

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 2 May 2012

(Extract from book 8)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

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

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

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

Participating member

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy President: Mr M. VINEY

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Deputy Leader of the Government:

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Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

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Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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Wednesday, 2 May 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

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

BUDGET PAPERS 2012–13

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — By leave, I move:

That there be laid before this house a copy of the following:

- (1) 2012–13 budget papers:
 - (a) Treasurer's speech (budget paper 1);
 - (b) strategy and outlook (budget paper 2);
 - (c) service delivery (budget paper 3);
 - (d) state capital program (budget paper 4);
 - (e) statement of finances (incorporating Quarterly Financial Report No. 3) (budget paper 5); and
- (2) 2012–13 budget information papers:
 - (a) 2012–13 budget overview;
 - (b) regional and rural Victoria (budget information paper 1);
 - (c) Victorian families (budget information paper 2); and
 - (d) federal financial relations (budget information paper 3).

Motion agreed to.

Laid on table.

Ordered to be considered next day on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

PAPERS

Laid on table by Clerk:

Auditor-General's Report on Personal Expense Reimbursement, Travel Expenses and Corporate Credit Cards, May 2012.

Statutory Rules under the following Act of Parliament:

Magistrates' Court Act 1989 — Nos. 27 and 28.

Victorian Electoral Commission — Report to Parliament on the Niddrie District by-election held on 24 March 2012.

MEMBERS STATEMENTS**Wallan-Kilmore bypass: residents meeting**

Ms BROAD (Northern Victoria) — Last week the member for Seymour in the other place, Ms Cindy McLeish, attended an invitation-only meeting in Kilmore with residents who are threatened with losing their homes, and according to residents who attended that meeting she displayed the most appalling ignorance of all the options that have been put forward by — —

Mrs Petrovich — On a point of order, President, Ms Broad's contribution is reflecting on a member of the other house.

The PRESIDENT — Order! I am in an unfortunate position because I was discussing a matter of procedure with Mr Koch, and I must confess that I did not hear the remarks. Ms Broad to continue. Bearing in mind the point of order that was raised — and I am not in a position to rule on it — I trust that Ms Broad will be mindful of the fact that we cannot reflect on a member in another place without a substantive motion. I do not know whether she did or did not, and I am not in a position to rule on it, but I ask her to be mindful of the point of order that has been raised.

Ms BROAD — According to residents who attended this meeting the lack of knowledge demonstrated by the member for Seymour in response to matters — be they planning or environmental — that were being raised with the utmost concern by residents who are under threat of losing their homes was astonishing. Those are not my words; they are the words of residents. To top it all off, the member seemed to think that issues relating to the equine precedent would be solved by horse tunnels — tunnels that no-one has ever heard of and that are not referred to in any of the VicRoads material which has been made available to residents but which the member for Seymour seems to know about.

Macleod Preschool: ministerial visit

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — We have all heard the saying that school days are the best days of your life, but for me, memories of sandpits, puzzles and parent working bees at kindergarten really stand out. For that reason trips to kindergartens are special to me, and last week I was lucky enough to visit Macleod Preschool for not one but two important events.

The first event was the official opening of the new playroom, which has boosted capacity at a facility that is already delivering a 15-hour program. I congratulate the City of Banyule and Macleod Preschool committee of management on their contribution to this extension.

The second event was the launch of our \$50 million capital grants round for early childhood services. This is a record single-year funding allocation which follows last year's record funding of \$29.4 million, made up of \$26 million for children's capital and \$3.4 million in IT and equipment grants. That is \$79.4 million investment in children's infrastructure in just 18 months. This funding can be used to build new facilities and extend and renovate existing preschools, delivering essential new playrooms just like the one at Macleod Preschool. The children may not fully understand how important this funding is, but the looks on the faces of the adults in the room at Macleod said it all. They know that this is a vital stage of their children's education, and they know just how significant this \$79.4 million in 18 months is.

I want to thank all at Macleod Preschool for inviting me to open their new playroom and especially the children for the songs they sang for us. The enthusiasm and excitement in the room made it clear to me that these children will have wonderful memories of kindergarten, just as I do.

Victorian certificate of applied learning: funding

Ms TIERNEY (Western Victoria) — On a number of occasions I, along with other members of the opposition, have spoken about the disastrous impacts of the Baillieu government's damaging decision to cut Victorian certificate of applied learning (VCAL) funding for Victorian schools. In early April the front page of the *Bellarine Times* told yet another story of the damage the government has caused. On 3 April the *Bellarine Times* reported that Bellarine Secondary College had gone into deficit to avoid disadvantaging its VCAL students and that the principal, Murray Long, had said:

It was very disappointing to hear last year that schools would have to find some way to ensure the least impact possible this year.

Mr Long said that since the program began the number of students had gone from 10 VCAL students to 90, such was the success of the program, and there is a strong waiting list. He also said the school might consider not replacing technology and other equipment as a way of trying to keep the VCAL course option running.

The ramifications as a result of the Baillieu government's decision are not isolated to Bellarine Secondary College. I have been contacted by teachers, students and parents from throughout the electorate who have highlighted the problems they have been facing and the options they have when struggling to cope with this cut. Some of these problems include increased class sizes, reduced subject options in the senior years, cuts to staff numbers, inadequate facilities to fund VCAL students and inadequate maintenance funding.

The opposition will continue to criticise the decision to cut VCAL. The media continues to criticise the decision. The teachers and students have also told us of the damaging impacts of the decision.

The PRESIDENT — Order! I am advised by Hansard that the system is not working and 5 minutes are needed to reboot the system. I will resume the chair at the ringing of the bells.

Sitting suspended 9.43 a.m. until 9.53 a.m.

Shrine of Remembrance: exhibition space

Mrs COOTE (Southern Metropolitan) — Last Wednesday we saw Anzac Day celebrated across our country. Here in Victoria we saw the stoic members of our returned forces in very bleak conditions march yet again to the Shrine of Remembrance. Despite the weather we had an enormous crowd remembering our service personnel at the shrine, and the march was again heroic.

In two years time it will be the centenary of Anzac Day, and I commend the Minister for Veterans' Affairs, Mr Delahunty, for putting \$22.5 million into a new education facility for the shrine. Underneath the shrine there will be a greater exhibition space. It has already been excavated and is absolutely phenomenal. It will put the Shrine of Remembrance on the map as one of the pre-eminent remembrance sites for Victorians and indeed all Australians. We hope the federal government will put money towards this project as well. I suggest one of the highlights of this new exhibition will be one of the original boats used at the Gallipoli landing exhibited in a prime position at the Shrine of Remembrance. It will make the shrine a hallmark of Anzac and other remembrance days in perpetuity. I congratulate Minister Delahunty.

Liquor licensing: live music venues

Ms PENNICUIK (Southern Metropolitan) — On 8 February I raised the issue of live music on the adjournment with the Minister for Consumer Affairs. It

was on the eve of the first anniversary of the Save Live Australian Music rally when 20 000 people marched from the State Library of Victoria to Parliament House in support of live music and to protest against the blanket security conditions that had been imposed on live music venues. National SLAM Day was on 23 February this year, and thousands of people attended SLAM Day gigs, particularly at small venues, which have been hardest hit by the security conditions. I attended the Caravan Music Club in Oakleigh.

In my adjournment matter I asked the minister to establish the live music round table that had been promised to bring together liquor licensing, police, live music industry and venue representatives and state and local governments to work through the issues facing live music, particularly the agent of change issue. On 13 March the minister responded that the round table would be established in the near future. I hear that the minister has written to the various parties but no date has been set as yet. In the meantime small venues, including two in my area, are being affected by noise complaints as people move into areas where there are existing venues, so the agent of change issue is a pressing one.

From 16 to 30 April Music Victoria ran its Jump on the Bandwagon membership drive with a series of gigs, including its wrap-up party at the Corner Hotel on Monday night, which I attended and where I had a great night. The Corner Hotel has been a stalwart of live music in Melbourne, which is the live music capital of the world.

Western Suburbs Legal Service: funding

Mr EIDEH (Western Metropolitan) — I am curious to know why the state government refuses to guarantee the future of the Western Suburbs Legal Service. I am curious to learn what this government has against the people of the western suburbs, of which my electorate is at the heart. I am curious to learn if this government will ever understand that the people in my electorate have far greater needs across so many areas than the electorates of most government members.

The service began in 1978 and operates mainly on the great support of amazing volunteers. As it states on its web page, it is committed to providing free legal advice and assistance to people who live, work or study in the western suburbs. It does not just provide legal advice but works to educate people about their rights and campaigns for changes to the law. One of its key client areas involves international students, who are critical to the economy of our state.

Why does the Baillieu-Ryan government refuse to guarantee funding? And, with respect, please do not tell this house that funding Victoria Legal Aid is up! Its funding comes from this government, but all that we have witnessed in the first two years of this government is slash and burn, cut and destroy, scalp and allow to rot. This service deserves better. The western suburbs deserve better.

Disability services: national insurance scheme

Mr O'DONOHUE (Eastern Victoria) — On Monday I was pleased to join the Pakenham organisation Outlook and numerous locals for the national disability insurance scheme (NDIS) rally at Pakenham. I congratulate Tony Fitzgerald and all the staff and the board of Outlook on their dedication to those with a disability as well as the silent heroes, our carers. The supporters made their way through the main street of Pakenham in what was perhaps a first — a rally through the main street of Pakenham — before catching a train to Melbourne for the NDIS Make it Real rally at Federation Square. I was pleased to show my support for such an important issue for this country, and I congratulate the Minister for Community Services and the Premier for the leadership that Victoria is showing on this issue.

Shire of Bass Coast: Governor's visit

Mr O'DONOHUE — I was also pleased to be part of an event to welcome the Governor of Victoria, His Excellency Alex Chernov, who visited the shire of Bass Coast on 27 April. The Governor had a tour of the reopened state coalmine at Wonthaggi and a firsthand look at the tourist benefits the mine has to offer to the South Gippsland community. This was part of a broader tour through the shires of South Gippsland, Baw Baw and Bass Coast.

Budget: Eastern Victoria Region

Mr O'DONOHUE — The budget handed down yesterday by the Treasurer demonstrates a great deal of commitment to the people of Eastern Victoria Region, particularly in the areas of education, public transport and roads. I congratulate the Treasurer on his budget.

Anzac Day: Victorian Association of Jewish Ex and Servicemen and Women Australia

Mr LEANE (Eastern Metropolitan) — I was very privileged to represent the Victorian Parliament on Sunday at the Anzac Day memorial service for the Victorian Association of Jewish Ex and Servicemen

and Women Australia in Burwood. It was a very appropriate ceremony. I congratulate the executive of the association on the way the ceremony was held.

Melbourne and Victoria's Jewish community is very proud of its record and its high participation rate in serving in the Australian armed forces in many conflicts. It is a very good thing that it has named an award for students after one of the recently fallen soldiers in Afghanistan. Again I congratulate it on a great effort.

Roads: South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — We have heard some early murmurs from members of the Labor Party in their commentary on the budget to the effect that it is a slash-and-burn budget or that somehow all the things that Labor had not funded in its 11 years of waste and mismanagement should have been funded in a year or two of coalition government. Quite simply, if Labor had wasted less, Victorians could have had more. The budget delivered yesterday, with the funding that is available, is an excellent budget in terms of spreading the benefits where they are needed.

I certainly welcome the \$380 million boost to ease traffic congestion across the south-east, in particular via three significant transport infrastructure projects announced yesterday, which will directly and indirectly deliver more than 7000 jobs to the community in the south-east. The announcement included the funding of the Narre Warren-Cranbourne Road duplication in Narre Warren South, the funding of the Kingston leg of the Dingley bypass and the funding of the grade separation on Springvale Road, Springvale.

All three projects are ones for which in opposition I worked passionately with the local community, fighting for funding which Labor failed to deliver. Now in government I am pleased to see the projects come on board. I am thrilled that it has taken us only two years to fund these projects, which had been left abandoned, neglected or forgotten by the Bracks and Brumby governments for more than a decade. All these projects are fantastic, and their achievement reflects the hard work that has been put in by others, including the cities of Casey, Greater Dandenong and Kingston. I commend the government and those who have advocated for these projects.

Youth: body image

Ms MIKAKOS (Northern Metropolitan) — I wish to draw to the attention of members that at 12.30 p.m.

today an event called Feed the Soul is being held in the Legislative Council committee room. This event is the official launch of Eating Disorders Victoria's (EDV) major awareness campaign on the importance of healthy eating and having a positive body image. Feed the Soul is about having a healthier relationship with food. It coincides with this Sunday, 6 May, being International No Diet Day.

Victorian teenagers and young adults are bombarded daily by photos of airbrushed and photoshopped celebrities and models and stories of miracle diets. The 2011 Mission Australia national survey of young Australians found that body image ranks as one of the top three issues of concern for young people, in particular young women. According to a *Girlfriend* magazine survey of 1000 teenage girls reported in the *Herald Sun* of 21 March, almost half of girls aged 13 to 20 knew someone who had been diagnosed with an eating disorder, and 80 per cent said they had heard their mothers talk about their bodies in a negative way.

We can all play a role in dispelling the myths associated with diet and weight loss and their part in contributing to young people's body image issues. EDV's website contains a lot of useful facts about dieting that I would encourage members, parents and young people to read. The website is at www.eatingdisorders.org.au. This event has bipartisan support, and I look forward to members attending later on.

Budget: children's services

Mr ONDARCHIE (Northern Metropolitan) — As members have often heard me say in this chamber, one of our key roles as members of Parliament is to look after the kids. I am delighted that in yesterday's state budget the Treasurer announced \$336 million for child protection in this state. As members of Parliament we have to make sure we are looking after the kids. In addition, there will be \$6.35 million for the Parkville youth justice centre to improve support mechanisms for those who go through the youth justice system. There is \$10 million for the decentralisation of the Children's Court at Broadmeadows, an area of Northern Metropolitan Region that needs our support. The \$10 million for that Children's Court is going to be very useful. Minister Lovell has announced \$10.4 million to build a youth foyer at Broadmeadows to provide structured assistance and accommodation for young people at risk of homelessness.

In addition, \$6.76 million will be set aside for land purchases at Epping North to build school facilities. After coming to this job not so long ago I found that growth at Laurimar Primary School was unplanned for,

and it is a pleasure and a great delight for me that the Treasurer announced \$10 million to construct a brand-new primary school at Doreen South, which will include classrooms, a gymnasium and administration facilities. This is the Baillieu government securing the future and shoring up the state's finances.

Budget: clinical midwife consultants

Ms PULFORD (Western Victoria) — Yesterday's budget contained many disappointments, including cessation of funding for the work of clinical midwife consultants right across Victoria. These people provide a valuable service to our region's midwives and are a vital part of our health service. Clinical midwife consultants support midwives by delivering education programs, assisting in the development of models of care, networking with other health services across the state and reporting back on new initiatives. They provide shared use of vital teaching aids to health services as many of these aids are far too expensive for individual health services to purchase. Clinical midwife consultants enable the shared use of these resources.

These positions are an important part of providing a safe, high-quality service for Victorian birthing mothers and their families no matter where they live. The government has recently legislated to expand the function of midwives in administering drugs, but it is cutting funds to support the educators who will ensure adequate training for new measures like that. The work that these people do is a vital addition to our health service, assisting in ensuring that Victoria has a sustainable skilled workforce that is up to date with best practice. Midwives in my electorate have told me that they cannot stress enough just how important the role of clinical midwife consultants has been to them in being able to continue their work providing services to rural and remote communities across western Victoria. I call on the Minister for Health to urgently reinstate funding to resolve this problem.

Disability services: MyPATH program

Mr KOCH (Western Victoria) — Last week I was pleased to represent the Honourable Mary Wooldridge in her capacity as Minister for Community Services and to launch the new MyPATH education and learning program for Geelong and Colac. Developed by St Laurence Community Services, this innovative program provides a fully customised learning and vocational pathway that offers choice for growth and independence within the disability services industry. An industry first, this program aims to provide skills for disabled people so they can live more independently

and have access to vocational training and improved employment opportunities.

MyPATH offers a range of learning pathways from developing life skills to promoting healthy living and providing options for transition to employment. Modules within each pathway have been thoroughly developed and tested to help people with disabilities reach their maximum potential. Each module is designed to be interesting and fulfilling while providing learning experiences for life. Over 280 people from the Geelong and Colac regions have already participated in MyPATH programs. Positive feedback indicates that this program is providing participants with new skills and improved independence.

The Baillieu government recognises the growing need for disabled independence and supports St Laurence Community Services with annual funding of over \$4.3 million for shared supported accommodation, respite care, case management, flexible and individual support packages, and numerous day programs for families and individuals living with a disability. I congratulate St Laurence and its planning and service coordinators for their commitment to and management of this important program in Geelong and Colac.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Reference

Mr LENDERS (Southern Metropolitan) — I move:

That, under section 33 of the Parliamentary Committees Act 2003, this house requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 31 March 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the committee should:

- (1) investigate the extent of unconventional exploration for gas in Victoria;
- (2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;
- (3) consider the impact of unconventional exploration, including the various extraction methods used on the —
 - (a) natural environment;
 - (b) safety of people working at and/or living near such exploration;
 - (c) health of the wider community; and
 - (d) economy and jobs in Victoria;

- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and
- (5) draw on and incorporate relevant materials from other Australian parliamentary investigations in the interests of a concise report within the required time line.

It gives me great pleasure to move this motion. The reason it is being debated today and not in the last sitting week is because we think this is a very important thing to achieve and we did not wish to ambush the government on this. I approached the government and said we were not going to debate this motion last sitting week so that the government had the chance to consider it in two cabinet meetings and a party room meeting.

If the government votes against it, that is the government's call. I wait with interest on the lead speakers from the government. But the reason the motion is here in this form today is to allow the government to consider it. Sometimes when we have moved motions the government has said, 'There has not been a chance to do this. We have a party room process and a cabinet process'. This has been moved with two cabinet meetings and a party room meeting in between so serious consideration could be given to what is a very reasonable proposal.

The motion seeks a range of things. Essentially it seeks an Environment and Natural Resources Committee (ENRC) inquiry into a number of matters. I will use the term 'coal seam gas' for convenience, although the technical terms in the motion are obviously broader than coal seam, given that Victoria is different from some of the other states. I will use that term because it is the general term used in the community.

I also mention that the Labor Party has moved this motion to refer this matter to a committee that is controlled by the government. If the government has any concern that somehow or other this is a partisan witch-hunt or an effort to refer the matter to a committee of the Legislative Council controlled by the Labor Party and the Greens, or anything else, I can say that is not so. This motion gives the government two full weeks to consider the matter and refer it to a committee on which the government has the majority. I put that on the table because that is important in seeking tripartisan or quad-partisan support for the motion.

In opening the debate on this motion for the Labor Party I put clearly that we are supportive of jobs in mining. We are the party that started off the mineral sands industry in the Wimmera and a whole range of those areas. Labor has always been supportive of mining and jobs. In the motion we have put forward the

committee is to report back by 31 March 2013, so this motion is not designed to stop things; it is designed to get information. We have also specifically put forward, in paragraph (5), that the committee should:

draw on and incorporate relevant materials from other Australian parliamentary investigations in the interests of a concise report within the required time line.

Obviously we would seek that the committee draw on the Senate report rather than replicating reports. I have been told by a number of citizens that they have submitted to the Economic Development and Infrastructure Committee of this Parliament. When that committee releases its report, if there is anything relevant in it, the ENRC would be able to draw on that, but that is speculation. Clearly there is the Australian Senate report and reports from other jurisdictions that the committee could draw upon and incorporate rather than going through the process of investigating what is already there.

I start off by saying that the Labor Party is supportive of mining, provided it is done safely and in an informed manner. There are vast coal seam gas resources spread across Australia and in many coal basins. It has been commercially produced in Queensland for close to 15 years now and currently supplies the fuel used to generate about 17 per cent of Queensland's electricity needs. Gas-fired power stations create less than half the greenhouse gas emissions of coal-fired power stations of equivalent size. That is just a fact. Australia is thought to have about 100 years of coal seam gas reserves, at current use, and in January this year the federal environment minister appointed an interim committee of scientific experts to look into the coal seam gas and coalmining industries. The committee has been tasked with investigating the impacts of coal seam gas on regional communities, with a particular emphasis on water and environment.

That is the sort of information we want out there. Mr Scheffer will talk a bit about some of the public meetings he has attended in his electorate. This information may be there. We want it out there, we want it reported upon and we want our citizens — who are concerned about a lot of the things that are going on — to have a chance to engage, test some of the questions and have a parliamentary committee call witnesses and prepare a concise report in a short period of time about a range of these issues.

The water table is a classic example. I have been in Gippsland on a number of occasions, and people have asked me for assurances about what is happening to the water table with the exploration. I have been to meetings in Lang Lang, Traralgon and Wonthaggi. I

have met with people in those places and talked about all of this. I am not an expert. I may be the Labor spokesperson on resources, but this is an area where the community wants information, and a parliamentary committee is an appropriate way to test a lot of this information.

In March 2012 New South Wales became the second state, after Queensland, to sign up to new national agreements to protect water resources from coal seam gas extraction and coal mining.

The context of this debate is centred on the following: Victoria's gas demands will double by 2030, current gas reserves will be depleted somewhere between 2025 and 2030, and there are three possible sources of local supply which need to be investigated. Obviously there is conventional gas offshore, the shale gas and tight gas onshore and coal seam gas onshore. Most of the debate has been on what is described as coal seam gas.

To my understanding there is no coal seam gas currently in production in Victoria, nor are there any applications to begin production of coal seam gas. Whilst the location of Victoria's coal resources is well known, the amount of dissociated methane is uncertain. The Department of Primary Industries has noted that Victorian coal is prospective for coal bed methane, but it also noted that most of the world's coal seam gas comes from black coal, and this casts doubts over the feasibility of coal seam gas in Victoria.

Currently there are three known exploration licence applications in Victoria. Commonwealth Mining lodged an application for a permit to explore an area in Gippsland, to the north and east of Traralgon, covering the localities of Toongabbie and Cowwarr. It covers private land, roads and reserves. The second one is ECI International, which has an exploration licence to look for coal bed methane in an area from Pakenham South and Koo Wee Rup north almost to Bunyip and eastward to and covering Drouin, Warragul and Nilma. Thirdly, Leichhardt Resources is exploring South Gippsland.

The holder of an exploration licence may only search for minerals and is not permitted to extract methane for commercial purposes. An exploration licence is generally issued for five years, and may be renewed for up to five years. An exploration licence may cover an area of up to 500 square kilometres, or larger if allowed by the minister. Exploration usually consists of a range of surveys, including exploration and drilling, and a mining licence would be required for the extraction of methane for commercial purposes. Such a licence can be issued for up to 20 years.

They are the known facts which are publicly available, but that is not why I am moving this motion to refer this issue to the parliamentary committee. I am referring it so that the facts and the known material that comes from parliamentary committees — the known information out there — can be consolidated and tested within the time frame provided in the motion. ENRC could then give a report back to government on issues that are vexing our community.

As I said at the outset, the Labor Party supports jobs. If the government is serious about regional development, we have to look for new ways to bring jobs into regional towns. I again use the example of Iluka Resources in western Victoria. There are more than 100 jobs at the processing plant in Hamilton and there are a couple of hundred more exploration jobs around the area. I have raised some of the concerns I have about Iluka in an adjournment matter in this place. As I said in that adjournment matter, it is not because I oppose it but because unless the government gets the information proactively out into communities to show people that things are safe — and if they are not safe, we should obviously not be doing them — we are not going to get the buy-in from regional communities for these mining jobs.

There are opportunities across regional Victoria in this space. I genuinely say to the government if it wants these jobs to be created, it has to start dispelling some of the concerns. This motion is designed to do exactly that. As I said at the outset, we approached the government and said, 'We are giving you plenty of time to consider this'. There is nothing in this motion which criticises the government or will slow down the process. The Labor Party supports the moratorium on exploration at the moment, and there is nothing in this motion where we ask the government to change that. We are simply asking the government to refer an inquiry to a committee it controls and to get information for Victorians within a tight time frame so that these vexed issues can be addressed.

The motion calls for an investigation into the extent of unconventional exploration for gas in Victoria. I have already put the information on the record. The motion basically asks what is actually happening so we can report on that. Again, a lot of people in communities do not know what is happening. There are a lot of good websites and there is a lot of information, but people do not know what is happening. We are trying to gauge the extent of the information so that there is an understanding of that, it is recorded in one place and we know what is happening.

The second point is that we want to consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects. This is a very significant part of the reference.

Mr Drum — What moratorium?

Mr LENDERS — I said the Labor Party supports a moratorium for one year; however, this motion does not ask the government to support a moratorium. Specifically we are asking the Legislative Council to refer these issues to the Environment and Natural Resources Committee. We are not asking the Legislative Council to support a moratorium — we know the government does not — but we are trying to get an outcome in here which means this information will be dealt with.

Mr Drum interjected.

Mr LENDERS — Yes, Mr Drum, the Labor Party does support a moratorium — I am not seeking to hide from that — but what I am making clear to this house is that we are seeking to have the Legislative Council support information for our communities, including Mr Drum's. The opposition is not seeking to wedge the government on the issue of a moratorium because we know the government — —

Honourable members interjecting.

Mr LENDERS — Certainly Mr O'Brien and the Liberal Party have a very strong view — that is Mr Michael O'Brien; Mr David O'Brien is looking perplexed. Mr Michael O'Brien has a very strong view on these matters, and we could, if we wished, play wedge politics between the Liberals and The Nationals — I could be quoting things that Mr Ryan has said versus things that Mr O'Brien and Mr Wells have said, but I am not in that space. I am seeking to extract — —

Mr Barber interjected.

Mr LENDERS — Yes, let alone what the Speaker of the Legislative Assembly, the member for Bass, says. Mr Barber is provoking me. I am seeking to present to this house a motion which all parties can support. I see that Mr Ramsay is in the house, and I am sure Mr Philip Davis is listening attentively. Given the views of the Victorian Farmers Federation on this matter, I hope at least those two gentlemen would come and vote with us — and hopefully Mrs Petrovich, as her daily gratitude for being here, might do so as well. I hope all members of the government support this motion, because, as I said, the second point about

methodological measurements is important. This is an issue that causes great concern.

I am someone who supports mining in regional Victoria on the general premise that it generates jobs. I found it difficult in government, and even more difficult in opposition, to answer people who ask such questions as, 'Is it safe?', because no methodologies out there have been tested. I know that Mr Michael O'Brien will say, 'It is all out there, and the department knows about it; trust me', but I would say that that is not resonating with the people of West Gippsland, and particularly that person from West Gippsland who happens to be a member of this Parliament and has spoken on the matter. I think that is an important issue, and this is being done in a way that assists the government.

The third paragraph of my motion is that the Environment and Natural Resources Committee should:

- (3) consider the impact of unconventional exploration, including the various extraction methods used —

and there is a series of things, including the natural environment et cetera. Fracking is an issue that is being debated everywhere in the community at the moment. There is a science to it, and there are a lot of questions about whether fracking is safe or unsafe. In our community many people believe it is not safe, and they want an assurance that it is safe.

People in the community would like to have public hearings, which are a fantastic way for experts to be brought in by a parliamentary committee so that these matters can be tested. When our regional communities have such great doubts about this methodology, I do not think it is good to leave the issue hanging and for the Department of Primary Industries and the minister to say, 'Trust us'. It is in the interests of the community to have the issue of fracking tested, and if it is tested and found to be a safe extraction method, well and good; that will give great comfort in the jobs being generated.

However, if the issue of fracking is not tested, then government members and people from government departments cannot go out into communities and say to farmers, 'This is safe. Do not worry about the threats to the water table and all the other things that people are concerned about', and expect people to trust them on this matter. This matter could be tested by 31 March next year, which would give some comfort about threats to the natural environment or to the safety of people working in this sort of exploration or living near it, as well as the health of the wider community, the economy and jobs in Victoria.

The reason the economy and jobs are mentioned in the motion is that we want these alternative jobs to proceed, but we want them to proceed when the information is gathered and the questions answered within a time line that will give confidence to regional communities.

I have not heard the response from government members, but from Mr Drum's interjection and the body language of those opposite, I imagine the first speaker is going to get up and say, 'We do not support this motion', and then give all the reasons for not supporting it. I will address that in my reply, if that is the outcome, but I urge government members to support the motion, because it does not stop any exploration in Victoria today — that is in the hands of Michael O'Brien, the minister. The aim of this motion is, through the parliamentary committee process, to get information into the public domain by 31 March next year so that we can have a more informed debate and, dare I say, a more informed minister when that information comes forward.

The fourth and fifth points are:

- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and —

as I said in my opening remarks —

- (5) draw on and incorporate relevant materials from other Australian —

jurisdictions, including anything that comes out of other Victorian parliamentary committees or the Senate and some of the other state jurisdictions that have looked into this space. I urge that this be done, and I will recap on why the motion has been put in this form.

It would have been very easy for the Labor Party to move a motion in this place which just stated a view; it would have been very easy for the Labor Party to move a motion calling for a moratorium; and it would have been very easy for a whole range of reasons. It would have been easy for Labor Party members to simply make a statement on coal seam gas. It would have been easy if what we were about to do was simply follow some antijobs, antidevelopment agenda. But we have structured this motion so that a government-controlled committee can get information within a tight time line using material that is already on the public record, and in a way that gives the committee a chance to test that material. That is the form we have done it in. We have given the government enough notice for it to be considered at two cabinet meetings and at a joint party meeting. This is a proposal to get information which, in my view, will strengthen the job opportunities in

regional Victoria by removing the uncertainties that build up.

I saw this at Iluka Resources in the Western District of Victoria and in the Wimmera and Mallee just recently where people who would be supportive of jobs in those areas are anxious because they are not getting answers to questions. They are anxious because the minister will not go out and speak to them. They are anxious because, in their view, the websites of the Department of Health and the Department of Primary Industries are not being updated quickly enough. They are anxious and concerned about issues such as, in the case of Iluka Resources, radioactive waste. As I said when I raised a matter in the adjournment debate, my watch exudes radiation, but you have to have a discussion as to what the safety level is. If the government disengages in this space and there is no information, communities are going to expect the worst.

I urge the house to support this motion. It does not stop mining and it does not stop the government from exercising its authority. But what it does is refer the matter to a parliamentary committee and ask it to report back by 31 March next year. The referral to the committee seeks more information. It gives our citizens a chance to test that information, it gives the committee a chance to call witnesses, and I suggest it offers the chance to be heard to those farmers and regional committees who are extremely anxious about fracking and the other consequences of coal seam gas exploration. Perhaps even the Speaker of the Assembly might testify as well. I urge the house to support the motion.

Mrs PETROVICH (Northern Victoria) — I rise to oppose the motion, and I have some very good reasons for doing that. As Mr Lenders said, I have a historical connection to areas that are impacted upon and have benefited from a range of mining activities. Victoria has a strong history in mining. My history starts back in the 1800s in Bendigo — actually in Golden Square. My great-grandfather was a goldminer in Bendigo and Maldon. The ancestors of many Victorians were the Chinese, Cornish, English, Irish, American and a range of other nationalities who immigrated at that time. They formed a very multicultural network. Interestingly, this building was built on the wealth of the goldfields of Ballarat and Bendigo.

With that in mind, we have to understand that mining has played an important part in Victoria's history. It also plays an important part in Victoria's future. The Victorian government is cognisant of the successful coexistence of mining and agriculture in Victoria since the 1800s. It is important to have strong protections

around the way those activities are carried out — protections for the environment, for communities and for existing user groups. I have witnessed the way communities interact and benefit from those activities.

It is important and interesting to note that the Victorian government has been in discussions with the commonwealth government regarding the commonwealth's new independent expert scientific committee — —

Mr Drum — That is what it is all about.

Mrs PETROVICH — Absolutely, Mr Drum.

Mrs Peulich — Julia Gillard does not hold the same view.

Mrs PETROVICH — Obviously not. There is a conflict there, Mrs Peulich.

One of the important points to note today is the duplication of process. We are great sticklers for process and for ensuring that people have a voice, unlike the previous government. But I think we need to start with the premise that we do not need duplication.

Currently we have a good process in place and, unlike what we saw over 11 years under the previous government, we do not want to ride roughshod over Victorians. There are people in the community who have very good reason to be dubious about government because of the history of the Labor government over the last 11 years and the processes involving the desalination plant and the north–south pipeline. If farmers are dubious of government, then they probably have very good reason to be. We saw cases where there was no process and farmers' land was seized. It was a very dark time in Victoria. It is now our role to listen to the community and to work to ensure positive outcomes for jobs and for the provision of energy, and to ensure the protection of our catchments, waterways and primary producers.

There are currently 24 exploration licences for coal seam gas in Victoria. It is interesting to note during the debate on this motion that the previous government issued more than 70 per cent of those licences. I have to question why we have not previously given such a reference to a committee. Why was this new-found wish to listen, to consult or to understand better not undertaken in the 11 years of the Labor government when the large percentage of those licences were let? It was pretty interesting to see that Labor's energy ministers, Theo Theophanous and Peter Batchelor, spoke of the potential for coal seam gas to contribute — —

Mr Ondarchie interjected.

Mrs PETROVICH — Mr Ondarchie does have his office; I am sure it is in a very good state now.

The former energy ministers spoke of the potential for coal seam gas to contribute to Victoria's economic development. There seems to be some conflict between what is going on federally and what is being discussed here today. The Prime Minister, Julia Gillard, also speaks of the important contribution that coal seam gas makes to the Australian economy, and she has taken that step forward to establish a commonwealth government committee. That is also an interesting aspect to today's discussion.

