

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 3 September 2013**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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**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, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

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

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

**Environment and Planning References Committee** — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #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, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

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

*# Participating member*

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**Accountability and Oversight Committee** — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Council*): Mr Eideh and Mrs Peulich. (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmr, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Mr Northe.

**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, Ms Crozier and Mr O'Brien. (*Assembly*): 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 Thomson, Mr Wakeling and Mr Weller.

**Independent Broad-based Anti-corruption Commission Committee** — (*Council*): Mr Viney. (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller.

**Law Reform, Drugs and Crime Prevention Committee** — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

**Public Accounts and Estimates Committee** — (*Council*): Mr O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris, Mr Pakula 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 Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

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*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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Mr J. LENDERS

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**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

<b>Member</b>	<b>Region</b>	<b>Party</b>	<b>Member</b>	<b>Region</b>	<b>Party</b>
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar <sup>2</sup>	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise <sup>4</sup>	Northern Victoria	LP
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Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip <sup>1</sup>	Western Metropolitan	ALP
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee <sup>3</sup>	Northern Victoria	LP
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Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

<sup>1</sup> Resigned 26 March 2013

<sup>2</sup> Appointed 8 May 2013

<sup>3</sup> Resigned 1 July 2013

<sup>4</sup> Appointed 21 August 2013



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## Tuesday, 3 September 2013

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.**

**The PRESIDENT** — Order! I bring to the attention of members some problems we have had with some of the microphones. Basically if a microphone is bent too far, the wires within it will break. I ask Mr David Davis to raise his microphone, and I ask all members to be careful. Ms Crozier's microphone is bent to about the extent to which they should be bent. If they are bent further, the wires within them break, and the microphones have to be completely replaced. The cost is about \$300 per microphone, so we are keen to make sure that they are not bent too far. I ask Mr Davis to raise his microphone a little further.

### ROYAL ASSENT

**Message read advising royal assent on 27 August to:**

**Bail Amendment Act 2013  
National Parks Amendment (Leasing Powers and Other Matters) Act 2013.**

### RULINGS BY THE CHAIR

#### Sub judice convention

**The PRESIDENT** — Order! I take this opportunity to make a more formal ruling on sub judice civil matters. Members may recall that on the last day of the last sitting week a number of points of order were raised with regard to matters that might have impinged on a civil Supreme Court decision on appeal to the Court of Appeal and whether or not they could be raised and discussed in the house in view of the sub judice convention. I ruled on that occasion that whilst a final decision had not been handed down by the Court of Appeal, I was satisfied that as the proceedings had been concluded in terms of evidence, submissions, witnesses et cetera there was little likelihood that debate in this chamber would impact on or influence the court's final determination on the matter as the appeal was being determined by judges and not a jury.

For the benefit of members I wish to again remind them that the sub judice convention, especially in relation to civil matters, is a restriction that the house imposes upon itself, and it does so to prevent its deliberations from prejudicing the courts of justice. Just because a matter is before the court it does not necessarily follow that every aspect of it must be sub judice. There are four criteria which need to be considered when

applying the sub judice convention, and they are: whether there is a danger of prejudicing the case if the matter were debated in the house; the danger of prejudice occurring versus the public interest in the matter; whether the danger of prejudice will occur if the case were being heard by a judge or judges or a jury; and whether an individual's rights would be unduly transgressed or injured if the matter were discussed prior to judgement.

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

I am also mindful that, as I mentioned in previous discussions in a number of rulings on the points of order, it would also unnecessarily affect the proceedings of the house if the sub judice opportunity were used by members to shut down matters that might otherwise be pertinent to discussions in the Parliament.

### QUESTIONS WITHOUT NOTICE

#### Victorian Cancer Agency

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. In May 2012 the government decided to reduce funding to the Victorian Cancer Agency from a four-year level of \$79 million to \$59 million, being a \$14.9 million annual allocation for the program. The cancer research community, other members of the community and I looked out for the funding released under that program during the course of 2012–13. We waited until 18 June 2013 before the minister announced \$9.3 million of funding for cancer research. Can the minister clarify whether that funding is for the 2012–13 year or the 2013–14 year?

**Hon. D. M. DAVIS** (Minister for Health) — I am very proud to answer this question from the member regarding the Victorian Cancer Agency, which is an incredibly important agency. It is chaired by Professor Bob Thomas, an eminent cancer surgeon and researcher. The government has gone to some effort to advertise and to bring onto the board a broader range of people to give advice, including some corporate people and stronger consumer representation. When we came to government it was clear that the previous government had not funded the cancer agency into the forward estimates period. Indeed on 30 June last year

the money would have run out to zero. Shame on you, Mr Jennings. There was no funding into the forward estimates period — zero, not a zack, not a cracker. That is what the former government left. There was nothing.

I can indicate to Mr Jennings and to the house that the government has refreshed funding to the Victorian Cancer Agency. The funding is now permanent in the department's base funding. As the member has outlined, it is just short of \$15 million per year into the future. It is not subject to future budget bids, as the previous government left it. It is not subject to a fall to zero as the previous government left it, and as did the Leader of the Opposition in the Assembly when he was Minister for Health. There was no funding into the future. It was zero. Old Mother Hubbard went to the cupboard and when she got there she found it was bare!

**Mr Lenders** — On a point of order, President, Mr Jennings asked the minister a question on government administration, and the minister continues to debate the matter. He has been the minister for 1008 long days and he is now accountable for this agency. That is what he was asked about, and yet he continues to debate what he believes happened more than 1008 days ago. I ask you to direct him to stop debating the matter.

**Hon. D. M. DAVIS** — On the point of order, President, my reply is clearly pertinent and responsive to the question. It relates to the funding of the Victorian Cancer Agency, the government's decision to refresh the board of the cancer agency and directly to the failed funding of the previous government and the refreshed funding by this government.

**Mr Jennings** — On the point of order, President, the minister's comments are not a response to the point of order.

**An honourable member** — The Minister for Nursery Rhymes!

**The PRESIDENT** — Order! There may indeed be a Mother Hubbard who has been appointed a departmental secretary and the announcement has simply not yet been made. There is no doubt that the question was quite specific. The minister's initial response in terms of suggesting that there was not an appropriate allocation in the forward estimates is relevant as an answer. However, I think the minister is debating this question now. I tend to agree that Mother Hubbard, unless she has been appointed a departmental secretary, does not constitute an apposite answer to the question. I am not even sure that it is debating it. At any rate, I hope we do not go there further.

**Hon. D. M. DAVIS** — Whilst I accept that my use of a nursery rhyme was colourful, it drew attention to a very serious point, which is that the previous government did not leave ongoing funding for the Victorian Cancer Agency.

**Mr Jennings** — Who believes that?

**Hon. D. M. DAVIS** — It is a fact. The Victorian Cancer Agency performs a very important role. The Victorian Cancer Agency funds translational research and does so in a way that is designed to assist the translation of research activities to patient care. That is the key role of the agency. That is why it has additional consumer representation on the cancer agency board. That is why the government has refreshed funding and given it permanent funding rather than intermittent funding — funding that fell to zero under the previous minister.

I indicate for the member's benefit that the government has used the money for the financial year just gone, and the \$14-odd million that was available in that financial year and the additional money that is available this year — \$14.9 million is my recollection — will also be spent this financial year. I can indicate very clearly that funding for translational cancer research will be on a firm footing with additional funding this year, funding from last year and funding that was picked up despite the previous government having left it at zero. I also indicate there will be, for example, significant funding for research fellowships and support for a whole range of important projects.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — From the minister's answer I think I can distil that he confirmed that within 12 days of the end of the 2012–13 financial year he allocated \$9.3 million of \$14.9 million. At the very least, if he has actually saved about \$5 million, if not the whole 14.9, by not allocating it until the last 12 days of the financial year, how can the minister convince the cancer research community that he has not just made a saving and has pocketed the equivalent of a whole year's allocation, of \$14.9 million, by allocating it in the way he has?

**Hon. D. M. DAVIS** (Minister for Health) — It is quite simple, because it is wrong. The money has been allocated this financial year. I can indicate that the money was spent last financial year and the money will be spent this financial year. There will be a new range of projects that will be funded this financial —

**Mr Jennings** interjected.

**Hon. D. M. DAVIS** — You will see as the announcements are made very shortly, Mr Jennings. The cancer agency is assessing projects this financial year — now. I can also indicate that the \$9.3 million that the member refers to was not the only funding put out by the cancer agency last year. We are very proud of the funding and the steps that were taken to fund matters for the cancer agency last year, and I can indicate there is an additional allocation of money for this year. Unlike under the previous government, that money continues into the future and will not fall to zero as happened under the now Leader of the Opposition.

### Bendigo Hospital

**Mr DRUM** (Northern Victoria) — My question is also to the Minister for Health, David Davis. I ask the minister if he could update the house on developments at Bendigo Hospital, and is he aware of any misinformation that is being spread about this project?

