitan Region in relation to the proposed development in Avondale Heights that he has referred to.

I am pleased to inform the house of my initiatives and the Baillieu government's position on where we see this development going. More to the point, I am certainly willing to enlighten the house, as Mr Finn has asked, about some other developments that may have been proposed for that site.

Just a month ago, as Mr Finn would be aware, there was a plan for that 4-hectare site in Avondale Heights to house some 68 dwellings per hectare in an area where the average is 12 dwellings per hectare. One has to ask who on earth would have put forward a proposition that is so out of character with the character of the neighbourhood of that area. As Mr Finn quite correctly asks in his question, it was none other than the former Labor government. It was a product of Melbourne 2030 and the planning regime that failed so many Victorians. In this case it failed to offer up a development for the people of Avondale Heights. The previous government thought that 68 dwellings per

hectare would in fact be a good development in an area where the average is 12 dwellings per hectare.

What I find interesting about the proposition that Mr Finn has asked about is that this development was actually withdrawn. It was pulled by the statutory authority, VicUrban.

Mr Finn — When?

Hon. M. J. GUY — Mr Finn has asked when that happened. It is a very good question. It was pulled just one week before the state election in November 2010.

One has to ask who would pull this development if they felt it was the right thing to put 68 dwellings per hectare in an area where the average was 12 dwellings per hectare? Who would make that call? Would it be the Minister for Planning? I guess he is responsible for VicUrban. Would it be the Treasurer? He is responsible for VicUrban. No, it was former Attorney-General Rob Hulls, the member for Niddrie in the Assembly. Rob Hulls got on the phone to demand and bully. He has a history of bullying the Parliament, parliamentary inquiries, members and nowadays even the Speaker of the Legislative Assembly. He has a history of it, and in November he was out bullying VicUrban. 'Pull the development', he said. 'Withdraw it, get rid of it, scuttle it, scrap it. Anything to save us; anything to save Bob Smith'. But of course what we now have is a 4-hectare parcel of land left by the previous government.

Here we go; come on down, Mr Viney!

Mr Viney — On a point of order, President, I will refrain from responding to the improper derision about my entitlement to raise a point of order. The point of order is that the member is making reflections on a member in the other place with reference to the use of words such as 'bully'. In my view under standing orders such comments can only be made by way of substantive motion and they are highly inappropriate in the context of an answer to a Dorothy Dixier from the government.

The PRESIDENT — Order! The Chair is not surprised that such a point of order has been forthcoming insofar as the Chair was also somewhat troubled by the tenor of the criticism of the member for Niddrie in another place. The remarks the minister made in regard to a possible intervention in this matter are obviously relevant to the house, but reflections on the former minister's approach to his work are not appropriate, and certainly the minister is bordering on debating the answer. The reflections on the former minister are not in keeping with the position of the house.

Hon. M. J. GUY — I have instructed VicUrban to work with the private developer and the council to find an outcome that will remain in keeping with the neighbourhood character that exists in Avondale Heights. This is vastly different from what was being proposed four or five months ago. It is a reflection of how the Baillieu government is listening to the people of Melbourne and regional Victoria about critical planning issues to ensure that we do not leave people behind in planning outcomes. As Mr Finn rightly says, his work and the work of Mr Elsbury on this proposal have ensured that the Baillieu government, unlike the previous government, is listening to the concerns of the many good people in Melbourne's west.

PLANNING: AMENDMENT VC78

Debate resumed.

Mr RAMSAY (Western Victoria) — Before question time I finished by suggesting that Mr Tee come out into the real world to see what the former government's wind farm planning policies have done to communities right across Victoria. The previous government has divided communities by haphazardly providing planning permits for wind farm developments right across the state and certainly, in my case, in the Western Victoria Region.

Returning to the amendment, I refer to the restoring of power to local government. Local government asked to be put back into the loop in relation to planning provisions for wind farm development. In relation to changes to planning provisions to strengthen consideration of local amenities, wind farm generators are now moving up to 3 megawatt turbines. That is twice the size, twice the height and twice the width of what we have now, so why would you not want to amend the guidelines to — —

Hon. M. P. Pakula interjected.

The PRESIDENT — Order! That was most unparliamentary. Mr Pakula was not in his place, he was on his feet, walking across the chamber both yelling and gesticulating in a way that was outrageous in this place. Mr Pakula knows better.

I suggest the background noise could also be lower.

Mr RAMSAY — As I was trying to say before I was rudely interrupted, under stage 1, part 3, the updating of the Victorian wind farm planning and policy guidelines includes the adoption of best practice by the New Zealand standards — and why not, when the generators are moving to 3 megawatt turbines and

there has been no real science done in relation to noise? I compliment the minister for providing these amendments.

The wind farm generators themselves are their own worst enemies. They are pitting land-holder against land-holder in secretive, deceptive deals that are not providing any collective input.

I will finish by commenting on what Mr Tee called 'pecuniary interest'. I refer to the Australian Electoral Commission website and yesterday's discussion in relation to the Shop, Distributive and Allied Employees Association (SDA). In 2009–10 the Australian Labor Party received half a million dollars from the SDA, except it was not declared in the discussion yesterday. In 2008–09 it received over a quarter of a million dollars in contributions. In 2007–08 it received over \$13 000.

Mr Tee — On a point of order, President, on relevance, I am not sure how a reference to the SDA and a bill that was debated last night is relevant to the motion before the house at present.

Mrs Peulich — On the point of order, President, Mr Ramsay is rebutting the argument legitimately, using a legitimate debating tactic, and it is entirely relevant.

The PRESIDENT — Order! Mr Tee raised a valid point in that the subject matter of this motion is fairly confined. The Chair accepts that a member might well make some references to legislation, particularly given that Mr Ramsay has been challenged in the course of this debate, and in that sense the Chair is prepared to entertain some remarks that he might use in rebuttal. Mr Ramsay ought to make them fleeting comments and not a line of argument that he might develop at any length, because if he were to do so, then Mr Tee's point of order would be correct. The references are all right, but let us not dwell on them.

Mr RAMSAY — Thank you, Speaker. In finishing — —

Mr Lenders — President!

Mr RAMSAY — Sorry. Thank you, past Treasurer. President, I will finish. Wind farm planning is extremely important for all land-holders across Victoria. It is important that we get it right, and I congratulate the minister on having the guts and the courage to amend the planning guidelines in response to community concerns right across Victoria about the impact of wind farms.

Mr SCHEFFER (Eastern Victoria) — I welcome the opportunity to make a brief contribution to this debate. It is disappointing that the government has declared that it will not be supporting Mr Tee's motion. I support Mr Tee's motion to refer the government's amendment VC78 of the Victorian planning provision to the Legislative Council's Standing Committee on Environment and Planning References Committee.

The implications and effects of the government's amendments are complex and have obviously generated enough community and business concern and debate to warrant the matter being referred to the environment and planning references committee. This is exactly the kind of question that should be referred, because it will assist members of this house to make a better informed decision.

The purpose of the motion is not to frustrate the government, which, as members have made clear, went to the election with a policy that supports renewable energy and the renewable energy industry. The purpose of the motion is to assist the chamber and the government to better consider the amendment with the benefit of further information. I expect the committee will be able to draw together the views of informed opinion on the very complex range of issues, and it may be that the amendment could even be improved. The references standing committee has been given the responsibility of inquiring into matters of precisely this kind.

In the lead-up to the November 2010 election the coalition released its Liberal-Nationals coalition plan for energy and resources. There is nothing in the policy that suggests the coalition intended to walk away from the further development of wind energy, only that it planned to establish new guidelines relating to the construction and operation of wind energy facilities. The policy says that the coalition — now the Baillieu government — supports the development of the renewable energy sector as an important contributor to the sustainable delivery of Victoria's future energy needs. But the fact is that amendment VC78 contains far-reaching changes. We have heard this morning that it will affect local communities and local governments and that it will impact significantly upon the potential \$4 billion wind energy investment in Victoria, and that will mean fewer jobs. In his contribution Mr Tee detailed the impact these amendments may well have on jobs.

The opposition also supports the development of sustainable renewable energy industries as part of the goal to reduce greenhouse gas emissions. In opposition, and previously when we were in government, we have

always subscribed to the view that there is no single and straightforward strategy for developing a clean energy solution. We support investment in cleaner coal technologies, increased efficiencies in our use of energy and the growth of the renewable energy sector. We have always supported and played our part in driving the establishment of a carbon price as part of a national emissions trading scheme. Wind energy plays an important part in this drive to increase the supply of energy from renewable, sustainable sources.

As with other infrastructure developments, we need to make sure that due account is taken of the environmental, social and economic factors involved, which means ensuring that, for example, individuals are protected as far as possible from the adverse impacts of the construction of wind turbines. Careful planning was always uppermost in the thinking of the previous Labor government, as it is for the opposition today, and that is why so much attention has been paid to the process of assessing proposals for wind energy facilities. The previous government developed policy and planning guidelines to ensure that a consistent approach was taken to the siting and operation of wind turbine facilities.

Now we have a new government, and it has both the right and the responsibility to review current policy and practice and to set a new direction where it believes that will be to the benefit of the people of this state. I do not think there is a substantive difference between the government and the opposition on this particular point. In his contribution Mr Ramsay declared his support and the government's support for the wind farm industry, and that is a good thing. Where there is a difference is on the implications of amendment VC78.

Earlier this month the Minister for Planning announced that the government will take steps to protect residents against the negative impacts of wind farms, and he specifically noted the changes the government intends to make to the state's planning policy framework as contained in the amendment. These changes involve greater consideration of the impact of the facilities on the local community and a plan that any proposal should list all dwellings within 2 kilometres of the location of the proposed facility. In his contribution Mr Barber had a great many wise words to say about the arbitrariness of that 2-kilometre radius around any proposed wind farm site.

Sitting suspended 1.01 p.m. until 2.03 p.m.

Mr SCHEFFER — Before the lunch break I was stepping through the half dozen or so changes the government intends to make through

amendment VC78. I mentioned that one of its intentions was for there to be greater consideration of the impact of these facilities on local communities. I believe I referred to the valuable observation by Mr Barber about the arbitrariness of the proposed 2-kilometre radius around a proposed facility and the need for any dwellings within that rating to be listed in any plan for a proposal to erect a turbine.

In addition part of amendment VC78 involves the requirement on the proponent to put forward a concept plan of associated infrastructure such as transmission lines or access roads. It also requires an assessment of noise impacts in accordance with the New Zealand standard for wind farm noise. Previous speakers have examined the complexity of how those standards would be applied in Victoria and how quite a number of matters need to be unpacked in relation to that.

Finally, the amendment would make local councils the responsible authority for all wind energy facility permits, including those over 30 megawatts which are currently determined by the Minister for Planning. Previous speakers have said that local councils want this involvement, and I am sure they do, but the issue is not the extent to which they wish to participate in that process but the extent to which they are resourced and equipped to undertake that task in a meaningful way.

There are serious concerns that the government's amendment will remove investment certainty for Victoria's wind energy industry, which might reduce the number of wind farms that could be constructed in Victoria. As I said earlier, the impact of VC78 is that it would threaten \$4 billion worth of potential investment to the state and the jobs that would come with that. Many of these jobs would be in regional and rural Victoria, which is a particular concern of mine as I represent Eastern Victoria Region.

There are also concerns that the changes will mean less renewable energy generated in Victoria, which will make it harder for the state to meet its greenhouse emissions reduction targets set by the act that was passed by the former Labor government in the last weeks of the last Parliament, which I am pleased to say the new government has adopted.

I have already mentioned the concerns that have been raised about the 2-kilometre protection zone. As Mr Tee detailed, the renewable energy sector is extremely worried about this and has signalled that many enterprises will invest in other Australian states instead of Victoria as a result. The examples that Mr Tee has provided are important for the house to note. Renewable energy stakeholders have raised

concerns that potential greenhouse emissions savings of up to 4.2 million tonnes per annum would be jeopardised if this amendment is implemented. My point overall is not to examine in detail the wisdom or the impacts of the government's VC78 amendment but to point out that the policy implications across the community are sufficiently complex for this matter to be referred to a committee of the Legislative Council that has been specifically established to deal with and explore issues of this complexity.

The references standing committee has been given the very particular role of investigating matters of this type, and I think it would be a good thing if this reference were made. As I said at the outset, I am very disappointed that the government has already made a decision to block it. If this pattern continues, it will diminish the effect of these committees. I urge members to support Mr Tee's motion, although I am not holding my breath in expectation that members will comply.

Hon. M. J. GUY (Minister for Planning) — I rise to make a few comments on Mr Tee's motion in relation to VC78. From the outset I have to say that many of the comments being made by opposition members are quite ill informed about VC78. They have ranged from saying that VC78 is light on in detail, which is what Mr Tee's comments publicly have been — he said the government had reneged on its promises and that VC78 was light on — to what we have just heard from Mr Scheffer, who said VC78 was exceedingly complex and confusing and therefore needed to be examined.

Mr Tee — It is confusing; that's what it is.

Hon. M. J. GUY — Mr Tee has just indicated he believes VC78 is confusing. Mr Tee must need to go back to school, because it is not very confusing. That aside, if it is such a confusing planning scheme amendment, you have to ask: why is the Australian Labor Party asking for an inquiry that would have just 60 days in which to provide for public notification of submissions; for submissions to be drawn; for submissions to come back and be assessed by the committee; for the committee to put out notification of public hearings; for public hearings conceivably to be held, possibly in places outside Melbourne; for those findings to then be taken into account; for a report then to be written; for the report to be then gone through by the committee, assessed, examined, and voted on; and for that report to be presented to the Parliament — all that within 60 days? If this is such a complex reference, as Mr Tee says it is, anyone with any experience in this chamber — certainly anyone with the degree of experience Mr Tee has — would wonder why Mr Tee

is asking the Parliament for 60 days to consider a complex situation which would clearly, even if looked at with Mr Tee's complex mind, require a lot longer.

That is why the government views this motion as a hoax. It is an attempt to grandstand on the issue of wind farms. If Mr Tee wants to grandstand, he should just say it and have the debate and talk about the merits. That would be fine. When you are in opposition you want to do that and that is what you do; I accept that. But given that Mr Tee is asking for a reference from this house to examine an issue as important as VC78, and given that he has said himself it is complex, why would he ask for 60 days to conduct such a thorough investigation, especially when he knows, as all of us who have been on committees know, that you do not even get through the recommendations in 60 days? It is quite astounding. The reference and the arguments put forward by the Labor Party, therefore, border on the unbelievable. This is why the government is going to vote against this motion.

I listened with interest to Mr Barber's contribution. Mr Barber is quite knowledgeable on this topic, far more so than the Australian Labor Party members, and he made some valid points which I am very happy to take up with him and discuss. As I said, the VC78 reference is, despite Mr Tee thinking it is very complex — and he must think reading a Richard Scarry book or maybe *The Cat in the Hat* is complex if he thinks VC78 is complex, because it is quite straightforward —

Mr Barber — *The Cat in the Hat* makes more sense than your policy.

Hon. M. J. GUY — From your place, Mr Barber. VC78 is actually very straightforward. The government has said it begins the process for implementing our wind farms policy. This is not like opposition members running around trying to sell to journalists at different papers the notion that this is a step back from the government's election promises. If members opposite read our press release, they would see the truth. The truth is we said there would be a multistaged approach to implementing what is an important piece of legislation, and this is the non-legislative part being implemented. Returning to councils the power to be responsible authorities for major pieces of infrastructure being put in place in their municipalities is important.

Mr Tee — They don't want it.

Hon. M. J. GUY — They may not want it, Mr Tee, and that is why, unlike members opposite, we have given councils three options. Members opposite gave

them none; we have given them three. If they do not want that power, they will be able to do one of three things. They will be able to assess the project entirely themselves and be the responsible authority from go to whoa; or they will be able to assess the project and then refer it, with assistance from the Department of Planning and Community Development, and remain the responsible authority; or they will be able to refer the entire matter to the state government for consideration. You cannot get much better than that.

Mr Tee has been running off around Victoria to see a couple of Labor Party councillors to whom he trots out the line, 'This is the end of the earth, because the council hasn't got the resources.' He is Henny Penny out there saying, 'The sky is going to fall in, because we cannot manage these projects'. Mr Tee should read our press release. At the bottom he would see the three options councils will have. Do members know how many options Labor gave those councils? None. The coalition is giving them three options, whilst Labor gave them none. That is listening to local democracy and listening to the interests of regional Victorians. It is very important.

The noise standards, which are the second of three elements updated by VC78, are simply contemporised from the 1998 standards to 2010 standards. New projects will not be assessed under those criteria until March 2012. You have to wonder why Labor is asking in March 2011 for a very detailed and complex inquiry lasting 60 days when the bulk of the provisions will not come into effect until March 2012. The provisions will apply to new projects and projects being renewed from March 2012 onwards, yet Mr Tee is out there saying, 'We need to assess this now. We have to have an urgent inquiry about these complex provisions'. This is, as I said, when the majority of the wind standards guidelines are coming in — from March 2012. Mr Tee is out there 12 months too early. I do not think he understands. He is either grandstanding or he does not understand this; there is no halfway house on this.

The third part is the 2-kilometre notification required to be in a permit. It is very straightforward. Before the standards are in place in relation to a 2-kilometre buffer or the staged payment system the permit application simply says, 'Dear responsible authority, this is how many homes or principal places of residence exist within 2 kilometres of each turbine'. Is that complex? Can someone tell me? Maybe it is complex for members of the Australian Labor Party. I suspect branch stacking is something that is also very complex for them, but they seem to manage that very well.