It is good to highlight today that we have put in place some fairly important steps to protect jobs and the economy of Victoria. I can say from the outset that we will not be supporting any moratorium on exploration for coal seam gas. I said previously that mining and agriculture have coexisted in Victoria and have done so since the 1800s. We have a very long and proud history of coexistence between those sectors, and we will continue to work very closely with both industries in their communities, and as part of that the protection of the environment is paramount while delivering responsible economic growth for the benefit of all Victorians.

The Environment Protection Authority, under the Environment Protection Act 1970, does not allow discharge that will pollute groundwater. Its policy establishes beneficial uses for groundwater that must be protected. If a project were deemed to have the potential to significantly impact on the environment, an environment effects statement would be required, which is a transparent process that offers extensive opportunity for public comment and involvement. That raises a number of serious issues around what has happened historically with environment effects statements, and I think it would probably be worthwhile investigating how many environment effects statements involving major projects were issued under the previous government, and in cases where none were issued, why.

The Mineral Resources (Sustainable Development) Act 1990 is overseen by the Department of Primary Industries (DPI), the Environment Protection Act is overseen by the Environment Protection Authority, the biodiversity and landscape protection legislation is overseen by the Department of Sustainability and Environment and the Water Act 1989 by regional Victorian corporations. This is not a new form of exploration in Victoria; coal seam gas exploration has been happening here for some time. There are, as I said,

24 exploration licences currently. Coal seam gas, methane, has been a target for exploration dating back to 2001. We can look at time frames around who was previously in government and had opportunities to demonstrate this transparency, but there is no doubt that this motion today expresses a new-found desire for a process different to the one I am outlining.

Exploration activities specifically for coal seam methane have occurred within exploration wells drilled in Bacchus Marsh, the Otways and Gippsland, as discussed earlier by Mr Lenders. The technology used in coal seam methane exploration is conventional exploration technology, including technology used to drill exploration wells for oil and conventional gas resources. This technology has been used in Victoria for decades.

The safeguards in legislation apply across the entire state, and the Victorian government will continue to apply these safeguards on a non-discriminatory basis. We have strong protections and opportunities for community input built into the licensing application process. When a company applies for an exploration licence it is required to advertise its application in one local and one statewide newspaper. Local shires and councils are also notified of new exploration licences in their area by the DPI. The granting of an exploration or mining licence does not give the company an automatic right to private access to land. Unlike what occurred in the north of the state, where people from the water authority, under the direction of Tim Holding, went on to land —

Mrs Peulich — Desal Tim!

Mrs PETROVICH — Whether he is Desal Tim or North–South Pipeline Tim, I remind Mrs Peulich it is a very shocking record.

Mr Drum — That is what happens when you do not understand it.

Mrs PETROVICH — I absolutely agree with Mr Drum. There was no understanding of the way country communities work. There was no understanding of what was right and proper. Those people were ridden roughshod over in the worst possible way. There was no process followed, or at least the process that was followed was not one that was written down.

Mr Lenders — In the process of cutting wind farms from Gippsland those opposite did not consult anyone other than the Premier's mother and aunt.

Mrs PETROVICH — Mr Lenders brings up another issue that I would like to talk about: the opposition's lack of process around wind farms.

Mr Lenders interjected.

Mrs PETROVICH — The opposition's process around wind farms was an absolute disgrace. It divided communities and was an environmental disaster. Mr Lenders should not be talking about the opposition's wind farm policy, which started off with a wind atlas in 2003. There was no consultation process or planning capacity given to local councils, and there was no voice given to local communities. That is why, when I look at this motion today, I would have to say it is full of hypocrisy. Historically the lack of consultation and the value opposition members have placed on communities and the environment has been disgraceful.

Mrs Peulich — They bring a motion, but they don't want to hear the other side, do they?

Mrs PETROVICH — It is very interesting when one looks at where we have ended up. It is also interesting that Labor's leader and its energy spokesperson are both from the socialist left faction. They have joined with extreme Greens in opposing any exploration for new forms of gas.

Mr Ondarchie — They have penalised Victorians.

Mrs PETROVICH — They have penalised Victorians; absolutely. I think it is interesting to look at the alliances that are forming around particular issues. Ms D'Ambrosio is the Labor spokeswoman on energy. Did the announcement come from John Lenders, a spokesman on resources in the portfolio where the relevant legislation resides? Was that the way it should have occurred? I have to ask that question.

Mr Lenders — The member is reflecting on the Speaker.

Mrs PETROVICH — I am not reflecting on the Speaker. I am asking a rhetorical question.

Mr Lenders — The member is calling the Speaker a Green and a communist.

Mrs PETROVICH — They are members of Mr Lenders's party, not members of mine. Mr Lenders was on leave when the opposition made this announcement, and the former Gippsland boy, I suspect, would not have supported this particular job-destroying policy from Labor. I find all of that interesting.

Is Mr Lenders's motion playing second fiddle today to Ms D'Ambrosio and the socialist left, and have the loonies really got control of Labor? Is this something we need to — —

Mr Leane — Why does the member have to read her insults?

Mrs PETROVICH — It is better than looking at Mr Leane.

Mr Lenders — Did Ms D'Ambrosio get permission from the lead communist to speak?

Mrs PETROVICH — Did she get permission to speak? Is it a telling tale of where Victoria is heading and where the alliances are leading? Are there similarities here to federal Labor, and have the loonies really got control of the Labor Party for good?

Mr Ondarchie — Still.

Mrs PETROVICH — Still, or forever. It is good to say that the Victorian government will not be supporting any moratorium on exploration for coal seam gas.

Mr Lenders — No-one is asking the government to.

Mrs PETROVICH — Mr Lenders is not asking us to, but the motion he put forward today — —

Mr Lenders — I ask the member to actually consult the community and get some information.

Mrs PETROVICH — I remind Mr Lenders that I have outlined the process.

Mr Lenders interjected.

Mrs PETROVICH — I know where I would seek my education, and it would not be from an opposition that in government had such a terrible track record historically of failing to listen to the community of Victoria.

One of the things that should be highlighted today is that without new sources of gas it is likely that the annual cost to households of gas bills and the indirect impacts of high gas prices will rise very significantly by 2030. It makes sense to explore new sources of gas, including unconventional sources like coal seam gas, to keep gas prices affordable for Victorians. It is important to look at clean, green energy sources for Victoria and reducing our carbon footprint. We should not look at introducing a carbon tax, but it is important to reduce our carbon footprint and ensure that we have alternative energy supplies. We have seen a lot of scaremongering

from Labor. I quote from a media release of 12 April from the member for Mill Park in the Assembly, Lily D'Ambrosio — —

Mr Ondarchie — Did she have permission to release it?

Mrs PETROVICH — I do not know whether she had permission on this occasion, but again the loonies are in charge of the Labor Party. Ms D'Ambrosio is quoted as saying:

Evidence is emerging that raises questions about the safety, health and environmental impacts of coal seam gas exploration ...

and the extraction methods used. The member is further reported to have said:

... government must take steps to ensure exploration did not put at risk the state's water supplies and food production industries.

As I mentioned previously mining, agriculture and the processes that are currently in place in the state of Victoria are designed for consultation and to ensure that people know what is going on in their communities and have a good understanding of and protection for their water catchments. This quote is either scaremongering or silly. It is another example of Silly Lily in action.

The government must take steps to ensure exploration does not put at risk the state water supply and food production industries.

Mr Scheffer — On a point of order, Acting President, the epithet that the member used to describe a member of Parliament in the Assembly is unparliamentary, and I seek a withdrawal.

Mr Ondarchie — On the point of order, Acting President, we heard Mr Lenders insulting the Speaker throughout Mrs Petrovich's contribution, and that seemed to travel without any problem. I found the term 'silly Lily' amusing.

Mr Barber — On the point of order, Acting President, the distinction is quite clear. We are allowed to refer to members' policies or actions as 'silly', but once a speaker personalises the matter and labels that member, that is the line between what is unparliamentary and what is vigorous debate.

Ms Broad — On the point of order, Acting President, the President in this place has made it quite clear that it is not acceptable to refer to members by their first names. I presume all members accept the President's views on this matter, and for that reason alone this reference is not acceptable.

The ACTING PRESIDENT (Mr Tarlamis) — Order! I remind members that when referring to other members of Parliament they should refer to them in an appropriate manner and by their appropriate title.

Mrs PETROVICH — If I could rephrase, it might assist. The comments made by Ms D'Ambrosio were very silly.

Mr Barber interjected.

Mrs PETROVICH — We are one big, happy family, absolutely.

The planning and consultation processes that we currently have in train, the rigours of environment effects statements for major projects — unlike under the previous government — and the fact that the federal government has seen fit to provide \$150 million to establish an independent expert scientific committee to provide advice to government, and has already done so in New South Wales, are seen by the Victorian government as an opportunity for additional scientific analysis by this new committee in Victoria as well. That is also an option. We do not want duplication, and the community does not want duplication. It has seen enough of that. It does not want any more waste and mismanagement. However, it does want to be heard, and it does not want to be ridden over roughshod.

It is incumbent upon this government to listen, work through a process and ensure positive outcomes for all Victorians. The primary focus at the moment is looking towards the provision of jobs, a reliable source of energy, alternative energy supplies, protection of our catchments and our beautiful environment and working to look after industries which have existed for a long time, as well as our primary producers, who have suffered under adverse conditions for a long period of time as a result of 11 years of drought, floods, locusts and a whole range of everything else. The only thing primary producers have not suffered is the horsemen of the apocalypse. We need to look after primary producers and make sure that they are listened to in the mix, because they provide an invaluable service for all of us. It would be a great injustice not to have a strong focus on agricultural and primary industry producers.

I am comfortable with the processes we have in place. This government will not be introducing a moratorium, and on that basis I leave the motion to the decision of the house.

Mr BARBER (Northern Metropolitan) — The Greens will support this motion, and the reason we will do so is that there is an issue here. It is a growing issue, and it is an issue of community concern. The Greens'

view on fossil fuels and the necessity of moving to zero emissions as soon as possible is another matter. It is sufficient, I would have thought, for all parties in this Parliament to recognise that we have an issue with unconventional forms of gas exploration; it is a growing issue, and it is an issue of great community concern. For the government to oppose this motion suggests that it does not believe there is an issue or that the issue is so minor that it is handling it — the minister responsible for this area and his department are handling it — and therefore there is no reason for the Parliament to get involved. I beg to differ.

If we move up to New South Wales, we will see that there is a very significant issue there as the industry continues to expand and roll out. In today's New South Wales newspapers we see an article in which the lead paragraph says:

The Deputy Premier and leader of the NSW Nationals, Andrew Stoner, was heckled and booed as he tried to reassure a 4000-strong rally of farmers and environmentalists at NSW Parliament yesterday calling for tougher restrictions on coal and coal seam gas mining.

We may not be there yet in Victoria, but it seems the government, like most governments, is going to pretend there is no issue right up to the day when it sees 4000 people on the steps of Parliament.

We have also seen a recent report by a New South Wales parliamentary committee into this exact same subject. It has come down in the last couple of days, and it would be worth a read. The chair's foreword to that report notes that the inquiry received nearly 1000 submissions and took evidence from approximately 130 witnesses, with a number of recurrent themes. The chairman was, I think, from the shooters party; we do not have them here in Victoria — but only by a small margin. The particular references he noted were property rights, a marked lack of equity between land-holders and mining companies with regard to land access, and coming out of that a recommendation to review the relevant legislation — the New South Wales Petroleum (Onshore) Act 1991 — with a view to strengthening land-holder rights and achieving a fair balance between the rights of land-holders and coal seam gas operators.

The chair also notes:

The practices of coal seam gas companies are variable at best, and on the whole have been less than acceptable. This was the case not only with regard to negotiating land access, but also with regard to community consultation.

Then he goes on at some considerable length talking about the actions of successive New South Wales

governments, and to be fair the committee then recommends that there be more liaison with the federal committee that Mrs Petrovich has made reference to, along with a number of other recommendations, of which all members should apprise themselves.

Clearly we can get a taste of the trajectory of this issue as it will roll out in Victoria, and it is a pity that we do not have before us the other inquiry already established here in Victoria into greenfields mining issues. I gather that its tabling date has now passed, so we are eagerly awaiting that report to see whether that inquiry — not to anticipate debate on the report — recommends any changes to the existing legal framework, in particular the Mineral Resources (Sustainable Development) Act 1990. That is a committee comprised entirely of government and opposition members, and I was hoping to have a copy of the report in my hand when we addressed this debate today, because I am keen to see whether that committee formed the view that there was anything at all wrong with the provisions of the MRSD act.

The environment movement and the Environment Defenders Office, as the community legal centre specialising in assisting those who want to protect their environment, have some very strong issues with the way the current legal frameworks work. In fact the Environment Defenders Office report echoes the report of the New South Wales parliamentary committee in saying that mining laws fail to protect or respect regional communities, fail to protect key natural resources like groundwater and prime agricultural land, and treat the environment as an afterthought. It is calling for a number of legislative changes, including the establishment of no-go zones. Gee, that sounds like wind farms, although those no-go zones could be created now under the powers of the Minister for Energy and Resources, Michael O'Brien. In addition, the Environment Defenders Office is calling for a moratorium on both new coal and unconventional gas projects until these laws have been fixed.

In case you think it is just a bunch of greenies, Acting President, I can tell you and I can tell Mrs Petrovich, who gave us her bland assurances some moments ago, that I have attended community meetings in places as far apart as Wonthaggi and Deans Marsh where farmers, environmentalists and environmental farmers have addressed these issues. In both those cases I mention, I have sat through presentations from the Department of Primary Industries (DPI) — 20 minutes of PowerPoint slides — and in getting to the end they have all come to the same conclusion. I have heard it from the community, 'We have got no rights here now'. Mrs Petrovich chose to express it the other way. She

said, 'Mining companies have no automatic right to enter private property'. But the reality of the act, which anybody who has had the DPI spiel understands, is that eventually they will get access and you have no right to deny them access should they go through all the steps in the act in which appeal rights are strictly limited.

There is going to be an ongoing debate on this issue, and it seems the government wants to forestall that debate for as long as it thinks it possibly can. That simply means it will play out in the community.

Mrs Petrovich attempted to give us her political analysis of the fractures — no pun intended — that were leading to the presentation of this motion. If there is political fracturing, it is clearly within the coalition in direct proportion to how much exploration is going on in a particular coalition MP's electorate.

Mr Lenders interjected.

Mr BARBER — We have not heard yet, but I hope we will — —

Mr Ondarchie — On a point of order, Acting President, the cheap shot by Mr Lenders which denigrated the good image of the Speaker in the other place needs to be dealt with.

Mr BARBER — On the point of order, Acting President, I support Mr Ondarchie. We dealt with such a matter a few moments ago and in the same way yesterday. It was an interjection, and I did not respond to the interjection so as not to get it on the record, but now it is on the record.

The ACTING PRESIDENT (Mr Tarlamis) — Order! Interjections are always disorderly. I remind members to refrain from making interjections.

Mr Drum — On a point of order, Acting President, we are asking for a withdrawal of the term 'Communist Ken', which was levelled at the Speaker in the Assembly.

The ACTING PRESIDENT (Mr Tarlamis) — I call on Mr Lenders to withdraw.

Mr Lenders — I withdraw, Acting President.

Mr BARBER — The fault lines are opening up pretty fast inside the coalition. We had the Speaker in the other place go on radio saying that he wants a moratorium on this form of exploration in his electorate. We have other members edging in the same direction. I have seen Mr Ramsay stand up at a public meeting and declare that he will fight a particular

open-cut coalmining proposal, and it is a pretty clear trajectory. It is a very responsible path to suggest that this debate should be held somewhat within the confines of a parliamentary committee where the politicians have to do the listening and the public get to talk. At the end of the day the Parliament informs itself as to the best course for legislation, if what we are heading for is legislation.

If the government is simply determined to handle this whole issue in-house, through the minister and DPI, then I can understand why government members oppose the motion. They are basically saying there are no changes needed to either the structure of the relevant act or the way the minister is currently administering it. They appear to have very little support for that proposition across the community, except perhaps where Spring Street meets Collins Street. The bottom end of Spring Street and the top end of Collins Street are fairly rarefied pieces of real estate, which unfortunately for them do not seem to carry a lot of the community with them.

Time and again the elite finds itself having to yield to the general community interests, which is certainly at play at the intersection of water, biodiversity, agriculture and mining. I find it strange to hear a conservative government suggesting that that balance is absolutely right and that no further law reform or changes to the administration of the act are needed when apparently its New South Wales colleagues have already signed on to that exact same proposition.

Mr SCHEFFER (Eastern Victoria) — The opposition's call for the Environment and Natural Resources Committee to look into the issues relating to coal seam gas exploration is timely. I am sure that the citizens in Eastern Victoria Region who have become aware of the issues surrounding coal seam gas would agree with Mr Lenders's motion. They would agree that there are a number of concerns that minimally should be further examined, and I know they would want the opportunity to make their own views known to decision-makers and have the views of experts placed on the public record.

As Mr Barber has indicated in his contribution, the parliamentary committee process is the ideal mechanism, because joint investigatory committees have the power to call expert witnesses, Victorians who are directly affected in one way or another, and also to hear from business and industry and from members of the general public who think they have something to offer. We also know joint investigatory committees draw on the expertise of parliamentary research teams, and they have consistently and over many years

produced extraordinarily high-quality reports and considered recommendations. I agree with Mr Barber and Mr Lenders that it is far better for the Parliament to provide an opportunity that enhances what I call a structured and constructive community debate rather than having a series of town hall meetings, which have their place but go only so far. Often, as people become more frustrated, these meetings can become less than useful.

It is also important to place on the record that the opposition has not yet arrived at a decision on how coal seam gas exploration should proceed. We have an open mind and, as Mr Lenders has referred to, have called for a one-year moratorium. That should not be misinterpreted as constituting a decision to ban coal seam gas exploration per se or to frustrate its development — and I think Mr Lenders made that point very clearly in his contribution. The move for the one-year moratorium, announced by the shadow Minister for Energy and Resources, the member for Mill Park in the Assembly, Lily D'Ambrosio, has been welcomed by individuals and local organisations, including farmers and members of Landcare as well as those more generally concerned about the protection of the environment.

As has been mentioned by previous speakers, Labor's decision was preceded by Bass Coast Shire Council's decision in March to lodge a written objection to an application to explore for coal seam gas within the shire area. That was followed up by the coalition's member for Bass, the Speaker in the Assembly, Ken Smith, who came out in support of the shire. I am absolutely sure that the community in Bass Coast or indeed the shire council itself would not be at all satisfied — or mollified, as Mrs Petrovich indicated — to have the government merely advise the council of its decisions.

Interestingly the Minerals Council of Australia and the Baillieu government see no reason to change anything and believe it would be far better if everyone just calmed down. Local groups in Gippsland have, I believe, approached the member for Morwell in the Assembly, Russell Northe. They indicate that he did no more than say that he shares their concern. Taking a positive, glass-half-full line is a good thing. I am glad to hear that Mr Northe is concerned about this issue, so we are on common ground there, and that is good. I therefore hope to see The Nationals support this motion even if the Liberal Party does not support it, as Mrs Petrovich has indicated.

There have been at least two significant public meetings held in my electorate on this topic: one that Mr Barber referred to that was held in Wonthaggi last

year, which I was unable to attend but which I believe was well attended by around 200 people, many of whom were farmers and people who work on the land; and another held more recently in Modella in South Gippsland, which I was able to attend, and I reckon there were probably between 80 and 100 people there.

These meetings were very orderly affairs, and it would be fair to say that many of those who attended were farmers. They were very concerned about the impact that exploration would have on their productive farmland as well as in their communities. The meetings were addressed by speakers who had expertise in hydrogeology, in law and in public health, and I know from the meeting at Modella that those speakers did their very best to inform those who came along and to answer questions very honestly.

What are the concerns then that people have in relation to coal seam gas exploration and possible mining? I think it is fair to say that most of the publicity that has caused concern over coal seam gas exploration and production has come from the USA — there have been a number of documentaries shown on television — and also from similar activities in Queensland and New South Wales. They involve black coal, whereas in Victoria we have brown coal, which is a very different material. In fact, according to the Department of Primary Industries (DPI) website, there is currently no coal seam gas production in Victoria, nor are there any applications to begin production.

Under the national partnerships agreement on coal seam gas and large coalmining development, which is part of the COAG (Council of Australian Governments) process, the Victorian government, in conjunction with the commonwealth and other state governments, agreed to a statement that acknowledged public concerns over the impact of this form of mining on water resources and on the need to strengthen the science — and the Premier was a signatory to the agreement. The Premier, in this partnership agreement, agreed that decision making about coal seam gas developments will be strengthened by closely identifying the impacts through a transparent process that builds public confidence. The Premier signed up to that through the COAG process.

The Premier has also agreed to improve collective scientific understanding of the impacts of coal seam gas developments and the science that should underpin the regulatory processes and decisions. This was again agreed to by the Premier of this state under the COAG arrangements, and I fully endorse that. It seems to me that what leads on from there is the process that Mr Lenders has outlined in his motion today.

The Environment and Natural Resources Committee, looking into these matters, would promote exactly the things that the Premier signed up to — transparency, building public confidence and ensuring that regulations are informed by the science. At the most basic level most of us — me certainly — are not clear about how coal seam gas exploration is different where the coal is brown coal, the type that is found in Gippsland. There is not a lot of material that I could find on that, including in the parliamentary library's useful document.

Coal seam gas is principally methane, and in brown coal it is produced near the surface through biogenic activity as distinct from black coal, which is much deeper, below the surface where the methane is formed substantially by temperature. DPI says that most of the world's coal seam gas comes from black coal, that there is little information about the characteristics of Victoria's coal from which to draw geological conclusions and that what evidence there is is inconclusive about whether coal seam gas might or might not be feasible.

People are concerned that not enough is known about coal seam gas exploration and the mining effects and how that mining would affect the environment, especially groundwater and the water cycle. People are concerned about the chemical additives that are used. I am not clear on this. I understand this also applies in the exploration phase, but I have not been able to find a lot of information on that. People are concerned about how the coal seam gas exploration mining affects the environment — as I said, the groundwater and that whole water cycle and about the additives that might contaminate the drinking water — and that that could lead on to risking the health of human beings and animals and ultimately affecting food production and ecology.

We should recognise that knowledge of subterranean water systems is imperfect. In fact we do not know enough about groundwater flows. It stands to reason that once a toxic substance is released into the water system, how on earth would we ever control it or how would we ever manage to get it clean? It seems to me a risk that we need to be very careful about before we decide to take a course of action that might lead to those sorts of outcomes.

People are also concerned about the exploration itself, which in that process landowners have no effective legal right to disallow. They are concerned that it will disrupt farming production, that it will degrade the quality of farmland and that it will unfairly affect a farmer's income. As I understand it, holders of

exploration licences can require landowners to give them access to the land, and if they meet with any obstruction, they can obtain a court order obliging the landowner to comply.

Frankly there is deep concern and a profound sense of powerlessness and anxiety in many farming communities over this prospect — over this reality. Hearing directly from landowners in my electorate, I know they are not confident that the law will provide them with sufficient protections during the exploration phase — provisions that give them access to compensation or appeal rights. At the very least we should, as a Parliament, be looking into this through our Environment and Natural Resources Committee and hearing what affected landowners have to say. Landowners are concerned that if they object to a person with an exploration licence coming onto their land, an appeal to the Victorian Civil and Administrative Tribunal will result in a finding against them.

The other main area of concern I have been hearing about relates to health. Admittedly the concerns arise over what people have heard about practices related to black hole fracking in the USA, Queensland and New South Wales, but this seems to me to be a further reason to refer the matter to the Environment and Natural Resources Committee and not a reason for dismissing the concern as ill founded. Residents are concerned that they do not have official assurance — that is, evidence-based assurance — that the chemicals used in fracking are not dangerous, either in themselves or when combined. Users of these chemicals often say each particular chemical is benign, but what landowners and others are concerned about is what happens when these chemicals are used in combination with each other. What will the effect be on the land itself and the environment if we lose control of that? As I said, I have been told that the chemicals used in fracking may be fine, but in combination they could be dangerous. Those are the main concerns.

The Environment and Natural Resources Committee meets to look at matters in accordance with the points that are raised in Mr Lenders's motion. It is a complex area, and the committee could bring some order to that and carry out the very important task of hearing what people have to say. That is of course one of the principal roles of the Parliament. I support Mr Lenders's motion because it will assist in making sure that as Victoria goes ahead with coal seam gas exploration and mining it will do so with an understanding of the science and the regulatory regimes that need to be put in place to protect human beings, animals and the rural environment.

Mrs PEULICH (South Eastern Metropolitan) — I also rise to make a few remarks in response to Mr Lenders's motion to call on the Environment and Natural Resources Committee to inquire into and report on unconventional gas exploration, such as fracking, including for coal seam gas in regional and rural Victoria. I do so for a range of reasons. I note that in promoting his own argument, Mr Scheffer has actually put on the table some good reasons to not support this motion.

First and foremost, having served on all-party committees for 16 years, I say that they are most effective where there are difficult social or policy issues that need to be advanced as a long-term response, often providing a blueprint for the way forward in trying to weld and provide some areas of consensus where a community can move forward. That is usually where all-party committee work is the most important. I do not agree with Mr Scheffer that this is such a matter. Even if it were to be referred to an all-party committee, the Environment and Natural Resources Committee is probably not the right committee.

The committee of which I am chair, the Standing Committee on Environment and Planning Legislation Committee, recently undertook an inquiry into the container deposit legislation. Mr Scheffer provided valuable and substantial input into that committee, and I place that on the record and thank him for playing such a constructive role at that time. He provided intelligent input — —

Mr Scheffer interjected.

Mrs PEULICH — I am praising you highly. It may not necessarily be what Mr Scheffer wants, but I am praising the role he played in the consideration of Ms Hartland's container deposit bill. Mr Scheffer brought wisdom, knowledge and a willingness to reach consensus.

The committee did not go so far as to recommend against the container deposit bill, but certainly that is the deduction one can reach by reading the report that was tabled. There are two reasons for that: firstly, there was a federal process taking place that needed to be seen through, and it was far more desirable to have a federal response to the issue of container deposit legislation; and secondly, the committee did not have the highly technical skill, knowledge and expertise required to form a judgement on some of the competing arguments and competing information that was presented to the committee.

That is not to diminish the important role that elected representatives bring to this Parliament. Some people may have that technical expertise and knowledge. One would think that with the broadly representative nature of Parliament — a bit like a jury of 12 wise men — we can make some good decisions. That is not always the case, but that is obviously the plan. However, the nature of the topic, the technical expertise required and the sophisticated level of judgement and assessment that needs to be formed mean that an all-party committee may not be the best vehicle for achieving that outcome. I believe that is the case here, but I will canvass other arguments, some of which Mr Scheffer himself has furnished this chamber with.

This motion seeks to refer the matter to the Environment and Natural Resources Committee. We heard Mr Lenders, who moved this motion, talk about the Labor Party's support for mining and the importance of mining to jobs and to Victorian prosperity, especially in a context where we have a two-speed economy; Queensland and Western Australia are enjoying high levels of economic activity associated with mining, but Victoria is not.

That is one of the reasons why the other committee on which I serve, the Economic Development and Infrastructure Committee, is currently inquiring into greenfield exploration mining in Victoria. Mr Barber made mention of the fact that the tabling of that report is imminent, and it is my understanding that in principle — and it will need to be ratified by the two chambers — a short extension will be sought and hopefully agreed to so as to ensure that the best possible report can be brought to this Parliament.

Mr Barber — Is there a bit of a struggle going on inside the committee?

Mrs PEULICH — No, there is no struggle. In actual fact there is a large amount of agreement, and the agreement in the committee, without talking out of turn, is that it is an important area of activity.

On the one hand we have Mr Lenders talking about the importance of jobs. On the other hand people are canvassing concerns about the environment. As a counterargument, it is the view of others that if we are going to take into account the relevant environmental, economic and social factors that may be associated with this issue or any other issue, the matter needs to be referred to a body that has the right terms of reference and that it responds to that. The Environment and Natural Resources Committee may well be equipped to consider only — or largely or overwhelmingly — the environmental considerations. However, we know of

the importance of this matter to economic activity, economic development and some of the social issues it may be associated with — and I am not talking about this specific element of mining but mining in general. Had this motion been one to refer the issue to another committee, that might have been more relevant, and who knows, maybe the debate would have been different.

Mr Leane — So amend it.

Mrs PEULICH — No, I have no intention of amending the motion. In fact that brings me to another reason I believe this chamber should vote against this motion, which goes precisely to the argument that has been canvassed by Mr Barber and mentioned I think by Mr Scheffer, and that is that the Economic Development and Infrastructure Committee is currently concluding an inquiry into greenfields exploration and mining in Victoria. As a member of that committee it would be inappropriate and in breach of the Parliamentary Committees Act 2003 for me to make any detailed comments on any matters that have been considered in camera within the committee, although obviously there have been public hearings.

Mr Barber — I'm just hanging out for this report. You've had one extension.

Mrs PEULICH — There have been some very good areas of consensus and there will be areas of disagreement, whether or not anyone submits, as any member of the committee can, a minority report. It would not be the first time in history. I am not suggesting this will occur, but there have been instances where a government member of a committee has submitted a minority report. That is the legitimate right of every single member of a parliamentary committee. They are all-party committees, and really members ought to be bringing open minds to those proceedings rather than pushing any political agenda.

If there is a political agenda that is being pushed, it is by this opposition. Opposition members are smelling a cheap political opportunity to try to piggyback on and hook onto an issue that is gaining significant attention and momentum in New South Wales. They are saying, 'Let us try to fan these fires and see whether we can get them going down here in Victoria'.

Mr Barber interjected.

Mrs PEULICH — That is the agenda of the Greens, and Labor, hypocritically, is pitching a range of messages to different target audiences. To Bendigo and Gippsland Labor is pitching one message about jobs, but to Carlton and East Melbourne it is pitching a very

different message. It is the forked tongue of the Labor Party. Until Labor realises that being defeated, albeit narrowly, provides an opportunity to re-establish what one stands for and does not stand for so that the electors at large have a clear characterisation and understanding of the difference between the government and the opposition, Labor will struggle. The more Labor tries to play cheap political tricks and stunts to ambush and pre-empt topics on which there will be some reporting to the chamber by a committee, the more the Labor Party shows what it is — a party of political hypocrites and opportunists.

In order to demonstrate some of that hypocrisy I will read some quotes from significant Labor Party members who have made comments on this particular topic over recent times.

Mr Barber — You've got Martin Ferguson there?

Mrs PEULICH — I have a few. I will have a look at what we have. Again demonstrating that political hypocrisy is the fact that the Labor Party supports a moratorium on coal seam gas exploration and mining. We know what the Labor Party's position is. All it wants to do is seize whatever political opportunity it can on this issue. This issue may be significant in New South Wales, but the fact that in Victoria we have something like 24 mining exploration licences, 70 per cent of which were issued by the former Labor government, shows the hypocrisy of Labor. Those licences were issued by the Labor government at a time when the Greens held the balance of power in this chamber. One can assume that the Greens in conjunction with Labor allowed 70 per cent of the 24 licences — —

Mr Barber — You're off your rocker. They're issued by the minister, not by the Parliament. You need to go and read the act.

Mrs PEULICH — In actual fact you held considerable sway and influence with the government by holding the balance of power. We have seen, for instance, the regrettable sway and influence that Senator Bob Brown has had on the direction of the nation and the future of the Labor Party.

Mr Barber — He has left now, Bob Brown.

Mrs PEULICH — Mr Barber says Bob Brown has left now. Bob Brown may have exited — because he smells a loss, a hiding to nothing — but his legacy lives on incarnate in every single Greens member, whether in the federal or state Parliament.

The Labor Party at the state level is advocating a moratorium, it is pitching different messages to different target audiences and it was responsible for issuing 70 per cent of the 24 relevant licences in Victoria. Where is that clear sense of policy direction? It is a farce, it is political opportunism at the most blatant level and it is an opportunity to use, abuse and inflame communities which may have concerns when in fact those Victorian communities are extremely well protected against those matters of concern.

Before I come to the system that gives communities enormous protection, I would like to remind the chamber of some of the quotes that highlight the very different positions that key members of the Labor Party have taken on this issue. Peter Batchelor, then the Minister for Energy and Resources and member for Thomastown in the Assembly, in a contribution to the address-in-reply to the Governor's speech on 1 March 2007 said:

The opening of the Otway Basin gas fields, the proposals for new large wind farms and gas-powered stations, combined with the potential for coal seam gas and the emerging mineral sands industry of western Victoria, mean that the south-west has the potential to develop significant energy-dependent industries.

That is a very interesting quote from the then Minister for Energy and Resources in a Labor government.

Theo Theophanous, then Minister for Resources and member for Jika Jika Province in this house, said in response to a question without notice on 27 October 2005 that:

Western Victoria is seeing massive resurgence in exploration and investment. You would already know, President, about the massive \$260 million Iluka Douglas project near Horsham and Hamilton.

He went on to say:

I am pleased to advise the house today that there are new proposals and more exploration in mineral sands, in gold, and in a new one in this area for coal seam gas.

Evan Thornley, a Labor Party member for Southern Metropolitan Region — probably the member with the shortest ever parliamentary career — who was offered a promotion and then quickly declined and exited the Parliament, said on 10 June 2008 in the second-reading debate on the National Gas (Victoria) Bill 2008:

We here in Victoria have a special opportunity, firstly, because we have very high electricity emissions that could be reduced substantially by a transition to gas-fired power, and secondly, because we have massive deposits of brown coal which could be liberated to generate a large amount of that gas, or it may come from the coal seam methane.