**Hon. D. M. DAVIS** (Minister for Health) — I indicate to the house that this is a magnificent project. I was very proud to be in Bendigo for a regional cabinet meeting with my cabinet colleagues and a number of backbenchers and to be present at the turning of the first sod at the Bendigo Hospital site.

**An honourable member** — Who was it?

**Hon. D. M. DAVIS** — It was the Premier who turned the first sod, and he did a very good job of it. He knows how to operate the machinery, and the machinery was able to dig a great big hole for the turning of the sod. Mr Drum, Ms Millar, a new member for Northern Victoria Region; the Minister for Housing and others who have advocated — including Mrs Petrovich, a former member for Northern Victoria Region — for Bendigo Hospital in northern Victoria can be very proud of what has been delivered.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — It represents \$630 million of government spending, but the private sector put more on the table. Through the public-private partnership process it allowed additional capacity and services at this fantastic new hospital.

What I can say is that there will be 372 new beds. This project is on time, on budget and going forward will deliver hundreds of millions of dollars of additional value. It will deliver jobs in central and northern Victoria and indeed all around the state of Victoria.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — There are some in the Bendigo community who would seek to undermine this project and would seek to undermine the more than 180 people who have been engaged in the project since 31 May, when the contracts were signed. An increasing number of people are involved in this project, and the additional activity on site — the soil testing and the range of — —

**Mr Lenders** — On a point of order, President, Mr Drum's question was one about the Bendigo Hospital and then one about any criticism of the Bendigo Hospital. I have listened with interest to Mr Davis's answer. Until he said that the contract had been signed, I was willing to accept that it was not debating a matter to start sledging political opponents, that it was part of whether a contract would be signed. But I put it to you, President, that Mr Davis is now debating the matter by referring to opponents of his government when it has nothing to do with government administration of a project. As Mr Davis himself said, the contracts are signed.

**Hon. D. M. DAVIS** — On the point of order, President, the question was clearly not just about updating the progress of this important project. It was also about threats and misinformation, and it is quite in order for me to respond to that. The progress of the project can be put at risk by the misinformation that has been spread in the community by some people. I understand the opposition may be sensitive on these matters.

**The PRESIDENT** — Order! The question was fairly open and gave the minister an opportunity to discuss comments made in the community. Members of all three parties have probably been told today to put their chests out and look pretty solid because Saturday is looming. That is fine, but in this place we do not need the noise and vociferous interjections that we have had. It is hard for me to tell the minister to take a particular line in answering a question when Mr Leane is persistently putting an alternative question which he is seeking an answer to. Therefore, as I said, it is difficult for me to bring the minister back to line. I again remind the minister of the debating rule in terms of answers to questions. I share Mr Lenders's view that Mr Davis has transgressed to this point.

**Hon. D. M. DAVIS** — In recent weeks a briefing session has been held for those who would seek to bid for work on the project. Local people, and people from all over Victoria, will be bidding for parts of the work on this project. The tenderers have the majority of the work, but they will seek to have certain services undertaken by a range of others. Hundreds of people

turned up to the briefing. That the briefing was oversubscribed is a fact I can put on the public record.

However, it is true that some people are embittered and some are sad cases who would oppose the progress of this magnificent new hospital. Some would seek to argue that there is nothing happening on the site when there is soil testing happening on the site. They would argue there is nothing happening with the project when there is massive planning for the project and more than 180 people are engaged on the project as we speak. Those 180 people are working towards building the biggest project in the history of country Victoria.

I say that Jacinta Allan, the member for Bendigo East in the other place, and Maree Edwards, the member for Bendigo West in the other place, have a lot to answer for. Their constant undermining of the project is simply an embittered response to the fact that their hospital was \$102 million smaller than the allocation by this government.

**Mr Lenders** — On a point of order, President, the Leader of the Government is now reflecting on two members of Parliament. Our standing orders are quite clear that those types of comments need to be limited to substantive motions. I put it to you that the minister is now doubly in breach of standing orders in that he is debating the motion and he has reflected on two other members, and I ask you to sit him down.

**Hon. D. M. DAVIS** — On the point of order, President, I make it very clear that they were very accurate descriptions of the individuals involved. They are clearly concerned; they are sad.

**The PRESIDENT** — Order! I inform Mr Davis that that clearly was not a point of order. His point of order was just a matter of debate — it was a matter of rebuttal — and it is not acceptable in terms of the process of this place. We expect a point of order to focus on the processes of the house and where members are not following our standing orders. Clearly that remark had nothing to do with that and was just a shot at the Leader of the Opposition's point of order.

On this occasion I think the minister is starting to debate. Certainly if he wants to continue with commentary on the two members in the other place, then it would be best if he were to pursue any view he held in that respect through other mechanisms of the house rather than during this answer to a question. The time for questions allows for discussion of legitimate criticism and alternative public policy, I suppose, to some extent in terms of the way the question was

phrased, but not reflection on members in another place.

**Hon. D. M. DAVIS** — I can indicate to the house that this project is on track, it is on time and it is on budget. I can indicate very clearly that the project will deliver massively for central and northern Victoria and for the Bendigo community in particular. I think the community will be very proud of what is delivered. There is enormous support in Bendigo for this project, and those who would oppose it are making a big mistake.

**Ordered that answer be considered next day on motion of Mr VINEY (Eastern Victoria).**

### East–west link

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. The minister has received a large number of requests from his constituents asking to meet with him because they are affected by the east–west road tunnel. Those constituents are aware that he is the minister responsible for assessing and making decisions on this project as well as being their local Liberal MP. Why has the minister not met with the people who have made these requests?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Barber for the question about my diary; I think he must be copying his questions from Brian Tee. Is he? At the end of the day I do not manage Mr Barber's diary or his movements, and I respect the fact that he would like the Greens to manage mine, but I do my best to meet with whoever contacts my office. If someone sends me an email from an iPad at 2 o'clock in the morning, then it will go into a request process and my office will get back to them. But at the end of the day I do not manage every single part of my diary request process. If there is someone in particular Mr Barber is referring to, maybe after question time he would like to give that information to me personally and I will follow it up for him.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — The minister has received the requests, and I have been copied into the same correspondence. That is how I am aware, and that is how I was able to check that he has not been willing to meet any of his local constituents to discuss —

**Hon. M. J. Guy** — How do you know that?

**Mr BARBER** — Because I asked the minister in the preliminary question and he did not answer. My supplementary question is: if the minister is having difficulty with this, could I, perhaps next sitting week, invite some of these same people to attend — we will book a room — and he can meet them here in Parliament House?

**The PRESIDENT** — Order! What was the question?

**Mr BARBER** — Will the minister participate in this activity to meet these constituents in Parliament House during the next sitting week?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Barber for his question. The only email I know about that I am copied in on that Mr Barber would have anything to do with is, bizarrely, membership to some Greens MPs mailing subscriber list, which my email seemed to be attached to — and a lot of us seemed to be attached to it although we did not ask to be. The Greens decided to spam every MP with their own mailing database in the last six or seven months. I am not sure if that is the one Mr Barber is referring to. I simply say that if there is someone Mr Barber is talking about, whether from the Carlton ratepayers association or otherwise, I am happy for Mr Barber to come to me rather than talk about my diary during question time, like Mr Tee has asked me to. I respect some people's individual privacy. I am happy to have that conversation with Mr Barber offline, and we will see if it is worthwhile to have a conversation between Mr Barber, me and the people he mentioned.

### TAFE policy

**Hon. R. A. DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to Mr Hall, the Minister for Higher Education and Skills. Can the minister advise the house whether the government supports a commonwealth takeover of Victorian TAFEs?

**Mr Lenders** — On a point of order, President, I put it to you that the member's question to the minister about a commonwealth takeover of TAFE is not about state administration. My point of order is that ministers answer on government administration and on the actions of the commonwealth government as it affects them. In the week before a federal election the commonwealth is in caretaker mode. I put it to you, President, that this question is not about state administration and should be ruled out.

**Hon. D. M. Davis** — On the point of order, President, it is very clear that if the commonwealth were to take over all TAFE activity in Victoria, or indeed in any other state, it would have a significant effect on state administration of TAFEs. It is extraordinary that the Leader of the Opposition would argue that the removal of state authority over TAFE would not impact on TAFE.

**Mrs Peulich** — On the point of order, President, my point of order was going to be exactly the same as that of the Leader of the Government. To suggest that a policy that would decimate state management of a very important portfolio would have no impact on state administration is ludicrous, and the point of order should be ruled out of order.

**The PRESIDENT** — Order! It is an interesting point of order. The caretaker Prime Minister has made public statements about the TAFE system — I am not sure whether they are ALP policy or Mr Rudd's policy. However, those statements have been made, and if the policy were to come into effect, it would potentially have a very significant impact on state administration. The minister is entitled to answer this question. I note a previous ruling by President Gould in 2012 when she said:

As long as the answer related to the effects of federal policy on Victoria, and was within the bounds of the minister's portfolio responsibilities, it was in order.