It is a very simple proposition that a permit application will simply say to the responsible authority via VC78, 'Dear RA' — the responsible authority — 'this is how many homes exist within the 2-kilometre radius'. That is it; there is your VC78. It is the start of the rolling out of the promise. We said we would do it, and we are doing it. There it is!

This complex and vexing issue puzzles Mr Tee as his little mind is dazzled by these three complex points. I fail to see why he is saying it is so complex that the committee needs more than 60 days to consider it. Maybe he needs more than 60 days to consider it. I would have thought that those three points are very straightforward. We have given councils three options on wind farms, whereas Labor gave them none. We are simply saying that on permits submitted to the responsible authority, applicants should outline how many properties and how many houses are within 2 kilometres of each wind turbine. That provision did not exist previously.

We are also saying that the noise guidelines that were around in 1998 are going to be contemporised to the 2010 standards. It is pretty straightforward.

Mr Barber — Do you like those guidelines?

Hon. M. J. GUY — I love those guidelines.

Mr Barber may not; he may think that the sky is about to fall in and that no-one is going to invest.

What I found very interesting were some comments from Pacific Hydro, who in February were blaming the RECs (renewable energy certificates), saying that they could not build wind farms in Victoria because the government has not got the details and the RECs right. They also said in the *Australian Financial Review* last Friday that they have all these shovel-ready projects which they cannot build because the government has not got the RECs system right. Within 72 hours the same company said in the same newspaper that they cannot build in Victoria — not because of the RECs but because of the state government. You have to get your story straight, and Pacific Hydro has not done so.

Again I ask that company to come and see me and talk to me, because their story is not straight and Labor's story is not straight. I will give the Greens credit: at least they are consistent about the fact that they believe in closing down the Latrobe Valley and putting 20 000 people out of work. They have come out and said, 'We are going to close the valley down. You can all go and live in humpies. Go up to Goongerah! That is where you belong'. The valley does not exist. At least the Greens are being consistent. That is probably why

they got 4 per cent of the vote in the valley. While the Greens have been consistent Labor has been trying to hide, saying, 'We are in favour of wind, but we are also in favour of giving councils some kind of say'.

Let me conclude by asking: why is it that in metropolitan Melbourne someone who lives 500 metres from a site for which there may be a building application for a structure that is 9 metres high has the right to object to that construction, yet Labor's policy is that someone who lives 500 metres from a 130-metre wind turbine should have no right to object? Why does Labor continue to treat country Victorians with contempt?

Under these guidelines the government is saying that people who live in regional Victoria should be given the same ability to object to a large facility that will be built near their neighbourhood as exists in metropolitan Melbourne. We on this side of the house do not think that is too much to ask.

Mr TEE (Eastern Metropolitan) — It is interesting to hear Mr Guy compare the rights of people in the city with the rights of people in country areas, but what he does not state is why he gives coal-fired power stations an easier run than wind farms, which is really the issue at the heart of this debate.

In summing up, the real issue here is the starting point — that is, whether there has been consultation — and that is the basis of the debate. Mr Guy has exempted himself from the provisions relating to providing notice of amendments. He has exempted himself from the requirements to consult. The issue is that in the absence of that consultation, how does this house respond? They are some of the issues that have been canvassed here today. In particular, how does this house respond when the industry says that the actions of Mr Guy are likely to close its businesses down?

Those opposite say, 'We do not need to consult. We do not need to have an opportunity for people to present their views, because we have thought about these matters'. That is what they say, and that was the tenor of a lot of those contributions. How arrogant is that? Only 100 days in government, and government members are already saying they have all the answers and do not need to hear from the industry and from communities — those who oppose and those who support the amendment. How very arrogant.

In her contribution to the debate Mrs Peulich talked about the Victorian Civil and Administrative Tribunal. She says to local communities, 'Rest assured, VCAT will come to the rescue'.

Mrs Peulich interjected.

Mr TEE — Mrs Peulich says there is a process, which is that the government will hand over this authority to ill-equipped, underresourced local councils and then say to communities, ‘Don’t worry. When the councils get it wrong we will trot it off to VCAT’.

Mrs Peulich interjected.

Mr TEE — That is not what you said in your submission. You say, ‘We will trot it off to VCAT, and it will represent the community’. There is the lie, I suppose.

Mrs Peulich — On a point of order, President, in the member’s summing up I would hate him to be inadvertently misrepresenting the things that I have said. I believe he is doing so quite deliberately, and I ask that he desist.

Mr TEE — I would be reluctant to do so inadvertently. Essentially I am responding to Mrs Peulich’s assertion that the process she identified involving VCAT is an appropriate substitute for the motion I have moved.

The PRESIDENT — Order! I am sorry, but I am at a disadvantage this time because I was discussing another matter with Ms Pulford. I apologise to Mrs Peulich in that she is concerned about remarks that have been attributed to her or a slant that was put on what she said. I am not in a position to make a definitive ruling, because of neglecting to listen to Mr Tee’s summation. I ask Mr Tee to be fairly cautious.

Mr TEE — I am ready to move on in my summation of the contributions that have been made.

Mr Ramsay invited me to go to Colac. What I say to Mr Ramsay is that having been down to the shire council recently and having listened to the councillors there I have a fair idea of their concerns. In response to Mr Ramsay’s request, I think the best way to explore the views in Mr Ramsay’s local community — which is what he suggested we do — is for him to vote in favour of this motion, because we could then have a hearing. I suspect that might provide an opportunity to prevail upon the committee to investigate the matter.

As Mr Guy said, we do not have an enormous amount of time, but in an area where the subject of wind farms is such a big issue it would be entirely appropriate to have a committee hearing in Colac. It is the sort of thing you would envisage this committee might do in properly evaluating the competing views. However, we

cannot get there; it is in the hands of the government. The committee cannot get to Mr Ramsay’s local community unless he supports the motion.

Mr Ramsay — I suggest you get out there.

Mr TEE — Taking up the interjection very briefly, Mr Ramsay is suggesting that we get out there, and I agree. Let’s all do it! Let us go as a committee and have a proper process around this so that we can be informed, but that would require Mr Ramsay to have the courage to stand up for his beliefs by supporting this motion. It is not a big step, but I think Mr Ramsay is up for it. He seems to come across — not very far — to our side on this motion, and if he does, he will get his wish that we go to Colac.

Mr Ramsay also then provided a defence, or a response I suppose, to the concerns I raised in relation to what might be perceived as a conflict of interest he has got arising out of his ownership of land on which there is a proposal for a wind farm.

Mr Ramsay — No, that’s incorrect, Mr Tee; it is not the case I said that.

Mr TEE — You provided a defence and then even sought to broaden the debate by bringing in some matters that were debated last night. In response to that I want to clarify a couple of issues. There is a public perception of a conflict, because the *Colac Herald* published an article in which Mr Ramsay is stated to be someone who owns a property on a proposed site. So there is out there in the community this perception of a conflict of interest. There might be a dispute about the merits of it, but that is the perception out there.

Mr Ramsay interjected.

Mr TEE — You yourself, Mr Ramsay, in your submission said you had land which was subject to a proposed wind farm, so my response to that is that in perception but also in reality there is the potential —

Mr Ramsay — On a point of order, President, Mr Tee is continually referring to my owning land on which there is a proposal for a wind farm development. I have said very clearly in my response to Mr Tee’s motion that I do not own land that is subject to a proposal for a wind farm development. He refers to the *Colac Herald* reporting me saying that I own land on which there is a proposal for a wind farm project. I have never suggested to the *Colac Herald* —

The PRESIDENT — Order! I need a point of order, though, from Mr Ramsay. I do not need another response.

Mr Ramsay — The point of order is that Mr Tee is continually telling mistruths or giving inaccurate information to this house in relation to what I have and what I have not said.

Mrs Peulich — On the point of order, President, we already have a ruling from you, and the member continues to flout that ruling despite assurances in this house by the member directly concerned.

Mr TEE — On the point of order, President, indeed there was a ruling, and I was very careful in my contribution, once you had made that ruling, not to continue with this line of argument, but Mr Ramsay in his contribution opened up this issue and in fact broadened this issue substantially by bringing in references to other matters. I am not seeking to relitigate the issues in my substantive submission; I am simply seeking an opportunity to respond to the matters Mr Ramsay raised in his submission.

The PRESIDENT — Order! On the point of order, I hear what members have said but I concur with Mr Tee that he did take note of the ruling I made earlier today but that subsequent to that Mr Ramsay in his contribution addressed these matters in quite some detail. In that context I believe it is legitimate for Mr Tee to address those matters as part of his summation, notwithstanding that, again, I think there is a proportionality to this, because there have been quite a number of speakers in this debate and Mr Ramsay was but one of them. There is a proportionality factor that as Chair I note, but nonetheless Mr Tee I think is entitled to make some remarks in respect of what Mr Ramsay said.

Mr Ramsay in his point of order was effectively indicating that he had been misquoted or that the representation by Mr Tee was not an accurate description of the matters that had been discussed. Obviously, as I said, Mr Ramsay was debating the point of order rather than running to that fact, but he did get to it. I have been listening fairly carefully to what Mr Tee has been saying because I anticipated, particularly when he took up the opportunity of response, that he may well be subject to points of order.

I think Mr Tee needs to be careful about the way in which he couches his further remarks, although I would expect that he has not got too many more of them in this respect. What I have taken from his remarks, though, is that he has spoken about community perception, in part generated by an article. Mr Ramsay obviously believes there are a lot of inaccuracies in that article, and that that community perception, if it were to exist, would be wrong in the facts of this matter. Nonetheless, Mr Tee has not made it as an accusation in

his own right; Mr Tee has suggested that there is a perception around these matters. I think to that extent it is a legitimate part of his response.

Mr TEE — Thank you, President. Picking up on those remarks, I accept the summary of Mr Ramsay's position, and that is that there is property on or about or near the site of a proposed wind farm which I think he has indicated may or may not proceed. I think that was the substance of his submission, and my response to that as part of my summation is that both in perception — again, there is the *Colac Herald* article — and also in reality, as I think he admitted himself, he has an interest in terms of the property, and I think that he ought to consider whether or not it is appropriate for him to — —

The PRESIDENT — Order! I do not want to intrude on the debate, but that statement concerns me because Mr Ramsay distinctly said in his contribution that his interest was an interest in common with many Victorians, particularly many people in his area. He was very explicit on that point. I think the remark Mr Tee just made was certainly out of context. Had I not got to my feet I am sure Mr Ramsay would have. I ask Mr Tee to clarify that statement before going any further forward, because I think Mr Ramsay was quite explicit in what he said on that matter.

Mr TEE — The summary the President has given is a very clear summary of Mr Ramsay's submission, but what flows from there is that he, like many Victorians, is affected. Because of that interest, he needs to consider his position in voting on this motion. I will leave it there.

I want to briefly refer to Mr Guy's remarks. Again, what was surprising were the omissions in addressing some of the concerns about him providing for himself an exemption to the consultation provisions and the notice provisions in relation to the Planning and Environment Act 1987 and the failure to indicate to this house why he did not respond to that concern, which is really at the heart of this debate. In that sense, he missed the point, which is, let us have that consultation now; it has not been had in the past and let us do that now. I urge the house to support the motion.

House divided on motion:

Ayes, 18

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr (<i>Teller</i>)	Tee, Mr
Lenders, Mr	Tierney, Ms

Mikakos, Ms (<i>Teller</i>)	Viney, Mr
	<i>Noes, 20</i>
Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (<i>Teller</i>)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs (<i>Teller</i>)
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
	<i>Pair</i>
Elasmar, Mr	Hall, Mr

Motion negatived.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 5 April 2011, a copy of all documents held by the Department of Transport and created by the franchisee for the purposes of section 7.4 of the metropolitan train franchise agreement relating to proposed changes to the metropolitan train timetable proposed to commence on 8 May 2011.

For the benefit of the house this is a request for documents relating to the recently announced changes to Melbourne's metropolitan train timetable. In the metropolitan area the train system is the backbone of the public transport system. It carries the most people, has the highest capacity and moves people fastest and furthest. Other aspects of the public transport system such as trams and buses should operate as a supplement to the operations of the train system. Getting the train timetable right is absolutely essential.

As we have discussed in this place many times before, if the train system in Melbourne is not running, the economic impacts are enormous. They are felt across the whole economy as well as across the whole of the road-based transport system. We have seen some growth in patronage of trains over the last 10 years, but the train system is now very overcrowded and any increased patronage will push it into crisis.

It is therefore quite curious to note the appearance of this latest set of changes. First of all, the new Minister for Public Transport announced that, on the advice of his department, he will be introducing a new timetable, which will add some new services at some times but also dramatically change the services offered to other areas at other times. It will either take those trains out of the loop or, in some cases, cause people to take two or even three trains to complete their regular journey.

There has been no real explanation given. In fact the new Minister for Public Transport seemed to be quite uncertain as to whether he thought it was a good timetable or not. He blamed the previous government for having entered into a contractual arrangement that he had to accept on the advice of his department. That is a dramatic turnaround for the Minister for Public Transport from what he has said in years gone by.

There was also a strategically leaked attachment, presumably from the minister to the media. That document, which I have obtained, is entitled 'Attachment 1 — Detailed timetable information — Rationale'. First of all, I would like to know what document this was attached to, because an attachment is generally less substantive than the document itself. In any case, let us see it.

The rationale itself is also highly debatable. It goes to the exact same set of issues that we have been debating for a long time — the operation and capacity of the system and therefore the necessity for capital upgrades or expansion. As it stands, we have been told there is a new timetable that will benefit some people quite dramatically and inconvenience others in both the west and the east. The rationale for the new timetable is a document that somebody, perhaps even the minister, decided to leak to the media.

The minister's claim that he was contractually obligated to accept this timetable and that it was the previous government that had locked him into it piqued my interest. In the franchise agreement there are a couple of sections that relate to major changes to timetables. Section 7.3 of that agreement provides for the director of public transport to initiate a timetable change, and section 7.4 provides for the franchise operator to initiate a timetable change.

My motion requests the production of those documents held by the Department of Transport and created by the franchisee for the purposes of section 7.4. If the minister's argument is that he was bound under the contract — and we can only presume he is referring to section 7.4 — then a number of other things follow. We would expect to see a large paper trail describing how this new timetable originated, how it will be implemented and what the impacts of it will be both on operational performance and on passengers.

In fact if that section of the franchise agreement has been followed through, we would expect to see a number of things. We would expect to see an outline and a detailed proposal written by the franchisee along with reasons for the change. A requirement of that section of the franchise agreement would be that the

impact on load standards be measured — that is, the amount of overcrowding on each train. We would expect to see the impact on other operators detailed, including V/Line; whether there would be any overall service changes; the expected impact on performance of the operator, particularly operator payments; whether there would be increased journey times as a result of the change; whether stopping patterns, particularly in the loop, would be altered; and most importantly, at section 7.10, the production of a passenger impact statement. There would be a demonstration that other train operators, such as V/Line, had been consulted and also a requirement for market research and passenger consultation before such changes occur.

It is of concern that this agreement is only a contract between the government and the franchisee. It does not offer any guarantees that the public will get those forms of explanation or that those studies will be carried out. It is simply a relationship between the government and the private operator. Nevertheless, we would expect that any decision made in this area would address exactly those matters I have just outlined. That is common sense. In a way it is bizarre that the Parliament has to take an interest and get involved in dissecting something as seemingly mundane as a rail timetable, which is the kind of basic, everyday essential service that any entity would automatically consult the public about. In consulting the public, you consult the users. If you change the operating hours at the Fitzroy swimming pool, the first people you consult are the people who use the pool.

Here we have a train timetable across a number of lines to the east and south and west, and further changes are foreshadowed to all the other rail timetables around the east and north, but nobody knows about them. No user knows about them. They are supposed to come in on 6 May. They were not online yesterday from what I could see. Why is it that everything the Department of Transport does is like the Manhattan project? Everybody is involved in it but nobody is supposed to know about it until it goes boom, and then we can all talk about it. That is not the way a strong and accountable transport authority would operate; such an authority would consult the users from day one, even to the extent of foreshadowing what it is intending to do and the method by which it is intending to consult users. That would be the first thing. It is not as though it is hard to identify the stakeholders; you just go down to the Frankston line or the various lines that are being updated.

I am hopeful the government will be able to produce these very important documents and that it does so prior to the actual implementation of the timetable. These

were electorally very sensitive areas during the election. The history of this election has already been written on the Frankston and Glen Waverley lines; people turned against the Labor government. It is in fact the Glen Waverley line which is having its morning peak services taken out of the loop, and the same goes for the Frankston line during other parts of the day. I find it quite bizarre that the new government and the new Minister for Public Transport have simply swallowed what we are told is a *fait accompli*. In any case it is not too late for this Parliament, on behalf of a large number of Victorians, to get into the issue, to understand what is going on here and to somewhat raise the standard for the Department of Transport and the operator as they roll out changes to all of Melbourne's metropolitan timetables.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and speak on behalf of the government on Mr Barber's motion 40. I note that Mr Leane, Mr Barber and I were on the Select Committee on Train Services during the last Parliament, where many of the issues that Mr Barber has ventilated in association with this motion were discussed in detail and examined by the committee. As a member of the committee, I found it quite illuminating to address the challenges facing the rail network going forward.

Mr Barber has made a number of comments about the network being at capacity, some of the challenges facing the network and the growth in patronage, and the government is well aware of these challenges, having inherited a system that suffered from underinvestment in the past. The government approaches this motion in the same way it has approached similar motions in recent sitting weeks. The Attorney-General has said in correspondence that is before the house that the government acknowledges the right of the Council to request documents, and where it can the government will make documents requested by the Council available, with the usual caveats about the cabinet process, cabinet-in-confidence and commercial-in-confidence clauses. The government will work to make available documents that are legitimately requested by the Council.