There is a range of views — inconsistent views — held by members of the Labor Party, who are so desperate to find some relevance that they are more than prepared to abuse every process and demonstrate their hypocrisy by bringing this motion before the chamber. Any sort of mining exploration, in particular exploration processes involved in identifying coal seam gas deposits, has a very strong regulatory regime here in the state of Victoria, which is probably why there has been no fracking.

Mr Barber — Tell us how strong.

Mrs PEULICH — Put it this way: where is the fracking happening, Mr Barber? I think that tells the story. Land use approvals should be based around the science, and that is why the Premier's response to the Council of Australian Governments (COAG) discussions on this topic — and this is clearly where it should reside — calls for that science to be strengthened. I believe that is the correct process. This is clearly the case with coal seam gas, where I think community sentiment is often underpinned by misapprehension and sometimes misinformation. Sometimes people are politically happy to manipulate and tell one story to one group and another story to another group in order to raise a level of alarm amongst groups whose members may not fully understand what their rights are and how the process is there to protect them.

Land use activity must be assessed through a transparent project approval system that properly evaluates the social, environmental and economic impacts of development. In winding up I will sum up by saying that calls by the Victorian Labor Party to ban exploration for new forms of gas in Victoria are hypocritical and unnecessary, and would certainly cost jobs and add to the difficulties the mining sector has, whether they are exploration or mining licences. I inform the house that out of 1000 mining exploration licences, approximately 1 to 3 may translate into a mine. The likelihood of mining actually taking place is very low in the state of Victoria, which is why an all-party committee is addressing this issue.

The benefits of having good policy will not necessarily be reaped by this government; they will be reaped by a government — and I hope it will be ours — that is governing Victoria in the next 10 to 20 years and onwards. This is not a playpen or a sandpit in which to throw sand into each other's eyes; it is an important area that needs to be addressed through the right process. The COAG process is a good process. It needs to have the science, and then good policy can emanate from that.

There are safeguards in the legislation that apply across the entire state, and the Victorian government will continue to apply these safeguards on a non-discriminatory basis. As I said, Victoria's environmental and resources legislation is strong — in many ways it is much stronger than in other states — and strong protections and opportunities for community input are built into the licensing application process. The Economic Development and Infrastructure Committee will shortly be reporting. There is no reason for this important issue to be jumped on and ambushed by cheap political opportunism, and I urge the house to vote against the motion.

Ms PULFORD (Western Victoria) — I would also like to give my support to Mr Lenders's motion, which is a reasonable proposition — that a parliamentary committee inquire into the questions around unconventional exploration for gas in Victoria. The motion is simply about further exploring the facts, the science, the research and the available information, including the work that is being undertaken at the behest of the commonwealth government, to explore these questions. It would be an absolutely appropriate use of a parliamentary committee's time. In her contribution Mrs Peulich had a lot of complimentary things to say about our parliamentary committee system and the good work that committees can do. In keeping with that sentiment, the motion seeks that this work on considering these issues be done by the end of March next year.

There is a growing level of concern about the nature of these types of explorations across Victoria, and it is important that all available information about these types of exploration is understood. Last week Colac Otway Shire Council in my electorate of Western Victoria region passed a motion stating:

Council notes the many legitimate concerns regarding the exploration for coal seam gas and calls on the Victorian government to institute a moratorium on all new coal seam gas exploration and operations, until there has been a comprehensive investigation into the likely effects of this industry on:

- (a) pollution of underground and surface water resources;
- (b) the many side effects on adjoining farmland and effects on food security;
- (c) dislocation of local communities, and including economic impacts;
- (d) adverse effects on biodiversity and resulting greenhouse gas emissions.

This is but one expression of the anxiety about these issues that exists across Victoria. In Bacchus Marsh, also in my electorate, there have been community meetings and protests about similar explorations, and Mr Scheffer went through some detail about some of the meetings in which he has participated in eastern Victoria and some of the concerns he has heard about these issues.

The motion would simply enable us to better understand the impact of unconventional exploration. There is a lot of information there to be harvested, and from not terribly far. In Queensland there has been coal seam gas exploration for many years. Currently 17 per cent of Queensland's electricity needs are provided through this type of energy. Australia is believed to have around 100 years of coal seam gas reserves. It is a significant resource that must be properly understood, but it is important to stress that it is not a renewable resource.

Recently the federal Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, appointed an interim committee of scientific experts to look at the coal seam gas and coalmining industries. The results of its work would be valuable for us in the Victorian Parliament to consider and understand well. Both New South Wales and Queensland have signed up to a national agreement to protect water resources from coal seam gas extraction and coalmining. This is interesting to note, because our resources in Victoria are a little different to those in the other states. There is much to be learnt from our interstate counterparts about their experience.

In Victoria it is estimated that our demand for gas will double by 2030, and there are three possible sources of local supply which need to be investigated: conventional gas offshore, shale gas and tight gas onshore, and coal seam gas onshore. As previous speakers have indicated, currently there is no coal seam gas production under way. It is also important to note that most of the world's coal seam gas comes from black coal, which is different to our brown coal resource in Victoria, and that raises serious questions about the feasibility of these projects.

The Victorian Farmers Federation has called for a veto right for farmers. I expect it would also support better understanding of these issues. It is incredibly important that we protect our valuable agricultural land, and as members opposite frequently remind us in their fervent opposition to wind farms the rights of land-holders should not be dismissed either.

I urge government members to reconsider their planned dismissal of Mr Lenders's resolution. There is no harm in us understanding these questions better. There is no harm in listening to the communities that would be affected. I urge government members who represent regional communities that would be affected by such exploration, in particular government members who are my colleagues in Western Victoria Region, to reconsider their opposition to Mr Lenders's motion and let the parliamentary committee undertake this work. It is work that our parliamentary committees are well equipped to do and includes sourcing experience and expertise in other states and the research currently being undertaken by the commonwealth. Mr Lenders has put forward a very reasonable proposition, and I urge the house to support it.

Mr DRUM (Northern Victoria) — It gives me great pleasure to rise this morning to comment on the motion before the house under the name of John Lenders, because it gives us an opportunity to draw a distinction between the government of the day and the previous government, which in opposition is trying to find out what it stands for. I acknowledge that in this particular motion Mr Lenders does not call for an end to the one-year moratorium that is his party's line. We understand that, and there is a degree of fairness in the way Mr Lenders has worded this motion and a willingness to find a way through; however, the government has had to make a stark decision.

A number of factors helped the government make the decision about whether to support this motion or not. Quite simply, the government has been in discussions with the commonwealth government regarding the commonwealth's new independent, expert, scientific committee, the Interim Independent Expert Scientific Committee on Coal Seam Gas and Coal Mining. This committee was set up by the Prime Minister, Julia Gillard, because this is an issue that does not pertain just to Victoria; it resonates across the eastern states. Whether it is in Queensland or New South Wales, coal seam gas is a very tricky issue and one that has caused a lot of concern, because there is a large degree of uncertainty around the extraction of coal seam gas.

We have an opportunity to get behind this newly established, independent, expert scientific committee, and we have an opportunity, hopefully, to sign up to this new group and enter into the negotiations. The understanding is that this expert, scientific committee, set up by the commonwealth to cover the whole of Australia, will be able to give us the expert information we need in pushing forward with any of these mining projects, whether they be coalmining or coal seam gas projects. We know Victoria has extremely strict

environmental regulations surrounding mining. What we need to do is supplement those strict regulations with up-to-date, first-class, science-based research and analysis.

When you compare that type of expert panel with a Victorian all-party parliamentary committee which has a budget in the vicinity of \$150 000 there is simply no comparison. For the opposition — members of which have a totally disjointed stance on what it is they stand for in relation to coal seam gas — to say we would be better off spending our energies investing in the Victorian parliamentary all-party Environment and Natural Resources Committee because it is going to give us better analysis and better data on coal seam gas over and above a commonwealth-appointed independent, expert, scientific committee with resources of \$150 million is quite laughable. We will be entering into negotiations with the commonwealth committee.

Yes, we have been very supportive in relation to what our coal reserves have to offer the people of Victoria. It is not just a matter of jobs or the opportunity to clean up emissions in relation to coal or clean up the \$44 billion worth of exports leaving Australia to go to Japan, India and China. It is not just a matter of being able to clean that up and give Victorians a chance at lower energy costs. It is an opportunity to clean up our power stations and improve our emissions. Government members have been very positive about existing opportunities in Victoria and, more importantly, in the Gippsland region.

The commonwealth's independent committee was established in January this year, and I am surprised that government members and members of the Greens political party have not mentioned the fact that this independent expert scientific committee is up and running and has been since January. We believe we will be able to get additional scientific analysis from that committee at a much higher level of expertise. We believe data will come to the government via that method rather than through a Victorian all-party parliamentary committee.

I hope government members understand this. There are a few members from the region and a few who are not from the region but represent the region. Some members have come from the region but are now firmly ensconced in the city; however, they believe they are still talking for the area. I think most Victorians will realise that Labor members hold a position today different to that which they held when in government. I think most Victorians will realise that the opposition again lacks credibility in this area.

In 2007 Peter Batchelor, the then Labor Minister for Energy and Resources, said:

... the potential for coal seam gas and the emerging mineral sands industry of western Victoria, mean that the south-west has the potential to develop significant energy-dependent industries.

In 2005 the then Minister for Resources, Theo Theophanous, said:

I am pleased to advise the house today that there are new proposals and more exploration in mineral sands, in gold, and in a new one in this area for coal seam gas.

That is two ministers for resources in the former government talking up coal seam gas.

Evan Thornley, a short-lived but highly rated upper house member, also spoke about how there could be opportunities to liberate our coal seam gas reserves and generate large amounts of gas that may come from coal seam methane.

We have also heard from the Prime Minister of Australia, Julia Gillard. I think the former Treasurer, Mr Lenders, takes the approach of the federal Minister for Employment and Workplace Relations, Bill Shorten, in most instances — that is, 'I don't know what Ms Gillard said, but I support her anyway'. If I can assume that Mr Lenders is supporting Bill Shorten's approach, then I can make a double assumption that he would support what I am about to read out, which states:

Coal seam gas and coal can bring huge opportunities ...

...

The new science-based framework being introduced by the government will provide certainty for regional communities around coal seam gas and large coalmining developments, jobs and investment, as well as protection of water resources.

That is a range of quotes attributed to senior Labor figures over the journey. Certainly if we take the Bill Shorten approach and apply that to Mr Lenders, then we can also assume that he also supports some of those quotes as well.

The Minerals Council of Australia is on record as saying it is extremely disappointed by the current Victorian opposition's call for a moratorium on coal seam gas exploration, and the Victorian Farmers Federation has acknowledged that under Victorian resources legislation Victorian farmers have the strongest rights in Australia when it comes to exploration and mining developments. More than any other state, Victorian farmers understand they have the strongest rights of all of the states when it comes to

exploration and mining developments. Mineral resources belong to the Crown — they do not belong to individual landowners — therefore it would be inappropriate for any individual landowner to have a right of veto over exploration for valuable resources which belong to all Australians. That is something we need to be aware of.

It is also worth noting the different characteristics of our coal reserves. Victoria has what are considered by geologists to be very young coalfields. Our coalfields are 15 to 20 million years old, as opposed to the coalfields of New South Wales and Queensland, which are 150 to 200 million years old. It is age which turns brown coal into black coal, but it is also age and pressure that lock gas into the coal itself, making it necessary to send high-pressure air down into the coal seam to fracture the coal so as to release the gas. This is well acknowledged. However, again the understanding is that due to the nature of Victorian coalfields this process is not going to be necessary. It is not going to be necessary to repeat it should we be able to gain access and should the feasibility studies come through in relation to the production of coal seam gas from Victoria's brown coalfields.

There is a range of aspects as to what the truth is in relation to the potential for this state in terms of the production of coal seam gas. A range of factors have also been overlooked in the debate so far, and a number of those aspects need to be borne out. However, the critical aspect of all this is that as we move into the future we need to give communities surety, we need to give the farming sector total confidence and we need to give environmentalists total confidence that we are not going to have contaminated waterways. The best way of giving those communities the confidence they need will be based on data from a commonwealth expert scientific committee, and that is going to be —

Mr Lenders — On the Murray-Darling? Do you support it for the Murray-Darling?

Mr DRUM — Mr Lenders now wants to talk about the Murray-Darling. Maybe he wants to talk about the Wentworth Group of Concerned Scientists, which represents a whole range of issues that are overflowing with credibility, I might say. It is an absolute joke that Mr Lenders wants to talk about the Murray-Darling, given his stance. We understand where Mr Lenders's credibility, or lack of credibility, lies with water, and now he is trying to play the same game with coal and coal seam gas.

At one stage or another the Victorian public is going to wake up to an opposition that does not stand for

anything. Opposition members used to stand for exploration and mining when they were in government; however, now they have lost government they are after any cheap little point they can make. We understand that opposition members have inflicted a one-year moratorium on mining exploration as a party policy. We understand that when opposition members go down to the Latrobe Valley they try to tell everybody that they are pro jobs and pro mining, yet they take a different view when they come back to Melbourne.

Government members will oppose this motion, because we believe there is a better and more credible way to gather the information and the data — that is, by putting our faith in a commonwealth expert panel, the members of which will give us the data and analysis that we need.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Hospitals: federal funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Today's *Age* quotes the minister claiming that the commonwealth is withdrawing money from the national public hospital partnership program. Is it not true that under this program the commonwealth intends to provide Victoria with \$400 million over the next five years above the base provided by the national health-care agreement and that Victoria is also eligible for reward payments of up to \$100 million if it meets elective surgery and emergency department targets?

Hon. D. M. DAVIS (Minister for Health) — There is a reduction in commonwealth support for certain elective surgery procedures, and that will make it difficult, but we will do —

Mr Jennings — Are you going to stand by that answer?

Hon. D. M. DAVIS — I will. I am telling you, Mr Jennings, that the government will do the very best in the circumstances —

Mr Jennings interjected.

Hon. D. M. DAVIS — There is lapsing commonwealth funding for elective surgery, and there will be some challenges for the government.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — In fact there is no doubt that this is not a lapsing program. The national public hospital partnership program goes on in the commonwealth forward estimates, and the minister will rely on it in his forward estimates. I ask the minister: is it not true, beyond what I have already put to him, that through his actions or inactions he has jeopardised \$146.5 million of commonwealth payments this financial year because the implementation plan to satisfy commonwealth requirements, which the minister was required to submit by December, has only recently been submitted — over four months late — jeopardising the potential for those payments to be released during the course of this financial year?

Hon. D. M. DAVIS (Minister for Health) — I think the member will understand that in negotiations between the commonwealth and the state there is sometimes argy-bargy and there are even discussions around implementation plans. That is normal. There are often discussions that turn around numbers of details in implementation plans. The government is determined to do its very best within the national arrangements for the Victorian economy and for the Victorian health system, and it will continue to do so.

Ballarat base hospital: helipad

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Health and Minister for Ageing, the Honourable David Davis. Can the minister inform the house how the Baillieu government is fulfilling its election commitment to the people of Ballarat to provide a helipad at the Ballarat base hospital after 11 years of inaction by the previous Labor government?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to respond to Mr Koch's question and to compliment him and the helipad working group. They have brought forward very useful information in scoping the response of the government to the creation of a helipad at Ballarat base hospital. This has been a long time coming. We saw 11 long years when the Labor government did nothing. It refused to build the helipad — —

Mr Lenders — Says you.

Hon. D. M. DAVIS — Says me, because in 11 years there was no helipad, Mr Lenders. Mr Lenders did nothing — that is not quite true. The Labor government did one thing. In this chamber in 2004

some people, including Mr Lenders, voted against a helipad.

Mr Lenders interjected.

Hon. D. M. DAVIS — Do you want me to read it? I have the voting record. Ms Broad voted against it, Ms Darveniza voted against it, Mr Jennings voted against it, Mr Lenders voted against it, Ms Mikakos voted against it, Mr Scheffer voted against it, Mr Somyurek voted against it and Mr Viney voted against it. They voted against a motion to establish a helipad at the Ballarat base hospital in 2004. That is what members of the now opposition did. That is the guilty side of this chamber. The previous government had 11 years to build a helipad, but what its members did was to vote against it.

This government is allocating the money in this year's budget, with \$46 million to not only build the helipad but to build a car park and an ambulatory care centre. It is a great outcome. I compliment the working party that did so much of the background work, picking up from a zero base under the previous government after 11 long years of Labor. It is a great achievement. Mr Koch can take particular credit for his long-term advocacy for a helipad at Ballarat base hospital. But what is clear is that the coalition can be very happy with the outcome, and the people of Ballarat are delighted.

I note that in the local paper today there are a series of comments welcoming the helipad. Mr Kerr, who was a member of the working group, described the news as:

... beyond Ballarat's wildest dreams.

'I am floating on air at the news and am pleased the government has been as good as their word on this issue', he said.

'For the first eight years we felt we were getting nowhere, but the closeness of the 2010 election forced the parties to listen ...

This lot did not listen. For 11 years the former government refused to build the helipad.

We are going to build the helipad, and people in Ballarat will be very proud of the work that has been done there. But there are one or two people in Ballarat who are not happy — —

Mr Lenders interjected.

Hon. D. M. DAVIS — I am quoting from the local paper. Sharon Knight, the member for Ballarat West in the other place, is reported as saying:

It is disappointing that we may have to wait years for a helipad ...

This is a Labor Party member who was with the Labor Party all the time it advocated against the helipad — year after year. It said, ‘We will not build a helipad. We will vote against it’. But the Liberal Party and The Nationals — the coalition government — are now building the helipad in Ballarat and \$46 million has been allocated this year. Shame on the Labor Party.

Kindergartens: funding

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Children and Early Childhood Development. Why has the minister provided no capital funding for Victoria’s kindergartens in this year’s state budget, leaving them entirely reliant on federal and local government funding?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question because it allows me to talk about the \$50 million in national partnership money that we released last week for early childhood facilities in this state. The national partnership carries some federal funding that is given to us to spend at our discretion. We have prioritised \$50 million of that for capital investment in children’s infrastructure. Last year we announced a \$26 million funding grant round, which was a record investment in children’s infrastructure in Victoria’s history. That was a combination of state and federal funding. We announced a further \$3.4 million in small capital grants for kindergartens, and now this year \$50 million for capital grants to kindergartens.

I am proud to say that in the first 18 months of the Baillieu government we have provided \$79.4 million — that is almost \$80 million — in funding grants for kindergartens and children’s infrastructure.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — It is interesting that the Minister for Children and Early Childhood Development is seeking to claim credit for federal money when she has provided zero dollars of state money for kindergartens in this year’s state budget. I remind the minister that the Protecting Victoria’s Vulnerable Children Inquiry report recommended increasing investment in universal services such as kindergartens. Why has the minister ignored this recommendation in that important report?

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

Victoria’s Vulnerable Children Inquiry report has been well responded to in this budget. There is more than \$330 million in funding to respond to the inquiry and a lot more work to be done; we understand that. While the former government was prepared to ignore vulnerable children in this state, we are investing in those vulnerable children.

Let me just remind the shadow minister, because I am sure she has read some of these press releases, what the sector has to say about the Baillieu government’s investment in early childhood in this budget. In its e-News, Kindergarten Parents Victoria said Victoria’s early childhood services have emerged as major beneficiaries of the 2012–13 budget. In a press release it states:

Kindergarten Parents Victoria has congratulated the Victorian government for its increased funding to early childhood programs in this year’s state budget.

Playgroup Victoria has congratulated the Baillieu government on funding supported playgroups under the supported parent and playgroup initiative. It said:

Thanks to the advocacy of Minister Wendy Lovell the significant outcomes supported playgroups achieve for vulnerable children ... and their parents can be maintained in this state.

The Victorian Council of Social Service, in its assessment of the output areas and the real effective increase — —

The PRESIDENT — Order! The member’s time has expired.

WorkSafe Victoria: premiums

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Assistant Treasurer, the Honourable Gordon Rich-Phillips. I ask the minister to inform the house of what impacts the Baillieu government’s Victorian WorkCover Authority premium reductions will have on businesses in the state.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Davis for his question and for his interest in this very important initiative for Victorian businesses. I am delighted that in the budget speech yesterday the Treasurer was able to announce a 3 per cent reduction in average WorkCover premiums for the 2012–13 financial year. This is an important initiative for Victorian businesses. It will return around \$57 million to Victorian businesses from 1 July 2012. Around 114 000 Victorian businesses will receive a reduction in premiums in the next financial year, and

around 59 000 of those businesses will receive a premium reduction of more than 10 per cent as a consequence of their strong performance in workplace safety over the last three years.

Victoria enjoys a strong record in workplace safety. We have the lowest accident rate of any jurisdiction in Australia, and we have a record low accident rate in Victoria this year. This is a record that Victorian workplaces, Victorian employers and Victorian workers can be very proud of, and it is ultimately reflected in WorkCover premiums. Victoria already enjoys the lowest WorkCover premiums of any state or the commonwealth in Australia, and this reduction — —

Mr Jennings — How many commonwealths are there?

Hon. G. K. RICH-PHILLIPS — States or the commonwealth, Mr Jennings.

This reduction of 3 per cent is a very welcome reduction in business costs for Victorian businesses. It has been welcomed by the Victorian Employers Chamber of Commerce and Industry and by the Australian Industry Group, and it helps position Victoria more competitively for the years to come. It is good for Victorian businesses, and it is good for jobs in Victoria.

Budget: Department of Health

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. In last year's budget \$481.9 million in savings was identified in the minister's departmental budget savings over the next five years. This year there is a further \$134 million being cut from the department's budget, making a total of \$616 million. How can the government keep up with hospital demand if \$616 million is coming out of the budget in the forward estimates?

Hon. D. M. DAVIS (Minister for Health) — There is no doubt that this is a tough budget and that these are tough economic times. In the budget \$32 million per year is identified as savings — —

Honourable members interjecting.

Hon. D. M. DAVIS — Over there the former minister for transport says, 'On top of'. But there are still Labor savings in the budget, and I have got to say those Labor savings were greater than any of the savings that this government has implemented. I have read those numbers very carefully into *Hansard* in this chamber in the past.

Let me be clear. The savings in the budget are identified, and they will, in the case of health, work through a number of steps. We will be seeking to do more with Health Purchasing Victoria to achieve greater efficiencies in purchasing in key areas of supply for health services across the state. Health Purchasing Victoria is doing more, and it is doing very well. I have to say it is possible, through clever purchasing, to bring more goods in at a price that is reduced. That is a saving to the system. There will also be a preparedness to look at the links between health services and ways that we can make some sensible savings.

However, this is a bit rich coming from the Labor Party that hid massive savings in the budget. This is a tough time; it is a time when we need to take sensible steps, make sensible savings and see efficiencies in health services, as in departmental areas. Whilst these are not easy decisions, they are ones that need to be made. We need to get the best outcome for the community and focus attention on getting more clinical services for the community, as well as reducing costs at the back of health services, including the cost of supplies. We need to ensure that we get productive outcomes for the community.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister concluded with the words 'more productive'. My supplementary question is, in fact, whether the \$616 million the minister is going to save from his departmental budget in the years to come includes the productivity savings that he has negotiated with the nurses as part of their enterprise bargaining agreement settlement.

Hon. D. M. DAVIS (Minister for Health) — The productivity savings that are part of the enterprise bargaining agreement arrangements are exactly that: productivity savings that will be achieved.

Budget: skills training

Mrs KRONBERG (Eastern Metropolitan) — My question is to the Honourable Peter Hall, the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession. Following yesterday's budget announcement, can the minister inform the house of any changes in eligibility that will enable more Victorians to benefit from Victoria's training entitlement?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Kronberg for the question. It seems that those on the other side of this chamber have

little interest in skills training in this state. I am waiting for some questions from them. Let me answer this question by saying I was pleased to see that there is an additional investment in excess of \$1 billion in training allowed for in the 2012–13 budget. This investment will be spread over the next four years. That is an exceptional commitment by this government, particularly when you consider where we are coming from and where we were led to by the previous government in respect of the cost of training in this state.

Four years ago we were spending \$800 million on training in Victoria, and it was expected that by 2011–12 the figure would rise to \$900 million. In fact the figure came in at \$1.3 billion, an extraordinary difference. I do not know how this government could have gotten it so wrong in terms of its approach. There is a difference between \$900 million and \$1.3 billion.

I am pleased that this year's budget has set a training figure of \$1.2 billion. That will provide young Victorians with the opportunity to enrol in training and to participate fully in training programs within this state. I am pleased that as part of the budget initiatives handed down yesterday there is an increase in the entitlement for many young people to undertake and be eligible for a government training subsidy. In particular I refer to those young people who may have completed their VCE (Victorian certificate of education) or VCAL (Victorian certificate of applied learning).

Up until now, under the rules set by the previous government, once a person turned 20 years of age they were ineligible for government support for a training program if they wanted to study at certificate II level or less. Certificate II level is critical because often certificate II level training is a pre-apprenticeship course. Therefore, to encourage more young people to take up apprenticeships, it is essential that those who may have turned 20 years of age still have that opportunity to do so.

In this budget we have changed the eligibility criteria so that those who have completed VCE or VCAL will not be disqualified from government subsidies if they choose to study at certificate II or less. That will encourage greater participation in apprenticeships, which is what is needed in Victoria.

With respect to my department's response to the Protecting Victoria's Vulnerable Children Inquiry, I am also pleased to say that there is a commitment in the budget to ensure that there will be zero-fee training places for young Victorians who have recently

transitioned from out-of-home care, guardianship of the state or being in custody. Within a tight budget framework, this is an outstanding contribution that will help some of our most vulnerable young people in this state to get a start in life by giving them a zero-fee training activity.

Those eligibility changes are welcome additions which will mean more Victorians will benefit from a refocused, quality-driven training system where we have now arrested the largesse of the previous government and put training in this state under a sustainable funding model.

Budget: elective surgery

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I remind the minister that in the final budget of the Labor government there were 152 451 elective surgery procedures funded. In the minister's first budget he reduced that number by 9395. Can the minister tell us what number of elective surgery procedures he intends will be funded in this year's budget?

Hon. D. M. DAVIS (Minister for Health) — The government will negotiate, as I think the member understands, with each health service across the state, as it signs a statement of priorities with each and every health service to get the very best outcome, seeking not just sustainable outcomes but also outcomes that maximise the activity in each health service. We will negotiate one by one, and I will seek to get the very best outcome.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am not quite sure that that is providing the minister's backbench with the confidence it was seeking, or in fact the confidence the community is seeking, because under the minister's watch, the waiting lists for elective surgery went up 7564 in his first full year of funding elective surgery. This year, is it the minister's intention that the waiting lists will go up, or down?

Hon. D. M. DAVIS (Minister for Health) — The member will be aware that the figures in the budget are estimated figures and we would see final figures at the end of June. As I think the member knows, the financial year finishes at the end of June. I have got to say that we would seek to do the very best we can in terms of outcomes for the community. I also note that the member continues to apologise for the commonwealth, with the lapsing funding that has been withdrawn by the

commonwealth and the impact that funding may have on outcomes for the community.

Budget: early childhood development

Mrs PETROVICH (Northern Victoria) — My question is to the Minister for Children and Early Childhood Development, and I ask: can the minister outline the key initiatives for early childhood development in the 2012–13 budget.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and her ongoing interest in early childhood education in this state. I am delighted to say that this year’s state budget has delivered an additional \$104 million for early childhood education. That is a 17.6 per cent increase on our budget. This builds on last year’s investment of over \$101 million, a 10.8 per cent increase last year.

This year we are delivering \$62.7 million for the maternal and child health universal services. This will provide access to 10 key age and stage consultations for more than 10 000 children. More than 73 000 Victorian mothers and babies receive services from our maternal and child health nurses annually.

We will also provide \$41 million towards supporting Victoria’s vulnerable children. Included in this is \$16.3 million for enhanced maternal and child health, which services the most vulnerable 10 per cent of children in our communities.

We also have \$8.3 million to support early start kindergarten for three-year-olds, and that is an ongoing commitment. Unlike the former government that funded this on a time-limit basis, we have now locked in kindergarten funding for three-year-olds. For those children known to child protection and for indigenous children, we have committed to providing free kindergarten to them on an ongoing basis. We have also committed \$16.5 million to early learning activities, including supported playgroups and Smalltalk programs. That is also ongoing funding; it will now no longer lapse.

The shadow minister, Ms Mikakos, made a bit of a goose of herself by running around scaremongering that we were going to stop funding for playgroups. This may have been the intention of the former government. Ms Mikakos knew that it intended to allow this funding to lapse. She thought that we would do the same, but we were not prepared to let this funding lapse, and now she has discredited herself with the parents of these children and with the playgroup sector.

As I said before, the early childhood sector has been glowing in its praise of the Victorian budget. Kindergarten Parents Victoria said in its e-News that Victoria’s early childhood services have emerged as major beneficiaries of the 2012–13 state budget. In its media release Kindergarten Parents Victoria has congratulated the Victorian government for its increased funding for early childhood programs in this state budget.

Playgroup Victoria has congratulated the Baillieu government on funding supported playgroups. In its analysis of output areas, the Victorian Council of Social Service has identified early childhood as the major beneficiary of this budget. Community Child Care Victoria says it welcomes the budget’s headline focus on the importance of improving community services for vulnerable Victorians alongside economic growth, jobs and infrastructure.

These are third-party endorsements of the Baillieu government’s investment in early childhood. It shows that in tough economic times the Baillieu government values early childhood education, and we are prepared to invest in the early education of Victoria’s children.

Port of Melbourne: redevelopment

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Planning, and it relates to the announcement by the Premier on 24 April of a redevelopment of the port of Melbourne, including construction of a new container terminal at Webb Dock. It is estimated that there will be 1 million container movements at Webb Dock, which is close to residential areas, with the concomitant impacts of noise, light and air pollution. Has the minister received any advice as to who the proponent will be and whether it will be required to undertake an EES (environment effects statement) under the Environment Effects Act 1978 as a project with significant environmental effects and/or an assessment under the Major Projects Facilitation Act 2009 or a panel inquiry under the Planning (Environment) Act 1987?

Hon. M. J. GUY (Minister for Planning) — That is a very good question from Ms Pennicuik, and it is a fair one to ask in relation to the scale of the development.

Hon. M. P. Pakula — It is a conciliatory Mr Guy today.

Honourable members interjecting.

Hon. M. J. GUY — Sour today are we, Mr Pakula? A bit sour because you are on the other side of the house for this budget, are you? I am sorry, President; I

was obviously provoked by the sour members opposite. Let me return to answering the very sensible question from Ms Pennicuik.

As I said, it is a fair point. I have not received any requests as per this point in time. A fairly detailed process would obviously need to be undertaken. Any EES referral is determined by the act, so there would have to be a determination that one would be necessary, and a letter would then be written to me to see whether I would take the advice and whether that would be to recommend that one go ahead.

However, I would state that the \$1.2 billion upgrade of the Webb Dock facility that was announced by the Premier and the Minister for Ports, Minister Napthine, is one that the government views as very significant. It represents 2600 jobs for our economy. Those are 2600 jobs that I think will be exceedingly important for this economy.

Hon. M. P. Pakula — What happened to Geelong? What happened to the Geelong promise?

Hon. M. J. GUY — I take up Mr Pakula's interjection. I find it interesting that the Australian Labor Party bleats about jobs, but when this government moves forward with a \$1.2 billion investment and 2600 jobs, the Labor Party opposes it. It bleats about jobs and then it opposes the first major jobs announcement. Minister Napthine should be proud of the announcement he has made. He should be proud that that port upgrade will be a major piece of infrastructure, a major injection of jobs into the economy — 2600 new jobs for Victoria.

I find it astounding and in fact outrageous that the Australian Labor Party members are as sour as they are today. Mr Lenders and Mr Pakula have come into this chamber sucking lemons after a few jobs have been announced, sour that they are on the other side of the chamber today to see that this government is not only getting on with the job of delivering a tough but fair budget but also delivering infrastructure and jobs at a time when they are needed.

We are proud of the announcement at Webb Dock. We are proud of Dr Napthine's announcement. This government is going to get on with the job of restoring the economy after coming to government and finding it trashed by Labor — for the second time in 20 years.

Honourable members interjecting.

The PRESIDENT — Order!

Ms Broad interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Ms Broad

The PRESIDENT — Order! I ask Ms Broad to leave the chamber for 30 minutes.

Ms Broad withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Port of Melbourne: redevelopment

Questions resumed.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — In my original question I asked the minister if he could tell us who the proponent is, noting that tenders will be called for by the middle of the year. When will the minister be able to tell us how and when the project will be assessed?

Hon. M. J. GUY (Minister for Planning) — I thank Ms Pennicuik for the supplementary question, and again I state that these are fair and reasonable questions to ask, although they are not able to be answered at this point in time due to those triggers not having come to me in the planning and environment stages which obviously follow a major investment. As I said, the Webb Dock facility is a very major piece of investment.

Mr O'Donohue interjected.

Hon. M. J. GUY — I will again summarise the Webb Dock issue by saying that this government believes that the \$1.2 billion investment — that is, \$1.2 billion, Mr O'Donohue — and 2600 jobs is a very important investment for Victoria's trade future, and maintaining Melbourne's competitive advantage over Brisbane, over Sydney and over other major economies is the right thing to do. While Labor may be sour on a day like today, we are proud of that investment. We are proud of Dr Napthine's announcement. It is one that again puts this government way ahead of its opponents, who talk down the economy. We are here building it.

Budget: manufacturing

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva, and I ask: can the minister inform the house how the Victorian 2012–13 state

budget will help to strengthen the manufacturing sector in this state?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and his understanding of the importance of manufacturing to this state. As members know, when in opposition and as a government, we made a clear commitment to ensuring that we would re-invigorate the manufacturing sector. We are, as a government, doing the right thing for the manufacturing industry. We went through the most rigorous examination of manufacturing undertaken in the country. On 19 December we released a great policy statement, and I have outlined many times before how important that document is. Now we have seen the third part of the process, the announcement by the Treasurer in the budget speech which reaffirms our commitment with a \$58 million allocation for the manufacturing sector.