I appreciate that we are in a sensitive period in terms of a federal election campaign and a government in caretaker mode, but nonetheless this is a policy in the public arena that, if implemented, would have significant impacts, in my judgement, on Victoria's administration of the TAFE education system. I believe the minister is entitled to respond to this question.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — Does the Victorian government support a commonwealth takeover of our TAFE system? The answer is an emphatic no — absolutely no! It seems that the prompt for this particular request from Mr Dalla-Riva related to comments made by the federal Labor Party over the weekend which suggested such might be the case if it is returned to government after Saturday. It seems that any good policy should be the product of consultation, and I am not sure what sort of consultation the federal government has had on this particular policy position that it is now espousing. It is not only conservative governments in Victoria, Western Australia and Queensland that have come out opposed to such a position, but I note also in comments in the *Australian* newspaper today that the South Australian

Premier, Jay Weatherill, is also opposed to this particular position.

Jay Weatherill is a person whom I respect. I served with Jay on a ministerial council when he was the Minister for Education before he became Premier of South Australia. He has some knowledge and good thinking in terms of higher education and skills. It is damning of the federal government to suggest that even one of its own state premiers is opposed to this.

I put on record again today that there is absolutely no justification for a federal government to take over the running of vocational education and training in Victoria. If members cast their minds back to 2010, the last year of the previous government in Victoria, they will recall that the government was spending \$800 million per year on training. That figure in 2012 exceeded \$1200 million. Looking back at the amount that TAFE's received from government for government-supported training, it can be seen that in 2010 that figure was \$542 million; in 2012 that figure was \$643 million, which is a 19 per cent increase in direct funding to TAFE for training. Also if we look at the number of enrolments in government-supported training, we can see that the comparative figures are 480 000 in 2010 and 670 000 in 2012.

By any measure the coalition government in Victoria is managing the training system in Victoria extremely well, with more money, more student enrolments and, in fact, better outcomes. Indeed it was only recently that the federal minister, Craig Emerson — and I might add it was not ministers Chris Bowen, Chris Evans or Brendan O'Connor, but it was Craig Emerson — the fourth minister with whom I have dealt in less than three years, signed off on Victoria's implementation plan acknowledging that we were doing exactly what was required of us, and that we were achieving all the objectives and outcomes necessary as party to that national agreement.

With respect to this particular proposition that the commonwealth should take over TAFE training, it is absolute nonsense, and indeed it is almost inconsistent with the agreement. If anyone would like to read the *Australian* today, the comments made by Jay Weatherill say that if we were to do as the federal government says, it would be in contravention of the agreement which provides opportunities for training whether it be public or private. This is a nonsense policy. Victoria will have no part of it.

## Health funding

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. In this chamber on 21 February this year the minister made some comments about the government's intention to make sure that waste was removed and that in fact money was maintained in front-line services. The minister drew the attention of the chamber to the fact that in this case that meant doctors, nurses and health services. The minister said that there would be no money wasted on advertising and that he would keep any expenditure within his portfolio on front-line services. Does the minister maintain that position today?

**Hon. D. M. DAVIS** (Minister for Health) — I can indicate that the state government has massively increased funding to health services, by more than \$2 billion since we came to power, and that when the federal government ripped money out of our system — \$107 million last year — it was forced to return that money. Let me be quite clear: this financial year the federal government will take \$99.5 million out of the system in terms of what it promised to put into the system, and \$368 million of promised funding will be stripped out of our system over three years because of the decision of Wayne Swan, the now sent away federal Treasurer, Julia Gillard, the former Prime Minister, and Tanya Plibersek, now the federal Minister for Health and Medical Research, to cut funding to our hospitals from promised levels.

Instead of acting like the federal government did last year, our government has been increasing funding. I can indicate that there are more doctors, more nurses and more allied health professionals — —

**Mr Jennings** — How many?

**Hon. D. M. DAVIS** — I can provide those numbers for Mr Jennings. I have made public statements about those — —

**Mr Jennings** interjected.

**Hon. D. M. DAVIS** — I will come back to Mr Jennings with the exact numbers, but I can indicate that there is a public statement on the public record indicating the increased number of nurses, doctors and allied health — —

**Mr Jennings** — And you do not know it.

**Hon. D. M. DAVIS** — No, I do not know the exact number off the top of my head, but I can tell Mr Jennings that there are more doctors, more nurses

and more allied health professionals. I can indicate that in the state budget just gone there is \$238 million to support training for doctors, nurses and allied health professionals — additional funding put into this year's state budget over four years to ensure that there is additional funding for the increased number of interns and trainees coming through our public hospital system and for postgraduate courses for our doctors, nurses and allied health professionals.

The contrast, as I say, with what the commonwealth has done in terms of cutting promised funding is significant. I for one believe that the commonwealth ought to have put back into the system all the money that it promised. Even more, the commonwealth has loaded up each hospital with a carbon tax. To put a carbon tax on health care is an extraordinary change. Public hospitals, private hospitals and not for profits are all being clobbered by a carbon tax under this Labor government in Canberra.

We have put more money in. There are more doctors and more nurses and more services being delivered. I can indicate that that is in contrast to the commonwealth, which last year cut funding to Victoria by \$107 million —

**Mr Jennings** — And then put it back.

**Hon. D. M. DAVIS** — And eventually put back the \$107 million — but it did not put back the \$368 million that it cut from promised funding, a total of —

**Mr Jennings** interjected.

**Hon. D. M. DAVIS** — Let me be quite clear: the commonwealth government cut \$475 million and it put back \$107 million. That left a deficit of \$368 million for Julia Gillard and Prime Minister Kevin Rudd to fund in the proper way. They seemed very reluctant to do it, and it was only after a community campaign was run that they were in fact prepared to put that money back in for one year. There are still three years when there will be significant cuts to promised funding.

What I can say is that we have focused our attention on increasing front-line services. Yes, I do stand by that statement. I can indicate that it is important to communicate with the communities of individual hospitals and individual services, particularly where there are projects. I can give examples. For example, at Bendigo there is a significant project under way, and we will certainly be communicating progress of that —

**The PRESIDENT** — Order! Thank you, Minister.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — The minister was saying in his conclusion that he stands by his statements or undertakings that front-line services would be protected and that advertising would not be used as a waste. Can the minister explain to the chamber and the Victorian community why he placed ads on 29 June solely for the purpose of criticising the federal government, and can he clarify whether he paid for those ads, the Liberal Party paid for those ads or the taxpayer paid for those ads? If the taxpayer paid for them, how can the minister justify that waste when it is the equivalent, on that one day, of 280 radiotherapy treatments in Victorian hospitals?

**Hon. D. M. DAVIS** (Minister for Health) — I can indicate that the Victorian government is very concerned about the cuts by the commonwealth government and was prepared to ensure that the community knew those cuts were going to be resumed. It was important to make it clear to people. We had hoped the new Rudd government — the ads were placed before Mr Rudd became Prime Minister — would see sense and return the \$368 million. Let me be clear: from the December payment period last year \$15.3 million a month was cut out. Eventually the commonwealth was forced by community opposition to put the \$107 million back into the system. I indicate to the community that the commonwealth cuts to promised funding resumed on 1 July, and this year \$99.5 million will be cut from promised funding by the federal government. I am disappointed that Mr Rudd has not seen fit to put the money back in.

### **Regional Aviation Fund**

**Mr O'BRIEN** (Western Victoria) — My question is to the Minister responsible for the Aviation Industry, the Honourable Gordon Rich-Phillips. I ask: can the minister update the house on the progress of the Regional Aviation Fund?

**Hon. G. K. RICH-PHILLIPS** (Minister responsible for the Aviation Industry) — I thank Mr O'Brien for his question and for his interest in the Regional Aviation Fund. I was delighted on Friday to be in Edenhope near the South Australian border in Mr O'Brien's electorate, which he shares with Mr Koch and Mr Ramsay, for the opening of the upgraded Edenhope regional airport. This is a project that the Victorian government has undertaken with West Wimmera Shire Council involving the widening of the runway at Edenhope Airport, the installation of new runway lighting and an upgrade of runway markings.

Importantly, this project will allow the resumption of 24-hour air ambulance access to Edenhope.

This project was made necessary by the withdrawal of night-time air ambulance services from Edenhope. I am delighted that through the opening of that project last week we will now see the restoration of 24-hour air ambulance services to the Edenhope community. This is alongside a project that I was very pleased to see opened earlier this year at Cohuna, a township that had also seen the withdrawal of 24-hour air ambulance services. Those have now been restored as a consequence of that — —

**Hon. D. M. Davis** — Who signed off on that contract? John Lenders!

**Hon. G. K. RICH-PHILLIPS** — Who signed off on that contract? Indeed it was the previous government, as Mr Davis says.

The Victorian government through the Regional Aviation Fund has now provided funding for upgrades at Latrobe Valley, Bendigo, Warrnambool, Cohuna, Edenhope, Lethbridge, Benalla, Colac and Stawell — a broad selection of centres across the Victorian community — in recognition of the fact that these facilities are important for our air ambulance services, important for firefighting services, important for regional tourism and important for business access.