The government acknowledges the challenges facing the system, as Mr Barber has outlined to us. It will have a look at the motion with a view to making what documents it has available, subject to the caveats I have just outlined.

Mr LEANE (Eastern Metropolitan) — I follow on from what Mr O'Donohue touched on about the Select Committee on Train Services, which the person who moved this motion, Mr Barber, Mr O'Donohue and I

were on. It was an illuminating process. It is good to note that that reference came through a process of the opposition at the time, with the Greens putting forward the reference to the committee, which in turn brought about that illuminating process. It is a bit ironic that Mr O'Donohue joined with 20 of his colleagues to vote down a reference that was formed in a similar way in the last debate. The opposition's position will be consistent.

We understand the limitations that the government has put forward about handing over documents that are requested in these sorts of motions. Listening to Mr Barber's contribution on his motion, I would be surprised if they did fall within those categories, but we do acknowledge that. We were consistent when in government. In saying that, we support Mr Barber's motion.

Hon. M. P. PAKULA (Western Metropolitan) — I will be exceedingly brief. I think Mr Barber's motion is valuable. We will also be supporting it for no reason other than the opportunity it provides to prick the bubble and put the lie to the absurd claim made by the Minister for Public Transport that he is or was in any way bound by any contract to implement any particular timetable put forward by the operator.

Mr Barber — Tell me more. Tell me more.

Hon. M. P. PAKULA — I thank Mr Barber for the opportunity to elucidate for the benefit of the house. As I am sure Mr Barber suspects and as members of the government would no doubt know, the Minister for Public Transport has within his powers the ability to accept or reject a timetable put forward by the operator. It is true that the operator would have some obligations under its contract to provide to the department or to the minister options for a new timetable. But for the minister to suggest, or for the government more generally to suggest, that in any way the government is compelled or bound or the minister is somehow constrained by that in the way that he exercises his responsibilities and functions under his portfolio is nothing more than a cop-out by the new minister — and I suspect most members of this chamber know that.

Departments and operators, not just in the transport portfolio but in portfolios across government, put forward options, recommendations and ideas for the approval of ministers each and every day of the life of a government. However, no timetable put forward by an operator, no creation of a public transport development agency, nothing of that nature, relieves the minister ultimately of the responsibility for the decision that the minister makes.

Mr Barber — Have you seen the documents I am requesting?

Hon. M. P. PAKULA — It will shatter Mr Barber to know that I am not entirely sure which documents he is requesting, but the point remains the same. The fact is that this minister apparently has made a decision based on advice provided to him about future timetabling for the metropolitan railway system. The minister has then sought to deny responsibility and to evade the consequences of the decision that he has made by fictionalising some constraint, if you like, that he claims has been placed upon him by a contract signed with an operator more than a year ago. It was an inauspicious start by the Minister for Public Transport when he finally made a decision to seek to evade responsibility for that decision by fictionalising the constraints that were upon him.

To the extent that the provision of these documents might help to bear out that fact, this is a valuable motion by Mr Barber and the opposition supports it.

Motion agreed to.

KINDERGARTENS: FUNDING

Ms MIKAKOS (Northern Metropolitan) — I move:

That this house —

- (1) notes that Victoria is experiencing a baby boom, with 200 babies born each day, increasing demand for more kindergarten places;
- (2) notes that the Council of Australian Governments (COAG) agreed to increase four-year-old kindergarten hours from 10 to 15 hours per week by 2013, which will further add to that demand;
- (3) notes that the Baillieu government has made no commitment to the Young Readers program;
- (4) notes that the Baillieu government has made no commitment to play, learning and equipment grants for community-based kindergartens;
- (5) notes that the Baillieu government has made no commitment to expand toy libraries and playgroups that enhance the development of children younger than three years old;
- (6) notes the lack of recognition by the Baillieu government of the professional development needs of staff working in the early childhood sector;
- (7) condemns the Baillieu government for only committing \$15 million over four years for kindergarten capital funding, which will mean that most of Victoria's kindergartens will miss out;

- (8) calls on the Baillieu government to amend the Education and Training Reform Act 2006 to allow for the registration of kindergarten teachers through the Victorian Institute of Teaching; and
- (9) calls on the Baillieu government to provide considerably more funding for kindergarten capital funding, to ensure that all of Victoria's preschool children have the best start to their education.

In speaking in support of this motion I say to the house that it is my intention to commence this important debate here today, but I am mindful that the Minister for Children and Early Childhood Development has had a trying and difficult week due to family circumstances. It is not my intention that we conclude this debate today but rather that we give the minister, if she so chooses, an opportunity to make a contribution at a later stage. My understanding is that we will hear a few speakers today, time permitting, and the motion will then be adjourned to the next sitting week or a subsequent sitting week and that will be in the hands of the house.

However, I am sure it is no surprise to the minister that I have brought this motion to the house today, as I have indicated on a number of occasions my concerns around the issue of funding, particularly capital funding for kindergarten expansion.

We are all aware that currently Victoria is experiencing a baby boom, and this important motion recognises the importance of quality early childhood education and the need for continuous capital investment in this area. Education was the no. 1 priority of the Labor Party when it was in government, and it remains the Labor Party's no. 1 priority. In government we implemented a range of education reforms to ensure that young people were given the best education opportunities available to them. There is strong, evidence-based research that recognises the importance that the early years of life have for each and every child's future. I think we would all agree that a solid start in life through high-quality early childhood education is the greatest gift that we can give any child.

The Victorian Early Years Learning and Development Framework, which the former Minister for Women and Early Childhood Development, Maxine Morand, was involved in developing, states:

Children learn from birth and their learning and development at each stage of life forms the foundation for the next. During the period from birth to eight years, children experience more rapid brain development and acquire more skills and knowledge than at any other period in their lives.

I am sure we are in broad agreement around this issue — that early childhood education is a critical part of any young person's development. However, it

concerns me greatly that the Baillieu government did not make early childhood education a priority in its election commitments. That is clear from the fact that the Baillieu government's election commitment of only \$15 million of capital funding for kindergartens over four years will be inadequate to fund the needs of this sector over this term of government. That is evident also in the Baillieu government's failure to commit to the Young Readers programs, which are also important programs referred to in this motion.

I will refer to each of the paragraphs in the motion in turn.

In Premier Baillieu's inaugural *2011 Victorian Families Statement* he said that Victorian families deserve to have access to services and opportunities wherever they live, a sentiment I agree with. He made particular reference to a core element of the prosperity of families being the importance of a good education starting in early childhood. I agree with that sentiment also. Despite this, under his government millions of Victoria's kindergartens will miss out on upgrades, local communities will be left without adequate facilities and, most disappointingly, more Victorian children will miss out on this vital learning experience.

I turn to the first paragraph of the motion, which relates to the baby boom. Victoria's birthrate has been increasing steadily over the past decade to the point where it has now reached over 70 000 per annum. That means there are currently around 200 babies born every day. Is that not a wonderful thing for our state and our country? However, the growth in the birthrate has translated into additional pressure on early childhood services, including kindergartens and their ability to keep up with demand and expand their services.

The second paragraph of the motion refers to the Council of Australian Governments agreement — or, as it is referred to more formally, the National Partnership on Early Childhood Education. This agreement would increase kindergarten hours for all four-year-olds from 10 to 15 hours. It is an agreement which the vast majority of parents support and one which this government should honour. This important commitment has been welcomed strongly by parents, especially working parents who struggle with parental responsibilities and paid employment. The demand for more kindergarten places and expanded facilities will continue to grow over the next four years, and the Baillieu government's lack of investment will mean that families will find it increasingly difficult to secure a kindergarten place for their children.

I have asked the Minister for Children and Early Childhood Development a series of questions on notice around the issue of kindergarten funding. In fact I asked her 79 questions on notice — one in respect of every local government area in Victoria. In her response the minister referred to the national partnership as being an intention to:

1. Facilitate detailed planning to assist the capacity for the implementation of universal access within municipalities which responds to the unique needs of local communities.
2. Pilot a range of service delivery models. Thirty-five services are currently piloting innovative approaches in a range of settings to implement 15 hours of kindergarten for all children in the year before school.

The minister is seeking to claim credit for a process that was implemented by the previous government. The former Labor government provided each local government area with a grant of \$50 000 to assist capacity in its local area to undertake an analysis of the impacts of the various services it provides and to identify innovative ways to provide 15 hours in the four-year-old kindergarten program whilst being able to maintain its three-year-old kindergarten program.

The minister went on in her answer to my question to say that her approach would be to:

3. Seek full funding from the commonwealth government for the commitment to provide 15 hours of early childhood education.

Whilst in opposition the minister was prepared to support the 15 hours of contact, it now appears she is getting ready to walk away from the national partnership agreement. What we are seeing from this government is a backflip from the position it took when it was in opposition.

The important thing to understand about the national partnership agreement is that it was intended to ensure that the move from 10 to 15 hours would not adversely affect families in terms of the subsidy they would pay or adversely impact on the operations of kindergartens. In that agreement the federal government is signed up to fully fund staff and operating costs as well as provide some capital funding, with a significant contribution to capital costs coming from the state government. This is precisely why the Labor Party took to the election last year an election commitment to provide \$100 million over four years in capital funding.

Labor has always taken the view that early childhood education involves an excellent partnership between the three tiers of government — local, state and federal. Minister Lovell is seeking to jeopardise that important

partnership by vacating the field. The minister is in effect expecting the Gillard federal government to come to her rescue, to step in and fulfil her responsibility.

In a media release issued in April last year the minister said kindergartens were also concerned that there would be a loss of other services, including three-year-old fun groups and playgroups, if kindergartens were not expanded or a sufficient number of new centres were not established. I have to wonder what the minister regards as 'sufficient' if her government is prepared to commit to only a paltry \$15 million over four years, which will barely upgrade 50 of the 1755 kindergartens across our state.

The Labor Party has a strong record in this area. We recognise the importance of investing in a child's early childhood years, and we understand the impact that this has on a child's future learning development. That is why the government during the previous Parliament moved to establish in 2007 the Department of Education and Early Childhood Development to pursue an integrated agenda for Victorian children and young people. I remember that at the time the move was warmly welcomed by the sector. It sought to bring together early childhood services and education to open up opportunities that will benefit children at their most developmental stage and to ensure a smooth transition to their school years. For example, it has led to more integrated services and children's hubs being established across Victoria.

In addition, in September 2008 the then government released *Blueprint for Education and Early Childhood Development*, which set out a five-year reform agenda for learning and development from birth to adulthood. This was reviewed a year later, in November 2009, in the document called *Blueprint for Education and Early Childhood Development — One Year On*. This review highlights a range of new initiatives for 2010, which were rolled out last year. Some of those initiatives include the release of the Victorian Early Years Learning and Development Framework, the opening of new integrated children's centres, the rollout of the maternal and child health service activity framework and the introduction of the new Children's Services Regulations 2009 as well as the provision of additional places and support for children with a disability or developmental delay.

As I said before, we know that a child's early years have a profound impact on their future, and that is why we in government responded to the growing call for early childhood services by investing record amounts in Victoria's kindergartens to give every child the best possible start in life. Labor has a strong track record in

this area. During our time in government funding for kindergarten services across Victoria increased from \$66.1 million when we came to office to the allocation of \$189.1 million in last year's budget, an increase of 188 per cent. We also recognise the importance of integrated children's services. We encouraged the establishment of children's centres that integrate kindergarten programs with such services as maternal and child health services in near proximity to existing primary schools.

In February of this year I was pleased to attend the opening of the Clifton Street Children's Centre in Northcote with my colleague the member for Northcote in the Assembly. The centre is a project that was funded by the previous Labor government. Although Minister Lovell was in attendance to do the official ribbon cutting, this project was delivered by the former Labor government, which provided an additional 37 kindergarten places for that centre. I refer to this facility because it is a good example of an integrated service that incorporates in one centre both child-care and maternal and child health services. Overall the previous government funded 40 children's centres on the grounds of or adjacent to schools. I hope this program continues in the future because I know that in our growth areas in particular we need to continue the rollout of these children's centres and ensure they provide this integrated approach.

In last year's budget the then Labor government committed to providing \$63.1 million in funding over five years to meet the demand for kindergarten places, providing an additional 3590 kindergarten places. In total it funded 66 090 kindergarten places, and that was on top of the extra 4000 places funded in the 2009 budget. During last year's budget the Labor government committed \$14 million to the extension of the successful \$38 million Children's Capital program, which supports access to quality integrated children's services by building and expanding kindergartens and children's services. A range of grants programs were available to kindergartens through that funding commitment.

Growth in demand for kindergarten services also reflects a growth in demand for children's infrastructure. Most importantly — and I referred to this earlier — during last year's election the Labor Party had committed \$100 million to renovate or refurbish up to 335 kindergarten rooms across the state, creating the capacity for more than 10 000 extra kinder spaces. That is a quite significant commitment, especially if you compare that \$100 million to the \$15 million committed by the coalition.

The Labor Party also committed \$20 million to expand the state's network of children's centres to bring together a range of early childhood services for young families, including kindergarten, child care, maternal and child health, early intervention and support, supported playgroups, parents groups and family services. I want to contrast this with what I have referred to in paragraph (7) of the motion, which relates to the Baillieu government's approach in this area.

In stark contrast to the significant level of commitment that Labor had delivered while in office through successive budgets and its election commitments during the 2010 election, what we saw from the Baillieu government during last year's election was a commitment for only \$15 million in additional capital funding over the next four years. Based on the average cost of a new room, that is going to be barely enough to upgrade 50 of the 1755 kinders across the state. I think 50 is actually a generous figure; I think it will be less than that.

It is important to point out that, of the \$15 million in funding that is going to be provided by the government, \$3.5 million has already been allocated to kinders and children's centres in just one electorate — the marginal seat of South Barwon. The rest of Victoria has to make do with \$11.5 million, which is a woeful figure.

Whilst in opposition, Minister Lovell was quite vocal about these matters. I quote from *Hansard* of 24 February 2010, in which she refers to the need for the government to listen to 'the hundreds of parents in this state crying out for kindergarten places'. There will be many hundreds of parents crying out for kindergarten places by the end of the term of this government. There will be many parents who will be appalled to discover that the best their local kinder can do is hope to share in \$11.5 million in funding over four years across the whole of Victoria.

When in opposition, Minister Lovell stated that the coalition supported a range of things. Again I refer to *Hansard* of 24 February 2010, where she is reported as claiming that the coalition supported 'play-based learning' and '15 hours of contact'. What I want to know is where is the support when it counts? When the coalition came to government it had an opportunity to implement some of the issues it spoke about while in opposition. What happened when the coalition came to government is that it seems to have developed a collective amnesia in order to forget about all the things it talked about in opposition and to focus on other priorities.

Another issue that Minister Lovell spoke about in opposition is kindergarten fees. The minister issued a media release about this on 29 April last year headed 'Brumby spins big but in reality provides very little for kindergartens'. I might just change the name 'Brumby' to 'Baillieu' and put out the same media release. What you will find in that media release is the then shadow Minister for Children and Early Childhood Development talking about how increasing fees were a burden to Victorian families. Despite a lot of rhetoric around this area, what did we see come election time? We saw no election commitments on this issue. What have we seen since Ms Lovell became the Minister for Children and Early Childhood Development? We have heard no discussion at all around subsidies and fees that parents pay.

The Labor government has a very good track record in this area. It provided a per capita grant of at least \$1963 for each child enrolled in the kindergarten program in Victoria. That figure was as of last year. As well as that it provided additional subsidies for disadvantaged and low-income families. For example, last year over 18 000 children from low-income families — 27 per cent of the total number of children attending kindergartens — were given additional subsidies by the Brumby government to enable them to attend kinder free of charge, while all other parents paid around 35 per cent of the cost of the kinder program, which is less than \$200 per term. We also doubled the per capita rate during the time we were in government and increased funding for places during the last two budgets of our government. It is disappointing that the minister has not delivered in relation to the subsidy, given that she seemed to regard it as such an important issue when she was in opposition.

Paragraph (3) of my motion relates to the issue of the Young Readers program. The Labor Party committed \$3.5 million during the election towards extending the Young Readers program to ensure that all children are encouraged to read at home. I noted with a great deal of interest that two or three weeks ago in the *Age* newspaper, with a nice photo, Premier Baillieu indicated his support for the Premier's reading challenge, which was something we strongly promoted whilst we were in government. This program is aimed at primary and secondary school students.

It is disappointing that the Premier's support does not extend to preschool children, because the Young Readers program is a separate, stand-alone program for preschool children and there is no commitment whatsoever to this program in the policies of the coalition. I am greatly concerned that with the foreshadowed cuts to the Department of Education and

Early Childhood Development budget, this will be one of the programs that will hit the floor. It is a very important program because it encourages young people to develop a lifelong love of reading. The earlier we can get parents reading to their children, the earlier they will develop an interest in books, even if they are books with very few words and lots of colourful pictures. I know from experience with my young nephews, who are all about four or five years old, how much they enjoy having books read to them. It is really important that we continue the Young Readers program.

Mrs Coote — Do you read to them from *Hansard*?

Ms MIKAKOS — I could never be that cruel, Mrs Coote. Young children love to have books read to them, and this is a really valuable program. I urge members of the government to advocate for the continuation of this program, because it would be a great loss to young people if it were to be scrapped.

Moving on to paragraph (4) of the motion which relates to play, learning and equipment grants, again I note that Labor in government and in opposition has been strongly supportive of giving children the best possible start to their lives, understanding that this improves their educational, social and economic prospects. This extends not just to the issue of reading books but also to playing, because we know that children learn by playing. They play-act, take initiative by asking questions and attempt small tasks, and in their own unique way, which is beautiful and interesting to watch as they develop, they learn about social interaction and the world around them through play.