We have always said that the sector faces multiple challenges, such as the high Australian dollar and the growing interdependence of global supply chains. There has been falling productivity, which is something those opposite do not understand, and there are the rising energy costs under Labor's carbon tax. In the current environment we need, as I have said many times, to strengthen our manufacturing base. We need to lift our productivity and we need to ensure that it has a high performance culture, hence the announcement yesterday by the Treasurer. I am pleased that we are able to move forward in that area.

I will give one example for those opposite who do not understand it. The economic modelling shows that even a small improvement in labour productivity of just 0.1 per cent would result in Victoria's gross state product being \$8.3 billion more over a 15-year period. It just goes to show how small increments actually help the Victorian economy.

The policy, A More Competitive Manufacturing Industry, encourages a lift in productivity through innovation and smarter production. To implement this strategy the Department of Business and Innovation is introducing a new business engagement model. I have spoken before about scaling up our engagement directly with industry through the government. It is also about providing assistance. We are doing it in a range of ways. Firstly, there is our specialist manufacturing service, and this is about lifting productivity in the medium size manufacturing sector, and that is very important to drive —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — I hear the interjection from Mr Pakula, who is a former industry minister and let productivity go down. It is important to drive up productivity and to get products in the new growth markets. We will commit \$13.7 million over four years to provide businesses with the opportunity to improve production processes.

The second part of the strategy is to build collaborative networks between businesses and, importantly, between businesses and research institutions. That is a \$7.5 million commitment.

The third part of the strategy is to make sure that we move away from what the previous government did, and that was the past practice of providing support for stock standard equipment. We are going to move towards transformative technology and high growth — \$24.8 million over four years.

Fourthly, we recognise small manufacturers are important. Labor forgot about them. We are committed to them, and that is a \$9 million commitment.

The fifth part of the strategy is to assist skilled workers, and we have given \$3 million towards that. This is a comprehensive —

The PRESIDENT — Time!

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Reference

Debate resumed.

Mr O'BRIEN (Western Victoria) — I rise to speak in opposition to the motion moved by Mr Lenders and to respond to the issues raised in the debate today. I should say at the outset that many of the concerns that have been raised by genuine farmers and genuine landowners are important concerns. They are concerns that are shared by the opposition, the government and the Greens, but to a different degree when it comes to policy response. We are concerned about making sure that farmers and landowners have an environment in which they can conduct their business and farming activities in the most sustainable and productive way.

The Greens put the so-called environment above people, and in doing so their policy responses are misguided. There is no greater example of that than the carbon tax, which they have foisted upon Australia. The coalition and The Nationals have opposed this tax from the outset, because it will be a tax on Victoria's

productivity and a tax on farmers. When people talk about the concerns of farmers, it is interesting to note that the original model proposed to also tax the emissions from farming, yet they come to this house and say they are concerned about farming.

Let it be said that the concerns that farmers have about coal seam gas are concerns that are genuinely held by this government. But the issue here is the policy response. This is where, if I can pick up Mr Drum's excellent contribution to the debate on this motion, Victoria already has — and this has been accepted by the Victorian Farmers Federation (VFF) — the strongest rights in relation to exploration and mining developments. It is important to remember that in relation to Victoria's position.

In debating this motion, it needs to be understood that an approval for coal seam gas exploration is very different to an approval for production of coal seam gas. Presently no coal seam gas production approvals have been issued in Victoria. Production has been approved in northern Australia and is a cause of concern to genuine farmers in those states. The difference between production approvals in Victoria and New South Wales will be considered in the appropriate processes that are already in place under Victoria's legislative regime.

It is important to protect Victoria's groundwater assets in relation to coal seam gas exploration, and the issues around the groundwater aquifer are both important and difficult to understand. This is why the Victorian Farmers Federation and the coalition parties, both prior to the establishment of the coalition and in coalition, have called for greater groundwater protection, because water is an asset for farming communities and is the essence of life.

This is where the hypocrisy between Labor's position when in government and the position it is advocating now is clear. When it was in government Labor did not protect Victoria's water assets very well. At the peak of the drought it did not plan for the future or determine what sorts of sustainable water facilities should be provided to Melbourne and other regional cities. Labor did not plan our catchment management areas in a sustainable way, so when the drought of 2007 hit, shortly after the 2006 election, it panicked and rushed into a number of ill-conceived water projects without proper feasibility studies. It took water from farming communities and overrode the rights of farming communities.

Mr Ramsay interjected.

Mr O'BRIEN — Yes, Mr Ramsay, one of them was the desalination plant, and the other was the north–south pipeline. I commend Mrs Petrovich on her strident opposition both to the pipeline proposal and to the way farmers were treated by the former government. I know the individual landowners, including Ms Jan Beer, for whom I have acted. I also commend the work of Mrs Petrovich's husband, Serge, who also acted for those landowners. They put up a hell of a fight just to have their property rights acknowledged by the former government.

The proposal for the north–south pipeline, a \$750 million commitment, was rushed through without a feasibility study having been undertaken. This has been pointed out by the Auditor-General, the Ombudsman and other bodies. The project may not have been delivered had a feasibility study been undertaken. At the time we were saying that the project was not needed. The worst form of hypocrisy is to go to an election saying you will not undertake a major project and then you break that promise.

Mr Finn interjected.

Mr O'BRIEN — That is another thing Labor broke its promise on, Mr Finn — the carbon tax. Labor members went to the election with that promise to the people not to bring in a carbon tax. They went to the election, without a water plan, saying the desalination plant that was proposed by the Liberal Party was a hoax. As a candidate for the South-West Coast electorate in the Assembly in the 2006 election I also put up an independent feasibility proposal for a small desalination plant, and that would have been something to be considered. You should slowly bring new technology such as desalination into a state that has not had it before, with appropriate regard to the science, and you should build up the expertise within the industry. What Labor did in effect was rush through those projects.

When we come to coal seam gas, Labor was involved in approvals of not just one or two but 70 per cent of the exploration licences that it is currently seeking to put a moratorium on. There are approximately 24 current exploration licences. As I have said, there were no production licences, and I take up the excellent contribution of Mrs Peulich, who indicated that approximately 1 to 3 in every 1000 exploration licences get converted into production licences. That is one of the important elements of this point. The opposition seeks to put a moratorium on something it has actually approved. It does not have the guts to say to the community, 'We got it wrong'. It just says, 'Let's put on a moratorium; let's pick up a few of the

concerns' — which are, as I have said, genuinely held — 'and propose a one-year moratorium on exploration'.

Mr Barber — A one-year moratorium.

Mr O'BRIEN — A one-year moratorium, Mr Barber — —

Mr Barber interjected.

Mr O'BRIEN — I imagine you have proposed an even longer moratorium, although I do not know precisely what your position is in relation to the moratorium. I imagine it is permanent. We hope the Victorian people and the Australian people put a permanent moratorium on the Greens at the next election. The best way to protect farming communities in this state and this country would be by removing the green fringe from the misconceived serious debates it has been involved in.

Mr Barber interjected.

Mr O'BRIEN — I can certainly talk about Peshurst groundwater aquifers for a long time, but I will not do that because they are well discussed in the groundwater atlas, which I launched on behalf of the Minister for Water in Bungaree late last year. It demonstrates the estimated quality of aquifers at present, including the aquifer at Peshurst, which will be a consideration in relation to that wind farm proposal and its impact on bird life. I have put my personal disclosures on record in previous debates and will continue to stay involved in that community.

We will stay involved in the science. We will look carefully at each of these issues, but putting a moratorium on exploration is not a good idea at this point of the debate about Victoria's position on coal seam gas. The reason is that the exploration processes will help drive a better understanding of the very factors that the farming communities consider it important to protect: the gas, the aquifer, the extent of the reserves, the issues involved in extraction and the extent to which there is fracking — and I have heard others as well as Mr Drum in his contribution say there will not necessarily be the same need for fracking in Victoria as there is in the northern states. However, those matters will be determined on a case-by-case basis within our production applications, and I again remind the house that the Victorian Farmers Federation has acknowledged, as its press release of 12 April says, that:

The VFF has been at the forefront of ensuring Victorian farmers have the strongest rights in Australia during exploration and mining developments ...

I remind the house that the coalition government is blessed with three former VFF presidents, who have all stood up for farmers during their reigns as president. I speak of Minister Walsh, who is the Minister for Agriculture and Food Security and the Minister for Water, Mr Weller, the member for Rodney in the Assembly, and my colleague from Western Victoria Region Mr Ramsay.

The VFF is an independent organisation, and it should continue to lobby and stand up for the interests of farmers in an independent way. In that regard I pick up on the contribution of Mr Drum in that there is a \$150 million announcement in relation to a scientific study of this very issue which farmers, concerned landowners and others are encouraged to contribute, just as they are encouraged to put their views in relation to any EES (environment effects statement) process for any proposed approvals for production as well as for further studying the groundwater atlas.

To confirm my views in relation to this, I raised an adjournment matter similar to this in relation to coal seam gas with the Minister for Water on 10 November 2011. I received a very helpful response from Minister Walsh on 8 December 2011 which confirmed that the significant issue of coal seam gas is best understood in a careful manner in Victoria, where the existing extraction of water in relation to coal seam gas would need to be considered under the relevant water legislation.

A new water licence with permissive consumptive volume in accordance with the Water Act would need to be obtained. This requirement would be the same for every water user. The considerations as to other beneficial uses and whether or not water would be contaminated by the coal seam gas would be considered, as they would in an EES, which would consider everything relevant to the impacts of this issue on the community.

At this stage, whilst the Labor opposition has a hypocritical position compared to what it had in government — namely, it approved 70 per cent of proposals but now calls for a moratorium — the coalition is consistent in relation to its concerns for farmers and for water and its desire not to duplicate processes. As has been said by Mrs Petrovich, the coalition's desire is to work within the Council of Australian Governments agreement, which Minister O'Brien has been working within, and to continue to listen to the community on a case-by-case

basis. We suggest that during the exploration phase there may well be some benefits in our understanding of the vital water reserves that are a great asset to our Victorian farming communities.

Mr LENDERS (Southern Metropolitan) — Anybody who follows this debate, either by reading *Hansard* later or on the web today, would be amazed at the disconnect of what we are being asked to debate. We have heard from government speakers that we are being asked to endorse a moratorium; a number of them have said it. We are not. If you go through the debate you will see that Mrs Petrovich essentially said, ‘We should not do this, because Labor did not hold one’. I would say that the new government said it was different. If that is a reason to do something in government, I am lost.

In addition to calling us ‘the government’ twice, the main contribution Mr Drum made was basically — and I paraphrase: Tony Burke has an inquiry. He has a lot more money. Why don’t we listen to that? I say to Mr Drum rhetorically that he has a different view on the Murray-Darling Basin. That is quite a reflection on Mr Koch and on Mr Bull and Ms Wreford, the members for Gippsland East and Mordialloc in the Assembly, who are the government majority on the committee we are asking to look at this matter. I would have thought Mr Drum would have greater confidence in his coalition colleagues than he would in the federal Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, but that is nevertheless what he said.

Mr David O’Brien basically said that because we did not have an inquiry into the north–south pipeline, we should not have one here. That defies logic. What is being proposed here is basically more information to be sought by a parliamentary committee controlled by the government. The government had three weeks notice of this motion so it could consider it in the cabinet process and in the party room, and it was invited to change the terms of reference to make them more relevant. Clearly the government has locked itself into a position. The Minister for Energy and Resources, Mr Michael O’Brien, has made a decision that he does not want to do anything that is not on his own terms, so the government is recommending that the house vote no.

I strongly urge government members, particularly Mr Ramsay and Mr Philip Davis, who come from farming backgrounds and the position of the Victorian Farmers Federation, to support this motion, which is about getting more information to Victorian citizens on something that is of concern to farming communities. It is not about a moratorium. It is not about whether Labor

did the right thing or the wrong thing in government in relation to the north–south pipeline or in relation to this. It is about Victoria in 2012. Farmers in Victoria and people in regional Victoria want answers. This is a vehicle for doing it via a committee controlled by the government. I have full confidence in Mr Koch’s committee, and I urge government members to have the same and to support this motion.

House divided on motion:

Ayes, 18

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

Noes, 20

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

Motion negatived.

Sitting suspended 12.57 p.m. until 2.02 p.m.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

- (1) That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 22 May 2012, all correspondence between the Minister for Water, any government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray irrigation district update, file no. 033/32157/956.
- (2) That, pursuant to section 63 of the Information Privacy Act 2000, this house calls on the privacy commissioner to investigate any use of Goulburn-Murray Water’s customer database for the purposes of correspondence dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray irrigation district update, file no. 033/32157/956.

My intention is that we debate these two motions cognately and vote on them sequentially.

I raise this as a serious matter of governmental integrity. I am seeking further information on and further investigation of the matter. I am not bringing forward a motion condemning the Minister for Water or asking the house to make any findings of fact, but I am asking for support in going down particular paths in order to get some information on what appears to be, prima facie, a possible breach of the Information Privacy Act 2000 and the privacy principles. Depending on how that breach came about, it may be that Goulburn-Murray Water or some other agency with access to Goulburn-Murray Water's customer database was improperly directed to provide a customer list to the minister for his own purposes.

I have available at my side for any member who is interested some copies of the three-page letter which I believe has been posted to all irrigators — customers — in the Goulburn-Murray Water area. I am seeking clarification as to whether that is the case. I am seeking clarification on whether it was Goulburn-Murray Water that made the list available to the Minister for Water or whether it perhaps went through another department that had access to the same or a similar list. I am seeking clarification as to whether Goulburn-Murray Water or anyone else raised any question about the Information Privacy Act and the privacy principles and as to what the minister's attitude and view on that was.

In my view the letter is of a political nature, designed to give the minister's political views on the current federal government's approach to water, the previous state government's approach to water and in another case the views of certain unnamed parties that have been expressed in his area to which the minister feels he needs to respond. That may very well be the case and be legitimate, and the minister as a politician has the right to engage in those debates. He can write letters to the local paper, he can fund a mail-out to the electoral roll and he can put out advertisements if it fits within the principles laid out for government advertising, but he cannot, in my view, simply grab a copy of a customer database and use it as a personalised mailing list to express political views that he wants to press home to a particular group of people.

Yes, the letter does contain some factual information, both about the state of water and about Goulburn-Murray Water and its operations, but that is information that would be well known to all the irrigators who received it, and I have no doubt that Mr Walsh's views would be well known to all those irrigators. Where the letter relates simply to the operations of Goulburn-Murray Water, it could equally have been possible for Goulburn-Murray to send a customer newsletter or bulletin, as I understand it

regularly does. I think the only additional value here for anyone is that the minister got to put in his heavy overlay of political views and ram them home to a pre-prepared mailing list that he wanted them to get to.

The letter goes on for three pages. The minister starts by informing us:

The coalition government has a strong vision for northern Victoria and this includes Goulburn-Murray Water (GMW) as an integral part of the irrigation future.

I did not know any of that was in doubt. The letter goes on:

At the local level, there have been concerns surrounding GMW's financial position, board governance and price increases over past years. The rollout of the Northern Victoria Irrigation Renewal Project (NVIRP), and the projected changes that this will have on the GMID —

Goulburn-Murray irrigation district —

has also been the cause of significant contention.

That is a blinding glimpse of the obvious. In the fourth paragraph the minister says:

However, one of the most significant factors affecting the GMID has been the federal government's policy in regard to the Murray-Darling Basin; particularly the aggressive and ad hoc \$3.1 billion water buyback, which has been under way since 2007–08.

That is clearly a political statement; it is not an empirical statement. That is simply the sort of language that the minister wants to use in relation to another level of government. Then he comes back to telling us all the great things the coalition government is doing:

The Victorian coalition government has committed itself to addressing the problems that lie within our area of responsibility. I write to you now to explain the changes and report on our progress to keep GMW viable.

Fair enough, but I do not think any of this was unknown to these irrigators either. The minister now tells them he has brought in a whole new board of directors, that the chair is going to continue and that he, in line with the coalition's election commitment, requested that the Victorian Ombudsman conduct an inquiry into the food bowl modernisation project. He writes:

A central recommendation from the report, delivered in November 2011, was that NVIRP should be integrated into GMW to deliver a more effective and transparent modernisation program to irrigators.

Then there is some reporting on that. The minister then starts paying out on the previous state government and its performance in relation to NVIRP and at one point

actually hoes into an unnamed someone who is promoting the break-up or privatisation of Goulburn-Murray Water. That person, as far as we can discern, appears to be the federal member for Murray, Ms Sharman Stone. If that is not political acting, I do not know what is. The minister is paying out on not only the federal government, using various pejoratives, but on the now departed Brumby government and a member of his own party — a federal coalition member, although he does not name her — with whom he also has a gripe. He is sick of listening to her talk about it, and he wants to get his side of the story to the irrigators. That is hardly, I would have thought, an edifying or strictly necessary piece of crucial information with which Goulburn-Murray Water customers could determine their future commercial decisions.

Most of the information does not relate to the relationship between Goulburn-Murray Water and its customers. There are matters of general water policy, but when they get specific they relate to what the minister does not like about what certain other politicians are saying or doing. If it was in an ad on TV, put there perhaps by the Bracks or Brumby governments, government members would be howling about party political government advertising — and I have been here through some of that howling. They have done an end run around the government advertising guidelines that relate to those other media but conveniently found for themselves ready access to a much more targeted outlet — that is, a customer database.

Without there being some specific piece of information relating to the water entitlements or the immediate prospects of water customers, I cannot see how this letter relates to Goulburn-Murray Water's operations, at least in terms of the gratuitous material the minister decided to add in. That is important, because Goulburn-Murray Water is covered by the Information Privacy Act 2000, as is the minister's office.

As to the information privacy principles contained in that act we need only go to dot point 2 headed, 'Use and disclosure', which states:

Use and disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.

That is privacy act 101. If you collect information for a certain purpose, you are meant to use it for that purpose. If you turn around and try to use it for another purpose — for example, a Nationals party political mail-out — you are meant to seek that person's

permission, and then a whole series of other provisions come into effect.

It is even more surprising to me that this would not have raised some kind of red flag at Goulburn-Murray Water, because it has just been pinged by the privacy commissioner in relation to an investigation that this same minister requested. I have referred to the Ombudsman's inquiry into NVIRP that the minister requested. That investigation spun out into an investigation by the privacy commissioner resulting in a document headed *Foodbowl Modernisation Project — Report into an Investigation into Goulburn-Murray Rural Water Corporation and the Northern Victorian Irrigation Renewal Project under Part 6 of the Information Privacy Act 2000*.

Along with all that material and the findings that came with it about the disclosure of farmers' customer information to a third party, which also sought to benefit from it, the interesting thing was that the privacy commissioner noted that even at the time of the completion of her investigation NVIRP still did not seem to understand what all the fuss was about, but Goulburn-Murray Water was committed to a new regime. Goulburn-Murray Water's privacy statement can be found on its website. It mirrors, as one would expect, the information privacy principles enshrined in the act.

If it is the government's view today that the letter is totally appropriate and relates directly to the primary purpose for which the information was collected, then I will have some further concerns. That would suggest that any state-owned corporation with a large customer database, or possibly just a small and selective group of stakeholders with which it has a direct and commercial relationship, could receive further mail-outs from other government ministers, or possibly even the Minister for Water, whenever they have a view about the political environment in which that particular business is operating and want its customers to know about it, not by the usual process of political advocacy but by grabbing the direct mail list and firing a letter off.

Mr Walsh is one of the more capable ministers from the selection, but he seems to have a cowboy element to him where he fires things off to people he does not like, without necessarily thinking through the legal implications. I return to an issue I have previously raised where he wanted to blame Yarra Ranges Shire Council for not having moved on rules for hail netting when in fact it was the Minister for Planning who needed to move first. The language in the letter is pejorative. In relation to the Sharman Stone issue — if

that is who we are referring to, because he does not name her — he writes of:

... outspoken representatives in northern Victoria. These calls have been short-sighted and will only serve to cause greater instability... we need to focus on the real issues, rather than creating division and uncertainty where they are not warranted ...

And so forth. I am keen to know whether Goulburn-Murray Water was supportive of this mail-out; whether Goulburn-Murray Water was directed, over any objections, to provide the list; or whether it lost control of the process once it provided the list and the nature of what the minister was proposing to communicate started to cross the line and become party political or even intra-party political, despite representations I believe the minister's office may have originally made to Goulburn-Murray Water. For that reason I am seeking in relation to this letter, firstly, correspondence between the minister's office, any government departments which may have found themselves in the mix and Goulburn-Murray Water.

Secondly, I am seeking support from the house for the proposition that the privacy commissioner should investigate this same matter. The house does not have the power to direct the privacy commissioner; however, the privacy commissioner has an own-motion power that does not require her to wait for a complaint. Given the commercial relationship these irrigators find themselves in, they may not want to make a complaint against what they may find to be a letter they think is a breach of their privacy or the relationship they signed up to. A copy of this letter went zinging around the area and made its way into my inbox fairly quickly. The minister was asked by local media for his view on the nature of the letter and whether it was political and how he obtained the mailing list. He declined to answer the latter question, and therefore I ask it now.

I am hoping the government will not shy away from my suggestion that the privacy commissioner open an investigation. If it is the government's view — which I am sure it will be — that there is no breach of the Information Privacy Act, then it should not be worried about the privacy commissioner going on a wild goose chase. She will determine fairly quickly whether there is anything for her to investigate. Opposing the motion will set a bad precedent, because it will look like the government is monsterring the privacy commissioner, and it will put her in a difficult position.

I am sure I am going to hear from the government in a minute, and I am making a few presumptions, but does it say there is nothing wrong here, nothing to see and everybody should move on? In which case, does it have

any problem with the privacy commissioner making an investigation, and will it, if it will not provide it now, give a full accounting via the release of the relevant correspondence as to how this matter came about?

I am committed to pursuing the motion on documents. If the government was to give a full and open account of the events which I found satisfactory, then I would not necessarily need to proceed with a vote on the second motion. However, I have made that offer before on other motions I have put to the chamber, and in my five years in this Parliament I am yet to see a minister or their representative come in here and deal with all the relevant questions. In the past I have seen them put their heads down and try to push through. That was the minister's response to his local media and his constituency, which contains the selfsame group he wanted to communicate to. I will listen carefully to the response from the government to my motion.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to respond to the two motions that Mr Barber has moved cognately, general business notices of motion 339 and 340 on the notice paper. In relation to the first motion — the request for documents — the government will not oppose Mr Barber's motion. In reference to that motion, I have to say I was very disappointed to read comments attributed to the opposition water spokesman, Mr Lenders, in the *Shepparton News* of 25 April, wherein it says:

Victorian opposition water spokesman John Lenders was also seeking an explanation of how the letter came to be distributed and would support Mr Barber's motion, even though it would likely be defeated.

'They will use their numbers in the upper house to prevent transparency, which is why we have lodged a freedom of information request,' Mr Lenders said ...

I hope Mr Lenders will be writing a letter to the editor of the *Shepparton News* apologising for his pre-emptive remarks, saying that he got it wrong and that, in the interests of being open and transparent, the government has not opposed Mr Barber's motion.

Mr Lenders — I will praise you in a railway station of your choice when you take it.

Mr O'DONOHUE — I thank Mr Lenders. I look forward to reading his letter to the editor noting that the government has not opposed the motion and that his expectation that the government would oppose the motion was in fact inaccurate, because this government believes in being open and transparent.

Honourable members interjecting.

Hon. P. R. Hall — I am sure if he does not write a letter, you will.

Mr O'DONOHUE — Thank you, Minister Hall. That is an excellent suggestion. In the same article from the *Shepparton News* — and Mr Barber did not refer to the exact article, but I assume this is one of the articles from which he drew his commentary about Mr Walsh's comments in local media — Mr Walsh is quoted as saying:

Mr Walsh ... defended the mail-out, saying during the past five years there had been significant policy changes that had caused confusion and uncertainty among Goulburn-Murray irrigation district customers.

Is that not the truth? Water policy was one of the most divisive legacies of the former government. Its members got water policy wrong, the north-south pipeline wrong and the desalination plant wrong.

Mr Lenders — You will apologise when either of those are drawn on in a drought.

Mr O'DONOHUE — Stage 1 of the Murray Goulburn — —

Mr Lenders — Presumably not. At a railway station of my choice you could apologise extravagantly.

Mr O'DONOHUE — If Mr Lenders wants to have a debate about water, government members would welcome the opportunity to have a fulsome debate about Labor's legacy on the issues of water — the \$750 million north-south pipeline that sits there idle and is a waste of taxpayers money, in direct contravention of a promise by the previous government and a promise made before the election. Who will forget it saying that desalination is a hoax and incredibly expensive? My goodness, it is incredibly expensive — \$2 million a day for the next 27 years. Mr Lenders should be ashamed, and the previous government should be ashamed. It is an absolute disgrace. Victorians are going to pay higher water bills because of the incompetence of the previous government and its knee-jerk reaction to the water crisis and its failure to plan and develop appropriate water strategies throughout the drought. Victorians are going to be wearing the consequences for the next generation.

Mr Lenders interjected.

Mr O'DONOHUE — Mr Lenders may wish to make light of this serious issue and make glib interjections about it, but the facts are very serious, and this is the broader context of Mr Walsh's letter to the

customers. There has been enormous uncertainty for the irrigators.

The DEPUTY PRESIDENT — Order! I have just looked over the motions that the house is debating, and I think they are fairly specific motions as a cognate debate about correspondence from the Minister for Water to certain persons and whether that correspondence should be referred to the privacy commissioner under the Information Privacy Act 2000. I listened to Mr Barber's contribution, and as the lead speaker he stuck fairly closely to the motions before the Chair. If he had opened up the debate into broader areas, Mr O'Donohue would be able to take the line of discussion that he is taking, but Mr Barber did not, so I ask Mr O'Donohue to come back to the motions before the Chair.

Mr O'DONOHUE — Thank you for your guidance, Deputy President. As I was saying, the government does not oppose the first motion moved by Mr Barber. Indeed as Mr Barber himself referred to, Mr Walsh has indicated in local media in Shepparton and elsewhere that there has been a great deal of change and uncertainty for these customers in the Goulburn-Murray irrigation district in recent years, and Mr Walsh sought to impart some information to those customers through the correspondence which is the subject of the first motion before us. In the interests of being open and transparent, the government will not oppose that motion.

In relation to the second motion, which states:

That, pursuant to section 63 of the Information Privacy Act 2000, this house calls on the privacy commissioner to investigate any use of Goulburn-Murray Water's customer database for the purposes of correspondence dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray irrigation district update, file no. —

et cetera, the government will be opposing Mr Barber's motion for reasons that Mr Barber himself flagged. Mr Barber said that if the documentation was produced pursuant to motion (1), that may satisfy his questions. The government is not opposing the second motion. The government will go through the usual processes of assessing the documents that have been sought and will produce all the documents that it can subject to the issues of cabinet confidentiality and the like that are well known to the house.

Mr Barber — Being disputed in the Supreme Court.

Mr O'DONOHUE — They are well known to the house. I would suggest that, as Mr Barber suggested, if

those documents are produced, his motion (2) may be superfluous. The government agrees with Mr Barber's assertion. We agree that this motion is indeed premature, and for those reasons the motion will be opposed. The government rejects absolutely the ridiculous proposition that by opposing motion (2) it is somehow monsterring the privacy commissioner. That is absolute nonsense, and the connection Mr Barber seeks to make is rejected absolutely.

As I said, there has been a great deal of policy flux, uncertainty and concern for the irrigators in the Goulburn-Murray irrigation district, and the minister has sought to provide information to those customers. The government will not oppose motion (1) and will oppose motion (2).

Mr LENDERS (Southern Metropolitan) — I rise to speak in this debate and indicate that the Labor Party will support both motions that are the subject of this cognate debate. I do not intend to speak for long on these motions, but I will address each of them.

The first motion is a request for documents. I take up the point made by Mr O'Donohue in relation to my contribution in the *Shepparton News*. I think it is just too cute by half to say that the government has supported the motion. There has not been a case in the life of this Parliament — I am happy to stand corrected — when the government has not wanted to hand over documents that have been the subject of a motion that was agreed to. What we have is this first step when the government says, 'Yes, we will consider it'. And that is fine; it is absolutely consistent with what the previous government did. I acknowledge that it is not anything different from what the previous government said, and that it is accepted.

But what is different in this Parliament is that without exception what the government does is say, 'No, we have considered it', and it does not refuse to hand over the documents; it respectfully requests the Council not to persist with its request. It is very easy to say — —

Mr Barber — That is what happens when you have 21 votes.

Mr LENDERS — That is right, Mr Barber. It happens when you have 21 votes. I remind Mr Barber that there would only be 20 votes if he had not directed preferences in the way he did in Northern Victoria Region. The government is using its majority — —

Mr Barber — If only you had not lost so many seats.

Mr LENDERS — Yes, but that one was in your gift, Mr Barber. Mr O'Donohue is just too cute by half. He comes in here and says the government has not rejected it. Of course it has not; we have had this mealy-mouthed response from the Attorney-General that says, 'We respectfully request that you do not persist, and we have 21 votes behind us that will enforce the fact that you will not persist'. The Labor Party supports the motion requesting the documents.

For the information of the house, I put in a freedom of information request for pretty well the same documents as Mr Barber is seeking in his motion, and I have not had as swift a response to an FOI request in the life of this government as I got from the Department of Sustainability and Environment saying, 'Not me, sir. It is with the minister's office'. I suggest to Mr Barber that I am quite happy to support his motion to request those documents, but I think we will find that the DSE does not have any, because this was out of the minister's office.

On the substantive issue of the documents, my party and I would not be so concerned about the minister having written on these matters if it was a letter seeking information and if there was a guarantee of the privacy of the data. If, for example, the minister had asked Goulburn-Murray Water to write a letter to irrigators with factual information, we could say there was merit in passing on information. But from what I can see the database has been handed over to the minister's office, because the letter Mr Barber referred to, and I will not quote from the letter again, has 'Office of the Minister for Water' written on it, it is signed by the Minister for Water, it has on it a post office box address in the GPO in Melbourne for the Minister for Water — —

Mr Barber — On the outside of the envelope.

Mr LENDERS — On the outside of the envelope. Mr Barber's forensic work might be better than mine, because the envelopes I have seen have not had postmarks on them. I am trying to work out whether they were posted from Shepparton or from Melbourne. If they were posted from Shepparton and Goulburn-Murray Water posted out the letters on the minister's letterhead at his request, you would say there was an issue of transparency, but at least you could be confident that the database had not been handed over to the minister. What we have on the face of it is that a minister has got the database from the department and posted it out. If this was information to irrigators, you might take it on good faith that the minister had done it, but 80 per cent of the letter is pure political spin.

Mr Drum — No it is not.

Mr LENDERS — It is, Mr Drum. The last 20 per cent of it is information, but if Mr Drum thinks that a minister is conveying information when he talks about the Brumby Labor government putting up the water prices and saying that he is carrying out coalition policy et cetera and if Mr Drum thinks that writing to irrigators and telling them about how bad the federal government's Murray-Darling Basin plan is and how the minister is the saviour of the known universe or the inner solar system — —

Mr Drum interjected.

Mr LENDERS — The first 80 per cent of the letter is pure political spin and hyperbole; the last 20 per cent is information to irrigators that could equally have come from the CEO or the chair of Goulburn-Murray Water. That is a question in itself, and in a sense it is no different from Ms Lovell using databases to send letters out to people asking them to sign a petition on the Take a Break program. Clearly this government is quite relaxed about this. I would not pay as much attention to it except for the fact that this is a minister who selectively drew out of the Ombudsman's report on the Northern Victoria Irrigation Renewal Project (NVIRP) whether that organisation — and it is in the recommendations — handed over data to consultants who were working for it to go and talk to farmers.

The government may not like the fact that Neil O'Keefe was one of those consultants. It may not like that fact and may call him a Labor mate and all the rest of it — and the Ombudsman has made findings on a range of things — but this minister went out and said it was outrageous and he called for the scalp of David Downie and, basically, he called for all these people to be pushed out. He said that public servants should be sacked. If you were to read through the Ombudsman's report and this minister's reply to it, undoubtedly he says there was a profit motive and that is why it is different. But this is a minister who cried crocodile tears about the privacy of databases — imagine using a database and giving it to your political mates!

This letter has possibly come from the minister's office where he has asked for a letter to be written that is 80 per cent purely political and for it to be sent out to irrigators, in which case it is a political statement from him and he should be paying for it, certainly not the government. It is certainly not for the irrigators of Goulburn-Murray Water to pay for his political propaganda to go out, and hopefully not for The Nationals either. Why on earth has the database been given to a political party? We have an issue here where this minister, after crowing about how terrible it was that NVIRP gave secret, private data to anybody — —

Mr Drum — Like Neil O'Keefe.

Mr LENDERS — Exactly, Mr Drum, like Neil O'Keefe. This minister said it was inappropriate for NVIRP to give out data to contractors because there was a privacy issue, and so this minister — —

Mr Drum interjected.

The DEPUTY PRESIDENT — Order! When Mr O'Donohue was speaking I called for order in relation to the interjections. I am now doing so in the other direction. Please allow Mr Lenders to complete his contribution without assistance.

Mr LENDERS — Thank you, Deputy President. What we have here is the Minister for Water, Peter Walsh, having a view on how appalling it was that NVIRP handed over address details of individual water consumers to anybody. I am sure those loyal, spear-carrying members of the government, who will be defending whatever the government does for whatever reason, will say it was different because Mr Walsh deemed it to be different and he does not like Neil O'Keefe.