In addition to being at Edenhope last Friday for the opening of the upgraded Edenhope Airport, I was delighted to be later that day in Kyneton for the announcement of upgraded guidelines for the Regional Aviation Fund. I was pleased to be in Kyneton to announce that the Victorian government will establish a new funding stream under the Regional Aviation Fund, the operational funding stream, which will allow the operators of regional airports, which are typically small municipalities, to access funding for upgrading the airports to 24-hour all-weather operations. This involves the installation of runway lights. It involves the design of GPS approaches. It involves the installation of automated weather services and the availability of fuel.

Under the new funding guidelines those four items will be made available as a package of up to \$250 000 of funding without the requirement for co-contribution from the responsible aerodrome operator. The funding to upgrade these facilities will now be made even more easily available for local councils. We look forward to seeing further projects under the Regional Aviation Fund rolled out across Victoria, because this government supports regional Victoria.

## Edward Street Nursing Home

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Ageing. I refer the minister to Susan from Belgrave South, whose 98-year-old mother is being cared for at Edward Street Nursing Home, which is run by Eastern Health. She has described the nursing home in the following terms:

It is a wonderful nursing home and is run as much as possible like a real home with sufficient staff who are permanent, know each resident and give them individual and caring attention. Mum is almost 98 and we are horrified at the thought of this caring centre being sold to a private or charitable organisation.

Susan would like to know whether Edward Street Nursing Home is to be sold, and if so, when, how will residents and their families be notified, and what arrangements will be made in relation to current residents?

**The PRESIDENT** — Order! Who owns this facility at the moment?

**Ms MIKAKOS** — It is a Victorian government facility run by Eastern Health.

**Hon. D. M. DAVIS** (Minister for Ageing) — I thank the member for her question, and I note the importance of our aged-care facilities. Importantly, aged care is funded and regulated by the commonwealth government. It is important to understand that there are a number of aged-care providers in our system — some are in the public sector, some are in the not-for-profit sector and some are in the private sector — and they all have a role to play. The government has indicated that it is prepared to look at proposals that come forward from agencies for greater private provision of services. However, I can indicate that this will be done in a sensitive way that would protect residents.

**Mr Jennings** — Governed by you?

**Hon. D. M. DAVIS** — I want to be quite clear on this. Ms Mikakos has asked a number of questions in this chamber before, and I will point to a couple of those questions by way of illustrating a number of the points that she seeks to elucidate.

**Ms Mikakos** — How about you answer this question?

**Hon. D. M. DAVIS** — I am answering this question very directly. Ms Mikakos has asked a question about a service in Koroit. That service was in competition with a number of other service providers in the area. At its

request, residents were relocated to another not-for-profit service and to private agencies nearby. In that example all the residents were sensitively protected, and all the residents had a good outcome.

Peninsula Aged Care Service was run by Peninsula Health. In that case Southern Cross Care, a major not-for-profit provider, took over the management of that service. An additional capital injection will be provided to that service, and there will be better outcomes for the residents. I am using these examples by way of illustration, to elucidate exactly the points Ms Mikakos has been asking about. In that case Peninsula Health was able to ensure that a better outcome was achieved for those residents.

What I am indicating is that the member is moving around the metropolitan area seeking to cause some level of concern amongst people. One of the questions that was asked here the other day concerned some Peninsula agencies. I note that in that case Ms Mikakos sought to suggest that I had had some hand in — —

**Mr Lenders** — On a point of order, President, Ms Mikakos asked the minister specifically about a particular aged-care facility in an area under his administration. He is now debating the question by reflecting on Ms Mikakos's visits to other parts of the state and other agencies. I ask you to bring him back to the specific question on the administration of one aged-care facility and to stop him debating Ms Mikakos's motives in visiting other parts of the state.

**Hon. D. M. DAVIS** — On the point of order, President, I am seeking to respond very directly by way of illustrating recent examples in which the member has asked such a question and where there has been some change in the arrangements.

**Mr Jennings** — You have not answered the question.

**Hon. D. M. DAVIS** — Indeed I have answered it. In this case each of the examples I have given is relevant because the key points the member was asking about were the security of residents and the nature of any transfers. I am elucidating this by way of examples, and I will come quite precisely to the question as we go forward.

**The PRESIDENT** — Order! I am certainly concerned when members disparage other members for visiting places around Victoria. The more we get out and visit places and learn about some of these issues, the better our policy formulation and the debates we have will be. I certainly do not think it is fair to criticise members for going to places and trying to establish

some of the issues. The minister was debating the question towards the time when the point of order was made, and I think he recognises that. He has indicated that he is providing context for his answer. He is looking to provide Ms Mikakos with an answer in relation to the particular nursing home she has raised as an issue.

**Hon. D. M. DAVIS** — As I said, I was seeking to use some examples of ways in which the government and other agencies have been successful in ensuring that patients are protected and good outcomes are achieved for patients. That is always the primary objective of government and indeed our agencies. In terms of specific agencies, the government is in no way prepared to indicate what steps it might take.

These are proposals that would come forward. But we would ensure that people were better off, that there was a better outcome for people and that there were better results in terms of outcomes for the residents. I note that in the Peninsula Health example I gave there were a number of psychogeriatric patients. A number of clinicians who were responsible for both those facilities were reluctant to allow tours because of the high risk of upsetting patients. That is a note I received from Peninsula Health.

In terms of visits, I agree with the President's point, but I believe it is important to do that in a sensitive way and to ensure that residents are not upset, particularly where there may be residents with higher needs or higher requirements — —

**The PRESIDENT** — Time!

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — It is interesting that the minister felt the need to revisit his answers to three previous questions I have asked on three separate occasions about three different issues. My question today was specifically in relation to Edward Street Nursing Home, which is run by Eastern Health. I give the minister the opportunity now to set Susan's and other family members' minds at ease — I remind the minister that Susan is from Belgrave South. Will the minister rule out the outsourcing, merger, sale, privatisation or closure of the Edward Street Nursing Home, particularly in light of the fact that he has recently tendered to appoint consultants to begin the privatisation process?

**Hon. D. M. DAVIS** (Minister for Ageing) — I am aware of no specific proposal concerning the facility the member has referred to. I can indicate that our health services and agencies are independent bodies that often

bring forward proposals. The example we have talked about in this chamber before, Peninsula Health, is one such example of a major metropolitan service. That metropolitan service came forward with a proposal. The government was not prepared to stand in the way of a proposal from an agency to provide better services with a new capital injection for a number of its facilities. That is entirely appropriate. In that case, Southern Cross was able to provide a better outcome for those residents and was able to do that in a way that was in the interests of those residents. I am not prejudging anything, but I am aware of no specific — —

**The PRESIDENT** — Time!

**Ararat prison**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Corrections. Can the minister update the house on progress on the Ararat prison expansion and the benefits to the region?

**Hon. E. J. O'DONOHUE** (Minister for Corrections) — I welcome the question and thank Mr Ramsay for his question about the Ararat prison expansion project. I acknowledge his advocacy and the advocacy of Mr O'Brien and Mr Koch. I was very pleased last week to visit Ararat. Let me say at the outset that the government welcomes the partnership it has through Corrections Victoria and the Department of Justice with the Ararat community and the Ararat Rural City Council with the Ararat prison project.

I was pleased to attend the community advisory group meeting at Ararat last week. But before I talk about that, let me give the house some background on this project. As we know, this is yet again a failed Labor project that the coalition has fixed. Under Labor the building contract chosen by Labor went under. Under Labor the project contract Labor signed had great deficiencies in terms of cross-guarantees. Workers lost their jobs, and subcontractors were out of pocket to the tune of millions of dollars. I am very pleased to advise the house that the coalition has fixed this project. The subcontractors have been paid and the workers are back on site. I was advised at that meeting that up to 600 workers are at the prison site each and every day and as a consequence the whole town of Ararat is benefiting.

The community advisory group and the Ararat council told me last week that the turnaround could not be more stark. The hotels are full, the pubs are full, the shops are full and if you want to have dinner at a restaurant, you had better book well in advance. The supermarkets are full, and what is more, local businesses are having to look as far afield as Hamilton to find staff in the

employment boom that is occurring. Those opposite may disparage this very important project that is delivering jobs to this region. As I said, Ararat employers are looking as far afield as Hamilton for people to employ in their shops, restaurants, motels and various other commercial enterprises.

In that context it is worth noting the most recent quarterly figures from the Australian Bureau of Statistics for the Central Highlands-Wimmera region. In the three months to July, employment figures in the region increased by 3800 or 3.5 per cent compared to the preceding quarter. Over the course of the year to July, employment in the region increased by 5900 or 5.5 per cent. At the same time the unemployment rate for the Central Highlands-Wimmera region is now 5 per cent, lower than the regional Victorian average of 5.2 per cent. We know that when Labor left government the regional unemployment rate was 6.3 per cent.