During the election I was very pleased that Labor committed \$8 million to play, learning and equipment grants for every community-based kindergarten in Victoria. Recently I attended, again with Minister Lovell, another opening in the city of Hume of a Labor project which we committed to last year. She had the opportunity, together with Mr Ondarchie, to be in the city of Hume. I am sure he remembers it well.

Mr Ondarchie interjected.

Ms MIKAKOS — I would not have gone into that, but Mr Ondarchie has provoked me. I remember the minister making a speech in which she said she was really pleased to be in the west. Everybody in the room scratched their heads, thinking it was such a shame that the minister did not know that Broadmeadows is actually in the north.

It was a great event at Meadows Primary School when the City of Hume launched the Supporting Parents — Developing Children project, which incorporates

play-based learning. It is particularly important because a lot of the children attending this centre are children with limited or no English language skills, and the way they learn is through play-based activities. I am disappointed that yet again there was no commitment by the coalition in its election policies around the issue of play, learning and equipment grants. I hope this will be a program that the government will retain. I urge it to retain this important program.

Paragraph (5) of my motion relates to toy libraries and playgroups. Playgroups are an excellent way for young children to socialise, allowing parents to stay with their children. It provides an informal setting and quality play opportunities for children at a critical time in their development. Many children attend playgroups in addition to attending separate kindergarten programs. It is also a good way for them to make friends, who hopefully will continue with them into primary school.

That is why the Labor Party went to the last election with a commitment of \$6 million to expand playgroups, toy libraries and other programs, in particular to enhance the development of children younger than three years of age.

Mrs Peulich interjected.

Ms MIKAKOS — I am disappointed that Mrs Peulich thinks this is a shopping list, because these are really important programs which I hope she is advocating for on behalf of her local community. What did we see? Despite the commitments made by the Labor Party across a whole range of areas, we saw zero being committed by the coalition in relation to toy libraries and playgroups.

Mrs Peulich interjected.

Ms MIKAKOS — If Mrs Peulich thinks that is not important, then I am disappointed. It is an important area, and I hope these matters are redressed. I hope the coalition will see the light in some of these policy areas. I hope these programs are not axed in May, but I suspect that with the forthcoming budget cuts in the education department a lot of them will get the axe.

I want to turn now to paragraph (6), which relates to the issue of the professional development needs of staff working in the early childhood sector. During the budget period last year the Brumby government delivered \$3.5 million for mentoring, professional development and leadership training to improve Victoria's early childhood workforce and \$2 million to strengthen the counselling services available to Victorian parents, including the Maternal and Child Health Line and Parentline. We also committed

\$4 million for professional development to help another 800 early childhood professionals upgrade their qualifications. I contrast that with the coalition, which has only committed \$180 000 to this area.

This is a really important issue, because the previous government changed the regulatory framework and in 2009 made significant reforms to the children's services regulations relating to a whole range of areas, including staff-to-children ratios and staff qualifications. In particular, the new regulations provide that it is now necessary to employ qualified early childhood teachers in all standard services including long day care services. It also means that the qualifications for all staff and carers have been increased to a minimum of certificate III level.

These are really important reforms. They recognise the fact that the people working in this sector need to have appropriate qualifications, because they are dealing with the most precious things in our society, our young children. Those staff should also get appropriate recognition for the importance of the work they are doing, and we should encourage them to develop their qualifications. Obviously that will impact on the quality of early childhood education provided to young children.

As part of these changes to the regulations and as part of the COAG agreement that I referred to earlier there is also the development of the national quality framework for early childhood education, a process that commenced under the previous government. During question time today I asked the Minister for Children and Early Childhood Development about changes to the law and regulations that she referred to on the Channel 9 news last night, during which she sought to give the impression to viewers that this was something new that the Baillieu government was undertaking — making no mention of the fact that it is part of a national process that the previous government had committed to and to the fact that the work commenced long before she became the minister. She gave Channel 9 viewers the impression that she was going to take action in response to this story, which referred to breaches of the regulations in a range of child-care centres around the state. It is really disappointing that the minister would give people that impression.

I also asked the minister about the issue of consultation. She has not even put out a media release about a process she is engaging in as part of the development of the national quality framework. She relied on information provided on the department's website, which is information that is also provided on the federal government's departmental website. Her answer in

question time today gave the impression that a 5-second grab on the Channel 9 news is an adequate way of informing the Victorian public about regulatory changes. I hope the minister will be more forthcoming in terms of explaining to the sector and to the Victorian public what changes she is proposing in this area. Perhaps she could come and answer a Dorothy Dixier in the house and cast a little more light on this area, but I think a 5-second grab on Channel 9 is not really going to cut the mustard.

The Labor Party is very strongly in support of ensuring that our early childhood education services provide appropriate learning and development outcomes for children of all abilities. During the life of the previous government I was very pleased to see a range of commitments put in place in relation to children with a disability or developmental delay. In the budget last year we made a commitment of \$12.1 million for the kindergarten inclusion support program, and while the coalition has also made commitments in relation to that program, which I welcome, I think this is an area that is growing in demand. I will certainly be watching very carefully to see if the funding that the minister delivers in this area adequately meets the demand in the community.

I was also pleased that in its budget last year Labor provided \$6.2 million in global funding towards early childhood intervention services, which is a very important program. That funding was followed up with an additional election commitment in this area of \$24.4 million to fund a further 1000 early childhood intervention services places to support the growing needs of preschool children with a disability or developmental delay. Again, I think it is disappointing that the coalition made no commitment in relation to early childhood intervention services. I acknowledge that some work will occur in relation to the school for autism in the western suburbs, which is something that I think is very important, but the early childhood intervention services did not receive any specific funding commitment.

In relation to paragraph (8), Labor recognises the important role played by early childhood teachers in a child's educational and social development. We also committed to amending the Education and Training Reform Act 2006 to allow kindergarten teachers to register through the Victorian Institute of Teaching. I note that the Minister responsible for the Teaching Profession, Mr Hall, is in the house at the moment. It is disappointing that the coalition made no specific commitment in this area in its election documentation. I hope Minister Hall might be involved in working with Minister Lovell in relation to this issue, because I think

all teachers working with children — not just those in the primary and secondary sector but also those in the early childhood sector — should be registered through the Victorian Institute of Teaching. Given his education background, I hope that Minister Hall will appreciate that and advocate for it within the Baillieu government.

I have received a range of correspondence from local councils across Victoria in relation to the issue of demand and funding for early childhood services. Time does not permit me to quote from all of it, but I particularly wanted to put on record the concerns expressed by the mayor of Frankston City Council, Cr Kristopher Bolam, who responded to me after I raised these issues with him. In correspondence to me dated 21 February he expressed his council's support for the Council of Australian Governments (COAG) early years reform agenda and his concerns about the council's ability to deliver on the commitment to provide 15 hours a week of kindergarten by 2013 without additional infrastructure being provided. I point out that Frankston has one of the lowest participation rates for kindergarten — it was 79.7 per cent in 2009.

During the term of our government we managed to achieve significant improvements in kindergarten participation. The state average last year was 98.2 per cent, which is very good, but I acknowledge that some areas are well below the state average — Frankston is one of them, as is the city of Darebin in my electorate. Other areas with socioeconomic disadvantage have lower kindergarten participation rates. It is important that those communities are supported through adequate funding to ensure that all children in those local government areas have the opportunity to attend kindergarten.

Similarly Warrnambool City Council chief executive Bruce Anson advised me in a letter dated 7 February that there was currently no provision in the council's capital works program for the kindergarten expansion program. He also expressed concerns around funding issues. He said:

It is fair to say that without additional funding from the state government being provided, all other options are unpalatable to council.

That will be the consequence of the coalition government's failure to adequately address this issue: the burden will fall on local government. Basically what will happen is that Minister Lovell will walk away from the COAG agreement and we will end up with Victoria sticking to 10 hours for four-year-old kindergarten programs.

In a similar vein, in a letter dated 14 February the mayor of Hobsons Bay City Council, Cr Michael Raffoul, expressed concerns to me about the council's ability to accommodate increased hours for the four-year-old program. I have a plethora of correspondence from local councils. I will not go through all of it today, but I simply make the point that many councils throughout Victoria are greatly alarmed at the lack of funding being provided by the coalition government in relation to this issue.

There have also been reports in local newspapers on this issue. In the *Wyndham Weekly* of 16 March the Wyndham City Council expressed its concerns about this issue and said there was a need for greater investment in infrastructure projects because of the growth that the local government area is experiencing.

In conclusion, the debate on this motion has been a wide-ranging one that has addressed a whole range of issues around early childhood education, the most fundamental of which is the need to provide adequate infrastructure to ensure that children can participate in kindergarten programs. However, I referred to a range of programs — the Young Readers program, playgroups and equipment grants — that I believe are now under threat by the government. We are seeing strong indications from the minister that she is looking to walk away from the COAG agreement to implement the 15 hours for four-year-old kindergarten programs.

We on the Labor side believe the greatest gift we can give our children is a solid foundation through a high-quality education starting from birth. Our children's development is not always easy or straightforward, but we need to do everything we can to ensure that they are nurtured every step of the way.

Whilst we were in government we were ready to introduce the 15-hour COAG agreement by investing over \$100 million in capital funding for Victorian kindergartens. The coalition's commitment of only \$15 million is simply unacceptable. As I said before, it is actually less than that when you take out the allocation for South Barwon and look at what is provided for the needs of the rest of Victoria. I call on the Baillieu government to look at these issues urgently, as they need to be addressed in this year's state budget. I urge members to support the motion before the house.

Mrs COOTE (Southern Metropolitan) — I found the contribution by Ms Mikakos interesting. Firstly, I would like to put on the record my thanks for her recognition of Minister Lovell's particular circumstances and for the way in which she has approached that.

Secondly, Ms Mikakos went through a lengthy introduction, talking about how deeply she and the Labor Party recognised the importance of quality early childhood education.

I would like to remind Ms Mikakos about the Honourable Sherryl Garbutt, who was in another place in an earlier Parliament some time ago and who made a great song and dance about establishing a ministry for children. There was huge fanfare; it was going to change the world and was going to be absolutely fantastic and achieve a whole range of things that had never been achieved before. It was probably about that time that the Labor Party established a wonderful new department called the Department for Victorian Communities. No-one at that time quite knew what that department was for, including, I might add, its minister, John Thwaites.

What was the reality of what happened to these bodies? The Brumby-Bracks governments supposedly had a huge interest in children, but the ministry for children rose up out of nowhere, came up with a flourish, disappeared and sank without a trace after a very short time. There was a lot of letterhead, many refurbished offices and not a lot of programs. It was absolutely light on. I therefore think the credentials the ALP has had in this area are somewhat suspect. We have heard the rhetoric before, but we have not seen the follow-through. I did not hear anything in the contribution Ms Mikakos just made to indicate that anything had changed.

If Labor Party members believe early childhood development and the education of children is such an important and vital thing, I find it quite extraordinary that as they engage in this debate in this chamber during the time of the week for opposition business — a time when you would expect most members of the opposition would be in attendance — Ms Mikakos was, for three-quarters of her contribution, the only person in the chamber from her side. Finally another member came in. In deference to children and signalling the importance the Liberal Party and the coalition place on this issue, we had at most times during the debate at least eight or nine members present. I find this a very interesting indication of what is going on.

I would like to correct a couple of things Ms Mikakos said about Ms Lovell, the Minister for Children and Early Childhood Development. Ms Mikakos said she had heard that parents were crying out for kindergarten places and that they would be crying out even more in four years time. I remind Ms Mikakos that the coalition has only been in government for just over 100 days, and in that time it has been wearing the consequences of

years of neglect by the Bracks and Brumby Labor governments. For Ms Mikakos to say that people are crying out for kindergarten places and that there will not be places in four years time is a gross exaggeration. I would like to take her to task. She should watch what will unfold here under Minister Lovell.

Ms Mikakos also said that when in opposition Minister Lovell was full of rhetoric and now shared in a collective amnesia. On Ms Lovell's behalf I take Ms Mikakos to task vigorously on this. I have to suggest that in opposition Ms Mikakos's performance is sad, really. Going by her contribution we know she is out of her depth; she is floundering. There is no departmental support, and she is really grasping at straws. From the bottom of my heart I feel very concerned for her. I understand how difficult being in opposition is, but I say, 'Keep trying.'

The Baillieu government has very good credentials as far as children are concerned. One of the very first things Premier Ted Baillieu did was to make a families statement in the Legislative Assembly. It was a comprehensive statement on the state of families in Victoria, the concerns they have and the issues concerning where and how they want to go into the future, how they want to lead their lives and how they want to relate to the government. Children and early childhood development and education were a very big part of that families statement. We are going to engage with the community on a regular basis to find out what families want from this government. We will not be in sitting rooms as the Labor Party was whilst it was creating a nanny state; we will be listening to what families say and reflecting their views in our actions, our funding and our policies.

As Ted Baillieu said in that statement, families are the cornerstone of our communities, and providing children with opportunities to develop in their early years is vital. The coalition will deliver immediate action to support early childhood education and development by investing in early childhood infrastructure, ensuring the sustainability of kindergarten services in small rural communities by easing the burden of kindergarten fees and reducing the need for fundraising through the provision of operational grants.

It was a hallmark of the Labor government that kindergarten parents said to the members of this chamber that they had such uncertainty about recurrent expenditure and infrastructure costs that they had to physically go out and spend a lot of their time fundraising for very basic requirements instead of looking after their children. We are intending to provide more kindergarten inclusion support places to enable

more children with a disability or developmental delay to participate in kindergarten programs; we are recognising that parents have the most significant influence on a child's life and are therefore providing better support for parents; and we are responding to the need for workforce development by providing additional material and child health scholarships.

I will go through some of the points Ms Mikakos's motion raises. The motion begins by referring to the baby boom. The baby boom has not just arrived; it has been going now for a significant time. We now have 200 babies being born each day, which is increasing the demand for kindergarten places, and there has been a 21 per cent increase in the birth rate since 1999. An additional 11 500 babies have been born. Some of those babies have been born in the last 100 days, but the bulk of extra babies born as part of that 21 per cent increase were born in the time of the Labor government.

The Labor government should have been looking at its forward estimates — I see the former Treasurer is in the chamber — to see what the tension points were going to be. Ms Mikakos says parents are crying out for kindergarten places, but where was the former government's forward thinking? Where were the former government's estimates? Where was its forward planning? They were nowhere to be seen. Those 11 500 births since 1999 were not even factored in. This is a recurring incident, because we are seeing this across the board in a whole range of programs that have been underfunded and provided with no funding into the future. They are an indictment of and a hallmark of the former Labor government.

Participation rates in kindergartens have also gone up to 95.1 per cent in 2010, which is an interesting statistic that shows that parents are engaged in early childhood development — something this government wishes to encourage. In my electorate of Southern Metropolitan Region some parents find themselves in circumstances where it is difficult for them to get organised enough to get their children to kindergarten even if they have places in kindergartens. Some of these parents are affected by drugs or alcohol or have mental health problems. Indeed many schools and kindergartens provide preschool breakfast sessions to make sure that the children can learn for the day on a full stomach. This is a problem we have to look at. That is an excellent start for those 95 per cent of children who are participating in the kindergarten system, but the other 5 per cent of children have problems which need to be addressed, and some of those face some challenges that also need to be addressed.

The National Partnership Agreement on Early Childhood Education is a commitment to universal access to 15 hours of kindergarten in the year before school by 2013. I will come back to that in a moment. The commitment to the National Partnership on the National Quality Agenda is another subject I wish to speak about.

Members of the ALP said they believed in three very important levels of government: federal, state and local. Ms Mikakos made quite a lot of comment on this and then went on to talk about the National Partnership Agreement on Early Childhood Education, about how important it is and about how clever the Labor government had been. I have to contradict her on every level and on every aspect she spoke about.

The former ALP state government and the commonwealth signed on to the COAG (Council of Australian Governments) agreement without giving any consideration to the additional funding or infrastructure that would be required to meet the 15-hour minimum standard. If members of the government were absolutely clear about engaging with all levels of government —

Mr Lenders interjected.

Mrs COOTE — They just ticked off on it, like the federal government told them to do. That is what members of the former government did without any proper investigation into what the ramifications would be for the state or for local government. Indeed we are now suffering the ramifications from precisely that deal.

For the Labor Party to make a commitment to this policy without first assessing the capacity for services to deliver the additional hours without impacting on the number of places is a highly unusual way for policy to be developed. Normally governments would assess the capacity of services and build the infrastructure before committing to increasing the hours. Labor's failure is likely to have an impact on the sector's ability to deliver adequate kindergarten places for four-year-olds, which may mean that other pilot programs, such as the program for kindergarten places for three-year-olds, will be put into jeopardy.

This government's mid-term review of the national partnership agreement on universal access is currently being undertaken. The Victorian government will use the opportunity of this review to seek a commitment from the commonwealth to fully fund the extra 5 hours to ensure that parents are not burdened with additional cost, to invest substantially in necessary infrastructure

and to enable a longer lead time to train and recruit a suitable workforce and effect the changes required.

Mr Lenders interjected.

Mrs COOTE — I thank Mr Lenders for his interjection.

Mr Lenders interjected.

Mrs COOTE — I feel sorry for you too.

The Baillieu government is piloting 35 services using innovative approaches in a range of settings to implement 15 hours of kindergarten for all children in the years before school.

Mr Lenders interjected.