Let us not hide it, the Ombudsman's report was damning, but that report, and what Mr Walsh was going on about endlessly, was about the abuse of a private database collected by NVIRP. He said it should not have been given to anybody else, particularly for political purposes, and here we have a letter from the Minister for Water that goes on and on about the Murray-Darling Basin, about water pricing under a previous government and about coalition policy — heaven forbid, Deputy President! What has that got to do with government administration? Then Mr O'Donohue comes in here to say the government will not oppose the motion. Of course the government will not oppose it, because it will come back with a mealy-mouthed letter from the Attorney-General saying, 'Please do not persist'. It is too cute by half, and if he thinks the readers of the *Shepparton News* are for one moment going to fall for that trick, then he is treating Shepparton with even more contempt than are the other members of the government. That is the first part.

We certainly support the request for documents, and it will be very interesting to see how the government replies to this, particularly given that DSE has already hand-passed this to the private office of the Minister for Water. It will be interesting to see how that evolves.

The other motion moved by Mr Barber relates to the privacy commissioner. Again I wish him luck in getting it through. If he holds his breath, he will go blue,

because I cannot imagine the government responding to that at all. Heaven forbid! It will put it under some scrutiny — this terrible word that the government cannot bear to hear. We have another minister in a long line of ministers who use government databases for political purposes and use ministerial budgets to send out political messages — although this is not quite as bad as Ms Lovell sending out a petition from a federal Liberal senator asking people to sign it so that the federal government will change its policy. It is not as bad as that — I will give Mr Walsh credit — but it is a political statement. Eighty per cent of it is about why The Nationals' view of the Murray-Darling Basin, pipelines and a range of things is being expressed to irrigators. If that is important, Mr Walsh should use The Nationals' money, not taxpayers money, and he certainly should not be getting databases from individuals.

I am sure that the government dirt unit will in an intellectual way say it is okay to do this because Labor did something like this. The government dirt unit should realise that the current government got elected on a policy that said dirt units were bad. That was the policy of those opposite, and now they have their own dirt unit. Every single time anyone in the Labor Party dares to hold the government to account they get back this litany of what Labor may or may not have done. Victorian people formed a view of the previous government and put a new government in to govern. The new government said it would be different, but in defence of its every move we now see the government claiming it is okay because Labor did something like that.

I am glad Mr Drum is here. In his last contribution to the house he twice called those of us on this side of the house 'the government'. I am glad Mr Drum is in the chamber. There was an election 18 months ago, and Mr Drum won. He is now in government, and he said he would come to government with a different standard. One of the things that the current Minister for Water, Mr Walsh, said in response to the Ombudsman's report was that it was appalling that databases were used for political purposes. However, what we now see is that he has done exactly what he once deemed appalling. He has taken a database and put out a letter which is political.

Without further ado, the Labor Party supports both motions and wishes them well in the house, but we on this side are not holding our breath because those opposite are fearful of scrutiny.

Mr DRUM (Northern Victoria) — It is always entertaining to hear Mr Lenders get up and try to

defend the indefensible, which is the Labor Party and its management of water.

Mr Barber — What is the funny side of the motion?

Mr DRUM — There is not a lot that is funny about this. What is funny is that the Labor Party wants us to forget about the way it handled the state and its water policy while it was in government. I had senior ministers come into my area — ministers who actually lived in my area — and announce water policies affecting the Eppalock region, claiming that they would be part of one of the biggest water projects the state had known. They were going to build a certain pipeline. Minister Cameron and Minister Allan jointly announced the project, but they had to come back onto the front page of the paper three weeks later and say, 'Oops, we got it wrong. We are not going to do that project. We thought we were going to do it, but we've changed our minds. We are going to do a totally different project to try to get water into the cities of Bendigo and Ballarat and beyond'.

The absolutely amateurish way the Labor government went about managing its water projects was ongoing. We had a government that the then Treasurer, Mr Lenders, asserted actually knew what it was doing. He now says the way the current Minister for Water, Minister Walsh, is handling this issue is not up to scrutiny. I ask Mr Lenders whether he has forgotten about the little red helicopter that featured the then Premier. The then Premier got into the helicopter, and as soon as he got onto the TV he came out with about four statements.

The first one was along the lines of, 'The Victorian government is fully aware that we are in a drought and has acted'. That was the first lie. The whole reason for the red helicopter was that members of the then government were trying to make up lost ground because they had not acted and did not realise the extent of the drought. Next there was a statement about water policy and how they were going to make a grid around the state and correct the inaction of the past. The red helicopter hid a whole range of untruths paid for by the taxpayer. Mr Lenders's opinion is that that was not political.

I have read through this document at length and in detail. It is not a political statement; it is a factual statement. The previous government totally politicised water policy in northern Victoria over the last four or five years. It mucked it up and cost taxpayers, ratepayers and irrigators hundreds of millions of dollars because it could have been done better. We talk about

efficiencies. Minister Walsh has been in the job for 18 months and has already saved the northern Victorian irrigators about \$200 million, collectively, because he has the ability to negotiate with the federal government on behalf of the irrigators. I remember being on a committee where I asked a person involved with Goulburn-Murray Water, 'Are you the chairman?'. 'Yes, I am', was the reply. 'Do you represent the irrigators?', I asked. The answer was, 'No I don't. I do not represent irrigators at all. I might be the chair of Goulburn-Murray Water, but I do not represent the irrigators'.

Mr Barber interjected.

Mr DRUM — Mr Barber was at that hearing. The chairman was there fairly and squarely to promote the government and its policies in relation to water. The water losses were the big fraud of the Northern Victoria Irrigation Renewal Project situation. The NVIRP was all about overblowing the figures regarding the supposed losses in relation to water wheels. We have been down that path a million times in this chamber. The Labor Party does not want to know about it.

If you read through this document you will see it is simply a factual statement. The document talks about how the federal government is buying back water out of the system, high security water, how much it has bought back so far and what impact that is likely to have on the basin. There is nobody in the water industry who would go anywhere near disputing the facts set out in this document.

The situation is confusing. People do not know exactly what is going to happen in relation to buybacks. People do not know how long it is going to continue. People are concerned about how NVIRP and Goulburn-Murray Water are going to be re-integrated. People are unsure about boards and who is going to be on this one or that one. People are unsure about how the money coming in from the federal government is going to be spent. People are unsure about a whole range of issues that the minister has set out in his letter. The minister handed over the letter to Goulburn-Murray Water, and that is the fact.

Mr Barber — He never saw the database?

Mr DRUM — Absolutely not. It was a case of, 'Would you please get these facts out to the irrigators so that they understand what is going on', and that is what happened. Therefore we are happy for this first motion to be agreed to. However, we are not going to support the second motion in relation to privacy issues. For the first time in I do not know how long — and this

comment might be directed towards Mr Lenders — we have a minister who truly understands water.

Some of the policies that were brought forward under the previous government include the desalination plant, which was said to be a hoax one minute and the next minute it was to be constructed and would be three times the size of anything else in Australia; the north-south pipeline was said to be unnecessary, it was not what the government was thinking about doing and it would not do it, and the next minute it was being built.

The DEPUTY PRESIDENT — Order! Mr Drum may not have been in the chamber at the time, but I gave instructions to a previous speaker that given the lead speaker, Mr Barber, did not canvass matters outside the parameters of the motion, the debate on this motion should remain within the parameters of the motion. If the lead speaker had strayed outside the parameters of the motion, Mr Drum would be perfectly in order to discuss issues outside those covered by the motion. However, Mr Barber did not do that, so I ask Mr Drum to come back to the motion before the Chair.

Mr DRUM — We can talk about the 1800 waterwheels that were taken out of the Goulburn-Murray area, and I am happy to talk about every one of them. We can go down that path if the Chair would like, but I will take the heat off the Chair and keep my contribution within the narrow parameters of the motion.

Quite simply, when reading through the letter members will see that over recent times there have been a whole range of movements in policy. Committees to do with irrigation in the north of the state have been sacked by the previous board of Goulburn-Murray Water. Those committees have been democratically re-elected as implementation committees. We have had temporary chairs of Goulburn-Murray Water. We have had ministers appoint other chairs. We have had NVIRP go through its process. We have had a new managing director put into Goulburn-Murray Water. A new phase 2 of the Murray-Darling Basin plan has been introduced as well as stage 2 of NVIRP. Seriously, some major changes have occurred in the context of water in the north of the state.

If Minister Walsh had not been able to negotiate the new deal in relation to NVIRP 2 — the second billion dollars — in favour of the irrigators, then water prices in the north of the state would have risen somewhere between 25 per cent and 45 per cent. That fact was put out to the irrigators to give them some comfort that —

Mr Barber — You dodged the bullet. I saved you.

Mr DRUM — That is exactly true.

Mr Barber — You want everybody to know that?

Mr DRUM — Mr Barber's interjection is that we want everybody to know that. If Mr Barber were a minister and he had the responsibility to clean up the political mess and the policy mess that was in place, and if he had delivered in the same way that the current minister has delivered, he too would want the stakeholders in his industry to understand exactly what has transpired in the last couple of years.

Mr Barber — Why would I want everyone to know that?

The DEPUTY PRESIDENT — Order! Mr Barber! Mr Drum to continue without assistance.

Mr DRUM — Mr Barber is interested to know why it is important that the irrigators know these things. It is because when you are a businessperson, which all our farmers are, the one thing you need — and Mr Lenders would be aware of this; we often heard it from the Labor Party when it was in government — is confidence in relation to business investment. Northern Victoria is recovering from a drought, which was followed by two years of record flooding. For farmers to be able to restock their farms to unprecedented levels, which is what we are hoping they will do, businesses in the north need confidence in the weather patterns, the commodity market, new technology and machinery. Recently 65 jobs were lost at Rochester because of the high Australian dollar, but it was also because there was no water to generate the milk powder that was needed to keep those jobs going. In effect we have lost jobs as a direct result of not having sufficient water. It is important that people in the north have confidence in the minister. It is important that the minister is on top of his portfolio and is making sure that water policy works in a cohesive manner with industry.

Once you get an industry that is reliant on water having genuine confidence in the minister who is making the decisions, then you might get the investment and the restocking of the herds, whether they be sheep, cattle, or dairy farms specifically. It is absolutely critical that this information be transferred out to the stakeholders. The confidence levels of the farmers but also of the thousands of people involved in agriculture who are not farmers are critical. It is important that everybody understand that the minister of the day is on top of his portfolio and understands water — that is, he understands what it means to buy, sell, trade, bank and

have carryover of water. It is important that people in the bush and in northern Victoria understand that all these decisions are going to be made with an eye to the future to stimulate growth and production and make sure that if anybody out there is contemplating whether to reinvest in their farms and businesses and whether to have faith in the future policy direction of this state, then they can make those decisions based on the fact that, yes, they have confidence in the minister because of what he has set out to them in the context of this letter.

Anybody saying this letter is political should have another read of it and look at what this letter is going to do for the confidence levels of people in the north. They should understand that there was nothing at all wrong with what Minister Walsh did in relation to putting down on paper the facts as he sees them and then getting Goulburn-Murray Water to distribute them to the irrigators of the region. There is nothing at all wrong with that, and that is what happened. That is why we are staggered that there are others in this chamber who think this is a political statement or ploy. We are disappointed, but we will not oppose the call for the correspondence.

However, motion (2) calls on the privacy commissioner to investigate, and we do not support that. We believe the minister should be able to do the work he is currently doing in the way he is doing it.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on both the motions from Mr Barber before the house this afternoon. At the outset, having listened to Mr Drum's contribution, can I say I think it is very refreshing for people in the northern parts of Victoria to have representatives, including the Minister for Water himself, who understand this issue in a very thorough and pragmatic way. This is in complete contrast to what we saw under the previous government in relation to the mismanagement of many areas of water policy. As has been highlighted, it has been a very divisive and difficult issue, but the government will not oppose the first motion moved by Mr Barber today. However, I would like to make some comments in relation to the significance of what the minister has undertaken in his role as minister. Mr Barber has himself said he is a minister who is — —

Mr Barber — That he has got half a brain.

Ms CROZIER — I do not think that is what Mr Barber said at all. He said that the minister is competent in his position, and I would concur with him on that. As I have said, the previous government's

water mismanagement on a number of projects has not been forgotten by the people of Victoria. That has been highlighted. Obviously the north–south pipeline directly affected many irrigators in that part of the state, but also there is the desalination plant, which is an enormous legacy for which the Victorian public will be paying for the next 30 years.

There has been confusion in relation to many aspects surrounding the issue of irrigation in those districts. Irrigation is vital to agricultural investment, whether in food or fibre, which are hugely important industries to not only the local region but also Victoria as a whole. That should not be forgotten in relation to the work of these industries. These businesses need some certainty. Over many years there has been a degree of uncertainty, and the minister has been providing factual information about the situations surrounding those communities that are dependent upon irrigation for their economic livelihood.

Mr Drum highlighted a number of issues on which many of these irrigators were seeking clarification, such as the Murray-Darling Basin plan. I have to say we have heard about that for years, and I congratulate the minister on his handling of that issue with the federal government and in particular on how he has gone about getting a better deal for Victorians. Mr Lenders himself said the Ombudsman’s report is damning. Let us not hide that it was, quite rightly, damning in relation to food bowl modernisation and other related matters. The report highlights a range of issues with which people who were directly affected by this issue had to deal, and Minister Walsh is trying to clarify some of the uncertain messages that are out there in indicative areas of which irrigators need to have a more thorough understanding. That is what this issue is all about. As I said, the minister has every right in the official position he holds as Minister for Water to put out information. He is also the Deputy Leader of The Nationals.

It is fair to say that over many years there has been uncertainty around water policy and water issues. There are no surprises in that. It had an enormous impact right across Victoria and right across the country. But that is not new to the state of Victoria; it is certainly not new to the country. They were issues that had to be dealt with, but not in the knee-jerk way that the previous government dealt with some of those projects. As I said, it set up a lot of uncertainty for many of those irrigators. They need certainty to frame their future businesses, and it is a legitimate concern of theirs to want to see some clarification. Equally it is a legitimate initiative of the minister to put out that clarification.

In their contributions a number of members have howled about party political advertising or what the then opposition members, now members of the government, said about the previous government’s advertising and communication strategy. It was in stark contrast to how this government is communicating. I think it was Mr Drum who made reference to a former Premier buzzing around in a red helicopter. Who can forget all those expensive TV commercials and the glossy pamphlets that provided little substance? The previous government was the government of spin. The Baillieu government, by contrast, has had a platform of transparency, and it is one that we are very proud of and one that we will continue with.

In relation to motion (1), the government will not be opposing it. But as Mr Drum and Mr O’Donohue on the government side have said very succinctly, the government will be opposing motion (2), which calls on the privacy commissioner to investigate any use of the customer database of Goulburn-Murray Water for the purposes of correspondence. With those remarks, as I said, the government will not be opposing motion (1), but it will be opposing motion (2).

Mrs Peulich — On a point of order, Acting President, I have been reading up on the legislation that is referred to in motion (2), in particular the section around the notion of sensitive information being collected by a party, the inference being that it is being inappropriately collected and passed on to another party. In reading the definition of sensitive information, which is in schedule 1 of the Information Privacy Act 2000, I cannot see where this sensitive information lies. Perhaps the mover of the motion can elucidate. The definition of ‘sensitive information’ given in schedule 1 on page 70 of the act is:

... information or an opinion about an individual’s —

- (i) racial or ethnic origin; or
- (ii) political opinions; or
- (iii) membership of a political association; or
- (iv) religious beliefs or affiliations; or
- (v) philosophical beliefs; or
- (vi) membership of a professional or trade association; or
- (vii) membership of a trade union; or
- (viii) sexual preferences or practices; or
- (ix) criminal record —

that is also personal information ...

I am not sure, in the ambit of the debate about information about water being communicated by a water authority to water irrigators, which one of those sensitive bits of information is assumed to have been breached or collected or passed on in some way. If Mr Barber can elucidate, it might make the debate more constructive.

The ACTING PRESIDENT (Ms Pennicuik) — Order! It is very difficult to know what Mrs Peulich's point of order is.

Mr Barber — On the point of order, Acting President, there is no point of order. The hint is that Mrs Peulich did not refer to any particular standing order. Her opinion about whether my motion stacks up legally would of course be a question for the privacy commissioner, not a question for this house, although she may like to raise it in debate.

The ACTING PRESIDENT (Ms Pennicuik) — Order! There is no point of order. I agree with Mr Barber that it would be for the privacy commissioner to make that decision. Mr Barber, in reply.

Mr BARBER (Northern Metropolitan) — Are there no other speakers? Is Mrs Peulich not taking her opportunity?

Mrs Peulich — With the 5 minutes I had to read the act, no. But I will certainly follow the issue with great interest.

Mr BARBER — I will respond to a number of statements that were made by speakers during the debate. Mr Drum and Ms Crozier referred to the big red helicopter, an allusion to a government advertising program carried out by the former government where it sought to reassure us all that it fully understood the problems associated with water and that it had a plan. Of course this government is a lot smarter than that; it realises that broadcast advertising is quite expensive and if you can get hold of a highly targeted direct mailing list, that is the way to get the information out that you want to get out.

Mrs Peulich — On a point of order, Acting President, I believe that Mr Barber has reflected on the minister in implying that somehow he has breached laws or legal principles when the motion merely asks for an investigation — there is no reflection on the minister. I think it is inappropriate to do so, and I ask that he withdraw.

Mr BARBER — On the point of order, Acting President, the entire motion goes to the minister's

behaviour in relation to the Information Privacy Act 2000, and I am in fact debating the motion.

Mrs Peulich — Further on the point of order, Acting President, the motions as they have been phrased do not reflect on the minister at all. They merely ask for the provision of documents or an investigation. I believe Mr Barber's comments, and before that Mr Lenders's comments, go far further than those motions and are in contravention of the standing orders. I ask in this instance that Mr Barber stick to the motions, which do not reflect on a member of Parliament.

Mr BARBER — Further on the point of order, Acting President, my motion in fact asks for an investigation of a piece of correspondence signed by the Minister for Water, which I allege may have breached the Information Privacy Act, and that is why I am debating it.

Mrs Peulich — You are not saying that he did it?

Mr BARBER — No. I am saying he did it.

Mrs Peulich — Then you should withdraw.

The ACTING PRESIDENT (Ms Pennicuik) — Order! There is no point of order. What I heard Mr Barber refer to was the government.

Mrs Peulich — We will have a look at *Hansard* tomorrow, Acting President.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Even so, there is no point of order. Mr Barber is debating the motions as moved.

Mr BARBER — The government understands, as I have no doubt the minister does, that getting your message across directly to that group of interested stakeholders is much more effective than running an advertisement on TV. So it may be tempting to want to communicate your political views to that group of stakeholders.

In relation to the primary purpose, I did not hear Mr O'Donohue, as the lead speaker for the government, debate the question of primary purpose — the primary purpose for which — —

Mr O'Donohue interjected.

Mr BARBER — We will go to how informative the letter is, but the primary purpose for which people enter into a relationship with Goulburn-Murray Water (GMW) and hand over their information is that they can get water and pay for it and a range of other

services. It does not really matter whether the ratio of politics to information was 80 to 20 or 20 to 80. If there is a heavy political overlay in this letter, which nobody but Mr Drum tried to deny, then there is a secondary purpose engaged. If it is necessary, we will come back to clauses such as where the minister says:

After a long period of negotiation, the Victorian coalition government was able to revise the funding arrangements and finalise the project, without irrigators having to make a \$206 million contribution to stages 1 and 2 of NVIRP, as proposed by the former Brumby Labor government, which would have caused prices to rise between 25 and 45 per cent for all irrigators across the GMID.

Mrs Peulich interjected.

Mr BARBER — Correct. Instead he sold off their water to save them that money, having earlier in the letter slagged off the process of the commonwealth's water buybacks. It is slightly contradictory, but it is certainly political. Mr Drum went all the way there before changing his tack at the last minute. He said that people must have confidence in the minister in order to continue to be irrigators and that that is the purpose of the letter, so that they have confidence in the minister.

Mr O'Donohue interjected.

Mr BARBER — No, that is directly what he said before he went on to deny this was a political letter. Mr Drum did, however, provide us with a piece of information, which I appreciate. He said the database was not provided to the minister's office. He said that the information for the letter was provided to GMW and it posted the letters out on behalf of the minister.

If the government is backing that up and if the correspondence provided backs it up, it certainly removes one aspect of the privacy question — that is, was the database transferred to the minister? Mr Drum says it was not. He says that the letter was provided to GMW and it took care of the mail-out. Mr Walsh has told us that it is okay, we can relax, because the big bad Brumby government has gone, but our prices now will not go up by the hypothesised 25 to 45 per cent. It is not the Labor government that they are worried about; it is the Country Alliance, of course, whose votes started rocketing in this particular area.

Mr Lenders said that Mr Walsh's interpretation of the findings of the two inquiries was highly selective. The proof of that is right here in Minister Walsh's press release of Thursday, 15 March where it says:

Mr Walsh said the privacy commissioner's report showed the Bracks and Brumby Labor governments were unable to plan and implement important state projects.

That might be Mr Walsh's opinion, but it certainly was not the privacy commissioner's opinion. The privacy commissioner's matter related to issues of privacy, so it seems from this media release that even at the time of receiving the privacy commissioner's report Mr Walsh did not understand what it was all about or affected to not understand what it was all about or simply wanted to pretend that he did not understand.

Mr Drum referred to the Labor Party putting mates on boards, but in fact early in the life of this government we saw a number of Liberal — —

Mrs Peulich — That is not relevant to the motion.

Mr BARBER — It is absolutely relevant now that it has been disclosed that it was Goulburn-Murray Water which distributed this letter on behalf of the minister, where the minister is lauding the person that he selected for the board and the chair and expressing confidence in them. I am not — —

Mrs Peulich interjected.

Mr BARBER — Absolutely not. I will not reflect necessarily on the competence or otherwise of the various ex-Liberals and failed Liberal candidates who have been appointed to water boards under Mr Walsh's responsibility because I cannot demonstrate that those people were unmeritorious. In fact no-one can demonstrate a merit-based selection process. That in itself is a difficulty. Put that together with — —

Mrs Peulich interjected.

Mr BARBER — No, Mrs Peulich. What I would like — and through you, Acting President — is compliance with the existing public service guidelines.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mrs Peulich had an opportunity to contribute to the debate. It is not orderly for her to continue to speak through the debate.

Mr BARBER — I would like compliance with the existing public service guidelines, which encompass not just public service heads but appointments to boards that require a merit-based selection process. It is a concern to me — —

Mrs Peulich — On a point of order, Acting President, Mr Barber is supposed to be summarising and winding up debate. He is introducing a whole raft of new information where other members of Parliament have not had the opportunity of making comment or debating, and I ask that you draw him back to his role,

which is to rebut and to sum up, not to pose counterarguments.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Drum raised the issue that Mr Barber is responding to. Mr Barber to continue.

Mr BARBER — Thank you for that, Acting President. I did in fact state that as I moved to that area of the debate. Then we had a whole bunch of other government speakers talking about how the former government got it wrong on water policy. That really is what this letter is all about. When it comes to the necessary information you need about the changes that the Minister for Water has made, we do get some information. We get some information about how NVIRP (Northern Victoria Irrigation Renewal Project) is going to do its business from now on, and when he gets to the end of that section the minister says:

For further information on the new processes, call NVIRP ...

‘Here is the information. I’ve fixed NVIRP. Got any questions? Call NVIRP’ — not ‘Call me’. You do not see the minister’s details at the bottom of this letter and him saying, ‘Call me if you need further information’. He has made his point and he wants to move on. Then he moves on, as I said, to the various other pejoratives against an unnamed person who he refers to as short-sighted and outspoken in relation to the privatisation or break-up of Goulburn-Murray Water.

Mrs Peulich — On a point of order, Acting President, I am still unclear which privacy principles Mr Barber is alleging have been breached, given that I am reading schedule 1 on page 70 of the Information Privacy Act 2000 and none of them measure up with any of the information that he is now reading.

Mr BARBER — On the point of order, Acting President, I cannot be responsible for Mrs Peulich’s lack of cognitive powers.

Hon. W. A. Lovell — On a point of order, Acting President, I find the remarks Mr Barber made about my colleague offensive, and I think he should withdraw them.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mrs Peulich’s point of order was the same point of order that she raised before, which I already ruled to be not a point of order.

On Ms Lovell’s point on order, if Mrs Peulich wishes to raise an issue about that, she is free to do so. She has not. Mr Barber to continue in reply.

Mrs Peulich — On a point of order, Acting President, I find those comments offensive, and I would have expected the Chair to insist that the member withdraw them.

The ACTING PRESIDENT (Ms Pennicuik) — Order! As Mrs Peulich has now requested the member to withdraw, I ask the member to withdraw.

Mr BARBER — On the point of order, Acting President, it was Mrs Peulich who said she did not understand; I was simply reflecting her comment that she did not understand. If she finds that offensive — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! I think it was unparliamentary for Mr Barber to say that. I ask him to withdraw it.

Mr BARBER — I withdraw. The point I was making, despite constant interruptions from Mrs Peulich, was that in his letter the minister sought to take a swing at an unnamed person who is calling for the break-up of Goulburn-Murray Water. During the debate I was able to google the words ‘privatise Goulburn-Murray Water’. The second reference on Google is an ABC report that says:

The federal member for Murray, Sharman Stone, has renewed her calls for Goulburn-Murray Water to be privatised.

I think we can agree that this is a political letter. It relates to intra-coalition politics, which Mr Walsh is sensitive to, and therefore he felt the need to write to the Goulburn-Murray irrigators about his political opinions on those public affairs.

I am yet to hear a government member willing to elucidate their view of where the line exists in the Information Privacy Act 2000. I opened my contribution by describing what I believe to be the relevant sections of the act and where the privacy principles operate. There has been the startling fact that both NVIRP and Goulburn-Murray Water have recently been under investigation for privacy matters, and therefore we would have thought that their antennae were rather high; yet, seemingly on the mere request of the minister, they have handed over access to their mailing lists. I hope when the documents arrive we at least find that Goulburn-Murray Water had some attentiveness to the question and perhaps raised in its mind or communicated to the minister the legal issues at stake.

The information privacy commissioner is very familiar with these issues, and I am sure she would make short work of any such inquiry. She would either dismiss my allegations very quickly as being totally misconceived

or she would undertake further investigation and make findings on the actions of Goulburn-Murray Water. We now know that the government's view is that it does not want her to do that; it believes it is unnecessary. I hope the privacy commissioner takes the views of all members as well as her recent involvement with Goulburn-Murray Water and NVIRP into account despite the fact that clearly my second motion is going to fail because the government will not support it. Thank you very much for your assistance here today, Acting President.

Motion 1 agreed to.

House divided on motion 2:

Ayes, 19

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

Noes, 21

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 (<i>Teller</i>)
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Motion negatived.

PRODUCTION OF DOCUMENTS

Mr TEE (Eastern Metropolitan) — I move:

That this house —

- (1) notes that the Ports and Environs Advisory Committee report ordered by the resolution of the Council on 14 March 2012 to be tabled in the Council by 12 noon on 27 March 2012 has not been received by the Council;
- (2) notes the letter of 27 March 2012 from the Minister for Planning in response to the Council's resolution;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975;

- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by 12 noon on Tuesday, 22 May 2012, a copy of the Ports and Environs Advisory Committee report that, according to the Department of Planning and Community Development website, was submitted on 1 November 2010.

I welcome the opportunity to speak on this motion. We are talking about a report that has been with the Minister for Planning for 18 months in circumstances where we have never had an explanation for why this report has not been released. On the contrary, the arguments for release are compelling and overwhelming. The report provides a blueprint for where development should occur in and around Victoria's ports and port facilities. The report talks about the buffers that are required to ensure the ongoing viability of Victoria's ports.

If you need another example of why this is so important, you need to look no further than the announcement this week of the proposed development or expansion of Webb Dock. We are talking about a \$1.2 billion expansion, the introduction of 1 million 20-foot containers each year and 750 000 trucks each year. We are talking about a massive expansion in an area where there is huge pressure for development. On the one hand you have the ports pushing out and on the other hand development encroaching. What is then at risk is the very viability of Australia's busiest port, a port that services Melbourne and a large chunk of south-eastern Australia. You cannot have this encroachment and pushing and pulling. You cannot have expansion of the port and the encroachment of development in this sort of unstructured, ad hoc manner. The ports and environs report provides a way forward to accommodate both the development of housing and the development of ports. Therefore it is absolutely critical that this report be released.

Mr O'Donohue talks about it and says reasons have been given, so let us have a look at what has been said about why this report has not been released. The report has been sitting with the minister for 18 months. We have a copy of a briefing from the Department of Planning and Community Development dated 17 August 2011. The briefing, from David Hodge to the Minister for Planning, says:

You have previously considered the findings and recommendations of this report.

The report the minister has considered is the Ports and Environs Advisory Committee report. The briefing continues:

On 10 February 2011, you sought comments from the Minister for Ports on the committee's recommendations.

You have previously agreed to publicly release the committee's reports once you receive and consider the comments from the Minister for Ports.

In February 2011, over 12 months ago, the Minister for Planning sought the comments of the Minister for Ports, and the Minister for Planning agreed that once he saw those comments he would release the report. Yet more than 12 months later we have not seen the report. That suggests that the Minister for Ports and the Minister for Planning are not talking to each other, because there can be no explanation for why it has taken more than 12 months for the Minister for Ports to provide comments on the Ports and Environs Advisory Committee report. In a sense this is farcical, because the hold-up of this important report, if you believe the departmental briefing, is due to the failure of the Minister for Ports to respond to the ports and environs report for over 12 months.

But the Minister for Planning's story changes. It becomes a bit slippery. In February last year he said, 'I am going to release it once I get the comments from the Minister for Ports', but on 27 March this year he wrote to this chamber and gave a different reason for not releasing the report. In the Minister for Planning's letter of March this year to the Clerk, Mr Tunnecliffe, he does not mention that he is waiting for the response of the Minister for Ports. The letter says:

As the response to the report is yet to go through the cabinet process and it is appropriate that both the report and response are released simultaneously, the government is not able to respond to the Council's resolution within the time period requested.

The minister has a very different reason now. He is no longer reliant on the Minister for Ports; he is now waiting for the cabinet process to be completed. We have a different excuse this time for the report not being released, but we do not have any explanation for this process not being resolved after 18 months. We have had no explanation for why it has taken this minister 18 months to get this important report through cabinet so it can be released. The minister said it is going to be released; there is no question about that. There is no dispute about the report being released; he has said on a number of occasions that it will be released. But the hold-up is that he simply cannot get it through cabinet, or he cannot get a response from the Minister for Ports.

I am not sure what the problem is, but the excuse for not getting it out is lame. It is pathetic. How can he blame the Minister for Ports or alternatively, on a different day, cabinet for not releasing the report? It defies logic. And this delay really matters.

On the importance of the report, in October 2011 the Department of Planning and Community Development referred the Minister for Planning to the committee's:

... recommendations on the planning controls and buffers for Victoria's ports, which included land uses surrounding major hazard facilities.

The report deals not only with the issue of encroachment, the importance of making sure that our ports remain viable and that we do not make development decisions today that we will regret tomorrow but it also deals with development near major hazard facilities. The department also said in the briefing to the Minister for Planning on 13 October 2011:

The Port and Environs Advisory Committee noted the findings of the Maribyrnong Amendment C82 panel which adopted a 'precautionary principle' in setting out a long-term strategic framework for land uses near major hazard facilities. That panel specifically recommended prohibiting residential uses in the inner and outer advisory areas due to the very low, but nonetheless present risk to residents.

In October 2011 the minister was briefed again about the importance of the report. He was briefed about the fact that it deals with not only development but also what sorts of housing should be put up near major hazard facilities.

This is not an academic exercise, because in 2005 in Buncefield in the UK there was an explosion incident at a major hazard facility, and the impact of that was devastating. For 18 months this minister has been sitting on a report that talks about developments near major hazard facilities, and he will not release it. He will not allow the public to understand what the risks are with developments near major hazard facilities. He will not allow the public to see the recommendations of this committee in terms of where you should or should not build near major hazard facilities. Mr Drum may smirk, but the only explanation — —

Mr Drum — I am smirking at you, not at what you are saying.

Mr TEE — The only explanation for this after 18 months is that he is waiting for the Minister for Ports or he is waiting for a cabinet process, both of which he controls. Cabinet meets every week, and yet he refuses — —

Mr O'Donohue — Mr Guy controls the cabinet, does he?

Mr TEE — No. Mr Guy, as a minister, can turn up at cabinet, which meets every week. The government controls the cabinet. He can put up — —

Mr O'Donohue — You are changing your story now.

Mr TEE — Is Mr O'Donohue suggesting that he cannot get an item on the agenda?

Mr O'Donohue — No, you are the one who said he controls the cabinet.

Mr TEE — If Mr O'Donohue is suggesting that the excuse for this report not being released is that in 18 months the cabinet could not consider this report, then bring it on! I would like to hear an explanation for why this important report has not been released.

The consequences of this hold-up are potentially devastating and the excuse is lame, pathetic and ordinary. The minister is not concerned. He is not doing anything. He is not getting it through cabinet; he is not getting a response from the Minister for Ports. The council is concerned because every day it has to make decisions about what developments occur near these major hazard facilities and about what developments should occur near these ports. Every day it has to make those decisions. Yet it is missing the one crucial bit of information that the minister has been sitting on for 18 months. He will not release it, and he will not provide an explanation, apart from the fact that he cannot get it through cabinet.

In May 2011 the council wrote to the minister. The letter from the chief executive officer says:

At the ordinary council meeting of 17 May 2011, the council resolved to write to you requesting that the Port and Environs Committee report ... be released ...