The pace of work at the prison is a stunning result for all Victorians, because the 350 beds currently under construction are badly needed for the corrections system. That is the final part of Labor's shameful neglect of this project. Those beds were programmed to be delivered late last year. Because of Labor's bungling, because of its failure to manage major projects, that project has been delayed and has resulted in pressure on the correctional system. I am pleased to advise the house that the Ararat prison project is back on track. The coalition has fixed this project that Labor bungled.

**Mr Lenders** — On a point of order, President, can I get some clarification. The minister just answered a question on job statistics quite fulsomely. The list that has been circulated to the opposition says that most of those areas, such as major projects, Treasury and employment, are the responsibility of Mr Rich-Phillips. The clarification I seek is whether we direct questions on jobs to Mr Rich-Phillips or Mr O'Donohue in the future.

**The PRESIDENT** — Order! It is quite clear that Mr Rich-Phillips is responsible for answering questions in terms of jobs and associated matters. Mr O'Donohue's discussion today in his response to this question was in respect of the positive impact on the community in terms of job creation due to a specific project which is under his charge. I think he was basically saying that the Ararat prison development has been a significant job generator in the area. In that context his answer was fairly narrow and specific to an area in which he has competence. But for job matters in general Mr Lenders is quite right in saying Mr Rich-Phillips is the first port of call.

### Public housing bedroom tax

**Ms MIKAKOS** (Northern Metropolitan) — My question without notice is for the Minister for Housing. I refer the minister to the decision of her coalition colleagues in the New South Wales government who have introduced a bedroom tax for some of the state's most vulnerable people. I ask: has the minister received advice on the introduction of a bedroom tax for Victoria's public housing tenants?

**Hon. W. A. LOVELL** (Minister for Housing) — The policy that the minister referred to is a New South Wales policy and not a Victorian policy, so no.

#### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — It would be nice if the minister even pretended to answer the question. I asked whether the minister had received advice — —

**The PRESIDENT** — Order! That was an unnecessary remark. It would obviously provoke debate, which I do not think is in the interests of Ms Mikakos or the house in terms of eliciting an appropriate answer to the supplementary question.

**Ms MIKAKOS** — I refer the minister to the consequences of the bedroom tax in the United Kingdom, where the experience was that there was a 338 per cent leap in the number of people applying for emergency housing payments after its introduction, which resulted in massive hardship. I ask: will the minister rule out the introduction of a bedroom tax in Victoria?

**Hon. W. A. LOVELL** (Minister for Housing) — Had the member opposite listened to my full answer before instead of squawking while I was answering it — —

**The PRESIDENT** — Order! I asked Ms Mikakos to moderate her point for exactly the reason that it might elicit some sort of rebuke. The rebuke was as unnecessary as Ms Mikakos's comment.

**Hon. W. A. LOVELL** — As I said at the end of my substantive answer, I have not received any advice on it. No, it is not Victorian policy.

### Homelessness action plan

**Mrs MILLAR** (Northern Victoria) — My question is to the Minister for Housing. Can the minister inform the house about the implementation of the government's innovation action plan program as outlined in the Victorian Homelessness Action Plan?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question and her interest in those less fortunate than ourselves in Victoria who are suffering homelessness. I congratulate the member on her appointment as a new member for Northern Victoria Region. I am delighted to have her working with me in my region and with us in the Parliament.

On 5 October 2011 I launched the Victorian Homelessness Action Plan, a \$76.6 million plan to tackle homelessness in Victoria. A key component of that plan was the development of innovation action plan pilot programs to identify better ways of preventing and reducing homelessness. Eleven projects were selected for time-limited funding, and all were required to incorporate transition plans in the event that they were not selected for continuation or expansion.

In his 2012 report *Addressing Homelessness — Partnerships and Plans* the Auditor-General praised the Victorian Homelessness Action Plan and said it had been structured:

... not only to address current shortcomings in homelessness services, but also to develop future solutions. This positive start positions Victoria well for reforming its homelessness service system and informing future direction.

I recently announced a further \$16 million so that 7 of the 11 pilot programs could be continued and extended. This followed an independent assessment of the innovation action projects and brings the funding for the Victorian Homelessness Action Plan to \$82 million.

The innovation action projects that were successful in obtaining continued funding are: Star Housing, run by a consortium headed up by Rural Housing Network; Detour, which is run by a consortium of Melbourne Citymission, Kids Under Cover and UnitingCare Cutting Edge; HomeConnect Hub, which is headed up by VincentCare Victoria; Home at Last, which is headed up by the Housing for the Aged Action Group; Next Steps, which is headed up by Jesuit Social Services; Families@Home, which is headed up by Kildonan UnitingCare and HomeGround Services; and Regional Outreach for Elderly Homeless, which is headed up by Wintringham. I congratulate the services that received this extended funding. They will continue to operate across both metropolitan Melbourne and rural Victoria and will provide a basis for our planning for homelessness services into the future.

I also pass on my thanks to those services that were not prioritised for continuation or expansion. Whilst unsuccessful in this particular process, I am sure that lessons have been learnt that will be of value. I look forward to ongoing relationships with all the organisations involved. Homelessness is a serious issue,

and I look forward to seeing the stronger outcomes that will be delivered by the Victorian Homelessness Action Plan and the innovation action projects.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 8152 and 8233.

## RULINGS BY THE CHAIR

### Questions on notice reinstatement

**The PRESIDENT** — Order! Ms Mikakos has written to me with respect to question on notice 533. The question was for the Minister for Youth Affairs; it was asked through the Minister for Housing. It sought details of funding for programs in the youth affairs portfolio. The answer provided was that the information was in the budget papers. I have been through the budget papers and I cannot find it either, so I order that that question be reinstated.

Ms Mikakos has further written to me with regard to question on notice 8596, which concerned children and early childhood development questions and was directed to the Minister for Children and early Childhood development, Ms Lovell. Those questions were in relation to maternal and child health centres. In one aspect Ms Mikakos sought a list of all maternal and child health services operating in Victoria, and I think — if I remember rightly — was concerned that whilst there was an online directory, it had a limited number of centres that could be viewed at any one time. My view is that the minister is not obliged to provide a mailing list to other members. The information is publicly available, and whilst it might take a bit of shuffling of the old keyboard, the fact is that the information is already available.

In regard to the second part of the question, Ms Mikakos had sought from Minister Lovell the amount of funding provided to each local government area in respect of maternal and child health services. It is my view that that answer was not satisfactory in that respect. The answer covered some quantum figures for funding, but I believe it ought to be possible to provide a breakdown of local government areas. I think that is a fair enough request. I ask that that part of the question be reinstated. The department or minister may well have a reason it cannot be provided, but I think that ought to be the response to the next question.

Mr Tarlamis has written to me with regard to a number of aspects of government funding of railway improvements on the Frankston train line. He has asked for a breakdown of where those funds that have been announced might be specifically allocated. I note from the minister's answer that in fact there is a process going on at the moment — or as at the time this answer was delivered to Mr Tarlamis — which was to establish the priorities of that funding and to what particular projects they might be applied, some of which included the matters Mr Tarlamis specifically sought information on but some of which was to other improvements in terms of station upgrades. To that extent I think Mr Tarlamis might well pursue further inquiries to find out the status of that process the minister has in place, but I think the minister's answer is satisfactory in terms of saying that the response to Mr Tarlamis's questions is part of that process and was perhaps not available or to hand at the time his question was placed.

## PARLIAMENTARY ALLOWANCES

**The PRESIDENT** — Order! Members should be aware that under the new Parliamentary Salaries and Superannuation (Allowances) Regulations 2013, made under the Parliamentary Salaries and Superannuation Act 1968, which came into force on 1 July this year, there are certain requirements of members. The regulations replace the former Parliamentary Allowances Regulations 2003 and the Parliamentary Committees Regulations 2003. The object of the regulations, as members would be aware, is to provide for allowances payable to members when undertaking their parliamentary duties, including work with parliamentary committees.

I remind members that it is a requirement under these new regulations that a member must notify the relevant Presiding Officer of the location of his or her home base and second residence — if any — within two months of the commencement of the regulations. There are some members who are still to comply with that obligation even though the two-month time limit has now expired. I encourage those members to submit their details to my office as soon as possible as the information is required to enable departmental officers to process expense claims. I also remind members that they must notify the President within 30 days of any change in their home base or second residence. I do not look at those forms; I do not really mind where members live, but under the regulations that have been promulgated we need to have that information so the allowances can be properly calculated. It is in the interests of members that that happens.

**MELBOURNE DAY**

**The PRESIDENT** — Order! On a happy note, I record the fact that last week Melbourne became a city of 178 years. When you reflect on what has been achieved in such a short time as you travel around the world and look at other places, the accomplishments of the people who have led this city and who have contributed from so many communities — from more than 200 countries — around the world, who have come together and pitched in their skills, talents, experience, knowledge and so forth to build the city we have today, you see it is quite a remarkable achievement. Melbourne is Australia's best city, it is the world's most livable city, and it has just celebrated its 178th birthday. I think that is worthy of mention.