Mrs COOTE — Mr Lenders can sit there and be smart about this, but let me tell him that I have met with people from his electorate and mine — in Glen Eira — who at the time of the signing of this agreement were incensed about what was happening. Where was Mr Lenders? He did not even bother to come to the meeting; however, Ms Lovell came to the meeting and dealt with all of the councils from the inner metropolitan areas and with the mayors and CEOs. She discussed this issue and put it on the table, and they were very aware also of exactly what had happened to this issue at the federal government level and in the COAG agreement. They knew exactly what had gone on.

Mr Lenders is sitting on the other side looking holier than thou, but — believe me! — everybody already knows: they know what Mr Lenders was up to, they know what he did and they know that he rolled over and said to COAG, 'Yes, we will do whatever you like', just as he did with the health agreement.

Mr Lenders interjected.

The ACTING PRESIDENT (Mr Ramsay) — Order! Mr Lenders is sitting in the wrong seat to be making comments.

Mrs COOTE — My issue is that the Brumby government agreed to adopt this federal policy without assessing capacity and providing the necessary infrastructure. It is the infrastructure that is causing so many problems, and it is important to understand this. It is with a great deal of concern that we have had to address this issue and look at what can be done with a view to making a difference and looking at the future of this particular area to make certain that infrastructure is in place and that things are working as they should.

As I said earlier, the Baillieu government is committed to the importance of early childhood development as the cornerstone of the developmental phase of life. Ms Mikakos did address this issue, and I think she genuinely believes that education is a very important issue for early childhood development. Although he is chuckling and chortling I hope that Mr Lenders agrees with this, particularly as he is a former education minister.

I turn to what the minister intends to do. To do so we have to look at some of the points made by Ms Mikakos in her contribution. She said the Baillieu government has made no commitment to providing play, learning and equipment grants for community-based kindergartens. I remind Ms Mikakos that many kindergartens, particularly those in rural areas, lobbied me when we were in opposition about the fact that most of the kindergarten committees spent an inordinate amount of their time on administration and fundraising because sufficient support and equipment was not provided for them by the Bracks and Brumby governments. The reality was that those committees spent an inordinate amount of time on those issues. Those parents were supposed to be there as a support structure and to help and support the kindergarten, instead of which they spent most of their time fundraising just to keep the whole thing afloat.

I turn to the Brumby government's failure to adequately plan for both the baby boom and the impact of a new policy commitment, such as the National Partnership Agreement on Early Childhood Education. As I have said, the effects of this failure will be felt for some time into the future. I cannot understand how the former government could not predict that this onslaught of additional children was going to occur.

We only have to look at what the then federal Treasurer, Peter Costello, did in 2002. Federal budget paper 5 for 2002 is entitled *Intergenerational Report*, and it provides a longitudinal study of exactly what the financial impacts would be of an increased population, what that would mean for us as Australians and where it would lead us. The report also outlines what we had to plan for.

This was a very sensible thing to have done, and it involved looking at the projections. It is all very well to have an increase of 21 per cent in the numbers of children in this state, but those children will need to have infrastructure so they can be educated — from small children all the way up to university students. It is no surprise that any government would have to deal with these expenses, so I am absolutely astonished that this was not planned for.

Peter Costello then went on to issue an intergenerational report every two years, the final one being issued in 2007. The 2007 report once again gave forward estimates of what the tension points were going to be, including here in Victoria. I think the previous Treasurer must have been sitting there blindfolded, because he did not actually make the funds available and nothing was done to look into the future and make certain that this area was adequately catered for. I go back to Ms Mikakos saying that people were screaming out for kindergarten places. How many people, I ask Ms Mikakos —

Ms Mikakos interjected.

Mrs COOTE — We have been here for just over 100 days. I would also ask: where on earth in all those new planning areas that Mr Madden created is the infrastructure? As a result of the fact that we are dependent on commonwealth funding to provide infrastructure and additional program hours, the commitment is placing significant pressure on services to meet demand as well as having the potential to displace other valuable programs, as I have said before.

One of the issues Ms Mikakos brought up in relation to programs — it is mentioned at paragraph (6) of her motion — is the workforce. Given that I have just addressed the issue of the lack of funding and the lack of recognition of what the forward estimates of the numbers should have been, it was interesting to note that the opposition, when in government, also did not address the issue of workforce quality and workforce education.

In the past the issue of early childhood development has been quite contentious. When there were going to be kindergartens on the same sites as schools there was tension between kindergarten teachers and schoolteachers in a whole range of areas. These come into play with child care too, including the qualifications that people need to have and the additional pressures for kindergarten teachers, child-care operators and prep teachers. We as a coalition have done quite a bit about this.

We have come up with a range of initiatives to increase the size and expertise of Victoria's early childhood workforce and to respond to the demand for qualified early childhood professionals arising from the National Partnership Agreement on Early Childhood Education and the national quality framework for early childhood education and care and the growing demand for high-quality early childhood services. The Early Childhood Qualifications Fund supports unqualified early childhood educators to obtain a qualification, and

it supports qualified early childhood educators to attain a higher qualification. It also supports primary teachers to gain an early childhood teacher qualification.

This cross-level understanding of the issues involved with early learning is really important. It is very important for primary teachers to understand the nuances of kindergarten teaching and for kindergarten teachers to understand some of the preparation work needed for prep and beyond. This recognition of the need for teachers to understand each other's workloads and those sorts of issues shows the Baillieu government's clear understanding of where those tensions are and its intention to do something about them.

Employment incentives are also available to attract early childhood educators to hard-to-staff positions, including in rural areas and kindergarten programs in long day care. As I said, in the past the issue of who was responsible, what qualifications were needed, how people progressed and what sort of career opportunities there were has been a very grey area. The Liberal-Nationals coalition government has had a very close look at what these tensions are, and with these types of programs it is working on addressing these issues.

Additional support will be made available for Aboriginal Victorians to work in early childhood services across all qualification levels through the Aboriginal Early Childhood Workforce Fund. Once again this recognises an area that must be addressed and dealt with adequately throughout the whole sector. Some of the cultural issues that are faced by Aboriginal children, particularly in some of our rural areas, are very particular, and it takes a specialised workforce and a specialised group of teachers to understand what some of those tensions and nuances might be and how to deal with them effectively and positively.

This is a great initiative by the Baillieu coalition government to make certain that this issue is addressed, because sadly in this state — and the Labor government had 11 years to address this issue and nothing changed much — our indigenous community is still well behind the mainstream community on just about every measure, including health and education. It is vitally important that Aboriginal children have just as much opportunity to learn as much as they possibly can in this part of their lives as the rest of the community.

The professional development for early childhood educators is going to be available through the two leadership programs delivered by the Bastow Institute of Educational Leadership, through the professional

development activities focusing on the Victorian Early Years Learning and Development Framework, and through support for early childhood professional networks. Over the past four or five years I have been lobbied by professionals wanting to have a career path and wanting recognition of the fact that as a community we know how important these early childhood years are. They want professional recognition, and they want to know that they are going to have the recognition and career pathways that other sectors in the community have. These programs that are going to be initiated will certainly go a long way towards addressing those issues.

There will be support for professional learning in the future, and that will include a mentoring program for early childhood teachers. Many of these teachers are very young, and in many instances they are in their first job. It is very challenging and exciting for them, but in many instances they are very raw. A proper mentoring program is a very good way to address the additional tensions that these younger early childhood teachers experience. It is really important to mentor these young people so that they can go on to be the very best that they can be in their field, and hopefully they will, in turn, mentor other early childhood teachers coming into the system. If we help these teachers to be the best they can be, the whole sector will be improved. That is very important. I acknowledge that in the past there have been many mentors who have done a very good job. They have taken young teachers under their wing, passed on their expertise and helped them to be as good as they could possibly be. But that was ad hoc; this is a much more formal program that is going to be recognised as a mentoring program, and because of its formality I believe it will be a huge success.

Early childhood professionals are the key to high-quality early childhood services, and my colleague who was in the house a moment ago, the Minister responsible for the Teaching Profession, has direct responsibility for early childhood educators. Before making any decisions on the registration of early childhood educators he will consult with the sector and have discussions through the ministerial council to see if some national uniformity can be established. This shows true leadership from the Baillieu government on a national scale. We want to be the leaders in early childhood development and education in this state.

For the minister to be already suggesting that he is going to put this issue on the ministerial council agenda and make quite certain that we are the leaders in this type of high-quality early childhood services is a very good step in leadership and will be something that can be assessed into the future. I think Ms Mikakos will be

very pleasantly surprised to see Victoria being the lead state in this field, and she will have to acknowledge how successful the Baillieu government has been in this area.

I spoke earlier about the National Partnership on Early Childhood Education and about the fact that the previous government leapt into bed with the commonwealth and signed the COAG agreement without any consideration. I explained the consequences of this action, and I pointed out that local councils and state governments were not consulted, that there was no provision for the additional funding this was going to require and that it was going to be very difficult. Sadly it was something that we as a government inherited and have been locked into.

I know that the Minister for Children and Early Childhood Development, Ms Lovell, is particularly concerned about this issue, its ramifications and what might happen as a consequence. As I said before, this government is having to address some of these issues. The minister is going to be working to see what can be done, and she is also going to have a kindergarten funding review. The government is committed to ensuring that quality kindergarten services are affordable and accessible for all Victorian children and their families. Families are experiencing pressures through increasing fees and having to fundraise as a result of the national quality reform agenda and the implementation of universal access to 15 hours of kindergarten. Labor was prepared to let parents pay for these reforms, as I said before. This is one of the areas I have been heavily lobbied on, and it will be looked at and addressed under this review.

There are perceived inconsistencies with regard to rural sustainability and funding for kindergartens in independent schools. Within the Southern Metropolitan Region we have an enormous number of independent schools, many of which have early learning centres with very keen pressures of their own. These pressures have to be addressed and looked at under this review that will be happening.

The coalition is concerned that Labor's legacy in early childhood will impact heavily on family budgets. Therefore the minister has asked the Department of Education and Early Childhood Development (DEECD) to undertake a review of the current kindergarten funding model to determine the options available to provide for more equitable funding arrangements. We are going back to the families statement that the Premier delivered in the Legislative Assembly as one of the first things he did when he

came to office. He identified and talked about the economic pressures on families.

Families with kindergarten children are facing an inordinate number of additional pressures. They are faced with rises in electricity and water prices, the not-so-smart meters are heading their way and we have a desalination plant, the cost of which has blown out of all proportion. There is also the myki system that does not work. These are things they are concerned about in a much more universal sense. But when it comes to the education of their children — and kindergarten is the first port of call for education for their children — they are very interested. They want to know what it is, they want the very best, they do not want to spend all their time raising funds and they want to work with early childhood educators towards a very pleasant, worthwhile experience and a very important first step for their small children. They are watching their budgets, so they want to get value for money. They want to know they have some control over where it is going and what is happening, but they cannot do that unless they have some details. This review will go a long way towards addressing those issues.

For the Baillieu government I emphasise that the participation of children in high-quality early childhood services is a priority. Ms Mikakos was fairly scathing, and she seemed to think the Labor Party had a monopoly on this point. I assure Ms Mikakos that the Liberal Party is dedicated to this commitment. The coalition government and Premier, Ted Baillieu, is absolutely committed to high-quality early childhood services. It is a huge priority.

One of the areas that is particularly important to me — and I am pleased to note that the minister is very cognisant of this issue — is supporting children with a disability or developmental delay to access community programs and to make the transition to school. Early childhood intervention services provide assessment and therapy, service coordination, counselling and parent education. There is a growing demand for services for children with special needs.

We have seen a huge increase in the number of children diagnosed with autism spectrum disorders (ASDs) and a whole range of challenging behaviours, from children who have an IQ of about 70 right down to a very low IQ. Those children with an IQ on the borderline of 70 and just below have some major issues. Some of the children with more profound concerns and complex disabilities have some really challenging behaviours that need to be addressed.

But as we all know and have recognised in this chamber on numerous occasions, early intervention makes an enormous difference to early childhood development. This government will take a slightly different approach in assisting the early childhood sector with children with a disability of any sort — physical or cognitive. By helping these children integrate into the education system, starting with a very healthy, integrated and individual-specific approach in the early childhood years, these children will be assisted to integrate into our community in the future. I commend the minister and the Baillieu government for making this a priority.

In response to the demand — and we know there is demand — the Victorian government, through the Department of Education and Early Childhood Development, has introduced a range of early support initiatives including Signposts for Building Better Behaviour, initiatives to support the growing number of children diagnosed with ASDs and family support for infants and young children diagnosed with a hearing loss.

The minister has advised me that further work will be undertaken this year to develop options for a new service delivery and funding model. This model will support easier access to services for families and their children and strengthen accountability. The government has committed an additional \$10 million over four years to broaden kindergarten inclusion support services so that children do not miss out on vital kindergarten programs in the year before school.

The minister has also asked me to highlight the issue of acting fast to respond to emergencies. We started this week with a condolence motion for the people in Japan. In the last two sitting weeks of Parliament we reflected upon the catastrophes here in our state with the floods and in other parts of our country. It was not so long ago that we witnessed the impact of the Victorian bushfires. To help families get back on their feet and establish a normal routine it is important to address these early childhood issues. Parents need to have some sense of continuity for their children. This is one area about which families can feel more confident.

The minister has asked me to outline today a number of early childhood services for facilities and families who have sustained flood or rain-related damage. State-funded early childhood services and families who have been affected by the recent severe weather events will have access to the kindergarten fee subsidy that is available to families who have received a Department of Human Services emergency grant or an Australian government disaster recovery payment. This subsidy

will enable families to access a kindergarten program free of charge for 2011.

Another measure will ensure that kindergartens are not financially disadvantaged where enrolments are affected in the short term. Yet another very important area is that early childhood services, including kindergarten and maternal and child health services not eligible for a clean-up and restoration grant, will be provided with minor grants of up to \$10 000 to assist with costs not covered by insurance, such as clean-up expenses and the reinstatement of outdoor play areas, which are a vital first step in the education system for children. Finally, an additional \$10 000 will be allocated to the nursery equipment program, which enables maternal and child health nurses to provide eligible families with safe nursery equipment where required.

These measures will help families who have children entering kindergarten and who often have other smaller family members. This is a very important suite of initiatives. It will give confidence to families affected by fire and flood to know that they can start integrating their children into the system as quickly as possible.

As members know, Minister Lovell has a great passion for rural Victoria. She is particularly cognisant of the special demands and concerns of this region as she comes from there herself. The Victorian government believes every child should have access to a kindergarten program in the year before school. Rural and small rural kindergarten funding rates are higher than the standard rate in recognition of the specific needs of rural communities. I spoke before about the workforce situation and how important it is to get people working in rural areas. The mentoring program I spoke about earlier will help young teachers integrate into rural communities and adjust to rural life. It is very important that any young teacher going into rural Victoria has an encouraging experience. The suite of initiatives that we have put in place in this area will certainly do that.

In its pre-election commitments the government announced \$6 million over four years to maintain accessible and affordable early childhood services in rural communities through operational grants of up to \$20 000 for small rural kindergarten services. Although my seat is an inner city seat, from my time travelling around Victoria during the election last November I know how important these grants are. Young families were particularly pleased with it. The Victorian coalition government will actively work with the early childhood sector, communities, local government and

families in order to ensure they have the support they need to improve services across Victoria.

In conclusion, I am confident that despite a lack of real leadership from the former Labor government the current government will ensure that provisions are put into place to ensure that all children have the best possible start to life. I commend the government and Minister Lovell for the enormous amount of work she did whilst in opposition, the very comprehensive suite of programs she took into the election in November and the way she is working with her department to make certain that those programs are implemented for the betterment of early childhood in this state in perpetuity.

Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).

Debate adjourned until Wednesday, 30 March.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

That this house:

- (1) notes that the documents ordered by the resolution of the Council on 9 February 2011 to be tabled in the Council by 12.00 p.m. on 1 March 2011, have not been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975 and the power to make standing orders under section 43 of that act;
- (3) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (4) requires the Leader of the Government representing the Premier to table by 12.00 p.m. on Tuesday, 5 April 2011, a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the state of Victoria and HRL Ltd, provided under the Energy Technology Innovation Strategy (ETIS).

This motion relates to a proposed coal-fired power station in Victoria. This is the second time we have debated this issue. On the last occasion the government, acting on the advice of a company, told the Parliament that the documents were commercial in confidence and that it could not give us information about a funding agreement of \$150 million in state and federal funding. Since that time we have learnt a little bit more about this particular project and the fact that it is a very real and live decision-making process for both the state and federal governments. HRL Ltd, in its letter which is attached to the Attorney-General's letter, gives this

away when it suggests that releasing the information in the funding agreement between the state of Victoria and HRL could prejudice its position in current negotiations with a number of parties, including the commonwealth government.

The funding agreement with the commonwealth was signed some years ago. What we are seeking to find out is what milestones the company is meant to achieve in order to receive the funding, whether it be from state or federal sources. I do not think it is unusual that when \$150 million in public funding is given to someone who is building a power plant, which is intended to be a commercial venture, that we, the public, should want to understand what we are getting for our buck.

I went to an Auditor-General briefing today on an audit the auditor had conducted of a particular state government grants program which was equivalent to \$18 million over four years. Amongst other findings, the general finding of that audit was that the responsible department did not adequately enforce accountability provisions with funded projects. That is exactly the same question that I am addressing here today.

The state and federal governments offered \$150 million for this power plant, which will go out and compete in the electricity market with other generators, including renewable generators. The state government should be accountable for how it manages that grant and for what we get in return, but right now the state government will not tell us what the milestones are. However, we have a few clues.

At the federal level we know the funding agreement has already been concluded. In an answer to a question on notice asked by my Greens colleague Senator Christine Milne, the federal Minister for Innovation, Industry, Science and Research, Senator Kim Carr, confirmed in February 2009 that the contract with HRL for the funding had been signed. He also confirmed that the grant is managed using a milestone schedule obtained in the funding deed, that payments are dependent upon satisfaction of the milestones and that the deed has been executed.