While the council understands that there is no obligation to release the reports, both —

that report and the Port Phillip Woollen Mill advisory committee report —

are of significant interest to the council and to the community.

Of course they are of significant interest to the council and to the community.

As such, the council respectfully requests that you release these reports to the public as soon as possible.

That was in May 2011. It took the minister more than six months to respond to that letter. It took the minister

until 29 November, the end of November, to respond. Can you believe it? The council wants to get this documentation out so it can make decisions that are in the best interests of the community. It wrote — very respectfully, there is no question about that — to the minister, and a motion was passed by the whole of the Hobsons Bay Council so it could make better decisions for it and for its community.

It took the minister six months to respond. This is what he said:

In relation to the Port and Environs ... Committee report, I have previously advised that this report will be released ...

Thanks for that:

If you have any further inquiries regarding this matter, please contact Jane Monk, director, State Planning Services on —

and then there is a blank. It is a three-line letter. It took the minister more than six months to write a three-line letter, and he could not even put the phone number of the person to contact at the department. There is no explanation for the delay. He is not blaming cabinet this time, or indeed the Minister for Ports. There is no explanation, no reason, and no joy in terms of how much longer the community has to wait. The minister is sitting on the most vital documentation, a crucial cog in the wheel. He will not release it. He will not provide an explanation. It took him six months to respond to a letter, and then it was half a response. There was no explanation for the delay. It is a three-line letter, and it took him six months.

This is a disgrace, and it should be remedied. I urge those in this chamber to support what is a simple request — that is, that we get the documentation out so the community can be informed about the risks. We need to ensure that development occurs in a way that will protect the long-term viability of ports across Victoria and that those who build and who buy near the ports understand what they are building and buying into.

Ports are industrial areas. They are noisy and dusty, there are lights and there are trucks. Information on how you best manage that from a port perspective and a community perspective is missing, and there is no explanation as to why. I urge everyone in this chamber to support this motion.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the government in the debate on Mr Tee's motion. The last sentence in Mr Tee's contribution was, 'I urge everyone in this chamber to support the motion'. Is it not instructive that there are two members of the Australian Labor Party in

the chamber: Mr Tee, who moved the motion, and Mr Eideh? The other members of the Australian Labor Party obviously have very little interest in the arguments in Mr Tee's contribution — the opposition benches are empty. It is a reflection on Mr Tee's contribution that he made a plea for members of the chamber to support his motion, yet none of his own party's members, apart from Mr Eideh, are in the chamber. It says a lot about Mr Tee's contribution and a lot about this motion.

In a nutshell the substance of Mr Tee's motion was: Mr Guy has had this report for so long and this report is super critical, so we must have it released now. But the background Mr Tee forgot to mention was that the Australian Labor Party in Victoria was elected to government in 1999, yet the then Minister for Planning provided the terms of reference for this inquiry in 2009. We had a super-urgent report but it took the previous government a decade to deliver the terms of reference for the review of planning controls for the port and environs. There is a flaw in Mr Tee's logic. He selectively picked times to suit his political purposes in opposition business time. He did not mention that it took the Labor Party 10 years to issue the review and that the review only came back in the dying days of the previous government.

I do not want to mislead the house: three members of the Australian Labor Party are now in the chamber, with two members supporting Mr Tee for a total of three.

Mr Leane — Acting President, I share the member's distress, and I draw your attention to the state of the house.

Quorum formed.

Mr O'DONOHUE — Before Mr Leane called for a quorum I was reflecting on the amount of time — a decade of government — the previous government took to even issue the terms of reference for the review of planning controls for the port environs. Mr Tee, in complaining about response times, needs to have a bit of a look at the response times of the previous government, because he contradicted himself in his contribution. First of all he said there was never an explanation as to why the report had not been released. He then went on to quote from a letter by Minister Guy, dated 27 March 2012, which I will also quote from. It states:

I refer to the Legislative Council's resolutions of 14 March 2012 seeking the production of:

a copy of the Ports and Environs Advisory Committee report that, according to the Department of Planning and Community Development website, was submitted on 1 November 2010.

The government is in the process of responding to this resolution.

As the response to the report is yet to go through the cabinet process and it is appropriate that both the report and response are released simultaneously, the government is not able to respond to the Council's resolution within the time period requested. The government will respond as soon as possible.

I can advise the house that the advice from Mr Guy is current. The government will respond to this motion as soon as possible, and on that basis the government does not oppose the motion moved by Mr Tee today.

What was also interesting in Mr Tee's contribution was his criticism of the port expansion that Dr Napthine, the Minister for Ports, announced on 26 April. We have heard a lot of bleating and complaining from the Labor Party — 'Where is your jobs plan?' — but of course Labor's jobs plan is to ask others to give it a jobs plan. It basically called for submissions — —

Hon. D. M. Davis interjected.

Mr O'DONOHUE — Indeed, Mr Davis; it took them 1000 days to deliver a manufacturing policy. The port of Melbourne expansion — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Ramsay) — Order!

Mr O'DONOHUE — Let us be clear: Mr Tee, as the lead speaker on this motion on behalf of Mr Lenders and everyone else who represents the Labor Party, has attacked the port of Melbourne expansion and attacked the creation of 2600 jobs and \$1.2 billion of investment. On the one hand members of the Labor Party are bleating about a jobs plan, and here we have a significant investment by the Victorian government in the port of Melbourne, one of the key drivers of economic growth in Victoria. On behalf of the Labor Party Mr Tee is opposing this expansion.

It appears that the Labor Party in Victoria is following its federal colleagues by entering into a de facto coalition with the Greens. I give Ms Pennicuik credit; she is consistent on these matters. However, Mr Tee is flip-flopping all over the place depending on what motion is being moved and where he thinks he can eke out some political advantage. It is absolutely regrettable that the Labor Party is abandoning regional producers,

exporters and all those who rely upon the port of Melbourne for their jobs.

The port of Melbourne is critical to the Victorian economy. A press release from the Premier dated 26 April states:

'Last financial year exports through the port of Melbourne grew at a rate of 11 per cent compared with a 4.9 per cent increase in imports', Dr Napthine said.

'To a large extent, Victoria's primary producers can take the credit for this fantastic result with the state's total food and fibre exports rising by \$1.3 billion to a total of \$8.07 billion in 2010-11.

We have seen massive increases in demand, particularly for our dairy, grain and meat products, from Asian countries such as India and China.

This is extremely encouraging given the difficult global financial conditions we now face but it is important we take steps to maximise our chances to benefit from these opportunities'.

...

Dr Napthine said the construction of a third container terminal would also see a more competitive environment at the port of Melbourne, which would be an advantage for exporters.

'If we do not proceed with this development, the port would reach capacity and become congested which would add to the cost of exporting our agricultural produce', Dr Napthine said.

The port of Melbourne expansion project will see Webb Dock developed as a container terminal capable of handling at least 1 million 20-foot equivalent units per year with additional infrastructure work to also increase capacity at Swanson Dock.

A major feature of the project will be a new road directly linking the Webb Dock terminal to the M1, providing greater efficiencies in logistics and removing port trucks from local streets.

That last point is exactly the criticism Mr Tee appears to have, but the release concludes:

The project will create 700 direct jobs and will indirectly support employment for a further 1900 people, many of whom will be located in regional Victoria.

I am absolutely flabbergasted that Mr Tee opposes the creation of 700 direct jobs and 1900 indirect jobs and does not support the employment of another 1900 people.

We are living in challenging economic times, and with the high Australian dollar it is very difficult for our exporters, but despite that we have a situation where our food and fibre exports are rising significantly, and Mr Tee does not want to facilitate that. Mr Tee and the Labor Party do not want to facilitate those exports and those jobs, so the next time members of the Labor Party

bleat and complain about a jobs plan, they should reflect on their decision to oppose the expansion of the port of Melbourne. The position articulated by Mr Tee in his contribution on this motion is most regrettable. Bipartisan support for significant infrastructure expansion and the creation of jobs is always welcome, and it is regrettable the Labor Party has not adopted that approach and that its members are seeking to score political points at the expense of job creation.

The government does not oppose Mr Tee's motion. As the letter from Minister Guy articulates, the government will respond as soon as possible to the motion moved by the house on 14 March.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support this motion, and we suggest that the particular document we are looking for — the Ports and Environs Advisory Committee report — should already have been released. I find it quite astonishing that the report has not been released, especially given the announcement that was made on 24 April regarding the redevelopment of the port of Melbourne and the expansion of Webb Dock, as it is called, to accommodate a new container terminal, which we are told will have a capacity of 1 million containers. That is not a mere expansion of Webb Dock; that is a significant port in itself, given that it can move 1 million containers.

We should bear in mind that the port of Melbourne at the moment moves around 2.5 million containers a year, so the new container terminal will be getting towards half the size of the port of Melbourne as it now is. It is astonishing that this report has not been released when the government is announcing such a huge change to the port of Melbourne. The government should release the report posthaste.

The community that surrounds the port of Melbourne is located in four local government areas: the cities of Hobsons Bay, Maribyrnong, Melbourne and Port Phillip. The residents in those communities are already subjected to a host of impacts from current activities at the port of Melbourne, and members would have heard me and other members speak many times about the number of trucks that travel through suburban streets due to the current activities at the port of Melbourne.

In their announcement of the Webb Dock proposal, Minister Napthine, the Minister for Ports, and the Premier did not once mention the words 'rail freight'. It is just more trucks, whether or not they go onto the M1 freeway, which is already chockers. It does not give us much comfort to know that, because what we should be doing as a community is moving to rail freight.

There is nothing in the budget with regard to, for example, the truck action plan, which we were told earlier was going to be implemented. That does not seem to have been funded, and it seems it will not happen. The people around the port will continue to be subjected to excessive truck traffic.

The Greens do not object to our primary producers exporting produce, but the port of Melbourne is situated in a particular area, and the citizens around that area deserve to be included in the negotiations and consultations about what the plan is for their environment, which will be impacted by the port.

If you look on the Port of Melbourne Corporation's website, you will still see the draft *Port Environs Planning Framework* of November 2009 and the *Port Development Strategy 2035 Vision* of August 2009. They are about two and a half years old but are still up there, and I am not sure what their status is.

If we go back a little in history — the first resolution of the Council regarding this particular report was in March — at that time the situation was that we were having a container port at Hastings, which the Greens do not support because of the environmental impacts that development of the port of Hastings would have on the Ramsar wetlands and the United Nations Educational, Scientific and Cultural Organisation biosphere region around the port of Hastings. On 19 April I asked a question on notice of the Minister for Ports about the status of the port of Hastings land use and transport strategy document. I received an answer on 19 April in which the minister told me that report has no current status and the coalition government has a plan to develop the port of Hastings for the container trade in the next 10 to 15 years.

That was on 19 April, and not five days later the government announced, 'No, we are having a container port at Webb Dock'. There was no mention of what was happening to the Hastings plan. I hope that plan has sunk without a trace, because it should not be developed into a container port; we already have a container port at the port of Melbourne.

We now have before us an announcement to add to that 2.5 million containers a year at least another 1 million containers a year, but we do not have the report of the Ports and Environs Advisory Committee about how that all fits together and what the impact will be on the surrounding community. Mr Tee talked about light and noise. The information we have is that there could be 70-metre-high cranes and 14-metre-high diesel-powered cranes, which are very noisy and which I presume the port would want to operate 24 hours a

day under floodlights emitting noise, dust and light, not to mention what I have already mentioned — that is, the truck movements in and out of the port which would severely impact on the amenity of the surrounding areas.

What we need is long-term planning for the city of Melbourne so it remains a livable city for the people — —

Mr Elsbury interjected.

Ms PENNICUIK — Mr Elsbury is looking at me quizzically. As a member for Western Metropolitan Region he should be standing up for his constituents in the cities of Hobsons Bay and Maribyrnong.

As I started by saying, it is astonishing that a huge project could be announced in this past week when the report has still not been made public. I cannot understand why it has not been made public. The public has a right to this information and needs to know what the port had in mind for its activities and its expansion and what effect it is going to have on the public. Just today I asked the Minister for Planning whether there is going to be an environment effects study or an impact assessment done under the Major Transport Projects Facilitation Act 2009 — which I might add we opposed — or whether a planning panel would be appointed to look at the obvious environmental and amenity impacts that such a development would impose on the residents near Webb Dock. He said he did not know yet, and that is fair enough. I would like to know when he is going to know. This is a crucial issue for not only nearby residents but Melbourne residents in general.

I have said many times in the last Parliament and in this Parliament that one of the concerns I have is that we do not have a nationally coordinated approach to moving freight around the country. There are competing states and competing ports, and I am not sure — in fact I am convinced it is otherwise — that that is the best model. To get something in place that is economically and environmentally sustainable we need national coordination as to the best uses of which ports for the movement of which freight including the use of rail up and down the eastern seaboard and through the regional areas to the ports. As we go into an era of peak oil and rising oil prices we cannot continue to move this amount of freight on roads, not to mention the lack of amenity for people.

In *Port Development Strategy 2035 Vision* we see the figures that the port has put forward, which I have always questioned. The growth in trade out to 2035 is

forecast to increase from 2 million TEUs (20-foot equivalent units) in 2010 to 7 million TEUs in 2035. This will require a quadrupling of the number of containers going through the port of Melbourne. As I said before, these are just the port's figures; they have never been independently verified, and they rely on a population of something like 7 million in Victoria and a quadrupling of consumption by Victorians. I have always called for the government to provide some independent analysis of the figures on which it bases its decisions.

Without the report and some visible national coordination — even state-level coordination — of what is going on with the ports we just get ad hoc announcements. We have already heard that Hastings was going to be a container point, and now it is not. Now we are going to have Webb Dock. Both would have significant impacts on the surrounding environment that need to be considered. It is not possible to put that sort of development into the middle of the city of Melbourne, which is surrounded by residential areas in the four municipalities I mentioned, without assessing its impacts. You cannot say what it is going to be before you have looked at what the impacts will be and what other types of long-term planning need to be put in place in terms of the movement of freight and the livability of the city — whether it will be 1 million containers or another number — to address the impacts on the city of Melbourne as well deal with the needs of exporters.

It is way past time for this report to be released and, as I said, it should have been released in conjunction with the announcement. It is amazing that we still do not have it. The government has form in this, and without foreshadowing a motion that is ahead I have complained about the lack of release of reports in other debates. When we are trying to look at important legislation that comes to the Parliament, we have to do it without the research and information gathering that has been done to support that particular proposed legislation. We have the same situation here. It is not acceptable, and the government should release the report.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to make a contribution to Mr Tee's motion 333 in relation to the order by the resolution of the Council that the Ports and Environs Advisory Committee report be tabled in the Council by 12 noon on 27 March. The report has not been received by the Council, and there are a number of other issues relating to the motion.

In his contribution Mr O'Donohue succinctly laid out the events that the Minister for Planning has instigated in relation to this motion and in particular the letter he has provided to the Legislative Council that clearly explains his reasons as to his response. The letter states:

The government is in the process of responding to this resolution.

As the response to the report is yet to go through the cabinet process and it is appropriate that both the report and response are released simultaneously, the government is not able to respond to the Council's resolution within the time period requested. The government will respond as soon as possible.

I know there has been some commentary in relation to that issue in the debate, but I reiterate what Mr O'Donohue said in relation to Mr Tee's comments in that the terms of reference for the review of planning controls for the port and environs took some time to be delivered by the previous government. As Mr O'Donohue indicated, they were finally released. Why is it that Mr Tee is pushing this issue now? When he was in government it took a significant amount of time, but it is now a matter of urgency. I am curious to know why he did not bother to raise the issue when he was in government. Now that he is in opposition it seems opportune that he is raising this issue. In his contribution he requested —

Mr Lenders — It is curious that the Liberal Party wants to direct what the Labor Party does rather than govern.

Ms CROZIER — I suggest to Mr Lenders that it is very curious that this was not undertaken when he was in government. Mr Tee failed to push this as an urgent issue then. That is the crux of my commentary in relation to Mr Tee's issue with urgency. It is no secret that the government is taking this situation seriously. The government has undertaken extensive consultation within the ports and planning portfolios. I know that Mr Tee was questioning whether the cabinet ministers actually speak. He asked that question number of times in his contribution. It is clearly laid out, as I said, in relation to the letter that has been provided by Mr Tee about why there has been this delay.

I would like to go to the crux of this issue, which is the port of Melbourne. The port is a vital piece of infrastructure to the Victorian economy. The port of Melbourne has been a part of Melbourne's economic activity since settlement, and I think it is interesting to note that as the city has expanded so has the port of Melbourne. As has been highlighted by a number of members, the port plays a significant role in Victoria's economy. As Mr Tee noted, it is the largest container port in southern Australia in terms of the numbers of

imports and exports that move through it each year. The expansion of the port, which was announced by the Minister for Ports and the Premier last week, is going to benefit not only regional Victorian producers for whom the port is a main source of activity but also those closer to Melbourne, including the retail sector.

As Mr O'Donohue highlighted, the press release issued by the Premier says that the project will directly create 700 jobs and will indirectly support employment for a further 1900 people, many of whom will be located in regional Victoria. The benefits will flow on to the retail space in inner Melbourne, and that is good in light of some of the economic challenges that we have faced. We are all aware of the challenges we have faced from a Victorian perspective. We are heading into the federal budget next week, and the federal Treasurer has expressed concerns about the challenges the nation faces. Anything we can do to support our important trade industries and regional areas — —

Mr Barber — Just hand over the document!

Ms CROZIER — I remind Mr Barber that it is important that this issue be noted, because it is about a very important project. I ask Mr Tee why, if it is such a huge issue now, was it not such a huge issue for the former government? I want to reiterate that this is going to be a vital part of the Victorian economy into the future. Mr O'Donohue has already indicated that those opposite, including Mr Barber, should be embracing this and looking at it. In her contribution Ms Pennicuik asked what happened to Hastings. There have been a number of announcements, but you cannot build infrastructure that is going to cater for this increase in activity overnight.

Ms Pennicuik — I said I'm glad it's gone.

Ms CROZIER — I know Ms Pennicuik is not supportive of the port of Hastings development, but it is a medium to long-term imperative for the entire state. In the meantime the port of Melbourne has to be upgraded so that it has sufficient infrastructure capacity to cater for the forecast increase in export trade. That is good for the state economy and for all Victorians, so it should be supported by those opposite.

I advise Mr Tee that this is definitely a planning issue because it is taking into consideration the ongoing growth and the needs of Victorians and it also takes into view the port of Hastings and how that will develop over the coming years.

In his contribution Mr O'Donohue highlighted issues relating to the transport congestion that this development might cause. It is not surprising, I

suppose, that an article published a few days ago in the *Maribyrnong Weekly* stated that the opposition ports spokesman, Mr Pallas, the member for Tarneit in the Assembly, said he expected the report to recommend Webb Dock be expanded to have the capacity for 1 million containers. That will obviously have an ongoing impact on the traffic congestion. The need for ongoing road movement was highlighted in this project, and that has been factored into that area of planning so that the capacity can be met.

It seems to me that those opposite are not very supportive, with a number of members commenting on the road congestion. Despite the opposition having done nothing about it, even though it had its own plan and terms of reference in relation to this issue some years ago, it is now discussing congestion planning.

We are considering all those issues and they are being factored in. This activity will take place around the port of Melbourne, and it is nothing new. Trade has been coming in and out of that port for as long as Melbourne has been settled. Those living around it — —

Mr Lenders interjected.

Ms CROZIER — To take up the interjection from Mr Lenders, I was not in the house when that was debated. It is all about future expansion and being able to cater to what the Victorian economy needs. The Minister for Ports and the Premier made the announcement last week, and it is good news for the Victorian economy, it is good news for regional jobs, it is good news for regional exporters, it is good news for those in retail. Mr Lenders, along with other members of the opposition, should be supporting the growth of this project and the growth in jobs that that will entail.

Mr Tee said Mr Guy gave a pathetic and lame excuse. In the time he has held the planning portfolio as the Minister for Planning Mr Guy has undertaken enormous planning initiatives, and he should be congratulated on the consultation he has undertaken in conjunction with the Minister for Ports.

In conclusion, the Victorian government reiterates that once the cabinet process is concluded the report will be released to the public. I reiterate what Mr O'Donohue has said, that we will not oppose Mr Tee's motion.

Mr ELSBURY (Western Metropolitan) — When I first entered the chamber I did not intend to speak on this motion, but after hearing some of the debate I could not resist getting up and adding my own contribution. We need a port system that can sustain the industrial capacity of Victoria. We need to send our exports overseas so that we can generate revenue. Strangely

enough, we want to sell our goods overseas so that we can create jobs. We want to be able to take our knowledge and expertise, put that into an industry and get our products onto the shelves and into machines in other countries.

We need to ensure that we get the benefit from the knowledge we have and the wherewithal available to us. That is part of the reason we have supported trade missions visiting overseas countries. We need to open up additional markets. What would be the point of opening up extra markets if we could not get our products into the global marketplace? Why would we even bother undertaking trade missions if we could not put our products into containers and then send them to various ports around the world?

Mr Tee is asking that the Ports and Environs Advisory Committee report be made available. I will not be opposing that, because it is up for grabs, and therefore will support this motion.

I was taken up for the quizzical looks I directed at Ms Pennicuik, and I apologise for that. I was trying to follow her train of thought, but I will avoid doing that again. What I understood from her contribution was that the Greens do not want a port at Webb Dock; they do not want the industrial capacity of Webb Dock to be improved. The Greens do not want a port at Hastings. They do not want a port of any means. I wonder where the Greens would like to place a port if it cannot be put anywhere. Instead a proposal — almost — was put forward in Ms Pennicuik's contribution about nationalising the ports and putting them under one umbrella. Instead of each individual state being able to put forward its competitive advantage, there should be a national system that would say, 'This ship should go to this port to drop off this container'. It does not make sense, and it does not work in the real world.

What happens in the real world is that a ship coming in to Australia will find out about the backlog of ships in the bay — —

Mr Lenders — The ship has a brain?

Mr ELSBURY — No, the ship's captain perhaps. As he is approaching the east coast of Australia the ship's captain will make a judgement call on the best place to drop off his containers. I admit I am not a port manager, I am not a sea captain and I am certainly not a pirate like the members of the Greens. The ship's captain will make a decision as to where he will go, whether it will be Brisbane, Sydney or Melbourne. If the port of Melbourne has a backlog of ships, he will go to Sydney. That is how it happens. It is not like an

aircraft that generally has to land. As long as the ship gets to port, that is enough for most sea captains, because they want to get on with the job of delivering containers to other ports around the world. You cannot say that this ship must go to this port. They are dropping off containers up and down the east coast, so if they do stop in Sydney and drop off a couple of dozen containers for Melbourne, then it happens. The importer bears the cost of having to move those containers from Sydney to Melbourne. That is how it happens, but Ms Pennicuik has said we should instead use trains. We should nationalise the system, bring in centralised control of our port system, stop the competition between the ports and stop the ability to make decisions.

Ms Pennicuik — I never said that.

Mr ELSBURY — Ms Pennicuik said that she wanted to have a national system of organising our ports and instead we will use trains, because we are about to reach peak oil. What do trains run on? What is the substance upon which trains run? I am pretty sure it is diesel, and I am pretty sure it is actually made from oil.

Mr Lenders — Most of Melbourne's trains run on electricity.

Mr ELSBURY — Commuter trains do, Mr Lenders, but have you noticed the diesel electric trains that actually do the bulk of your deliveries across vast distances?

The ACTING PRESIDENT (Ms Crozier) — Order! Through the Chair, thank you, Mr Lenders and Mr Elsbury.

Mr ELSBURY — Thank you, Madame Chair, and through you, I would like to remind those in the chamber that the bulk of freight rail across the country is delivered by diesel electric trains — that is, by trains that burn diesel fuel, convert it to electricity and then use electric motors. They are not electric trains.

Mr Lenders — The line to Traralgon is electrified.

Mr ELSBURY — The line to Traralgon may be electrified, but is the line to Sydney electrified? I do not think so. Is the line to Perth electrified? I do not think so. What we have got is an opposition that is completely out of touch with the modes of transport that are available, but in any case you have got diesel being burned by trains in an inefficient manner compared to being able to bring a ship into the port of Melbourne.

With regard to questions about consultation processes, a question was asked in today's question time, if my memory serves me correctly. The Minister for Planning was asked about the consultation process, and he gave a very level and accurate answer to the consultation process that will be undertaken for Webb Dock. If you look at the design work that is being done for Webb Dock, you will see that several internal roads are being constructed. The idea of these roads is to remove trucks from the normal local and commuter traffic that moves around near the Port Melbourne area and away from the residential and commercial areas, giving direct access to the M1 and on to the West Gate Freeway. Of course from there you can gain access to the Monash Freeway, the Western Ring Road and WestLink.

As somebody who comes from the western suburbs and who supports industry and manufacturing across the western suburbs, it is imperative that we have access to our ports. That means that having this direct link from the West Gate Freeway straight to Webb Dock will provide us with greater capacity to move our wares from the factories and the warehouses across the western suburbs which border the Western Ring Road. This will enable us to move those items onto the docks, onto ships and out to markets across the globe. WestLink also connects up with the Tullamarine Freeway and on up to Craigieburn and Tullamarine to access the manufacturing that occurs in that region as well, so this is a fantastic infrastructure contribution for the western suburbs.

Mr Ondarchie — And Broadmeadows.

Mr ELSBURY — Mr Ondarchie tries to chime in by saying, 'Broadmeadows'. I suggest that he gets on the speakers list. They upset me, so I am now having a go at anyone. In any case, it allows us to use the industrial capacity of Melbourne's west and the north of the city and to get our produce and products onto ships and out into the marketplace.

There has been a historical issue with regard to trucks along Francis Street in Yarraville. That has been recognised for an exceptionally long time, and it is being dealt with by way of curfews on trucks using that particular route. The 'Docklands highway', or Francis Street, is only allowed to be used for local deliveries and pick-ups to allow the industries that exist in that region of Yarraville and Footscray West to do their trade and move their products and gain the raw materials that they need to do their work.

The port of Hastings remains an important part of the government's agenda to encourage greater capacity to get our products out into the marketplace, and this will

take some time. There is no question that it will take time to provide all of the infrastructure that such a massive project will need, and we are currently in the process of planning that and working through the various issues that come with such an absolutely massive infrastructure project as the port of Hastings. I ask Ms Pennicuik, why would you not want a port of Hastings where you have got natural deepwater to be able to bring in large ships and to move greater capacity more efficiently and with more fuel efficiency? That is, more fuel efficiently, I say through you, Madame Acting President.

Mr Barber — Western Port is a deepwater port.

Mr ELSBURY — It is deeper than Port Phillip, so there you go. In any case, increasing our port capacity is about developing jobs. It is about developing jobs across industries, whether that be in manufacturing or whether it be through our agriculture. It is about being able to move our technology overseas, being able to get our products out there and being able to develop new markets, like we have sought to do in the Middle East and in India. You would want to be able to supply the massive demands that India currently has for raw goods, components and even completed articles that are constructed or put together here in Victoria. It would be great to be sending items over to the United Arab Emirates with a 'Made in Australia' sticker on the side of them. It would be even better if they were made in somewhere like Laverton North, Craigieburn or even Tottenham.

The coalition is not opposing the motion put forward by Mr Tee. No doubt he has taken a lot of notes and will be making a fantastic rebuttal. I would not expect anything less of someone with such standing in this Parliament — I use that term very loosely. I voice my strong support for ports across Victoria, so that we can get on with the job of creating jobs and putting our products on the world market.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a few remarks in reply. It has been a wide-ranging debate, but when you pare it all back and move past the hyperbole and the trucks, the trains and the diesels — —

Mr Lenders — And the electrified railway.

Mr TEE — And the electrified railway. When you start to look at some of the issues that really matter in this debate, it is clear, notwithstanding what Mr O'Donohue said, that what we have in common is that we recognise the importance of the port of Melbourne as a driver of goods, a deliverer of goods

and services and as an important part of the Victorian economy.

Mr O'Donohue sought to suggest that I did not support the expansion of Webb Dock. That is the start of those opposite coming apart, because we all support the vibrant economy and we all support the vibrant port of Melbourne. The problem — the spoke in the wheel, the issue or the delay — is the Minister for Planning. It is the minister's inaction that is the issue here. It is a fact that after 18 months he cannot get this document through cabinet. It is not whether or not we support the port; we support the port. It is not whether or not we support the rights of residents to know what impact the port will have and where it is appropriate to have development; we all think they are important. The reason we do not have those answers is the Minister for Planning. He is the hold up.

Everybody in this chamber shares similar views and similar concerns. But as Ms Crozier rightly said, this is a planning issue. We have a Minister for Planning who has failed the community and the port. It was a wide-ranging debate, but if we look at the reasons those in defence of the minister offered as to why, after 18 months, he could not get this document through cabinet, they were very thin on the ground. I cannot even recall an explanation. There was a lame attempt to read into *Hansard* the minister's one-line letter, which talked about the cabinet process.

I would have thought it would be appropriate for this matter to go through cabinet. But there was no explanation as to why it has not in 18 months. That was a stark omission in a debate that was very wide ranging. The only explanation we had, which was from Mr O'Donohue, was that it was the fault of others. The government does this well — that is, blame others. If it is not the carbon tax and if it is not the previous government, then it is the federal government. That was the only fig leaf he used to cover the gaping hole in the argument of those opposite.

You cannot have a port co-existing with development when you have a planning minister who cannot do his job. Until that issue is remedied the port operators will live in fear, as will the communities. These are fundamental issues for the development of a very important part of Melbourne, which is experiencing extreme pressures, a massive expansion of the port and a massive expansion of development, and it is occurring in a vacuum. It is a planning issue, as Ms Crozier rightly identified. But we do not have a planning minister. He did not appear today. No explanation was given for why, after 18 months, we still have not had this document go through cabinet. There was no

defence of the inaction and there was no defence of the minister. I think that speaks volumes for the low regard that those opposite have for the job that this minister is doing.

No-one stood up and defended his excuse. The best we got was a reading of the letter that he provided. Not even the minister fronted to explain why, after 18 months, he cannot get a document through cabinet. He did not turn up to explain whether or not there were any compelling circumstances or any complexities. No-one offered any explanation whatsoever for the delay. That is of great concern, not only for this issue but for planning more broadly in Victoria.

We are experiencing growth. We need a minister who is on the top of the job and on top of his portfolio. This is a bleak example of him not being able to deal with a fundamentally important issue. You would have thought his role in this would be easy after 18 months. He says all he needs to do is get it through cabinet. On one level we have him failing on the easiest of tasks.

I am pleased that those opposite are not opposing the motion, but I am concerned that at the end of this debate there are more questions about the competence of this minister than there were at the start. No explanation has been given as to why it has taken him 18 months to get something through cabinet, which he still has not succeeded in doing. That is of great concern as we move ahead in this planning space.

Motion agreed to.

PRODUCTION OF DOCUMENTS

Ms PENNICUIK (Southern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 22 May 2012, the following Independent Broad-based Anti-corruption Commission consultation panel documents:

- (a) any submissions made to the panel;
- (b) any final briefings and the final report produced by the panel; and
- (c) any other documents of an information or research nature produced or relied upon by the consultation panel.

I move this motion because for more than six months now we have had put before us a series of bills to establish the Independent Broad-based Anti-corruption Commission (IBAC). Two bills have passed through the Parliament regarding the Independent Broad-based

Anti-corruption Commission, one bill regarding the Public Interest Monitor, two bills regarding the Victorian Inspectorate and there is another bill in the lower house regarding the examination powers of IBAC, which I understand further amends the Victorian Inspectorate Act 2011.

Throughout the debate on those bills, which has been going on in this house for six months now, I have made the point that members of Parliament who are being fed bills once a month to establish the commission have complained about that particular process. I have criticised that process as being inadequate. What should have happened is that full exposure bills establishing IBAC, establishing the Public Interest Monitor and establishing the Victorian Inspectorate should have been put out for public consultation rather than having this process. As this has gone on, we have also known that the government undertook some consultations in confidence with certain stakeholders and a report was released to the government informing it, we presume, of the type of model that should be put forward.

The government itself said it was putting forward a model based on the New South Wales ICAC (Independent Commission Against Corruption), which it has not done. The model that is unfolding, if I can use that word, before us has many differences from the New South Wales ICAC model, particularly in relation to the New South Wales ICAC not including the police because New South Wales has its Police Integrity Commission, which was set up on the recommendation of the Wood royal commission. The Wood royal commission found that at that time ICAC could not deal and was not dealing with police corruption and recommended that the Police Integrity Commission be re-established.

It is my view on a reading of the models around the country and considering the pros and cons of each that in the first instance in Victoria we should have retained the Office of Police Integrity and established IBAC to work complementarily to it, as happens in New South Wales. That would have been following the New South Wales model.

I have raised other differences in debate on the two IBAC bills so far and in the debate on the two bills we have had in relation to the Victorian Inspectorate, which I will not re-prosecute here. The issue I have raised every single time is that we do not have access to the panel's report. It should be made available to the Parliament and the people of Victoria so that we have the information in front of us to make informed decisions about this very important initiative. Setting up an independent anticorruption commission is a big

thing to do, but only the government or even only the cabinet appears to have access to that document, which should be released to the public.

I have asked for any submissions that were made to the panel to be released to the Parliament. That is an unknown number; I do not know who all the submitters were. I do know some submissions have already been made public by the submitters, but they should all be released to the public along with any briefings and the final report produced by the panel. The crux of it is the final report, which we assume the government is relying upon in setting up IBAC, the inspectorate and the Public Interest Monitor.