**PETITIONS****Following petitions presented to house:****Healesville freeway reservation**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the promise made by Heidi Victoria, MP, in 2010 to preserve the Healesville freeway reserve as open space for the community.

The petitioners therefore request that the Napthine government keep their promise and preserve the Healesville freeway reserve as public open space and not sell off the land to developers.

**By Mr LEANE (Eastern Metropolitan)**  
**(64 signatures).**

**Laid on table.**

**Swinburne University of Technology Lilydale campus**

To the Legislative Council of Victoria:

The petition of residents of the outer eastern suburbs of Melbourne draws to the attention of the house the proposed rezoning and sale of the Lilydale TAFE and university campus, which does not have the support of the local community.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Swinburne facilities remain solely for the educational purposes, and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

**By Mr LEANE (Eastern Metropolitan)**  
**(147 signatures).**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE*****Alert Digest No. 11***

**Hon. R. A. DALLA-RIVA (Eastern Metropolitan)**  
**presented *Alert Digest No. 11* of 2013, including appendices.**

**Laid on table.**

**Ordered to be printed.**

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

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2012.

Coronial Council of Victoria — Report, 2012–13.

Crown Land (Reserves) Act 1978 —

Minister's Order of 5 October 2012 giving approval to the granting of a lease at Point Leo Foreshore Reserve.

Minister's Order of 15 July 2013 giving approval to the granting of a licence at Civic Place, Warragul.

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

Bass Coast Planning Scheme — Amendment C137.

Boroondara Planning Scheme — Amendment C162.

Brimbank Planning Scheme — Amendment C64.

Casey Planning Scheme — Amendment C183.

Darebin Planning Scheme — Amendment C139.

Glen Eira Planning Scheme — Amendments C109 and C110.

Greater Dandenong Planning Scheme — Amendment C176.

Knox Planning Scheme — Amendment C125.

Maribyrnong Planning Scheme — Amendment C126.

Melbourne Planning Scheme — Amendment C217.

Melton Planning Scheme — Amendment C113.

Mitchell Planning Scheme — Amendment C93.

Moonee Valley Planning Scheme — Amendment C133.

Wellington Planning Scheme — Amendment C79.

Whittlesea Planning Scheme — Amendment C165.

Victoria Planning Provisions — Amendment VC104.

Yarra Ranges Planning Scheme — Amendment C132.

Public Interest Monitor — Report for the period 10 February 2013 to 30 June 2013.

Rural Finance Corporation of Victoria — Report, 2012–13.

State Concessions Act 2004 — 4 Orders of 30 July 2013 under section 7 in respect of Electricity Retailers, Gas Retailers, Water Corporations and Local Government.

Statutory Rules under the following Acts of Parliament:

Criminal Procedure Act 2009 — County Court Act 1958 — No. 110.

Drugs, Poisons and Controlled Substances Act 1981 — Nos. 107 and 108.

Legal Profession Act 2004 — No. 106.

Public Health and Wellbeing Act 2008 — No. 109.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 91 to 94 and 110.

Young Farmers' Finance Council — Report, 2012–13.

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

Justice Legislation Amendment Act 2013 — Part 2 — 26 October 2013 (*Gazette No. S292, 20 August 2013*).

## BUSINESS OF THE HOUSE

### General business

**Mr LENDERS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 4 September:

- (1) Notice of motion 613 standing in the name of Mr Tee, that the Minister for Planning no longer possesses the confidence of this house;
- (2) Order of the day 24, resumption of debate on motion relating to the production of the east–west link business case;
- (3) Order of the day 22, resumption of debate on motion relating to the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011;
- (4) Notice of motion standing in the name of Mr Barber relating to funding of the Doncaster rail line; and
- (5) Order of the day 20, resumption of debate on motion relating to the construction of the Mallacoota boat ramp.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Wear It Purple Day

**Ms PULFORD** (Western Victoria) — In Mildura last Friday I attended a breakfast to mark Wear It Purple Day to support the region's sex and gender diverse young people. Wear It Purple Day is an annual occasion for us to shout a message that is so important that it could be shouted daily — you have the right to be proud of who you are.

Wear It Purple Day is a youth initiated and led statement about acceptance and respect, complete with a great splash of colour in many places across the world, including last Friday in Deakin Avenue in Mildura.

### Leadership Ballarat and Western Region

**Ms PULFORD** — On another note, may I give a shout out to Leadership Ballarat and Western Region. It supports and trains emerging community leaders. It runs a commendable volunteer program and volunteer mentoring program for graduates of the leadership program. But on this occasion it earns its mention and entry into *Hansard* for it was the winner of a Twitter competition for being the 2000th follower of the member for Lyndhurst in the Assembly. I am duly recording that in *Hansard*. The leadership group is an excellent organisation that does a great deal of good work for the community in which I live, and it is to be congratulated on that as well.

### Bendigo cabinet meeting

**Hon. W. A. LOVELL** (Minister for Housing) — It was a pleasure last week to join my Northern Victoria Region colleagues Amanda Millar and Damian Drum in welcoming state cabinet to Bendigo. Bendigo is the largest city in our electorate, and it is a vibrant, growing community. The cabinet visit was a day of exciting events and announcements. The Premier took to an earthmover to turn the first sod at the site of the new \$630 million Bendigo Hospital, marking the next phase of the delivery of this vital facility for northern Victoria.

I was also thrilled to join the Premier, the Assistant Treasurer, Mr Rich-Phillips, and Amanda Millar for the announcement that Melbourne-based IT consulting firm e-CentricInnovations is setting up a SharePoint Factory at La Trobe University's Bendigo campus. This initiative — a partnership with La Trobe and Microsoft Australia — will deliver more than 150 new jobs in Bendigo and provide valuable learning experiences and career pathways for La Trobe students.

The Minister for Roads, Mr Mulder, announced funding for a range of road improvements in the Bendigo and Castlemaine regions. These commitments followed the announcement the previous Friday that the Victorian coalition government would commit \$41 million to provide grade separation for the Ravenswood Calder Freeway and Calder Alternate Route intersection. This is one of Victoria's most dangerous intersections and was ignored by federal Labor last year when the state put it up as one of its priority projects. It was also ignored by state Labor during its 11 years in government.

The Minister for Innovation, Services and Small Business, Ms Asher, announced that the Bendigo Art Gallery will host 'The Body Beautiful in Ancient Greece' — an exhibition from the British Museum — next year. The Minister for Police and Emergency Services, Mr Wells, announced that Castlemaine would receive a new \$12 million police station. Just as important as the many announcements, though, was the community forum held at La Trobe University on Monday night. It was a wonderful opportunity for us as ministers to hear firsthand from the local community, and I would like to thank all who attended.

### **John Cummins Memorial Fund**

**Ms MIKAKOS** (Northern Metropolitan) — On 30 August I had the pleasure of attending the seventh annual John Cummins Memorial Fund dinner held in honour of former trade unionist John Cummins, continuing his legacy and memory. This fund has raised money for the brain tumour support service at Austin Health to support patients who suffer from brain cancer and brain tumours, and to support their families. Since its inception the fund has raised over \$244 000 for Austin Health. The fund also provides scholarships for secondary students whose families are experiencing financial hardship, giving them the opportunity to pursue their studies. Since 2007, 128 scholarships worth \$117 000 have been awarded, many to students in my local area in the northern suburbs. John's wife, Di Cummins, is to be congratulated on her continuing support for families in need and on the work she is doing in John's memory.

### ***So, Where Are You From?***

**Ms MIKAKOS** — On 23 August I had the pleasure of attending the opening night of the La Trobe University Student Theatre and Film theatre production *So, Where Are You From?*. The production highlighted the experiences of international students who both wrote and starred in the play. Their stories serve as a window into the hardship many international students

face on coming to Australia. I congratulate all the performers and the La Trobe University Student Theatre and Film theatre on this revealing and enlightening performance.

### **University of the Third Age Melbourne City**

**Ms MIKAKOS** — On 29 August I also had the pleasure of attending the annual winter lunch of the University of the Third Age Melbourne City. University of the Third Age is an important organisation that supports our senior citizens in pursuing their learning and enhancing their intellect, while also providing for social interaction.

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Port Phillip Prison joint treatment program**

**Mrs COOTE** (Southern Metropolitan) — Last Friday I had the great pleasure of visiting the Marlborough joint treatment program at Port Phillip Prison. It was a celebration to recognise that the joint treatment program had recently won an award for excellence in improving learning and development at the Victorian Disability Sector Awards. G4S Custodial Services Pty Ltd held the celebration at the prison. The visit was an opportunity to look at the gardens developed by the Marlborough unit and also to celebrate with all the participants in this excellent program.