Importantly Senator Milne asked, as I am also asking, whether the company is meant to deliver so-called clean coal in return for the money. Is it a condition that the company delivers a plant that achieves the promised performance in terms of emissions intensity reductions? As far as the federal government is concerned the answer is no, because in that answer Senator Kim Carr said:

No. These performance levels will not be a condition of receiving grant payments. The key objective of the fund

under which this project is supported is to demonstrate the commercial potential of new technologies or processes.

Despite the promise that this wonderful, amazing clean coal is going to be 30 per cent cleaner than the coal used in the average coal-fired power station, that is not a requirement of the grant. It can fail that test — and in fact it appears to be failing based on the other material it made public through the Environment Protection Authority licensing process — and still get the money, provided it gives it a good old try. The federal government does not want to tell us whatever the reason is that these negotiations are still ongoing.

It appears that some of the other milestones, if we can take a guess, are whether the project will even be commercially viable. Originally what was intended to be a 400 megawatt plant costing \$750 million and receiving \$150 million in public funding is now a 600 megawatt plant costing over \$1 billion, but it is still apparently receiving the same amount of taxpayer subsidy. This is a full-blown coal-fired power plant which will have to compete in an electricity market through the national energy market, and it is getting public funds to simply go out and compete with other forms of generation.

Clearly these discussions on whether it is achieving the other benchmarks in the federal funding deed are ongoing. I am aware, from information obtained by Greenpeace, that this is still being discussed and that both state and federal governments are involved in the discussions, but so far there is no conclusion that this project is commercially viable, much less an environmental improvement.

I believe the Parliament and the people of Victoria have every right to expect some basic information about what we are getting for our money and what milestones the company has to achieve in order to receive the funding, let alone the many other issues that we might want to go on and debate about the wisdom of this particular project. For that reason I am moving this motion for the second time, and in this case it requires the Leader of the Government to table the material by the next sitting week.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the government with regard to the motion moved by Mr Barber. It comes before the house following previous debates on 9 February and 2 March about the agreement with HRL Ltd.

The Attorney-General wrote to the Council in response to the motion of the Council of 9 February, stating that:

The government acknowledges and respect the right of the Legislative Council to require the government to provide documents to the Council, subject only to limited exemptions.

I note by way of aside that Mr Barber in commenting on that correspondence in a previous contribution characterised the Attorney-General's advice as an unfettered response, but the Attorney-General referred to 'limited exemptions'. On the basis of those limited exemptions, which have been referred to in a previous debate today and which were acknowledged by Mr Leane in that debate as well, the Attorney-General in his letter has asked the Legislative Council not to insist on the government producing the documents referred to in the Council's motion. That argument revolves around the notion of commercial in confidence and the impact that disclosing the information sought would have on the notion of sovereign risk and the ability of the state to enter into commercial negotiations on a confidential basis in the future.

The Attorney-General in his letter has asked the Council not to insist on the government producing the documents referred to in its motion, and the government will be opposing the motion moved by Mr Barber.

Mr LEANE (Eastern Metropolitan) — The opposition's approach will remain consistent with the approach that we took when we were on the government benches during the last parliamentary term. This is a similar call for documents; it is a similar motion to the ones moved by the Greens and the previous opposition. When the second call came to the chamber for a series of follow-up documents, the previous government did not oppose their production. The opposition will be consistent in that.

We would like to note that when we were in government we handed over thousands of documents that were called for by this chamber. A number of them were flagged by the former Attorney-General as not being available to the house. Now that the Attorney-General's name is Mr Clark, the Liberal Party has taken a completely different position to the approach it took when the Attorney-General's name was Mr Hulls. Our position is consistent: we will be supporting the motion moved by Mr Barber.

Mr BARBER (Northern Metropolitan) — I wish to reply briefly. Mr O'Donohue has either not properly read or not understood what the Attorney-General's letter states. The Attorney-General noted that there are limited exemptions to the Parliament's powers to call for documents, but he does not say that commercial in confidence is one of those exemptions. As the Leader of the Government would well understand, the

exemptions — if we can refer to them in that way — as set out in the advice provided by Bret Walker relate only to cabinet-in-confidence matters and legal professional privilege matters. Mr O’Donohue would not be able to point to a power that would preclude the Parliament from opening up a commercial-in-confidence document.

Apart from the previous position the government has taken in the chamber on this matter, which up until this very moment has been consistent, it also has a quite detailed and aspirational policy on the Freedom of Information Act 1982. Through that frame the government ought to understand a little bit more about commercial in confidence than what Mr O’Donohue just shared with us and about how in a statutory setting the FOI act would treat that. Even by analogy the government does not have a leg to stand on. These documents will be requested through FOI, and we will have the same argument at some point but in a different setting.

The government still has the option, if it chooses, to go away and have another look at this document. I got no indication from the Attorney-General’s letter that he had necessarily been through the document forensically, but it seemed to me that he was offering up to us for our consideration the idea that the company may find these matters uncomfortable. He offered it to the chamber to make a decision, based on the representations of the company, as to whether or not we still want to pursue the document. That is totally appropriate on behalf of the Attorney-General. There is no restriction on the Parliament asking for a document that may contain commercial information, but the Parliament may decide, after balancing the public interest against the private interest, that it does not want to release the document.

I am arguing here today that we should still insist on receiving the document. The company has made a number of claims about what might be in the document, but the Attorney-General has not echoed all of those claims. The Attorney-General might like to go through the document and consider whether there are any particular matters which could be redacted and make a further offer to the chamber. That would be a perfectly appropriate way to go about having this dialogue. A blanket opposition to releasing the document by the government on the basis of the say-so of the company, with no consideration of alternative mechanisms, sets a peg in the sand as to what the government’s attitude to transparency is.

I have a number of other options to explore around that particular setting, including, as I said, those under the

FOI act, which could ultimately see me back here tabling the document or perhaps making use of the FOI commissioner, which the government will soon establish by way of legislation. We may in effect be having the same discussion all over again with the government. On that basis I commend the motion and thank the opposition for indicating its support as well.

House divided on motion:

Ayes, 18

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

Noes, 20

Atkinson, Mr	Koch, Mr
Cootie, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Davis, Mr D.	O’Brien, Mr
Davis, Mr P.	O’Donohue, Mr (<i>Teller</i>)
Drum, Mr	Ondarchie, Mr
Elsbury, Mr (<i>Teller</i>)	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

Pair

Elasmar, Mr	Dalla-Riva, Mr
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Motion negatived.

PRODUCTION OF DOCUMENTS

Ms PENNICUIK (Southern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Council by 12.00 noon, Tuesday, 5 April 2011, all correspondence and related documents between the Department of Sustainability and Environment and the University of Melbourne relating to the proposed research program on alpine grazing and the document *Department of Sustainability and Environment/Department of Forest and Ecosystem Science Research Program Charter*.

The subject of this motion is a simple but very important proposition. It is about the independence of our public universities. All members would be aware that the *Age* journalist Melissa Fyfe wrote an article published in the *Sunday Age* of 6 March in which she quoted excerpts from an email exchange between the Department of Sustainability and Environment and the University of Melbourne which had been obtained by

the *Sunday Age* and is about proposed research into alpine grazing.

In my contribution I do not intend to quote at length from that article or the emails, but I will say the article indicated that the Department of Sustainability and Environment had written to the university and implied that if the university did not agree to respond to a direction from the department to undertake certain research with regard to alpine grazing, then future funding and investment decisions might be at risk. The department's emails included the inference that the department needed to obtain scientific evidence to back up a decision it had made to reintroduce cattle into alpine areas.

On the same day the article appeared the Minister for Environment and Climate Change, Mr Smith, issued a media release in which he said that the *Sunday Age* had misrepresented and taken out of context the comments made by a departmental officer, that the report in the *Sunday Age* was neither complete nor accurate and that it was an interpretation by the *Sunday Age* and a selectively edited section of one email in an exchange of many emails and conversations. That media release, as I said, was put out on the same day as the first article.

I am sure members would then have read the subsequent article by Melissa Fyfe in the following edition of the *Sunday Age* of 13 March in which Ms Fyfe published not only the minister's statement but also the emails. As I said, I do not intend to quote from the emails, because members have probably read them, and if they have not, they are available online. The upshot is that if members read the emails they will concur with the general conclusion made by the paper regarding the direction in which the email from the department was heading.

In order to clear this matter up and to make sure that in the public interest the independence of our universities to carry out research without being under pressure of funding or any other pressure from government departments is not compromised, my motion asks the government to table in this house any correspondence referred to by Minister Smith in his media release.

The other document I have called for in my motion is entitled *Department of Sustainability and Environment/Department of Forest and Ecosystem Science Research Program Charter*, which was also referred to in the emails. That document does not seem to be easily located, but it seems to me when reading the emails that it is a document which guides the conduct of university research. That document, referred

to by the department in its email, is an important document and should be on the public record.

That, simply, is why we are calling for these documents to make sure that we can clear up this issue once and for all. Members would know that earlier today I asked the Minister for Higher Education and Skills whether he had made inquiries into this matter, and to his credit he said that he had. The minister said he had been assured that nothing untoward was going on. Mr Hall is a man of great integrity, and I have no doubt that what he said to me is what he has been told, but in order to clear it up and in light of the minister's statement of 6 March, all correspondence that has gone between the university and the department should be tabled in this house, along with the charter.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to speak on behalf of the government in relation to the motion moved by Ms Pennicuik, and I take up her comments about her question today to the Minister for Higher Education and Skills. As she said, Minister Hall has made his own inquiries and has satisfied himself as a result of those inquiries about this issue.

Notwithstanding that, Ms Pennicuik is entitled to move her motion and the government, in approaching these matters in an open and transparent way, will examine the motion and seek to provide those documents that it legitimately can, subject to the usual caveats that we have discussed previously and indeed earlier today. This is obviously an issue of significant public interest. There has already been debate in this place about the issue behind this motion, and Ms Pennicuik has put a question to Mr Hall, as I said previously. The government will look at the motion and will provide the documents that it can in a manner that complies with the caveats as previously described to the house.

I note that Tuesday, 5 April, is only a short time away and that the time line may cause some difficulty, but I am sure the government will seek to provide the documents that it can as quickly as possible.

Mr LEANE (Eastern Metropolitan) — On this side of the chamber we in the opposition will support Ms Pennicuik's motion. We are also interested in the correspondence and will look at the scientific research on alpine grazing with great interest to see whether the government rushed to implement this form of bushfire mitigation rather than certain other recommendations in the 2009 Victorian Bushfires Royal Commission report, which it committed to and which it has not even thought about yet. We support Ms Pennicuik's motion to table these core documents.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr Leane and Mr O'Donohue for supporting the motion. My comment on Mr O'Donohue's part caveat to the government support for the motion that perhaps the time frame may be too short is that we are talking about a series of emails that the minister has already referred to, so they should not be too hard to find, and the other document is the charter, which should not be too hard to find either. It is not as if there has to be a lot of trawling through mountains of documents to find the ones we are looking for. I urge the government to come forward with those documents by the date, as required by the motion.

Motion agreed to.

STATEMENTS ON REPORTS AND PAPERS

Budget sector: midyear financial report 2010–11

Mr LENDERS (Southern Metropolitan) — I rise to speak on the 2011–11 midyear financial report, incorporating the quarterly financial report no. 2, which was kindly put on the notice paper by Philip Davis. I rise to speak on this report because it is a document which essentially sums up the last five months of the Brumby Labor government and the first month of the Baillieu-Ryan coalition government. I rise to speak on it because the document is appropriately printed in black, and the budget was in the black. It is a document that shows the forecasts going forward are correct as they are measured. It is a document that shows in depth that the state of Victoria's net financial liabilities were managed and under control, and it is a document that puts to the sword the furphy put out by the government that there were enormous black holes.

It is quite fascinating to note that on Mr Baillieu's first day as Premier he was asked at a press conference about the shape of the budget. His response was that the budget is as was reported in the pre-election budget update, and the budget is in good shape. I have paraphrased the Premier's words, but that is what he said on 1 December 2010. It is truly amazing that several months later the Premier and his uninformed minions are out and about describing black holes under every rock. The analogy of black holes under rocks is quite interesting, but I will not go into that.

Suddenly the language has changed from the language on day one when the Premier said the budget was as forecast, and which was affirmed by the midyear budget signed by Kim Wells, who is the Treasurer, to a reckless narrative about black holes everywhere.

Let us analyse the reckless narrative of black holes everywhere. There is some discussion about the capital works programs somehow or other making the operating statement harder to keep at \$100 million surplus.

Mr Barber — Capital works hit the cash flow statement, not the profit and loss.

Mr LENDERS — Exactly, Mr Barber. Suddenly we have this being all things to all people scenario. Government members talk about the desalination plant and cost overruns, but the desal plant is a public-private partnership where every single income line has been shown in the forward estimates. Whether people do or do not like the arrangement that was made, there is an exaggeration in this place — —

Hon. D. M. Davis interjected.

Mr LENDERS — If Mr Davis chose to listen to Premier Bracks when he said that water prices would double to fund the essential infrastructure, he would know that they have not. I hear Mr Davis's alternative in this particular space. He is the man who knows everything. His leader, who said there were 90 days of water left and that something should be done urgently, is now, after the event, coming up with all these alternate solutions. I suggest to Mr Davis that he should not insult people from our electorate who buy a \$500 000 house by saying they had foolishly bought a \$2 million house, because that is what it will be worth in 30 years time. I suggest Mr Davis would not be that arrogant.

What we see here is a statement which shows the finances exactly as they were forecast at the pre-election budget update. In fact, the statement shows that net financial liabilities are less because the investment portfolio in the much-maligned Victorian Funds Management Corporation has actually performed quite well, which is what you would expect as the equity markets have gone well.

The point I am making is simply this: the budget is as it was when the change of government happened. The budget is in good shape, which is what the Premier said when the government changed. The only thing that has happened since is that Josephine Cafagna and her spin doctors have been out there trying to justify a new government that cannot make ends meet because it has promised to be all things to all people. In the tried and true conservative scaremongering fashion they are trying to blame a previous progressive government for their own bad judgement and poor financial management.

Budget sector: midyear financial report 2010–11

Mr P. DAVIS (Eastern Victoria) — I am delighted to have an opportunity to follow the former Treasurer in making some observations about the state of the Victorian financial position as a result of the 2010–11 midyear financial report. Naturally it is a matter of common sense that the former Treasurer would attempt to defend his legacy. However, the opportunities will be oft repeated in this place over the next little while when we consider what in fact the former Treasurer's legacy really is. I guess the opportunity that first presents itself is the midyear financial report.

In the report we see a number of indications about where we are and where we are likely to be. The report states:

Looking forward the financial results will come under significant pressure from both expenditure and revenue risks.

We have to consider what those risks are. Clearly we know that the commonwealth has already singled out Victoria for an unprecedented cut in GST revenue, which is estimated to be \$2.5 billion in the forward estimates and \$500 million in the 2011–12 financial year alone. The fact is that this is the biggest cut of any state. Victoria suffers from the fact that some of Mr Lenders's mates are running the show in Canberra along with the other partner in the federal coalition government, Mr Barber's friends.

The more significant issues that I want to draw the attention of the house to today are the other risks that have been slow-burning fuses and which have been left behind by the retiring Treasurer, Mr Lenders. In defending his legacy, he avoided commenting on the cost blow-outs in a number of major projects. They include, of course, the regional rail project, which is at least \$880 million in terms of a cost blow-out. We know Victorians are going to suffer the indignity of paying something of the order of \$550 million per annum for the desalination plant without even buying a single drop of water. The myki fiasco, which is the story that keeps giving, you might say, because it is a fiasco of magnificent proportions, is at \$1.4 billion to date. Those are just some of the major legacies that Mr Lenders will seek to defend. In my view they are indefensible.

Last night when the house adjourned at about 3.00 a.m. — or should I say this morning — I had a sense of *deja vu* that I was back in the 1990s. I came into this place nearly 20 years ago and suddenly two decades of my life just disappeared. Here I was with the troglodytes on the left arguing a case put to them to run

in this place by Trades Hall Council to support their union mates. What I noted was total fiscal irresponsibility.

When the coalition came into office in 1992, the state was a basket case. Now in 2011 — nearly 20 years on — it is not much different. What we have is a whole lot of icebergs — that is, mostly submerged disasters. We can see the tip of them now, but they will be exposed.

Mr Leane interjected.

Mr P. DAVIS — I assure Mr Leane that I have made it my mission in the 57th Parliament — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

Budget sector: midyear financial report 2010–11

Ms PULFORD (Western Victoria) — I also take the opportunity to make some remarks about the 2010–11 midyear financial report. It is going to be a challenge to do so in 5 minutes, given the contribution of Mr Philip Davis.

It was interesting to hear government members arguing that black is white, because they have a policy agenda that is quite different from the one they took to the Victorian people at the last election. If government members wish to pursue a course of action that is markedly different from the one they took to the Victorian public prior to the election, I suggest they come up with something a bit better than this spurious argument that the state's finances have been badly managed.

Mr Davis talked about the troglodytes on the left. It is good to see that old paranoia coming back. His experience is that nothing has changed in 20 years. I do not know if anyone could refer to the folks from Moody's Investors Service as troglodytes on the left. Moody's credit analysis for Victoria in February says:

Moody's assigns long-term debt and issuer ratings of AAA to the Treasury Corporation of Victoria (TCV), the entity that issues debt on behalf of the state of Victoria and its government-owned corporations. TCV's debt is guaranteed by the state of Victoria and the rating reflects the state's credit quality.