The third part of my motion calls for any documents of an information or research nature produced or relied upon by the consultation panel, and that is any research that is out there that the panel has used or that it commissioned or conducted in its process of providing advice to the government. I have never understood why this information is not available to the public. We have a matter before us of high public interest and importance, and yet the public does not have access to this fundamental information about it.

I do not intend to re-prosecute all the arguments for and against, but just to repeat what I have reiterated — that is, every single time I have spoken about the IBAC bills I have lamented that we do not have this information. It is important that it is there for MPs, and the reason I am moving this motion now is that I have asked for the information. I have also requested the information through the FOI process and I am now in the internal review stage of that process. I ask for it to be tabled in the Parliament because by the time that process is gone through it will already be too late.

I am presuming that the latest IBAC bill will be debated in this house in the next sitting week. It is on the notice paper in the lower house for debate tomorrow, so there is always a chance it may not emerge from the lower house tomorrow, but if it does, it will therefore be in the upper house by the sitting week commencing 22 May. This will give members a chance to at least look through that report in the deliberations on that final aspect. I do not know if it is the final one. The minister says that it is probably the final one, apart from transitional and other arrangements that may come back in further bills, but as I have not been able to obtain the documents through the FOI process and the government has not seen fit to release them to the Parliament in the last six months, which it should have done, I have moved this motion today that the government table this report.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the government in relation to Ms Pennicuik's motion 338, which states:

That this house requires the Leader of the Government to table in the Legislative Council by 22 May 2012, the following Independent Broad-based Anti-corruption Commission consultation panel documents:

- (a) any submissions made to the panel;
- (b) any final briefings and the final report produced by the panel; and
- (c) any other documents of an information or research nature produced or relied upon by the consultation panel.

The government will not oppose Ms Pennicuik's motion. Ms Pennicuik has given some details of other processes she has pursued to seek these documents, which I note. The government is very proud of the agenda it took to the last election with regard to an independent, broadbased anticorruption commission, which was one of a suite of policies to improve accountability and transparency in government and in public life. Part of that was also the creation of the freedom of information commissioner, which this house has previously considered. The government has quite an extensive agenda in this area, and the Independent Broad-based Anti-corruption Commission (IBAC) is very much part of that. We have seen come before this place other bills which deal with aspects of corruption, and Ms Pennicuik has flagged that the next bill is on the notice paper in the other place.

The government appointed a consultation panel to canvass the views of the key stakeholders on our IBAC policy. It is very important that we get this right. A number of jurisdictions have had independent broadbased anticorruption commissions or similar bodies for some time, and we can learn from those jurisdictions as well as from other people who are experts in this area.

It is worth noting that the consultation panel undertook its work on a confidential basis and that, as Ms Pennicuik noted in her contribution, some stakeholders have chosen to release their submissions. The IBAC policy is, and was prior to the election, a very important one for the government. It is a policy to rebuild integrity and public confidence in government and its processes, and the government is very proud of the fact that significant movement has already been made on these transparency and accountability issues, such as the freedom of information commissioner, the Victorian Inspectorate and IBAC. This matter is progressing, which is very good news.

The government welcomes Ms Pennicuik's motion. It welcomes debate on this very important issue and does not oppose the motion moved by Ms Pennicuik.

Mr LEANE (Eastern Metropolitan) — The opposition will be supporting Ms Pennicuik's motion on the call for these particular documents. I am interested to hear Mr O'Donohue say that the government needed to seek advice from different jurisdictions after coming to government. My understanding is that the government committed to a certain type of independent broadbased anticorruption commission, one to be modelled on the New South Wales body, which the government has far from delivered. It is very important that these documents be released so people can see if the government followed the advice it sought. I would be surprised if it did.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the motion Ms Pennicuik has brought before the house this afternoon. The motion is that:

That this house requires the Leader of the Government to table in the Legislative Council by 22 May 2012, the following Independent Broad-based Anti-corruption Commission consultation panel documents:

- (a) any submissions made to the panel;
- (b) any final briefings and the final report produced by the panel; and
- (c) any other documents of an information or research nature produced or relied upon by the consultation panel.

As Mr O'Donohue has stated, the government will not be opposing Ms Pennicuik's motion. The coalition government always welcomes debate on these issues. We have debated this issue and a number of documents issues in the past, and the government has been approaching these requests for documents in a way that shows its desire to communicate with the Council and its members in an open and transparent manner. That is very much a commitment we have undertaken in a number of areas right across government.

As I said at the outset, we are pleased to debate this motion. The coalition government has been implementing a number of significant items on its transparency agenda, which is going to be a hallmark in Victoria's history. It was no surprise that we were going to do this; we took this agenda to the election, and the Minister responsible for the establishment of an anti-corruption commission, Mr McIntosh, along with the Premier, was open and transparent about setting up an independent broadbased anticorruption commission that would enable a transparent and open process to be

undertaken within government and by other elected representatives upon whom this particular piece of legislation will have an impact.

The Parliament passed the historic Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011, establishing Victoria's first ever independent freedom of information, or FOI, commissioner. As I said, what this Parliament has undertaken is a hallmark of Victoria's history. It is a good thing to show the people of Victoria we were serious when we took that commitment to the election, and we are fulfilling it now.

It is complex legislation — I think we would all agree with that — and it needs to be addressed in a considered manner. The government has looked at the various pieces of legislation that this commitment requires and has been taking them through the Parliament by a very considered and systematic process. The introduction of an FOI commissioner represents one of the most significant reforms of FOI legislation since the Freedom of Information Act 1982 was introduced. Equally the coalition government is committed to having proper and thorough consultation with relevant stakeholders during the development of key legislation.

Mr O'Donohue made mention of the anticorruption commission consultation panel. As I have already said, Minister McIntosh appointed a consultation panel to canvass the views of stakeholders on key IBAC (Independent Broad-based Anti-corruption Commission) policy issues. Members of that panel were very eminent persons who have a great deal of knowledge in this area. The panel was chaired by the Honourable Stephen Charles, QC. The other members of the panel included His Honour Gordon Lewis, AM, a former judge of the County Court and former Victorian government solicitor; Mr Peter Harmsworth, AO, the former Secretary of the Department of Justice; and Ms Gail Owen, OAM, a distinguished solicitor and former president of the Law Institute of Victoria. That in itself shows how serious the government was. It got people with such knowledge in relation to — —

Mr Barber — I look forward to reading it, then!

Ms CROZIER — Mr Barber, I am referring to my notes about those people, who have contributed greatly to that consultation process. This is not about who the people are but the fact that the government put in place a panel with such people on it as those whose names I have just read out. They are eminent, have a great deal of knowledge in this area and have consulted with various stakeholders. The minister should be

commended for putting the panel in place and taking that consultation process out to a number of people. Indeed the issues that were raised in that consultation process included the scope of the definition of the public sector.

Mr Barber — How do you know this?

Ms CROZIER — Mr Barber may look at me like that, but the consultation was on a broad range of issues. I believe the panel consulted with over 40 stakeholders and received a number of written submissions. The findings of the consultation process and undertakings of the panel were reported back to government within an appropriate time, and that took place last year. As I have said, the government is very grateful for the contributions and important work of the people who comprised that panel. It has given a great basis for forming the IBAC legislation. Obviously there is a degree of confidentiality surrounding the process.

I say again that the minister, the Premier and other members of the government when in opposition took this election commitment to the people. We said we would set it up, and we have done so. IBAC is complex and its establishment is being undertaken in a systematic way. The government's commitment to a transparency agenda and the approach it has taken are in stark contrast to the previous government. Those opposite should not need to be reminded of the sham consultation process undertaken by the former Minister for Planning, Mr Madden, now the member for Essendon in the Assembly, in relation to the Hotel Windsor project, which was a complete debacle.

Ms Pennicuik — It's not about the Hotel Windsor.

Ms CROZIER — I am not going to stop, Ms Pennicuik. This piece of legislation is an important part of what the government said it would do and what it is doing. The government should be commended for the contrast with the previous government in how we have undertaken this process. It is a stark contrast to the shambolic process of Mr Madden in relation to the Hotel Windsor. In conclusion, the Minister responsible for the establishment of an anti-corruption commission and the Baillieu government can be congratulated on undertaking this process. As I said at the outset, the government welcomes this debate and will not be opposing the motion.

Mr O'BRIEN (Western Victoria) — The government will not oppose the motion. The government welcomes debate on these issues. It has been approaching these requests for documents in a way that shows its desire to communicate with the

Council and to be open and transparent. This will be a hallmark of this government, and it will be in stark contrast to the processes that were put in place by the former government.

The coalition's transparency agenda and commitment to consultation stand in stark contrast to the approach of the former government, where it was alleged that the office of the former Minister for Planning, the Honourable Justin Madden, MP, now the member for Essendon in the Assembly, intended to run a sham consultation process to halt the Windsor Hotel project. We know about that only because a rather eager member of Mr Madden's office somehow accidentally emailed the media plan to a news organisation, which resulted in the minister's diary for the next three or four weeks being revealed. The media plan indicated that the decision would be the subject of a sham consultation process rather than a genuine consultation process. As I recall, the words were to the effect that the process would show that the government had listened to the community and it could then refuse the proposal.

This is where it gets quite sad for the people of Melbourne, the citizens of Victoria and perhaps anyone who has to look at that development. One view of this whole exercise of the sham consultation process is that were it not for the unfortunate emailing of that document to a media organisation, one might have expected a genuine consultation process to have taken place. Although these matters have been inquired into, a full explanation has never been provided by the former minister, who is still a member of Parliament, and he could provide one at any time. Thus one can only speculate as to whether at the time that media plan was sent to the journalist the minister intended to refuse the proposal.

Because the media plan involving the sham consultation process was sent to a journalist, one could speculate that the only way for the minister to attempt to defend his credibility was to do the opposite of what the media plan said and approve the development. Instead of having an intention to refuse the development, having a genuine process where the community's strong concerns in relation to that proposal were listened to and considered, and then perhaps making a decision to refuse the proposal, there was the opposite of what was in the media plan, which was an approval. In an attempt to justify the decision the minister said, 'No, that media plan was not the real plan. I had intended to accept the proposal all along'. We will never know these things.

It is one of the hallmarks of the former government. One might speculate further that it was one of the

reasons the former government did not proceed with any planning policy at the 2010 election. It is one of the significant reasons the Labor Party is now out of office and hopefully will be so for a long time at a state level and also at a federal level when a federal election is held.

In addition to appointing a planning minister who is committed to open and transparent processes in relation to FOI, what the Victorian government has done, as it said it would do, is introduce a significant transparency agenda, which included the passing of the Freedom of Information Amendment (Freedom of Information Commissioner) Act 2011, which established Victoria's first ever freedom of information commissioner.

In relation to the documents being sought in this motion, there are good reasons for processes to be followed that do not always involve the revealing of the documents involved in those processes. But that is transparency if it is part of the process. One of the processes that has been involved in this is the subject of this motion, the consultation panel for the establishment of Victoria's anticorruption commission. This is another longstanding commitment that we have spoken about in several debates on bills before this house. It was an election policy of the separate parties before the coalition was formed, a cornerstone of the coalition government's policies going into the last election and a matter which the former Labor government refused time and again to embrace. This resulted in what has been described as a spaghetti bowl of integrity bodies.

In addition to his other portfolios, Mr McIntosh has been appointed as the Minister responsible for the establishment of the Independent Broad-based Anti-corruption Commission and has proceeded to build that integrity framework, and is continuing to do so with the introduction of more legislation into the other place during the last sitting week.

Part of what the minister did was undertake a careful and important consultation process in relation to the most serious issues of integrity in this state. In any of the debates that have been had in either chamber about the establishment of the anticorruption commission, the importance of integrity at the highest levels has been reaffirmed. The phrase 'Who will guard the guards?' has been bandied around, and in some instances there have been discussions about the 'guarder of the guards', the Victorian Inspectorate and other oversight bodies — the Public Interest Monitor and the parliamentary committees — that will exist to ensure that appropriate inspection levels can take place.

We know that the Australian union movement is having a pretty significant look at itself in relation to levels of

integrity and operation. These issues have arisen in the union movement before. That is one of the concerns, particularly as there is such a strong correlation between the union movement that is meant to represent all workers and a particular single political party, being the ALP. That is in contrast to the Victorian Farmers Federation, by way of example, which represents all farmers but which is an independent, non-political, or apolitical, industry representative lobby group. Integrity must go all the way through the processes. A lack of it is something that can infect an organisation and be difficult to remove once it has got to the top, which is why in the past there have been royal commissions into police forces in other states and why it is important that we have established the Independent Broad-based Anti-corruption Commission (IBAC) in a careful manner.

Part of that careful manner that is important is the consultation process that was established by the minister. An important panel was formed which was designed to assess the views of stakeholders on key IBAC policy issues. Many of these issues have been the subject of debates and different approaches, depending on one's view about the best way to deliver an integrity model. That is based on experiences that unfortunately occur from time to time in this and other jurisdictions in relation to challenges to integrity.

The nature of these submissions at a high level needs to be carefully considered. That is why the consultation panel that was established was chaired by a former Justice of Appeal, the Honourable Stephen Charles, QC, and comprised His Honour Gordon Lewis, AM, a former judge of the County Court of Victoria and former Victorian government solicitor; Mr Peter Harmsworth, AO, a former Secretary of the Department of Justice; and Ms Gail Owen, OAM, a distinguished solicitor and former president of the Law Institute of Victoria.

The issues that were considered by the consultation panel were the scope of the definition of the public sector; the coercive powers of the commission to require evidence; the protections and privileges available to persons who are asked to provide evidence to the commission; and the functions and powers of the parliamentary committee and inspectorate that will oversee the commission.

Similar to the situation where there is a whistleblower and the whistleblower has to speak out about organisations they are party to, this can be a difficult position for such a person to be placed in. One is, in a sense, testing one's power within the process, and one may quickly find that they have none. They may lose their job, they may be subject to physical intimidation

or they may be subject to all sorts of threats. That is one reason confidence in the treatment of any sort of whistleblowing allegation can be important. It is one reason sometimes there is a public interest in keeping things private for a time whilst one trusts the process to investigate things carefully and to get to the bottom of what is going on.

That is a careful matter that is considered in these pieces of legislation from time to time and is subject to the debates that occur. Of course there may be different views as to whether that should take place in each instance. But one must pay regard to the courage of the various whistleblowers there have been over the years, who have put their careers on the line but kept their personal integrity and stood up for what they believed in.

Mr Leane — A bit of filibustering going on, I think.

Mr O'BRIEN — No, I am certainly not filibustering; I am complimenting very important people who have stood out. I could by reference mention people who have stood out in relation to concerns about the health system over the years and who have stood on their beliefs and have suffered consequences as a result.

This is getting to the heart of the matter. The situation in relation to the panel is that it encouraged submissions to be free and frank about important issues of integrity, but that had to be done on the basis that confidentiality was respected, for the reasons I have outlined and which have been outlined by other speakers — namely, that if the panel is prepared to work and provide advice to cabinet about these important issues, it is important that that confidentiality be preserved.

The consultation panel provided its report to the government in August last year. The government is grateful for the contribution made by the consultation panel and for the many and broad-ranging issues covered by stakeholders. Some stakeholders have elected to release their submissions publicly, and that is a matter for them. We note that the Greens have previously sought this sort of information under FOI, and each of those issues needs to be carefully considered. That is why the government has taken the action it has.

With those words, I again commend the minister for the establishment of the Independent Broad-based Anti-corruption Commission, and I commend all those people who have stood up for integrity in this state over many years.

Ms PENNICUIK (Southern Metropolitan) — I thank the government and the ALP for supporting the

motion. I think it has to be supported. As Mr Leane said in his contribution, the Parliament needs the information, but it has not been able to avail itself of the information and the recommendations that may be contained in the report.

Ms Crozier and Mr O'Brien said some strange things. For a start, Ms Crozier said that it was no surprise that the government was going to do this. I think she meant that it was no surprise that the government was going to set up IBAC (Independent Broad-based Anti-corruption Commission), and I agree. I have not opposed the setting up of the IBAC. In fact Mr Barber moved the first Greens motion in this place seeking to set up an IBAC.

However, it was a surprise to me that the consultation process was secret, particularly as both Ms Crozier and Mr O'Brien made much ado in their speeches about the government's transparency agenda and how the government is open and transparent. The problem is it is not transparent with regard to this report, which it should have released to the public before debate on the IBAC bills commenced.

The previous government, while it opposed the setting up of an IBAC for a long time, finally and mysteriously — I am not quite sure why — set up an inquiry into it, called the Proust inquiry. The inquiry by Elizabeth Proust was public. A report was released and public meetings were held about the report where people could ask questions about it, et cetera. I have no problem with the people mentioned by Ms Crozier and Mr O'Brien who served on the panel chaired by Stephen Charles, QC. They have done a good service. It was not their decision to keep the whole thing secret. It is ironic for Ms Crozier and Mr O'Brien to stand up and talk about integrity, openness and transparency when that report was not released in time for us to use it throughout the debate on the setting up of the IBAC bills. That is what I have to say on that matter.

Ms Crozier also said the issues were complex and that we all needed to be able to consider them. As far as I can see that is an argument in support of my motion that the report be released. I note that some of the submissions have been released, and I also note that some people may not want to have their submissions released. I commend my motion to the house, and I hope the government will release the documents in time.

Motion agreed to.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Access to Public Housing*

Mrs KRONBERG (Eastern Metropolitan) — I am reporting on this occasion on the Victorian Auditor-General's report of March 2012 on the question of access to public housing. The demand for public housing continues to grow because, along with demographic changes such as smaller households and an ageing population, there is reduced housing affordability. Nowadays a typical public housing tenant profile covers people with more complex needs and lower incomes. As of June 2011 the housing and community building division of the Department of Human Services (DHS) reported that it is responsible for 65 352 dwellings and 127 357 tenants. The division is managing a waiting list of 38 244 souls.

These prevailing circumstances and trends, and the challenges that arise, mean it is more critical than ever to have effective management and an appreciation of the portfolio's value. Careful planning, using accurate information about housing demand, current and projected tenant profiles and the condition of assets are all seen as prerequisites for managing this aspect of the public housing system.

The Victorian Auditor-General goes on to stress a need for long-term direction, detailing service outcomes and comprehensive asset management strategies that consider the full life of assets, opportunities for innovation and adequate performance measures to track progress. Against this background of criteria for effective asset management and planning the Auditor-General finds the current operating model and the division's asset management approach places the long-term provision of this vital public service at risk. The Auditor-General is harking back to the systems the Victorian people suffered under previously and which the Baillieu government inherited following the gross mismanagement of the Labor government. The Auditor-General is critical of the lack of effective and strategic planning and the poor financial and asset management strategies.

Frankly, this is a scathing report on the management of public housing by Labor. It is an indictment of poor portfolio asset and financial management: a history of inaction. The Victorian Auditor-General warned the Labor government back in 2004, and again in 2007, about the substantial maintenance liability the division was bearing. The Auditor-General says:

... the division lacks basic information, such as accurate property condition data, to inform decisions.

Another quote from the Auditor-General worth putting into the report is:

These failings expose a serious deficit in asset management skills within DHS, which must be addressed.

Earlier the report stated that:

It is unclear why the division has not introduced longer term strategies to address this acute situation given that it has developed over at least a decade.

The rot set in in 1999, in the nascent days of the Bracks government. The system's systemic rot and chronic mismanagement prevailed until the Baillieu government arrived on the scene and started to shoulder responsibility and set a new direction.

The current Minister for Housing has commissioned external advice on a range of issues, commencing with a comprehensive property conditions report, in order to address the poor situation the government inherited. It means it will gain a better understanding of the property maintenance deficit, instead of, like Labor, flying blind. Further compounding the indictment of Labor's mismanagement is the comment:

Since at least 2006 ... the Department of Treasury and Finance (DTF) —

and that embraces Mr Lenders in this chamber —

and the Department of Premier and Cabinet, have also been aware of the deteriorating state of public housing, yet this has not spurred action ... Now that public housing is nearing a crisis —

one that the Baillieu government has inherited —

it will be all the more challenging to address.

Most damning, the Victorian Auditor-General finds that despite — —

The ACTING PRESIDENT (Mr Eideh) — Time!

Auditor-General: *Casual Relief Teacher Arrangements*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Auditor-General's *Casual Relief Teacher Arrangements* report of April 2012. According to the report, approximately 13 600 qualified Victorian teachers classify themselves as casual. In all likelihood there are probably more casuals out there, because one assumes that if a casual teacher is working at a multitude of schools every day of the teaching week, they may well deem themselves to be in full-time employment. It is my view they are treated as second-class teachers by the Department of Education

and Early Childhood Development by virtue of their salary packages. They receive neither sick nor recreation leave — or any kind of leave. Importantly for the children they are teaching, relief teachers cannot avail themselves of teacher development opportunities which are afforded to permanent ongoing teachers. A 20 per cent pay loading is supposed to compensate for all that.

It is sad that casual teachers are used to backfill permanent teachers who are upgrading their teaching skills while denying the casual teachers the same privilege. I understand the purpose of casual teachers is that they are supposed to be utilised to cover short-term absences. However, it would appear that at any one time within the Victorian education system, at least one teacher is working in a casual capacity during every school day. This is an interesting fact, because while the casuals are filling in for absentees, the use of casuals is growing within the education system.

School councils have devolved to school principals the responsibility for the hiring and firing of casual teachers. That is a sensible measure. It would be nice if the data on the number of casuals being employed was centralised so we could have an actual figure instead of a snapshot figure provided by the annual census conducted by the Department of Education and Early Childhood Development.

The Auditor-General has recommended, quite rightly, that casual teachers should be afforded the opportunity to participate in teacher development activities. This is essential for the continued professionalism of casual teachers and not least because the children will benefit immensely from being taught by educators who have up-to-date skills in their discipline. Teaching is a vocation, not just a job.

Protecting Victoria's Vulnerable Children Inquiry: report

Mrs COOTE (Southern Metropolitan) — It gives me enormous pleasure to speak on the *Report of the Protecting Victoria's Vulnerable Children Inquiry*, also known as the Cummins report. I draw the attention of the chamber specifically to recommendation 53 under the heading 'Chapter 15 — realigning court processes to meet the needs of children and young people'.

To put that recommendation in context, I will refer to what yesterday's budget has announced — that is, funding to implement many of the recommendations of the wonderful Cummins report. It is pleasing to know that the Minister for Community Services, Ms Wooldridge, has listened to what Phil Cummins

and his committee have recommended in their report and has put the dollars where those dollars needed to go — for example, in light of the state budget there is the establishment of a new Children's Court at the Broadmeadows court.

Recommendation 89 in the Cummins report included the establishment of a commission for children and young people, and yesterday the budget announced the establishment of that commission. The commission will improve transparency, accountability and oversight of the experiences of and outcomes for vulnerable children. There will be a particular focus on Aboriginal children with the appointment of a commissioner with special responsibilities for vulnerable Aboriginal children and young people. The establishment of this commission is recommended throughout the Cummins report, and it was pleasing to see yesterday's announcement of exactly that.

The establishment of the commission will not change the role of the child safety commissioner, Bernie Geary. Mr Geary has been instrumental in the implementation of the recommendations. I put on record my appreciation of the work Bernie Geary does and for the assistance he gives to the minister.

It is also pleasing to see a number of other measures in yesterday's budget that deal directly with the recommendations of the vulnerable children inquiry. The establishment of a new Children's Court at the Broadmeadows court will use the decentralised site to model a range of child-focused and friendly approaches, including greater use of conferencing, less adversarial approaches and a redesigned physical layout, which is to be welcomed.

Much of what is in the Cummins report on vulnerable children in Victoria deals with the child protection workforce. Members of the workforce themselves are exemplary, and I put on record my praise for the excellent work that child protection workers do at the coalface. These people are confronted with very difficult circumstances, and they deal with them in an extraordinarily professional way.

Nevertheless, as was the case with the Victorian budget of 2012–13, there will be reform to the child protection workforce. There will be more front-line workers with improved skills and support, more senior staff working directly with children and improved retention and career pathways that will deliver better outcomes for children in the child protection system. This directly relates to recommendation 67 in the Cummins report.

I will summarise some of the budget initiatives which deal with some of the recommendations from the Cummins report. The amount of \$19 million has been put into this budget for 42 new statutory child protection workers. That supports recommendations 66 and 67 from the Cummins report. Some \$51.4 million has been allocated to reform the child protection workforce, and \$1 million to evaluate the Services Connect case management reform trials, \$1.9 million to continue the role of statewide principal practitioners, \$7.9 million for specialist intervention teams to assist regional hot spots, \$7.3 million to significantly expand treatment places for children with problem sexual behaviours and \$2.2 million for early childhood development workers in the Grampians, Gippsland and Loddon Mallee regions.

These are excellent budget amounts, and they show that the minister has listened to the recommendations made by Phil Cummins and his team in their *Report on the Protecting Victoria's Vulnerable Children Inquiry*. The Baillieu coalition government has put its money where it is needed to support vulnerable children.

Victoria Legal Aid: report 2010–11

Mr EIDEH (Western Metropolitan) — I rise to speak on the 2010–11 Victoria Legal Aid report. Many Victorians, and I am sure some in this house, assume that the main purpose of Victoria Legal Aid is to represent those who are disadvantaged financially and who face possible criminal conviction. Victoria Legal Aid's 2010–11 annual report highlights how this organisation in its 30 years has run programs that prevent criminal convictions occurring. Victoria Legal Aid was then and is now an important part of the services that are provided to disadvantaged Victorians.

In its 30th year of operation Victoria Legal Aid celebrates its anniversary by reaching more Victorians across the state and offering them a greater chance of receiving the legal representation that all Australians deserve. They deserve access to not just the legal system but also to social justice. Unfortunately too often Victorians are faced with legal dilemmas which result in further criminal punishment. This is often because they are not familiar with their legal rights and obligations. The report states that in the last financial year the majority of people who sought Victoria Legal Aid services were males aged between 25 and 64 years. This may come as a surprise to some members, as it could be assumed that youths as opposed to older Victorians would utilise the services.

In its annual report 2010–11 Victoria Legal Aid outlines the various programs which have been set up to

prevent criminal activity and represent those involved in legal issues. The four programs are the access and equity program, the civil justice program, the criminal law program and the family law program. The access and equity program aims to ensure that the services and programs which are run by Victoria Legal Aid are accessible to all Victorians who are in need of those services. Over the 2011–12 year this program helped 88 000 people through its legal information service. Along with other legal aid commissions, Victoria Legal Aid produced a resource kit for English-as-a-second-language teachers across the state. These kits aim to make the law more accessible for people new to Australia.

The access and equity program also addresses youths around the state to inform them about their legal rights and ways to communicate with Victoria Police. This should be commended. Through partnering with other providers, 1000 high school students attended a theatre performance which was designed to take the complexities out of the law and inform them of their legal rights. It also gave them skills to interact with police. These activities and many others came at an operating cost of \$15.8 million.

The civil justice program is centred on early intervention, which is an essential element in reducing crime in the state. This program is based on contributing to a fairer, more inclusive community and our laws through offering advice and legal representation. Constituents in my electorate are some of the most marginalised and disadvantaged in the state, which is why I find this program imperative for not only my constituents but also other disadvantaged Victorians. It aims to change the law and legal processes where they impact disproportionately on disadvantaged people. The team that makes this possible has provided 13 384 early intervention services.

The criminal law program is a fundamental part of Victoria Legal Aid. It aims to give all individuals the right to a fair appearance in court when facing a possible criminal conviction. Through this program Victoria Legal Aid has also set up an impressive junior counsel program, which has seen 14 junior barristers work with top senior trial advocates in the state to pioneer a new program which aims to cut court waiting times. In this financial year 57 780 duty lawyer services were used by Victorians.

The final program that Victoria Legal Aid has set up is the family law program, which works with families and aims to bring an end to their disputes, to establish workable arrangements and, more importantly, a caring

environment for the most important and precious in our state — the children. This program must be commended for the changes which have been made to eligibility for legal assistance, especially for women and children who may be at risk of domestic violence.

Public Accounts and Estimates Committee: 2009–10 and 2010–11 financial and performance outcomes

Mr O'BRIEN (Western Victoria) — I rise to speak on the Public Accounts and Estimates Committee's report on the 2009–10 and 2010–11 financial and performance outcomes of April 2012. I also indicate that I am a member of the Public Accounts and Estimates Committee.

As was mentioned by several speakers, including me, when it was tabled last week, this is an important report in that it canvasses the periods 2009–10 and 2010–11, which cover the last budget of the Labor Party and the first budget of the Baillieu-Ryan coalition government. It demonstrates that, as I think was said earlier today, for the second time in 20 years a coalition government has had to come in and clean up a Labor government financial mess. What happened in the decade to 2010–11 was that expenditure growth averaged 7.3 per cent a year and, ultimately, revenue growth was only averaging 6.9 per cent, which basically meant that the government was spending more than it was earning, even in the good times. That puts you in a very vulnerable financial position if those revenues drop, as they will, given the reliance on GST funding, financial transfers and other measures that a government receives.

The report is very lengthy and is worthy of consideration by members. A helpful foreword has been provided by the chairman, Philip Davis, in relation to one aspect of the report, to which there was a division in chapter 7, and I will touch on it briefly. In his foreword the chairman says:

In this context and based on data reported in the budget papers and questionnaire responses provided by departments it is surprising that the previous government only met 36 per cent of the measures set under the *Growing Victoria Together Vision* (refer chapter 7). Some 25 per cent were not met and 20 per cent only partially met. Given the widely proclaimed central objective of its vision 'to make Victoria a better place in which to live, work and raise a family' this demonstrates the challenge for governments to show a meaningful impact (outcome) of their vision, strategy, input and investment. This example must be regarded as disappointing in any retrospective analysis of the previous government and a signal to the current government to ensure the integrity of future visions and objectives achieving measurable outcomes for the benefit of the community.

Two important points to make in relation to performance measures are, firstly, that when you desire to set them they are achievable and, secondly, that you meet them.

The other aspect of the report that is significant in Victoria's context is in relation to net debt and the discussion in chapter 3 on Victoria's financial position. In relation to the growth of net debt, at the top of page 82 the report states:

The committee notes that the Independent Review, in its April 2011 interim report, concluded that 'a fresh approach to financial management is required if the state's finances are to be sustainable into the future'. Key findings of the report included the following:

Victoria's financial position is unsustainable into the medium term;

the growth in expenses, which has outpaced the growth in revenue over the past decade, has been obscured by the accounting treatment of the commonwealth-sourced revenue for infrastructure ...

on the current trajectory, the level of net infrastructure investment is not sufficient to provide high-quality public services to Victoria into the medium and longer term; and

over the past three years, Victoria's debt has risen significantly.

This challenge has been met by the Treasurer in announcing the 2012–13 budget, which is shaped by those economic challenges identified. The budget very much puts the focus on the future, on delivering real outcomes for Victorians and on making sure that money is spent where it can achieve those outcomes. The government is determined that it will maintain the state's AAA rating, which is very important. One only has to look at overseas examples to see what can happen when countries lose sight of the importance of maintaining financial prudence, and that flows on in how much money you can deliver directly as a government but more importantly how much the economy itself can grow.

Speaking of growing the economy, I would like to comment on some of the achievements in relation to Western Victoria Region, including the Geelong Hospital, which received \$93 million, Geelong Performing Arts Centre, which received \$22 million, and the \$38 million to construct the link between the Western Highway and Burrumbeet. It is a significant budget delivery for Western Victoria Region, and I commend the budget to the house.

Budget update: report 2011–12

Ms PULFORD (Western Victoria) — I wish to make some comments on the budget update. Since Mr Leane listed this matter for debate, the budget update has been further updated by the actual budget, one in which Victorians and Victorian families have been let down by the Baillieu-Ryan government. The expectation was that this would be a budget that would create jobs, and there were great hopes for a budget that would provide much-needed support. In the lead-up to the 2010 election the Premier and his colleagues told Victoria that they had listened to their concerns. They told Victorians that they had listened and understood and that they would act to bring down the cost of living. However, what the Baillieu-Ryan government has delivered is an absolute shocker of a budget for Victorian families; it is a horror budget.

Victorians were hoping for a government that would protect jobs and bring down the cost of living. Instead of setting Victoria up for the future, this budget has set Victoria backwards. It is a budget of excuses, not a budget of solutions. The first home owner grant program has gone, the School Start bonus has gone, and the education maintenance allowance has been slashed. Meanwhile the government is taking greater taxes from Victorians' pockets than ever before. Revenue is up to a record \$55 billion. The Baillieu-Ryan government is now the highest taxing government in Victoria's history. This from the very same leader of the Liberal-Nationals coalition who only a few years ago committed to driving down the cost of living.

Pensioners will receive a measly 2 per cent payment increase, despite inflation being forecast at 2.75 per cent. This budget has forecast employment growth to be zero in this financial year. Today during question time in the Legislative Assembly the Treasurer, Mr Kim Wells, was asked about his expectation that no new jobs will be created this year. He was not even able to guarantee meeting his own target of zero — a target that was set only yesterday. Last year the Baillieu-Ryan government told us this figure would be 1.75 per cent. Kim Wells promised that he would create 55 000 jobs each year, and this budget exposes that promise as a cruel hoax.

The Baillieu-Ryan government is now expected to attract only half of the new investment that Labor attracted in its last year in government, and this budget will do nothing to create or secure jobs or grow the economy. Last year the Baillieu government was warned that low growth would cost Victorians jobs and hurt our state finances, and yet with no jobs plan the Baillieu-Ryan government will cut by its own hand an

additional 600 jobs from the public sector. This brings the total number to 4200. This is from a Premier who explicitly promised not to cut public sector jobs.