Disability Pathways is a Corrections Victoria initiative, and I commend the Minister for Corrections, Mr O'Donohue, and his staff for this excellent initiative. It was established under a tripartite relationship between Port Phillip Prison, Corrections Victoria and the Department of Human Services Disability Forensic Assessment and Treatment Service. It is known as a joint treatment program in the Port Phillip and Loddon prisons.

I wish to put on record my praise for Michelle Enbon and the staff on their excellent work. We were treated to personal stories from the inmates of the Marlborough joint treatment program which were very poignant. One member of the program played a song on his guitar that he had written for his daughter. It was very moving, as were all the speeches given by the people there. I also had an opportunity to view the garden and see the excellent work that was being done. I commend all the staff and the inmates of the prison.

### John Cummins Memorial Fund

**Ms HARTLAND** (Western Metropolitan) — I also attended the John Cummins memorial function on Friday night. I remember being on many picket lines with John Cummins and other people from the Builders Labourers Federation and the Construction, Forestry, Mining and Energy Union over the years. The John Cummins Memorial Fund is quite an extraordinary thing, and John's widow, Di Cummins, needs to be congratulated on the work she has done over the last seven years, particularly considering that she did so during a time of intense grief.

The fund has raised money for 128 student scholarships, student support services at Northland Secondary College and junior sports activities at North Heidelberg Football Club. It has contributed \$2000 to Australian People for Health, Education and Development Abroad, \$2000 to the Fred Hollows Foundation and \$175 000 to brain tumour support services at the Austin Hospital, something that the family identified with when John was dying of a brain tumour. It has also contributed funds for the education and support of young people with brain tumours and for palliative care equipment. In all the fund has raised \$400 000 over the last seven years, and Di and her team should be congratulated on the amazing work they have done.

### Fire services property levy

**Ms DARVENIZA** (Northern Victoria) — The fire services property levy was introduced following a recommendation by the 2009 Victorian Bushfires Royal Commission. The Victorian parliamentary Labor Party did not oppose the implementation of the levy but did raise a number of concerns about the way in which the new levy was to be implemented. When the Liberal-Nationals state government introduced the new fire services levy huge full-page advertisements informed Victorians that it was a fairer system for all. Unfortunately that has not been the case.

Electorate offices across Victoria have been inundated with complaints from constituents who have seen massive hikes in their fire services tax. The fire levy reforms were meant to spread the cost across all property owners rather than burden only the people who had home insurance. What is becoming clear is that this one-size-fits-all approach does not fit all types of businesses and residential properties. The state government needs to review the operation of this tax and provide new and substantial powers to the fire services levy monitor to ensure that it really is a fairer system for all.

### Regional gas supply

**Mr DRUM** (Northern Victoria) — Yesterday I had the pleasure of accompanying the Deputy Premier, Peter Ryan, and the member for Rodney in the Assembly, Paul Weller, to Heathcote where, as Minister for State Development and Minister for Regional and Rural Development, Mr Ryan announced that he would be bringing natural gas to a whole range of towns across regional Victoria. Prior to the last state election The Nationals in coalition with the Liberals pledged \$100 million from the Regional Growth Fund to help bring energy to these regions. We named 14 priority towns across Victoria that we believed we could deliver reticulated gas to, and we set about honouring that commitment as soon as we came to government. The previous government ridiculed these announcements, stating that any towns that could reasonably be connected to natural gas had already been connected.

Even though this process has been more difficult than first imagined, Mr Ryan and the team at Regional Development Victoria (RDV) have worked hard to develop a proposal which will see the delivery of natural gas by conventional pipeline to Huntly, Avoca, Bannockburn, Winchelsea, Wandong and Heathcote Junction, and the remaining priority towns of Koo Wee Rup, Heathcote, Maldon, Marong, Orbost, Lakes Entrance, Terang, Maldon and Invermay connected by either liquefied natural gas or compressed natural gas. This sends a clear message to all Victorians — that is, when it gets tough and the low-hanging fruit has already been picked, Labor is prepared to walk away from regional towns and cities. The Nationals in coalition with the Liberals will stand up and support our regional towns, and this announcement is proof of the lengths Minister Ryan and his team at RDV will go to to provide an equal footing for people in small regional towns and cities who need energy.

### Health funding

**Mr EIDEH** (Western Metropolitan) — Last week I joined with my parliamentary colleagues from this house, the shadow minister for children and young adults, Ms Jenny Mikakos, and Mr Cesar Melhem, and from the Assembly the member for Keilor, Ms Natalie Hutchins, the member for Kororoit, Ms Marlene Kairouz, and the member for Melton, Mr Don Nardella, along with many disgruntled parents, teachers and staff of local schools and kindergartens in the western suburbs to protest the cuts to the Children's Allied Health Service at Sunshine Hospital. We representatives of the significantly disadvantaged western suburbs gathered at the office of Mr Bernie

Finn to seek answers to why children are suffering and failing to reach their full potential at the hands of this government and its savage funding cuts.

The Children's Allied Health Service provided families in the western suburbs with the opportunity to have their children assessed for possible disabilities or developmental delays. It saddens me to know that families who are already doing it tough and struggling to meet daily expenses are now going to have to find another \$1500 to have their child assessed privately. This is just another example of this government treating the residents of Melbourne's west as second-rate citizens. This funding cut to the Children's Allied Health Service in Sunshine must be reversed.

### **Avoca Children's and Family Centre**

**Mr RAMSAY** (Western Victoria) — I continue on from my last members statement with more exciting developments and announcements in western Victoria. Two weeks ago I attended with the Minister for Children and Early Childhood Development, Wendy Lovell, the opening of the Avoca Children's and Family Centre. I congratulate all those involved, particularly Pyrenees Shire Council, which contributed \$150 000; the committee of management, which contributed \$25 000; and the Bendigo community bank, which contributed \$60 000. The state government contributed \$1.32 million as well. I congratulate the committee of management and the volunteers who supported this very important integrated centre in Avoca.

### **Anglesea Country Fire Authority station**

**Mr RAMSAY** — I also attended with the Minister for Police and Emergency Services, Kim Wells, and the Minister for Public Transport, Terry Mulder, the opening of the new \$1.8 million Anglesea Country Fire Authority station, the first eco-5-star fire station in the Southern Hemisphere. I congratulate the Country Fire Authority volunteers at the Anglesea brigade and the wider community and acknowledge their support, in terms of both financial assistance and volunteer hours to support this new station with its new appliances.

### **Great Ocean Road upgrade**

**Mr RAMSAY** — Talking about Anglesea, I congratulate the federal Leader of the Opposition, Tony Abbott, and the Liberal candidate for Corangamite, Sarah Henderson, on the wonderful announcement of \$25 million for the Great Ocean Road. The member for Corangamite, Darren Cheeseman, has never made such a commitment. I also congratulate the Minister for

Roads, Terry Mulder, on committing \$25 million from the state government, which brings the total to \$50 million. The federal coalition has also committed to the Princes Highway to Colac duplication. I also congratulate — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has well and truly expired.

### **Dost in-school breakfast program**

**Mr MELHEM** (Western Metropolitan) — I take this opportunity to speak about the success of a fundraiser run by the Indian community group Dost — which means friend — and jointly sponsored by my colleagues in the other place the members for Keilor and Kororoit, and me. Not only is breakfast important to ensure that children get the required amount of nutrition during a most important stage of development but it is also fundamental for classroom learning.

According to data from the 2012 Australian Bureau of Statistics school census, 14 per cent of children do not eat breakfast. Families, particularly those with both parents working, understandably sometimes find it hard to fit breakfast into the morning rush. Therefore in-school breakfast programs are an important part of addressing this issue. Held in mid-July, the fundraiser raised \$16 000, which went directly to several schools in the west, including Mackellar Primary School, Delahey. I commend the initiative of Dost, a community group which has no doubt made a huge and admirable impact on the learning ability of many kids who will now have the opportunity to start the day with their tanks full.

### **Kim Crow**

**Mr LEANE** (Eastern Metropolitan) — I think everyone in the chamber will join me in congratulating Kim Crow, who has become our latest world champion. Kim Crow has made history because no Australian woman has ever before won the rowing single sculls at a world championship. She managed to do that in South Korea in recent days, and it is a fantastic effort. To do so she had to beat the current Olympic champion from the Czech Republic. She won by a couple of seconds, which is quite a length of time when you are talking about a rowing event.

Kim is an outspoken sportswoman when it comes to promoting the participation of women in sport, but she is also outspoken about the use of drugs in sport, which at the moment is a topical issue. Kim comes from a sporting family. Her father is Max Crow, who played 200-odd games for Essendon Football Club. Her

brother played one game for Collingwood Football Club. I was there, I saw it and I was surprised he did not continue to play. Again, congratulations to Kim Crow on what was a great effort from a great Victorian.

## FORTIFICATION REMOVAL BILL 2013

### *Second reading*

#### **Debate resumed from 22 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Ms PULFORD** (Western Victoria) — I rise to outline the Labor opposition's position on the Fortification Removal Bill 2013. At the outset I indicate that the Labor Party will not be opposing this bill. Indeed the commitment to legislate along these lines was made by the Labor Party, as it was by the then opposition in the lead-up to the 2010 state election. Here we are in 2013 with that legislation before us.