Victoria's credit quality reflects a long-term record of sound financial performance underpinned by the state's prudent fiscal practices along with historically strong growth in tax revenues and commonwealth grants.

...

Victoria's AAA rating is well placed compared to most Australian states and territories, whose ratings range from AA1 to AAA, reflecting its low debt burden, similar financial metrics and disciplined fiscal management.

It concludes that the outlook is stable.

Mr Davis, using some colourful language, said Victoria was a basket case. He cited a few old favourites of the coalition. He mentioned the regional rail link. I think the coalition is paving the way to being an enormous disappointment to regional communities, as it was during the 1990s. Talking about basket cases, people remember long and well the things that were done to regional communities by the Kennett and McNamara government.

According to every credible commentator in this country the management of Victoria's finances is the best in Australia. There are many reports like the one we are speaking about today — reports from organisations like Moody's, Standard and Poor's and other commentators — that indicate the policy fundamentals for the management of the state's finances have been excellent and that the state's finances are sound. If Liberal Party members want to cook up some half-baked justification for why they lied to teachers about wages and lied to community sector workers — some of the lowest paid workers in the state doing some of the hardest work — —

Mr P. Davis interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Davis!

Ms PULFORD — I look forward to somebody explaining where those bankable productivity improvements for school teachers of the order of 5.5 per cent are coming from. I note that the government has indicated it will continue the commitment to a surplus and that the former Labor government provided a surplus in every year.

Ombudsman: investigation into the failure of agencies to manage registered sex offenders

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on *Whistleblowers Protection Act 2001 — Investigation into the Failure of Agencies to Manage Registered Sex Offenders*, a report prepared by the Ombudsman. As Parliamentary Secretary for Families and Community Services I work with the highly esteemed Minister for Community Services, Mary Wooldridge, and I have come into contact with a significant number of Victorians with both cognitive and physical disabilities and have looked

into a number of the issues that affect those people and their families. Many of the issues people with a disability face are very complex. They need specific treatment and help, and this takes time — time to listen to them and understand them. That does not mean to say they do not have a voice.

I was quite moved by the inaugural speech of an opposition member in the other house. The member spoke about her three children, one of whom is a university student, another of whom is on a gap year, but the one of whom she is most proud, Tom, had some serious and complex disabilities. She said although Tom could not speak, he certainly had a voice.

We have to be the voice of people with a disability. It is absolutely important that we as legislators understand that we put in the frameworks to protect these people to make quite certain they are in safety and that they can be treated as individuals and that their lives can be as positive, fruitful and meaningful as possible. It was therefore with enormous horror — absolute horror — that I read the litany of complaints made to the Ombudsman, primarily about people who were the carers of the people with disabilities. The very people that people with disabilities were trusting most of all were the ones who had abused them — systemically, sexually and physically, too.

This report of the Ombudsman dealing with the management of registered sex offenders is what I want to talk about today. We know who these sex offenders are, we know what is happening and we know they have access to children, and it is really important that people with a disability and children are as safe as they possibly can be. People with a disability and young children are the most vulnerable of all our community members, and it is imperative that we put up frameworks to make quite certain that these children and vulnerable Victorians are protected, as I said, as well as they possibly can be.

There is a school of thought which says sex offenders in many instances have done their time and therefore should be integrated into the community. I would have to say that in my opinion that is only acceptable if there is an enormous program wrapped around them to make quite certain that they are isolated from the vulnerable Victorians I have just spoken about, especially children.

This report emphasises the lack of cooperation between various Victorian agencies, and this is an indictment of our system. This is governmental silos working in their very worst way. There was no relevant relationship between the Department of Human Services and Corrections Victoria. The executive summary of the

Ombudsman's report pretty much encapsulates this. It states:

The practice of seeking the permission of the registered sex offender before the release of information on cases where children may have been at risk ... demonstrates that Corrections Victoria has opted to place the rights of registered sex offenders over the rights of vulnerable children that may be at risk of harm.

This is seriously unacceptable. This is a report that each and every member in this chamber should know about and should act upon. In their capacity as legislators in this state members should be making quite certain that our vulnerable children are never in the pathway of sex offenders and that no matter how successful their rehabilitation program after sex offending has been, it is made certain that were they ever to become a recidivist, children would not be in their pathway. We need to make quite certain that these children are protected, and protected well.

I commend this report; it has given us a number of recommendations. The indictments reflect upon us all, and I am very pleased to know that the Minister for Community Services, Mary Wooldridge, is going to do something about this.

Budget sector: midyear financial report 2010–11

Hon. M. P. PAKULA (Western Metropolitan) — I am going to speak on the midyear financial report. I was not planning to do so — frankly it is only the coffee granules in my body keeping me upright at this stage. However, having listened to the nonsense that was spouted by Mr Philip Davis, I felt compelled to make a contribution. I have a great deal of regard for Mr Davis, for his intellect and for his skill as a debater, but clearly he has been hanging out too often with Mr Capital Recurrent, Treasurer Kim Wells. Having been a member of the Public Accounts and Estimates Committee with Mr Wells, I can say it was quite clear he did not know the difference between capital and recurrent, and it seems Philip Davis has caught the disease.

The nonsense being spouted by the government about black holes is just that, and the government needs to be called out for it.

Honourable members interjecting.

Hon. M. P. PAKULA — It is quite clear what is going on, Mr David Davis. It is quite clear that this government has discovered that having your costings done on three bits of A4 by Kim Wells's mates — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The house will come to order, and we will proceed in an orderly manner.

Hon. M. P. PAKULA — Having your costings done on three bits of A4 by the new Treasurer's best mate three doors down from 104 Exhibition Street is not the best way to run a government or a budgetary process. The government is now discovering that its costings are all wrong, that it undercosted its promises to teachers, that it undercosted its promises to police and that it grossly undercosted its promises on PSOs (protective services officers). The government is desperately looking for a scapegoat.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Davis! I am sure the Hansard reporter is having a lot of trouble hearing. There is, however, no need for Mr Pakula to shout.

Hon. M. P. PAKULA — I concur with you, Acting President, and I would not shout if Mr Davis was not interjecting quite so loudly. If he promises to desist, so will I.

We can choose to believe Mr Davis's rhetoric and Mr Wells's rhetoric about black holes and about not being able to balance the budget, or we can believe Moody's, or we can believe Standard and Poor's, which gave this state a AAA credit rating for every one of the 11 years the Bracks and Brumby governments were in power. We could choose to accept the fact that the budget papers showed the budget as in surplus for every one of the 11 years the Bracks and Brumby governments were in power; we could choose to believe the Premier, who, when he first had a look at the books after he took power, said the budget position was strong and that the government would be able to deliver on each and every one of its promises; or we could choose to believe the midyear financial update, which likewise says the budget position is strong and in surplus.

We therefore have Moody's, we have Standard and Poor's, we have the midyear financial update and we had the Premier just the other day saying the financial position was, in his words, tickety-boo, yet Mr Philip Davis came in here and said it was known that the regional rail project was at least \$880 million over budget.

Let me say to Mr Davis that, given that the tenders have not even gone out, let alone come back, the fact of the matter is that this government went to the election with a bunch of undercosted, sloppily produced promises

that were costed not by Treasury but by an accountant three doors up from 104 Exhibition Street — the Treasurer's best mate — and now that the government is in office its members realise that whilst these promises might have looked nice in opposition they now have to be delivered. Now that the truth is being revealed about the government's capacity — —

Mr Ondarchie interjected.

Mr PAKULA — Mr Ondarchie should keep it down.

Now that government members know that they will have to deliver on these promises and that their promises are grossly undercosted they are desperately looking for a scapegoat. They are trying to create a budget black hole that does not exist. They are desperately trying to back-pedal away from the comments made by the Premier in the days after he took office, when he said that the government's budgetary position was sound and that it would be able to deliver on all of its promises. He now sees that his own comments were premature, and he knows that his promises were undercosted and unfunded. He is desperately trying to rewrite history about a government that kept the budget in the black for 11 years and always maintained a AAA credit rating.

Auditor-General: Managing Drug and Alcohol Prevention and Treatment Services

Ms HARTLAND (Western Metropolitan) — I wish to speak about the Auditor-General's report on managing drug and alcohol prevention and treatment services. As usual the Auditor-General's report is clear and useful, and its executive summary sets out exactly what the problem is:

Harmful drug and alcohol use is a major social issue —

especially alcohol, which we in Australia always seem not to want to look at as a drug of addiction —

with an estimated annual cost to the community of \$14 billion. More than 77 000 Victorians are hospitalised for alcohol and drug-related conditions each year. Around 27 000 enter government-funded specialist alcohol and other drug ... treatment programs.

The current community-based alcohol and drug program has operated since 1997. The state's prevention and treatment efforts in 2010–11 included 81 per cent of funding being allocated to treatment and 19 per cent to prevention activities.

The Auditor-General found that the Department of Health has provided no assurances that the services and

the system are giving good care to clients and that consistent high-quality services are being achieved. What I find most appalling about the Auditor-General's report is the fact that, despite 31 reviews of various components of the system since 1999, the government has not funded it to a level required to properly treat people who are addicted to alcohol or other drugs.

The last line of the first paragraph of the audit summary of the report explains what the problem is, and I quote:

A real commitment to implement long-overdue reforms is required.

Unfortunately on the day that this report was released the Minister for Community Services, Mary Wooldridge, spoke at length about these 31 reviews, what had happened over the years, how terrible it was and how bad the previous government was, but when she was pushed on the issue of making a commitment to full funding she was not prepared to give it. Ms Wooldridge seems to have forgotten that she is now the minister and that she and the government have to get on with the job and ensure that the sector gets the support and funding it needs to deal with this shocking problem, or in two years time the Auditor-General will come out with another report which says we are in exactly the same place. Someone has to step up to the plate and take responsibility. I advise government members not to keep blaming the previous government but to get on with business.

Auditor-General: Managing Drug and Alcohol Prevention and Treatment Services

Ms CROZIER (Southern Metropolitan) — I also rise to speak on the Auditor-General's report on managing drug and alcohol prevention and treatment services. Many of us have come across the harmful effects of drug and alcohol abuse among its victims in our communities. We are also aware of the devastating consequences of that abuse, as Ms Hartland identified in her comments on this report.

In addition the cost to society from a socioeconomic point of view is absolutely enormous. It is not only from this perspective that we should be concerned. As Ms Hartland rightly highlighted, page vii of the executive summary states what the problem is:

Harmful drug and alcohol use is a major social issue with an estimated annual cost to the community of \$14 billion. More than 77 000 Victorians are hospitalised for alcohol and drug related conditions each year. Around 27 000 enter government-funded specialist alcohol and other drug (AOD) treatment programs.

It is far too common an occurrence that we are made aware of the effects of drug and alcohol abuse and the very dangerous consequences of such abuse. Some of us have been victims of crime as a result of such abuse, what police describe as drug-related crime. Such crimes can occur because the perpetrators are in search of cash or goods to sell for cash to feed their habits. At other times more serious actions can occur when alcohol-fuelled violence causes serious injury and harm, as was the case when footballer Luke Adams was the victim of a terrible attack outside Hungry Jacks in Chapel Street, Prahran, in which he sustained horrific injuries.

The impact of alcohol and drug abuse on our police service and our health system is considerable. Anyone who has worked in an emergency department will know the difficulties of dealing with drug or alcohol-affected patients. It is some years since I worked in an emergency department — in fact it was during the mid-1980s — but I recall the busy Saturday nights when heroin was on the streets. A strong batch of heroin would become available, and patients would be lined up in corridors on trolleys. These are real people who have been affected, and I am sure the problem has only got worse over the years.

Drug and alcohol abuse is difficult to deal with, and anyone who has had direct dealings with an addict will understand the complexities of dealing with addiction. The Auditor-General's report outlines and identifies those complexities and the need for prevention and treatment programs to be reviewed regularly. Recommendation 2 on page xi of the report is:

The Department of Health should:

...

address the inequity of the current distribution of alcohol and other drug resources

address the longstanding fragmentation and inconsistency of service provision across the 105 service providers that make up the treatment services system.

It is interesting to note that the current community-based alcohol and drug program guided by harm minimisation principles has been in place since 1997, some 14 years ago, and for 11 years the previous Labor government did little to address the fragmentation that this report highlights. By way of contrast the Baillieu government is addressing those issues and has developed a health services strategy that will plan for the future health needs of the Victorian community.

The first part of recommendation 4 on page xii of the report is:

The Department of Health should:

improve the performance measures used for reporting publicly on the alcohol and other drug program

The first part of recommendation 3 on page xii of the report is:

The Department of Health should:

prioritise replacement of its data collection system

Data collection is important to this government, and it will provide information to the government in a range of areas. This contrasts with the attitude of the present Leader of the Opposition, Mr Andrews. As Minister for Health in the Brumby government, he hid a lot of data, as has been highlighted in recent statistics from the hospital early warning system and ambulance bypass numbers. This government will be very open in relation to data that is presented to the Victorian community, and it will ensure that a dedicated website will be designed to provide information on hospital activity and be updated on a regular basis.

We know that the prevention of drug and alcohol abuse is a complex task, but it is an area that should be reviewed. This report provides the framework for addressing many of those concerns.

Public Accounts and Estimates Committee: budget estimates 2010–11 (part 3)

Mr LEANE (Eastern Metropolitan) — I rise to make a statement on the government's response to the Public Accounts and Estimates Committee report on the 2010–11 budget estimates, part 3. In making a statement on this report I want to focus on one particular recommendation and go straight to the endorsement in the report of the funding that has been provided for an independent monitor to oversee the progress of the implementation of the bushfire royal commission final report recommendations and the fact that former Chief Commissioner of Police Neil Comrie was appointed as that independent monitor in late 2010.

It is always interesting when we speak about budgets. We are hearing a lot from this new government about black holes. I heard a new one today, from a previous speaker, about the bottom of icebergs. Something I have noticed that has not been discussed a lot, especially in a budgetary context, is the issue of the two recommendations from the royal commission that the government, when it was in opposition, committed to

implementing. The two recommendations, which were not committed to by the previous government, were for the undergrounding of powerlines and the buyback of certain houses in regional areas. They were recommendations that the coalition said it would implement, but I have got to say I have not heard a word about them since the coalition formed government.

I do not think anyone has heard a word about how those recommendations are going to be funded. When you think about it, you realise the huge undertaking that would be involved in undergrounding those regional powerlines — an absolutely enormous undertaking. I have spoken about this before. It is not a matter of dropping the overhead cables into a ditch and then covering them up, calling them underground and thinking they are then safe; a whole new set of infrastructure is required for this particular commitment of the government to be fulfilled. We have not heard a word about it.

I have spoken to large companies that produce the cables that would be suitable for this sort of work; I have spoken to power companies that do this sort of work. They have not had any contact at all from this government about how they could assist in implementing this recommendation. My belief is that given all this talk about black holes and icebergs, this will be one of the recommendations that this government will drop, after months of harping about being prepared to pick it up despite the previous government's position that it would be financially unfeasible to commit to the complete recommendation.

I do not think cows were one of the recommendations. The government called them 'removal units', or something like that, on its website. The cows are amazing on their website. The cows were not even a recommendation.

The other recommendation on which we have not heard a peep from this government, and which the coalition said before the election it was committed to, is the buyback in regional areas of properties that fall inside bushfire-prone areas. I pose the question: as representatives, as MLCs, where do we send a constituent who comes to us with an inquiry, who says they are in a bushfire-prone area and would like the government to buy their property, as it committed to do. Where do they go with that inquiry? Has the government even set up a channel for people to make inquiries about that particular recommendation from the royal commission which it so stoically came out and said it would commit to? My response is that that is not

going to happen, just like the undergrounding is not going to happen. It will be another backflip.

I think the best thing the electorate can do with any commitment given by the government before the election is to halve it and then halve it again — and then the government might get close. We have not heard a peep about these recommendations from the coalition since it formed government in November — about how it is going to implement them and whether it is going to fund them in the next budget — and the reason for that is that it will not.

Rural and Regional Committee: positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities

Mr DRUM (Northern Victoria) — I rise to make some comments on the Victorian government's response to the final report of the inquiry by the Rural and Regional Committee into positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities. My 5 minutes has nearly gone already in just reading out the name of the report. It is a report that the Rural and Regional Committee took on last year at the request of the government. I am sure the former government was very keen to receive all the accolades it possibly could in relation to this great project.

The Wimmera–Mallee pipeline project has been a very strong project in terms of the commonwealth's commitment, the state government's commitment and also the commitment from the Grampians Wimmera Mallee Water Corporation. Those three entities in effect started off this project in three even shares. Midway through the project there was a significant blow-out of the cost and the two government bodies picked up the vast majority of that blow-out. Ultimately the project was completed ahead of budget. It has the capacity to save thousands and thousands of megalitres of water, and we are very proud of having a significant involvement in that project. John Forrest, the federal Nationals member for Mildura, has been the driving force behind this project. It was outstanding that all governments and all the farmers in that region, who are in effect the stakeholders in Grampians Wimmera Mallee Water, were able to get behind this project and make it happen.

One of the main issues that came out of our inquiry was the fact that whilst all the stakeholders and the farmers within the Wimmera–Mallee region and the pipeline area are absolutely delighted with the quality and security of the water, and they are happy to be party to the savings of so many gigalitres of water each and

every year, they were becoming frustrated by the inability of the previous Labor government to determine what the water was actually going to cost.

That formed part of the committee's recommendation 1, which was that the state government should encourage the Essential Services Commission and Grampians Wimmera Mallee Water to come to a final agreement about long-term pricing for water coming through that region. The government's response to that recommendation is that a draft western region water sustainability strategy has been prepared and Grampians Wimmera Mallee Water is now in the process of developing its 2013–18 water plan. With that will come the pricing structure that will enable the farmers in that region to have some security and some comfort about what the price of water is going to be going forward.