Ted Baillieu and Peter Ryan's decision to dump the first home owner bonus will only compound this problem. Members know that the first home owner bonus and the additional bonus that supported construction of new homes in regional Victoria created jobs in regional Victoria at a time when they were needed more than ever. This was a program that provided support for first home owners and, importantly, created thousands of jobs across the state. Ending this bonus will hurt families and it will hurt employment in construction.

This budget highlights the fact that the government does not care about Victorians, their jobs or their families. The School Start bonus has been abolished. Thousands of Victorian families have children who will start primary school in prep or secondary school as year 7s in 2013. The Baillieu government means tested this bonus last year and so, by its own admission, this savage cut will hit families who can least afford it.

This budget shows that, contrary to their claim that they spoke, listened and responded to the needs of Victorians and their families, those in government did not listen. They wandered around the state telling people what they thought they wanted to hear, and now Victoria is paying the price for this arrogance. Jobs are being lost, taxes and charges are higher, services to families are being slashed and Victorians will have to wait longer for vital infrastructure projects because this government has been asleep at the wheel. The budget update that Mr Leane kindly put on the notice paper for discussion today was bad enough, but yesterday's budget makes it pale in comparison.

Auditor-General: Access to Public Housing

Mr ONDARCHIE (Northern Metropolitan) — I rise to make a statement to the house tonight about the Victorian Auditor-General's report headed *Access to Public Housing* dated March 2012. The independent Auditor-General's report highlights the former Labor government's complete failure in public housing and reinforces the need for our reform agenda. It is a damning report that highlights Labor's systemic neglect and mismanagement of public housing for over a decade. The report confirmed that over the last 10 years of the former Labor government significant flaws in public housing investment decisions and asset management were not addressed, placing the long-term provision of public housing in Victoria at risk.

The fact that investment decisions have been made for so long on the basis of poor data is a major failing of the Brumby Labor government's portfolio management. The Auditor-General reported that Victoria's public housing operating model is unsustainable. The former Labor government failed to introduce long-term strategies to address the acute financial situation. No appropriate performance measures existed for housing asset management. There was no accurate, up-to-date property condition data, minimal forecasting of future needs and limited stakeholder input. There was a lack of long-term objectives or plans for public housing, and the rationale for public housing investment decisions was unclear.

I am chair of the Carlton community liaison committee, and I went for a tour there with the residents a fortnight ago. I got a very clear message about the problems they face. They said to me, 'It has been like this for the last 10 years'. The former chair, Ms Mikakos, did nothing about it. The information I got from the residents was that only if something falls down or fails do they fix it.

Those who require public housing today include the elderly, single people and those who are economically and socially disadvantaged. Consequently housing needs to meet the complex needs of those with mental health and drug and alcohol disabilities and low income. The infrastructure is ageing; 42 per cent of properties are over 30 years old. Public housing for the present and future needs a sustainable asset base.

What are we doing about it? The Baillieu coalition government has acted. It is going to deal with the 10 years of mismanagement by the Brumby Labor government. The Treasurer, Kim Wells, and the Minister for Housing, Wendy Lovell, announced that funding in the 2012–13 state budget will enable the government to assist around 77 000 households with long-term social housing, providing public, indigenous and community tenancies. In addition, 10 000 households will be assisted with short-term crisis and traditional accommodation, while 36 000 households will have access to assistance to help them gain or maintain private rental accommodation. The funding in this budget builds on recent initiatives by the Victorian coalition government, particularly in that it gives assistance to young people so they might access affordable accommodation, training and work opportunities, thereby tackling the root causes of homelessness.

Areas of expenditure in this year's budget include a \$10.4 million investment over four years to build and operate the first of three new youth foyers to provide structured assistance and accommodation for young

people at risk of homelessness. There will be funding for 1 150 new social housing homes to be acquired and 1600 public housing dwellings to be provided with much-needed upgrades in the coming financial year. More than \$200 million will be allocated for the 2012–13 programs to prevent homelessness and support those at risk of homelessness.

The Minister for Housing, Wendy Lovell, has announced a \$160 million redevelopment for new homes and to create jobs in Westmeadows. In the Valley Park redevelopment in Westmeadows we will provide a 120-bed aged-care home to be owned and developed by Bapcare, more than 220 privately owned homes, 110 social housing properties and 34 independent living units as part of the aged-care precinct, making a total of 144 affordable rental homes.

In addition to that the coalition government is providing money for vulnerable young people in Broadmeadows in Northern Metropolitan Region to build and operate the first of three youth foyers. The youth foyers will provide access to education, training and employment services, an opportunity to develop independent living skills, a safe, secure and affordable place to live while they study, and support from trained staff. That is in partnership with Kangan Institute of TAFE, and we thank it for its involvement in the youth foyers. Both of these things are happening in Broadmeadows, and if the member for Broadmeadows in the Assembly wants to have a look at those, all he needs to do is catch a train from Brighton to Flinders Street, get on the Craigieburn line, get off at Broadmeadows and inspect his electorate, where he is not often seen.

Budget sector: midyear financial report 2010–11

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the midyear financial report, which deals extensively with the issue of infrastructure, and I want to talk briefly about the infrastructure that has been identified in the follow-up to the midyear financial report in this year's budget. Its starting point is an election commitment that was made to upgrade the Ringwood railway station and bus interchange. This commitment was made with much fanfare by the coalition on 10 November 2010 to spend \$60 million for the upgrade of the Ringwood railway station and bus interchange. At that time Mr Baillieu, the now Premier, said:

This upgrade will include either Disability Discrimination Act-compliant ramps or subways — along with lifts — to ensure that access to all platforms is always available for mothers with prams, passengers using wheelchairs, older Victorians and schoolchildren with bikes.

The Liberal member for Warrandyte in the Assembly, Mr Ryan Smith, said:

These works will commence in 2014–15 and be funded over a three-year period ...

That was the election commitment for \$60 million, but when we look at page 126 of budget paper 4 this year we see there is a total estimated investment of \$2 million, of which the estimated expenditure to 30 June 2012 is \$1.5 million and the estimated expenditure for the following financial year, 2012–13, is \$500 000, and after that there is nothing. It has gone from a \$60 million promise to a \$2 million delivery. But the Ringwood rail upgrade does not end the budget bad news in terms of transport. Again prior to the last election, there was a promise by the coalition in a media release on 2 November 2010 when Mr Baillieu, now the Premier, said:

Under the coalition's plan, the new line would link Doncaster with the city via Clifton Hill and north of the city with consideration of a further link to Ringwood in the east ...

He further said:

The coalition has listened to locals and will invest \$6.5 million in the first two years of government to plan for this new rail line.

In the same media release there is also a quote from the member for Doncaster, Ms Wooldridge, which states:

The coalition will plan for safe, reliable and clean train services, which will be critical to encouraging Doncaster area residents to leave their cars at home and use public transport.

A new rail line will move thousands of passengers per hour ...

Mr Leane — That will not happen.

Mr TEE — Mr Leane says that will not happen, and in fact he is right, although let us go back to the 2010–11 budget, which did provide \$6.5 million: \$4.9 million in this financial year and \$1.6 million in the next financial year for the feasibility study. A lot of work has been done. There has been a lot of community consultation in the development of a report. But when we have a look at this financial year we see there is nothing, so the \$6.5 million promise has not been delivered. A feasibility process which has begun will not be completed, and the hopes and expectations that were raised in the lead-up to the election have not been delivered.

This is a cruel blow to those in the east who have had their expectations raised by these commitments. There has been no explanation for this hoax. It is quite clear that the government has turned its back on those in the

east. It has turned its back on its commitments. It takes those communities for granted: it made a number of promises in the lead-up to the election and then it has just turned its back on those communities. They feel ignored and betrayed, and rightly so.

Auditor-General: *Casual Relief Teacher Arrangements*

Mrs PEULICH (South Eastern Metropolitan) — I rise to make remarks on the casual relief teacher report tabled by the Victorian Auditor-General. The audit was conducted as part of the Auditor-General's 2010–11 audit plan, and the objective of the audit was to assess whether the use of casual relief teachers, popularly known as CRTs, particularly in government schools, is contributing effectively to student outcomes and teaching quality. The audit examined departmental policies, guidelines and practices and the activities of about 30 schools in metropolitan and regional Victoria.

It has to be noted that CRTs are part of a casual workforce and they are not employed by the department; therefore the department does not have the usual employer obligations that flow to a permanent workforce. CRTs are registered with the Victorian Institute of Teaching, but one shortcoming of the system is that they are not identified as a group and are not identifiable through registration. No-one actually knows how many of them are actively teaching, as their relationship is one that is usually directly with the school.

Schools are responsible for their own budget management, and record keeping covering the employment of CRTs is a matter for the schools. The audit has found a number of issues. One is that CRTs need to be taken seriously, because they constitute or deliver about 12 per cent of all classes in government schools. That is a substantial chunk of student learning. Currently 13 000 registered teachers identify themselves as CRTs, which is a significant component of our education system. It is unclear how many of those 13 000 work regularly, what they do or what skills they have, but one of the recommendations is to look at how they can be better supported to ensure that what they do is integrated into the curriculum and into the school program and that there are meaningful activities for which they take responsibility and which are incorporated into teaching and learning at the schools.

According to the report, principals are not effective in managing the budget for CRT use. Provision has been made for absences for which they may have ample notice and for unexpected absences as well. Access to

professional development from schools was identified as an issue, and clearly schools need to consider how they can extend that professional development to the CRTs they use on a regular basis.

The Auditor-General made five recommendations, and I am informed that the department has accepted all five recommendations and that there will be an attempt to monitor the relief teacher workforce and to gather accurate supply and demand data. Obviously that is subject to resource availability, but it is important in terms of workforce planning. We value the performance of our teachers, and given the report indicates that between 10 and 12 per cent of teaching time in Victoria is undertaken by CRTs, they are an important element in that workforce. The department has accepted the recommendations that have been made by the Auditor-General, and there are plans to implement them.

There are opportunities for the use of the Ultranet to ensure that there is appropriate planning for absences, appropriate passing on of information and appropriate assessment of students and classes that are being taken by CRTs. I encourage all schools to consider how they can make the teaching and learning time that is taken by CRTs more meaningful, given that 10 to 12 per cent of student learning and teaching time is delivered by CRTs in our government schools. Combine that with a substantial issue that we have with absenteeism and truancy, and clearly time and consideration need to be given to how we can get more out of the time and resources that we allocate to schools.

Budget sector: midyear financial report 2011–12

Ms MIKAKOS (Northern Metropolitan) — I welcome the opportunity to speak on the coalition's 2011–12 midyear financial report, because it serves to highlight one thing — that is, the failure by this government to create a jobs plan. I did not think Victoria's situation could get any more dire, but in light of this week's state budget it appears the coalition is no stranger to dipping to all-time lows. The coalition is almost 17 months into government and Victoria's financial position has worsened. Public sector jobs have been cut, public investment has declined, public debt has almost doubled and Victorians have absolutely nothing to show for it.

On the first page of this report the Department of Treasury and Finance states that employment has softened over the past year. This is understating the harsh reality that has seen thousands of Victorian workers lose their jobs at the same time as this

government has no plan to turn that around. There was no plan to grow the economy in last year's budget and no jobs plan, and despite more people becoming unemployed during the last year, the government still has not learnt its lesson, and this year's budget is evidence of that. I could not believe that this year's state budget still has no jobs plan for Victoria.

There are no major infrastructure projects in the budget to create jobs. There are a whole lot of feasibility studies and promises to get projects done some time in the distant future. We all remember the promise by Treasurer Kim Wells last year that his government would create between 50 000 and 55 000 jobs a year. This year's budget exposes its promise as being a cruel joke on the Victorian people. The budget papers project that employment will grow by only 0.25 per cent in the coming year. The midyear financial report forecasts a slashing of 3600 public service jobs, and yesterday's state budget has included a further 600, bringing that to a total of 4200 public sector job losses. As I said before, this is at a time when the private sector is also contracting in the state and fewer opportunities exist.

The government's plan to address the state's deteriorating financial position is to slash jobs, to cut services and to raid almost \$500 million from the WorkCover fund, a fund to which no Victorian government has ever contributed and from which they are now taking money. It is unbelievable that at a time when Victoria is shedding jobs the government has decided to raid the very fund that is designed to benefit workers. We have also seen the government take a record amount from Victorian people in terms of state taxation and increase fines by a whopping 15 per cent in this budget.

The Australian Bureau of Statistics jobs data for March shows Victoria's unemployment rate has increased from 5.5 per cent to 5.8 per cent. This is significantly higher than the national rate of 5.2 per cent. The data also shows that 11 500 more Victorians have joined the unemployment queue and there are now 12 600 fewer jobs across the state. In relation to our young people, youth unemployment has risen from 20.6 per cent to 23.1 per cent, with our youth unemployment rate heading towards being one of the highest in the country; even by international standards it is a very high rate.

The pain does not end there. We have recently heard from Qantas, Alcoa and the finance sector that there may well be thousands more jobs cut in the coming months. What have we heard from this government about the reasons for this? The government has failed to accept responsibility and has blamed everybody else. It

is constantly pointing the finger at the federal government and talking about the carbon tax, which I remind those opposite that their leader, the now Premier, was only too prepared to support on 25 November 2009. The then Leader of the Opposition, Ted Baillieu, is reported in *Hansard* as having said:

Carbon transition is one of the biggest issues that will face Victorian businesses and families over coming years, but I have no doubt that we will in a few years be living in a carbon-managed economy. We will have reduced our personal and industrial carbon footprints. I also have no doubt that in the very same way we have adapted to significant structural and legislative change in the past, there will come a time when it will simply be the norm. As I said previously, it will not be scary or a threat but just the way it is done.

...

We want to see carbon emissions reduced. We support an ETS or a CPRS. We want to see Victorian industry and families protected. We believe the Premier should release all the advice he has received on the impact on Victorians, and we believe the federal government should ensure that Australia is not disadvantaged — —

The ACTING PRESIDENT (Mr Ramsay) —
Time!

Budget update: report 2011–12

Mr O'DONOHUE (Eastern Victoria) — I am pleased to also make a contribution to the statements on the *2011–12 Victorian Budget Update*. This update articulated some of the fiscal challenges that confront the government, confront Victoria and confront Australia, such as the high Australian dollar, sluggish global growth and some of the issues that Victoria has to deal with, not least of which is — to pick up a point made by Ms Mikakos — the legacy that this government inherited and the many problems that it is fixing to bring back fiscal restraint and to bring in a budget that is responsible. I congratulate the Treasurer on the budget that he handed down this week. It is a tough budget but it is fair, and I am very pleased that so much money has been allocated in the budget to vulnerable children. It says a lot about the Minister for Community Services, Minister Wooldridge, and the Premier, and their focus on this very important area.

I would like to make a couple of comments pursuant to that in relation to some of the very exciting funding announcements made for my electorate of Eastern Victoria Region. The budget has focused investment in my electorate on education and transport, and those investments will be very welcome. The first of these investments is \$15 million for the regeneration of Boronia K–12 College, including the construction of new classrooms, specialist teaching spaces, administration and amenities. I pay tribute to the two

principals, Kate Harnetty and Colin Davies, from Boronia Heights College and Boronia Primary School respectively, who have merged their schools into the Boronia K–12 College. It will be a fantastic school, and I look forward to the construction of stage 2 of this project.

An allocation of \$2 million has been made for master planning of the new Officer secondary college, which was an election commitment at the last election. I thank the Minister for Education, Minister Dixon, for making this funding available. The college will be co-located with the Officer special school, which will be a fantastic project, a fantastic school and will respond to the need for additional specialist education. In the last budget \$15 million was allocated for that school, which has enabled master planning to occur. There will be a tender process and construction should commence in the coming months. It is a very exciting project. The co-location of the two schools provides exciting opportunities for synergies and interaction. They will be located near the Officer town centre, which will again create real synergies and make education a focus in that hub.

Planning money has also been made available for Rosebud Primary School, planning work at Koo Wee Rup Secondary College and \$7.5 million for construction of new specialist teaching facilities at Mirboo North Secondary College, in addition to some investments at Wandin Yallock Primary School, in Bairnsdale and some other schools throughout my electorate. It is terrific news.

The budget has also delivered, as I foreshadowed, some investment in roads and public transport — \$10.69 million for the Warragul station car park upgrade, which is fantastic; \$8 million for the Port of Hastings Development Authority; and \$66 million for the Koo Wee Rup bypass, which is a very important strategic link between South Gippsland, the Pakenham growth corridor and the M1 corridor. The bypass will be very important for industry. It will take trucks off the road at Koo Wee Rup. Despite Labor's intransigence for 11 years when it did absolutely nothing, I am very pleased that the government is funding this very important project. I congratulate the government and the Minister for Public Transport, Minister Mulder, for funding this project.

The ACTING PRESIDENT (Mr Ramsay) — Time!

Budget update: report 2011–12

Mr LEANE (Eastern Metropolitan) — I wish to speak on the *2011–12 Victorian Budget Update*. This is the update in which the Treasurer announced there would be a reduction in the public service of 10 per cent. It always concerns me when people talk in round figures; it means removing people's livelihoods and jobs. I am not too sure how much thought goes into the need for and the work done by these individuals when it is rounded off to a figure of 10 per cent, but this translates into another round figure of 3600 public servants. I know that the government used terminology which indicated that these public servants would not be taken from front-line positions. Labelling anyone in any way when it comes to terminations is a huge problem; some people have disputed the fact that their positions have been described as not front line, but that is the reality of the situation.

Yesterday we found out that another 600 public servants will be losing their positions in addition to the original figure, and that is over 4000 people in total. It is not just 4000 back-line public servants, or whatever label the government is placing on them, it is over 4000 breadwinners and over 4000 families who will be affected by this decision. I suppose in an attempt to understand the government's terminology, when it says they will not be front-line public servants or in front-line services, I take it that 'front line' means positions such as teachers, nurses, firefighters et cetera. The reality is that front-line services such as these need support behind the scenes. Obviously in order for these front-line services to operate they need payroll staff, IT and administrative support, and the buildings out of which these staff work need maintenance staff. It seems to me to be a strange decision at the very least, if not bloody-minded, for the government to sack as many people as this.

It is a strange decision because the unemployment rate in the state has increased, as everyone would know. There have been a lot of issues with job losses across the private sector, so for a government to decide that the answer to this sort of crisis is to remove more than 10 per cent of public sector workers seems to make no sense at all. The Victorian government should be stimulating employment, not increasing unemployment by its own means.

I feel for these public servants. I feel for them being labelled as not being front-line employees. Their roles should have been analysed better. I am sure they serve a good purpose for the state. I am concerned about how services will operate in the future. If public servants are going to be removed, does the government have an

agenda of privatising some of the areas in which those people are working? We will watch this space.

ADJOURNMENT

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

That the house do now adjourn.

Central Deborah Gold Mine: future

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Tourism and Major Events, and it concerns the Central Deborah Gold Mine in Bendigo. Those people who have had the privilege of going to Bendigo as part of a tourist experience will know that the Central Deborah Gold Mine is one of the tourism highlights in Bendigo. Last year more than 30 000 people went to Bendigo and visited the Central Deborah mine. It is a not-for-profit organisation run by the Bendigo Trust under the auspices of the City of Greater Bendigo. The trust also, amongst other things, runs a tourism tram, which brings visitors to Bendigo, providing a great sense of history and an understanding of goldmines. It also provides jobs for the Bendigo regional economy. The minister would be more than aware of that because last year she presented a tourism award to the Central Deborah Gold Mine.

The action I seek from the minister this evening is that she intervene to assist this mine in going forward. With my parliamentary colleague Maree Edwards, the member for Bendigo West in the other place, I had the privilege of going down the Bendigo mine a couple of weeks ago. It is a great tourism experience. The mine goes down many levels, but at the moment the water level is rising in the mine, and it is going to cost a fair amount of money — in the vicinity of hundreds of thousands of dollars — for this to be rectified. The reason for this is that an adjoining mine, the Unity Mine, is closing, and there is a question mark over the mine closure plan. The pumps have been removed and the water table is rising in the Unity Mine. That water is flowing into the Central Deborah mine. At the moment tourists go down to level 9 of the mine. The water has risen from level 18 to level 14 and is still rising. By the end of this year the water will have risen to the level visited by tourists.

The Unity Mine is under the auspices of the Minister for Energy and Resources, Mr O'Brien, and I am asking the Minister for Tourism and Major Events to speak to Mr O'Brien and also to Tourism Victoria. We still have some months before the water rises to the critical level and drives the tourists out. At a time when

regional Victoria is struggling because of job losses, if the minister acts in a timely fashion, she will be able to address the issue of the rising water levels in the Central Deborah mine. If those levels continue to rise, some of those 30 000 tourists that come to Bendigo and generate jobs in Bendigo will be deterred from visiting Bendigo and learning about Victoria's goldmining legacy.

I urge the minister to personally investigate this matter. I suggest that she should not just hand out awards at an awards night but she should visit Bendigo, go down the mine, have a look and, most importantly, provide some resources to the trust to keep that mine open.

Western Region Health Centre: dental service funding

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Health, David Davis. This afternoon I received a distressing call from the Western Regional Health Centre, which I bring to the minister's urgent attention.

The public dental clinic at the Western Region Health Centre is in very poor shape. The children's clinic will close unless the building and equipment are refurbished or replaced. The centre has been trying to find out if there was any money in yesterday's budget for it to do this. Mr Elsbury has not returned the centre's calls, which is incredibly rude considering he is the chair of the ministerial task force to review this service. It is even ruder when you consider that he made statements to the press yesterday saying he was stoked with the budget.

Hon. M. J. Guy — On a point of order, Acting President, I hate to interrupt a member in the middle of an adjournment speech, but I believe the member is reflecting upon another member, and that is inappropriate for an adjournment matter.

Mr Lenders — On the point of order, Acting President, the longstanding practice of this place is that if a member takes offence, that member raises the issue themselves. Mr Guy may not have noticed, but Mr Elsbury is actually sitting behind him, so the issue — —

Hon. M. J. Guy — I am not asking her to withdraw. I was talking about the language. I am not asking her to withdraw.

Mr Lenders — On the point of order, Acting President — and I do have the floor — the longstanding practice of the house is that if a member takes exception

to something that is said and that member is present, then they raise the issue and not their minister minder.

Hon. M. J. Guy — Further to the point of order, Acting President, you will be aware from what I just raised that I was not asking for Ms Hartland to withdraw the allegation which the Leader of the Opposition is referring to. I was simply seeking clarification as to whether the language being used is appropriate parliamentary language for an adjournment debate.

The ACTING PRESIDENT (Mr Ramsay) — Order! I do not uphold the point of order. I have taken advice from the clerks, as I was engaged in another conversation. I ask that Ms Hartland restrict her commentary to a contribution without suggestions made about another member.

Ms HARTLAND — The centre has been told by the department that there is no money for the refurbishment. The clinic closed for four days last week because of equipment failure. About 400 children a month access this service.

The last time I asked the minister about this service was during a question time last September, and he said he was deeply aware of the issue and did not want to give pre-budget information. The budget has now been tabled, and there is no money for the Western Region Health Centre dental service. I ask the minister to find the money somewhere for the sake of children's dental health in my area. I ask him to make urgent arrangements to prevent the children's clinic from closing and to have the courtesy to contact the Western Region Health Centre and let it know what is going on.

My Future My Choice: funding

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Community Services, and it relates to the program called My Future My Choice. Last week I had the most fabulous opportunity to officially open a wonderful house for five people who have acquired brain injury or degenerative disease — young people who would normally be in nursing homes. This house is in Cranbourne and is operated by the Wesley Mission. The Wesley Mission is to be sincerely congratulated on providing such a wonderful opportunity and service for these young people. Whilst I was there I saw a vegetable garden that had been planted. It is a terrific garden. It was pelting with rain, so the residents were all very happy that their pumpkins were being watered. They have done a great job with their vegetable garden.

The Wesley Mission has been providing excellent services for over 100 years. This is another example of the mission understanding what community needs are and providing appropriate and excellent service. I commend everybody who was involved with the Wesley Mission and this particular project, including Rob Evers, the CEO, and Rob Ward, who works with Wesley Mission.

Just to remind the chamber about what My Future My Choice is, it is a joint program between the Victorian and commonwealth governments. It is a really important step in reducing the number of young people with disabilities living in residential aged-care services. From 2010 to 2011, \$18.7 million in ongoing joint funding between the Victorian and commonwealth governments was committed to support this initiative, and the funding is indexed annually. That means \$9 383 586 comes from the Victorian government, which I commend the minister for in understanding how important this issue is.

My Future My Choice is developed to support young people, or people aged less than 50 years of age, to leave residential aged-care services; to minimise the number of younger people entering aged-care facilities; and to improve the quality of life of those younger people who remain in residential care. My adjournment request this evening is for the minister to continue this excellent service and to make quite certain that My Future My Choice continues to be a healthy program into the future, funded jointly with the commonwealth. I commend the minister, the entire Department of Human Services team and the Wesley Mission.

Planning: Tarrone power station

Mr TEE (Eastern Metropolitan) — I am pleased the Minister for Planning is in the house tonight; the matter I wish to raise is for him. It relates to amendment C47 to the Moyne planning scheme, which allows land to be rezoned to facilitate the development of land for a 920-megawatt gas-fired power station, the Tarrone power station.

There are concerns that have been raised with me by members of the local community, who in June last year, through the member for Kilsyth in the Assembly, presented a petition in which they expressed their concerns about emissions and noise and the fact that there were emission particulates on their roofs and in their water tanks, which is often their only source of water. The emissions also fall into cattle troughs and onto the pasture the cattle eat. These residents were concerned and unclear about why there would have been a 2-kilometre buffer if it had been a wind farm but

there is no such buffer on this occasion. They are also concerned about the suitability of nearby roads to deal with the construction and major maintenance works, a concern which I understand is shared by the Moyne Shire Council, particularly during the construction phase.

The questions the community has are: what steps has the minister or the government taken to assess the risks in terms of any emissions and also in terms of the traffic during construction and maintenance? What steps has the minister or the government taken to assess the safety of the residents, particularly where the roads in question will be used by school buses? The residents also ask whether or not the minister will make available any advice he has received that can give any comfort to them about the issues they have raised being considered and fully investigated. My adjournment matter is about whether the minister will make available any advice he has received that addresses these concerns and gives this community some comfort in terms of this large, gas-fired power station that will be built — for some of them on property that adjoins their own.

Port of Melbourne: firefighting services

Mr ELSBURY (Western Metropolitan) — I rise this evening to raise a matter for the attention of the Minister for Police and Emergency Services, the Honourable Peter Ryan. It relates to the firefighting capabilities of the port of Melbourne. A number of constituents have come to me and raised their concerns about the ability of the port of Melbourne and the Metropolitan Fire Brigade (MFB) to contain a fire, should one break out, either on pleasure craft or on containers or fuel vessels that come into the port of Melbourne.

This issue was highlighted in full relief on 22 March, when a \$4 million pleasure yacht burnt to the waterline in Docklands. Certainly that would make me cry if I were the owner of the vessel. Unfortunately I do not think any sort of firefighting aids would have assisted in that particular insurance claim. In the end what we have is a capability issue that needs to be addressed. We need to be able to provide firefighting services, whether it be on land or on water.

I am aware that the MFB has \$10 million in its control which it can use for implementing new firefighting initiatives, and that includes the possibility of purchasing or leasing a firefighting vessel for the port of Melbourne. I request that the minister work with the MFB and work through any issues involved in being able to bring forward improved firefighting capabilities for the port of Melbourne so that the safety of not only

watercraft but of people throughout the bay area can be addressed.

Budget: clinical midwife consultants

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Health, Mr David Davis. The matter I wish to raise concerns the Baillieu government's decision to cut funding to rural midwife consultants. Mothers in regional and rural Victoria will find it harder to access support and services because the government has cut an important midwife program. The program provides clinical midwife consultants to areas in Victoria to provide professional support and training to rural hospital midwives.

It is disappointing that the Liberal-Nationals coalition government has cut this important and much-needed funding. Rural and regional mothers deserve to have access to the very best maternity services as close as possible to their homes. If the government cared about families in rural and regional Victoria, it would immediately announce that it supports these important positions. Midwife consultants have played an integral role in mentoring and educating midwives across the state, and this means better services not only for mothers but also for families. Midwives across Australia have written to their local members of Parliament and to the Premier calling on the coalition to provide further financial support for the clinical midwife consultants program.

When we were in government we took action to secure the future of rural maternity services through the rural maternity initiative. The clinical midwife consultants program was part of that initiative. Since taking office the Liberal-Nationals coalition government has done nothing to improve services for families in rural and regional Victoria. My specific request of the minister, on behalf of my constituents in Northern Victoria Region, is that he ensure that the government immediately reinstates this critical funding for women right across Victoria.

Boronia K-12 College: stage 2 development

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of Minister Dixon, the Minister for Education. As I said in my commentary in a previous debate on the budget update 2011-12, the Minister for Education has announced some important investments in education in Eastern Victoria Region, not least of which is the construction of the special school in Officer and planning for a new secondary college in Officer, two very important election

commitments, as well as funding for a number of schools across the electorate.

The specific school I wish to raise this evening is the Boronia K–12 College, which is the coming together of Boronia Heights College and Boronia Primary School. I again congratulate Kate Harnetty and Colin Davies, the principals of those two schools, now merged into Boronia K–12 College. The budget provides \$15 million of funding to that school to enable stage 2 of the redevelopment to take place, which should see the school merger completed. This will be fantastic for that school community. It will put kindergarten right through to year 12 onto the one campus in a newly redeveloped school with fantastic facilities.

I have been fortunate enough to visit the school on a number of occasions in the last year or so, and I thank the minister, who has also visited the school to hear firsthand from parents, staff and students about the need for this stage 2 funding. I am very pleased that the minister has listened to the school community and provided this \$15 million investment, which will be fantastic. The school has a brilliant new performing arts centre as part of the stage 1 redevelopment, and stage 2 will be very exciting.

The stage 2 redevelopment will require some refinement of the master plan, detailed architectural drawings and the like, so there is still a process to go through before stage 2 construction will start and the school will be completed. The action I seek from the minister is that he provide to me and the school community the time line over which he anticipates this \$15 million investment will take place and when he anticipates construction of the school will be completed.

Member for Ferntree Gully: election commitments

Mr LEANE (Eastern Metropolitan) — My adjournment matter is also for the Minister for Education. It concerns four primary schools for which upgrades were committed to prior to the election by the member for Ferntree Gully. Those schools are Ferntree Gully North Primary School, Wattleview Primary School, Fairhills Primary School and Mountain Gate Primary School. I referred to these schools in a members statement I made during the last sitting week. My concern was that if there was not enough funding in the budget, these schools would not be upgraded in this term, as was committed to.

As we now know, funding for these schools has not been allocated, other than a small amount out of the

\$3 million that was promised which has been committed to Mountain Gate Primary School. I am not fussed if the minister does not respond to the matter I raised last week, but the action I seek from him now is that he face these school communities and explain to them how, without funding in this budget, this election promise can physically be fulfilled and the upgrades delivered by the end of the term of his government. I believe funding in the next budget will be too late for this commitment to be delivered. I could be wrong. I am happy to facilitate the minister meeting with these school communities to explain, as the previous member asked for, a time line for when these upgrades could be delivered. These school communities deserve at least that.

The ACTING PRESIDENT (Mr Ramsay) — Order! I have reflected on Ms Hartland's contribution to the adjournment debate, and although I have ruled on the point of order, I am still not happy about the exchange of commentary from both sides. I will review *Hansard* and, if needed, refer the matter to the President for comment tomorrow.

Responses

Hon. M. J. GUY (Minister for Planning) — There are 10 written responses to matters raised by members of the opposition and the government. The members to whom the responses are directed are Mr Tee, Mr Finn, Mrs Coote, Mr Somyurek, Mr Tee, Mr Lenders, Mrs Coote, Ms Darveniza, Mr Elsbury and Mr Leane. The responses are to questions from around March 2012, October 2011 and December 2011. I have those responses, which will be tabled tonight.

Mr Lenders raised a matter for the Minister for Tourism and Major Events, Ms Asher, in relation to the Central Deborah mine and asked her to speak to the Minister for Energy and Resources, Mr O'Brien, about rising water levels. I will ask her to give a response.

Ms Hartland raised a matter for the Minister for Health, Mr David Davis, in relation to the Western Region Health Centre, and I will ask Mr Davis to respond.

Mrs Coote raised a matter for the Minister for Community Services, Mary Wooldridge, in relation to My Future My Choice and the continuation of that program. I will have Ms Wooldridge pass on a response to Mrs Coote in relation to that.

Mr Tee raised a matter in relation to the Tarrone power station and amendment C47 to the Moyne planning scheme to facilitate this gas-fired power plant in regional Victoria, which will bring jobs to the local

area. In particular he raised issues in relation to emissions which are having an impact on local stockfeed troughs and other areas. I think he referred to, if I took it correctly, a gas-fired power plant. I will be interested to see the feedback on that. I will take some advice from the department and respond to him in due course.

Mr Elsbury raised a matter for the Minister for Police and Emergency Services, Peter Ryan, in relation to firefighting capabilities. Mr Ryan will raise that matter in written form with Mr Elsbury.

Ms Darveniza raised an issue for the Minister for Health, David Davis, in relation to rural midwives. He will respond to her.

Mr O'Donohue raised a matter in relation to Boronia Heights College and Boronia Primary School merging to become Boronia K-12 College for the Minister for Education, Martin Dixon. I will have him respond.

Mr Leane also raised a matter for the Minister for Education about four schools: Ferntree Gully North Primary School, Wattleview Primary School, Fairhills Primary School and Mountain Gate Primary School. I will have Mr Dixon respond directly to Mr Leane in relation to that matter.

The ACTING PRESIDENT (Mr Ramsay) —
Order! The house now stands adjourned.

House adjourned 6.53 p.m.