Another issue we had in the Wimmera-Mallee region was to do with recreational water. Many of the people in the region were very concerned about the cost of recreational water, because historically organisations such as local tennis, football, cricket and lawn bowls clubs in the area have always been able to access very cheap low-quality water, although in many instances that source of water has become unreliable because of the drought. However, these organisations are not geared up to pay in some instances four and five times as much for water, which is what they are now being asked to pay. It seems that the Grampians Wimmera Mallee Water Corporation is now looking to subsidise the cost of water for those not-for-profit organisations going forward, and that is going to be very well received by people in that region.

All in all it has been a strong response from the government to this report. It has encouraged Grampians Wimmera Mallee Water to look at each and every one of the recommendations in the report to ensure that the project is done well in this area. There will still be some issues that need to be finalised, such as the connection to the pipeline route valves that are needed for firefighting takeoff. That is going to be very important. That work has not yet been completed, and it will need to be. Farmers in the region will be looking for the final price on water from the Wimmera–Mallee pipeline.

Public Accounts and Estimates Committee: budget estimates 2010–11 (part 3)

Ms BROAD (Northern Victoria) — I wish to make some remarks on the government response to the recommendations of the Public Accounts and Estimates Committee's 96th report on the 2010–11 budget estimates, part 3. These recommendations from the

Public Accounts and Estimates Committee are aimed at further improving the reporting by the previous Labor government on the budget estimates.

At the outset I would like to refer to some remarks I have made on another report which has also been listed on the notice paper — that is, the 2010–11 midyear financial report. In previous remarks on that report I have underlined the fact that that budget update acknowledged that Victoria's finances are sound and confirmed the strength of Victoria's government finances as well as confirming that Victoria's fiscal settings are consistent with maintaining a AAA credit rating.

This report was delivered by the new government, and it confirms the strength of Victoria's fiscal settings, as inherited by the new Liberal-Nationals government from the former Victorian Labor government. It is way too late for the new Liberal-Nationals government to be inventing black holes in the budget in an attempt to cover up entirely self-inflicted wounds caused by making unfunded promises at the last state election — promises which the government should have known were not deliverable. It certainly would have known that if it had submitted its promises for costing by Treasury, as the former Labor government did, so former opposition members either knew or avoided knowing by refusing to submit their costings to Treasury.

As I am sure they are now discovering, this is not something they can avoid as they work their way through budget processes, which are rigorously scrutinised by the Department of Treasury and Finance. They are going to have to come up with some better explanations about what they are going to do in order to implement their many unfunded election commitments. They will need to have better excuses than inventing black holes, given the statements that have been accepted by the new government in the midyear financial report.

In the time remaining I refer to recommendation 9 on page 4 of 20 in the response from the new government to the Public Accounts and Estimates Committee recommendations. There is a recommendation here that the government should transform its annual statement of government intentions into a key strategic planning document for the government by essentially aligning it with budget processes. As some members will recall, the annual statement of government intentions is something that I was and remain a strong supporter of.

It is no surprise to see in the Liberal-Nationals government response to this recommendation that not

only does it not plan to continue the production of an annual statement of government intentions but it also states that:

... should the government produce a statement of government intentions, or similar —

in future —

it will consider outlining its medium to long-term intentions and aligning the period covered with that of the budget.

Clearly this is not something that the government thinks has any value. In a later recommendation on page 11 it makes clear that it has no plans to establish a jobs target. This is also hardly a surprise given the paucity of the government's commitments in relation to jobs for Victorians.

ADJOURNMENT

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

That the house do now adjourn.

Hospitals: bypass target

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Health. It is regarding a document entitled *Hospital Bypass and Hospital Early Warning System — July to December 2010* published by the Department of Health. This document deals with a number of serious issues that reflect very badly upon the former Labor government.

The document defines 'hospital bypass' as occurring:

... after a request is placed with the metropolitan ambulance service to divert all but time-critical ambulance patients for a specified period of up to 2 hours. A hospital may request a period of bypass when:

the emergency department is full and it cannot safely accommodate and treat more patients

there are unexpected factors (for example, power failure) that would compromise the treatment of existing patients in the ED.

For the purpose of this report, bypass is reported as occasions of bypass that exceed 30 minutes where the ED is full.

A table on page 5 of the document lists a number of hospitals and their bypass times by month from July through to December 2010. The total for the Alfred hospital, which is in the Southern Metropolitan Region, is 67. That is in hours, which is absolutely unacceptable. There was an increase from July to August, but it remained unacceptable for the entire reporting period.

The action I seek from the minister is that he explain to me the target that has been set for the 13 major metropolitan hospitals which will require them to spend no more than 3 per cent of operating times on bypass.

National Foods: factory closures

Mr LENDERS (Southern Metropolitan) — My adjournment matter this evening is for the attention of the Minister for Agriculture and Food Security, Mr Walsh. I draw the minister's attention to the unfortunate announcement by National Foods that it will be closing its factories in Simpson and Campbellfield in 2013. I note that the minister has said he will do whatever he can to assist employees to find jobs in Simpson. His concern seems to be for Simpson and not Campbellfield. This adjournment matter concerns the 47 jobs that will be lost in Simpson.

The town of Simpson and surrounding area is centred around dairying and has a population of 1000. It formed part of the Heytesbury soldier settlement. The loss of 47 jobs is a big issue in Simpson. I am pleased to note that the minister is seeking to find jobs for those 47 people in Simpson who will lose their jobs when National Foods closes down in 2013. The action I seek from him is a concrete plan that will lead to 47 new jobs to compensate for those that will be lost.

Regional Development Victoria used to sit within the then Department of Innovation, Industry and Regional Development. It worked with the other investment facilitation sections of that department such as skills and job creation to help communities like Simpson to generate jobs.

Regional Development Victoria has now been taken out of the newly titled Department of Business and Innovation and put into the Department of Planning and Community Development. Regional Development Victoria had a great model which helped generate many jobs in regional Victoria. Now that it has been taken out of the Department of Business and Innovation and put into a bureaucracy, the chances of it working effectively are reduced.

Mr Drum interjected.

Mr LENDERS — Mr Drum can perhaps be judged by his words as to how many jobs are generated in regional Victoria under the new Nationals model. What I am seeking from the Minister for Agriculture and Food Security is a plan for how he will replace these 47 jobs in Simpson — a plan that will give comfort and deliver jobs to the Simpson community by 2013 when these other jobs go, not one that is simply based on

rhetoric. The action I seek from the minister is to bring forward a plan with concrete job targets and time lines so that these 47 people know before their jobs are lost in 2013 what The Nationals will do to help them keep their jobs.

Higher education: regional campuses

Mr O'BRIEN (Western Victoria) — I raise an adjournment matter for the consideration of the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession. In doing so, I thank him for his comprehensive answer to my question in relation to regional students earlier today. I also congratulate the Deputy Premier and Minister for Regional and Rural Development, Mr Peter Ryan, as well as the Parliamentary Secretary for Regional Development, Mr Damian Drum, on their announcement of a \$5 million contribution towards a new regional student accommodation project in Ballarat which will provide 200 new student places. The \$26 million student accommodation development will provide 75 new places at the central University of Ballarat campus and a further 125 places at the Mount Helen campus, which I recently visited with my electorate officer Andrew Brown.

Recent research has demonstrated that 70 per cent of students who study in regional Victoria will choose to work and live in regional communities following the completion of their studies. Skilled young people play an important role in the long-term prosperity and social environment of regional Victoria. An increase in the supply of student accommodation will also help to address the general shortage of affordable housing in regional Victoria and will reduce rental market completion in the affected areas. This is a major issue in Western Victoria Region.

Improving access to higher education in the regional areas will assist in increasing the proportion of people living in regional Victoria. In relation to addressing the shortage in supply of student accommodation in regional Victoria, which has been identified as a critical factor inhibiting higher education retention and attainment rates, I call upon the minister to advise how the government is planning to increase the supply of student accommodation in regional Victoria, including in my electorate of Western Victoria Region.

In addition to the work that has recently been done by the coalition government in relation to Ballarat, I also draw the minister's attention to the important campuses of Deakin University in Geelong and Warrnambool. I invite the minister to visit those important campuses

and identify what can be done in relation to student accommodation there.

Deakin University has identified six core principles — —

Mr Ondarchie — Great university.

Mr O'BRIEN — It is a great university. Those principles include: rural and regional engagement; continuing education and lifelong learning; equity and access to individuals and groups who might not otherwise enjoy the benefits that flow from participation in higher education; research that makes a difference; contemporary and flexible teaching programs; and an international outlook. They are all very fine goals set by Deakin University, which was established by the Hamer government in the 1970s as part of a new generation of Australian universities. It is named after Australia's second prime minister, Alfred Deakin, who was a barrister, a journalist and, of course, the second Prime Minister of Australia and federal member for Ballarat.

I call on Minister Hall to advise the house of those activities that I mentioned, and I thank him for his excellent work in administering his portfolios in conjunction with the Minister for Education, the Honourable Martin Dixon.

Wallan-Kilmore bypass: construction

Ms BROAD (Northern Victoria) — I raise an adjournment matter for the attention of the Minister for Roads. The action I seek from the minister is that he provide a timetable for the implementation of the Liberal-Nationals coalition promise to commit \$130 million to building the Wallan-Kilmore bypass for the shire of Mitchell and the electors of northern Victoria. The then opposition leader, now Premier Baillieu, promised in the *Age* on 8 September 2010 that if he won the November state election, work on the bypass would start in 2013 or 2014, with the road due to be completed by 2017.

Mitchell Shire Council is currently preparing a long-term financial plan and capital works program and is unable to produce a coherent and logical plan in relation to building the bypass without a detailed timetable from the Baillieu government. For this reason, on 28 February Mitchell Shire Council agreed that council officers should write to the state government to gauge the expected timetable to build the Wallan-Kilmore bypass, as promised during the state election campaign.

Mitchell Shire Council and the electors of northern Victoria deserve to be fully informed about the Baillieu government's intentions in relation to the bypass. The Liberal-Nationals coalition promise has raised expectations that the Wallan-Kilmore bypass will proceed at a cost of \$130 million, in accordance with the Premier's commitments. Accordingly the Minister for Roads should provide a detailed timetable for its implementation. I can assure the minister that inventing black holes in the budget will not save him if the Baillieu government does not honour this promise in full.

Rail: Hoppers Crossing station

Ms HARTLAND (Western Metropolitan) — My adjournment matter this evening is for the Minister for Planning on behalf of the Minister for Public Transport. Surveys conducted by the Greens in late May and early June 2010 reveal that 4000 people are boarding trains at Hoppers Crossing station every weekday, and the numbers are increasing rapidly. Hoppers Crossing station is not permanently staffed and is not wheelchair accessible. It has no tactile paths for the vision impaired. Hoppers Crossing station car park is overflowing, and bus services to and from the station are inadequate. There is often standing room only for commuters boarding at Hoppers Crossing station at peak times, and that is if they can get on to the train at all.

Hoppers Crossing is the second station on the Werribee line, meaning that many people will attempt to cram onto the train before it reaches the city. Many of those will be unsuccessful and will be left behind on the platform. Infrastructure and services for commuters are already at breaking point; the infrastructure is insufficient and services are overcrowded.

The current inadequacies should be considered in combination with the massive increases in demand. The city of Wyndham is the fastest growing municipality in Victoria. In the last year the population increased by 11 000 residents. In the next 5 years 43 000 people — or 27 per cent more people — will move to the area. People aged between 12 and 24 make up almost 20 per cent of Wyndham's population. A recent report by the Victorian Council of Social Services entitled *Mind the Gap* found that these young people are missing out on essential employment and educational opportunities, as well as social services and recreational activities, due to the lack of transport options.

What is urgently needed is the provision of efficient public transport for the current population and for the additional 43 000 people who will be moving into

Wyndham in the next 5 years. Many of those will be younger people. Upgrading Hoppers Crossing station to a premium station is a core element of what is required. An upgrade to premium status will at least provide staffing from the first to the last train. It is a much-needed first step.

The previous government promised this upgrade, however the current government has put it on hold and the upgrade is under review. If this public transport initiative is under review, I presume the work to establish an independent transport authority is also well under way, but I am not sure. The action I seek of the minister is that he immediately reinstate the commitment to upgrade Hoppers Crossing station to a premium station.

Manufacturing: western suburbs

Mr ELSBURY (Western Metropolitan) — After 11 years of Labor, Western Metropolitan Region has been left with a legacy of closing factories, some of the state's highest unemployment rates and crumbling road infrastructure. In fact under the former Labor government Victoria lost 58 000 manufacturing jobs, many of those in the western suburbs. How did that happen? The west, once Labor's heartland, was neglected, and its industry, the powerhouse of Victorian manufacturing, was left to languish with the manufacturing portfolio passing through six ministers. To anyone observing from the outside it must have appeared as if the former government was intent on driving industry in the western suburbs into extinction.

Most notable for me was the 2008 announcement that the iconic Don Smallgoods was closing its manufacturing plant in Altona North. That plant was reflective of the diversity of Western Metropolitan Region: 90 per cent of the more than 400 employees spoke English as a second language and/or came from a migrant background. Those were the people hurt most by the poor management and lack of vision of the previous government.

On behalf of the west I thank the Premier for appointing — —

Ms Broad — On a point of order, President, I regret to say that I may not have heard over the noise in the chamber, and a number of other members have not heard who this adjournment matter is directed to and what action the member is seeking.

The PRESIDENT — Order! Mr Elsbury might wish to clarify to which minister he is directing his remarks. Under standing orders he does not have to

have a question or seek a specific action, so he is entitled to simply bring a matter to the notice of a minister. But I ask Mr Elsbury to clarify the minister for those members who did not hear.

Mr ELSBURY — I thank Ms Broad for directing me to that part of my speech. On behalf of the west I thank the Premier for appointing the Honourable Richard Dalla-Riva as Minister for Manufacturing, Exports and Trade. I ask the minister to continue implementing the Baillieu government's policy for stronger industry and more jobs, which I believe will help renew and revitalise the manufacturing industry which was so damaged by the former government.

The PRESIDENT — Order! Can I just clarify whether the minister to whom the member is directing his matter is Mr Dalla-Riva and not the Premier?

Mr ELSBURY — It is to Mr Dalla-Riva.

Just a few weeks ago I met with some of the industry leaders from my electorate who spelt out their concerns about those opposite. Their poor attempt at the management of industry lacked consistency and common sense. Their greatest concerns were the failures of those opposite to address or even recognise the most obvious of transport bottlenecks, which hamstrung industry efficiency and competitiveness on a national and international scale.

When I drive through my electorate, which includes the western suburbs, I see massive potential in Laverton North and along the Hume Highway to Craigieburn. I encourage the minister to look at the potential of those areas to assist this government in providing industry and infrastructure for Melbourne and Victoria.

Wangaratta High School: funding

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Education, Martin Dixon. The matter I wish to raise concerns funding for the third stage of the Wangaratta High School upgrade in my electorate of Northern Victoria Region. The first two stages of the high school modernisation were completed under the former Labor government, which saw the construction of a new senior school, including an integrated library, new staff facilities as well as a separate science and technology building. It is very important that the upgrade is completed so that all students have modern education facilities, which are so vital to a good education and which have such a positive impact on how students learn.

I am concerned at the divisions that are emerging in the coalition with the Leader of The Nationals, Peter Ryan, who recently visited Wangaratta High School, and Minister Dixon contradicting each other in relation to the school's future. Peter Ryan is reported as having said in the local media that the three-stage upgrade was commendable and it was a matter of when, not if. This is quite promising and acknowledges the importance of this project. But Minister Dixon has rejected this, saying the Baillieu government would be pursuing its election commitment, which does not include the modernisation of Wangaratta High School.

As I said, the divisions within the coalition are very concerning, and I call on the minister as a matter of urgency to stop playing politics with the education of the rural and regional students in my electorate and ensure funding for stage 3 of the Wangaratta High School modernisation, thus providing the school community with the quality resources that are so vital for a good education.

Responses

Hon. M. J. GUY (Minister for Planning) — I have written responses to adjournment matters raised by Mr Jennings on 9 February and Mr Pakula on 1 March.

Seven matters have been raised tonight. Mrs Coote raised a matter for the Minister for Health, Mr David Davis, about hospital bypass issues. I will forward that matter to him for his response.

The Leader of the Opposition, Mr Lenders, raised a matter for the Minister for Agriculture and Food Security, Peter Walsh, about a factory closure in the town of Simpson, the 47 jobs which will be lost at that facility and the plan to replace those jobs. Mr Lenders seeks clarification from the minister.

Mr David O'Brien raised a matter for the Minister for Higher Education and Skills, Peter Hall, on student accommodation in regional Victoria and the government's plans for accommodation in those areas.

Ms Broad raised a matter for the Minister for Roads, Terry Mulder, about the \$130 million promise to build the Wallan-Kilmore bypass, which is a terrific initiative of the Baillieu government.

Ms Hartland raised a matter for the Minister for Public Transport, Terry Mulder, around the Hoppers Crossing station in relation to disability access and lighting issues and the previous government's commitment to that station becoming a premium station, which was an initiative of the Kennett government.

Mr Elsbury, a member for Western Metropolitan Region, raised a matter for the Minister for Manufacturing, Exports and Trade on manufacturing issues in Melbourne's west.

Ms Darveniza raised a matter for the Minister for Education, Martin Dixon, around the stage 3 upgrade which was proposed by the former Labor government for Wangaratta High School and followed up with some bizarre comments about the coalition. Apart from that aside, I take those issues on board and will forward them to the relevant ministers.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.13 p.m.