The bill allows the Magistrates Court to make an order on application by the Chief Commissioner of Police to require the removal or modification of fortifications on premises that are connected with certain criminal offences. The bill specifies what a fortification is, and the examples given include large walls, armed gates, CCTV cameras and motion-detection and night-vision devices. The bill is not intended to affect security measures that exist for lawful protection and security. Obviously there are plenty of places with very high security for very good reasons. This legislation relates to comprehensive and thorough security measures put in place for reasons which are not so good.

The bill requires that a link exist and be clear between the use of fortification and criminal activity. The bill provides for a compliance period and creates a number of new criminal offences to support the effects of that intent. In September 2010 the Brumby Labor government indicated that it would introduce similar anti-fortification laws. The contents of the bill are reasonably straightforward. The government promised this legislation, as did the Labor Party before the last state election. This is not a particularly complicated piece of legislation, but like so many things, not much happened in Victoria after the election of the Baillieu government in 2010. I expect the only reasonable explanation that can be given as to why this process has taken so long is that just about everything else always took a long time too.

The only other comment I make, before other members have an opportunity to speak on this bill, is to observe that these changes were requested by Victoria Police to bring Victoria into line with other jurisdictions. I consider it important that as members of Parliament we

support Victoria Police members and ensure that they have the powers they need to be able to keep our community safe. This government's year-on-year assault on the budget for Victoria Police and for the Department of Justice means that on the one hand the government is providing Victoria Police with additional powers but on the other hand it is really undermining the very important work of Victoria Police by stripping out resources. Government members talk a good game on not cutting front-line services, but the staff cuts in Victoria Police have caused sworn officers to be doing back-of-house work when the back-of-house people are no longer there. Those tasks have continued to be required to be undertaken, and there are stories about them all over Victoria.

There are really disturbing trends in the crime statistics. New crime data released only last week shows that members of the government talk a good game on crime but a slightly less convincing one when it comes to the causes of crime and actually getting the crime statistics down. The opposition will not be opposing this legislation. As I indicated, we made that clear three years ago.

**Ms PENNICUIK** (Southern Metropolitan) — The purpose of the Fortification Removal Bill 2013 is to provide the Magistrates Court, on application by the Chief Commissioner of Police, with the power to make an order to require the removal or modification of fortifications on premises that are connected to certain criminal offences. These are specified offences, being either an indictable offence that is punishable by at least 10 years imprisonment or an offence that is set out in the schedule to the bill, which includes for example, crimes relating to the possession or use of prohibited weapons, the sale of a commercial quantity of X-rated material, making threats to inflict serious injury, dealing with unauthorised explosives or possession of a tablet press. The schedule has an extensive list of offences. They are all serious offences and often are associated with organised crime.

Clause 25 of the bill also provides Victoria Police with powers of entry, inspection and enforcement in respect of fortification removal orders. I will be raising some queries about that particular clause shortly in my contribution. I thank the parliamentary library staff members for the excellent briefing notes on this bill that they put together.

Other jurisdictions also have in place very similar laws to remove or modify fortifications of subject premises. New South Wales, Tasmania, South Australia, Western Australia and Queensland all have legislation similar to this bill. The Western Australian legislation provides that not only must the premises be heavily fortified but

they must also be habitually used as a place of resort by members of a class of people, a significant number of whom may reasonably be suspected to be involved in organised crime.

The meaning of 'fortification' is set out in clause 4 of the bill. Fortifications on premises can be used to facilitate and protect criminal activity, and prevent or delay lawful entry by police or other authorities while evidence is being destroyed or concealed. A fortification can be a structure or device, including an electronic surveillance device such as closed-circuit television equipment, a night-vision camera or a motion sensor, or a combination of the two, that forms part of or is attached to premises that has, could have or would be considered by a reasonable person to be intended to have the effect of preventing uninvited entry beyond what is reasonably necessary to provide security for the ordinary lawful use of that kind of premises.

That last qualification is important because obviously many ordinary residences have night-vision cameras, motion sensors or CCTV equipment but they will not necessarily be caught up under the bill. That equipment will have to be beyond what is reasonably necessary to provide security for the ordinary lawful use of the premises and will also have to meet the other criteria — that is, the Chief Commissioner of Police must satisfy the Magistrates Court that criminal activity is being carried on there and that the fortifications are in place to conceal that activity or prevent entry by the police.

Under part 2 of the bill an application may be made by the Chief Commissioner of Police to the Magistrates Court for a fortification removal order. It must be in writing, state the grounds on which the order is sought and specify the premises from or at which a fortification is sought to be removed or modified, and it must be served on the owner or occupier, who may object to the application. The Magistrates Court may order the removal or modification of a fortification in place at the premises if it is satisfied, on reasonable grounds, that the premises are being used, have been used or are likely to be used in connection with the commission of a specified offence, to conceal evidence or to keep the proceeds of a specified offence, as I outlined earlier.

Clause 12 provides that an order may be made in the absence of an objector even if the person who objects under clause 9 does not appear at the hearing of the application. The Greens raised the matter of a rehearing with the minister's office. We were advised that clause 12 does not affect the ability of a person to apply for a rehearing under section 110 of the Magistrates' Court Act 1989 — that is, if it was reasonable for a person not to appear at the hearing of the application

they could apply for a rehearing under the Magistrates' Court Act.

A fortification removal order takes effect on the day it is made. It remains in effect for a period commencing on that day and ending 12 months after the day on which the compliance period commenced. Basically a magistrate makes a fortification removal order and it remains in effect for 12 months — or longer if extended by the magistrate after the expiry of the three-month or extended compliance period — unless the commissioner withdraws it.

Part 3 of the bill is about the power of police to inspect premises to make sure that fortification removal orders are being complied with. Under clause 25 Victoria Police may inspect and enter premises while a fortification removal order is in effect. The purpose of the inspection is to determine if a fortification has been removed or modified as required under the order and to make sure that another fortification is not being constructed. I have some queries about this clause. In fact I have prepared an amendment to clause 25, which I am happy to have circulated.

**Greens amendment circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — I have previously provided copies of the amendment to the lead speakers from all parties. Clause 25 is headed 'Inspecting fortified premises while fortification removal order is in effect' and provides that while a fortification removal order is in effect a member of Victoria Police is authorised to enter and inspect fortified premises in accordance with division 3 of the bill to determine whether the order is being complied with and that no further fortifications have been constructed.

The purpose of the clause is to allow an inspection to ensure that the fortification removal order is being complied with, but there are no qualifications to the actions of the police. This issue was raised by the Scrutiny of Acts and Regulations Committee (SARC), which made the point in its comments on the bill on page 20 of *Alert Digest* No. 7 that under the Queensland legislation, for example, and that of other states:

... police are only permitted to enter premises without a warrant —

and there is no requirement for a warrant under this bill —

if they have reasonable grounds to believe that entry is necessary to inspect whether the order has been complied with or additional fortifications have been built ...

The *Alert Digest* goes on to say:

The committee refers to Parliament for its consideration the question of whether or not clause 25(a), by automatically empowering police to enter any premises (including residential premises) that are subject to a fortification removal order on any day for at least 15 months to determine whether the order has been complied with or additional fortifications have been built, is compatible with the charter's right against arbitrary interferences in a person's privacy or home.

The minister did respond to the point raised by SARC. Amongst other things, in his response the minister said:

Police must, before entering, announce the fact and basis of their authorisation —

I presume that means knocking on the door and announcing that they are there —

and provide a reasonable opportunity for persons present to permit entry without reasonable force.

Under the provisions, the police can go on to use reasonable force if the person does not comply with the request.

The minister says that the inspection will be lawful and not an arbitrary use of police power. However, there is nothing in the bill to prevent it from being an arbitrary use of police power. There is nothing in the bill requiring a warrant, as is required in other jurisdictions, or requiring the police to have a reasonable belief that the fortification order is not being complied with. In fact it can be an arbitrary entry by police. In other jurisdictions there are qualifications to that effect but not in this proposed Victorian legislation.

We asked Liberty Victoria to provide some comments on the legislation. Liberty Victoria made the point that under the bill 'fortification' carries a broad definition and includes electronic surveillance devices. I accept that under the bill 'fortification' does need to have a broad definition because otherwise it might not capture everything that needs to be captured. However, the powers that are given to police are significant in that the power of inspection can remain in effect for a year and police can enter without warrant and without a reasonable belief that the order is not being complied with. Liberty Victoria raised issues such as the fact that there could be disputes about where in the premises police are able to enter.

The provision as it stands also raises questions such as how many times the police can enter for this purpose — every day? The clause does not specify any rank of police; it does not specify that the inspection is to be on the authorisation of the Chief Commissioner of Police or another police officer of a high rank. It just says 'a member of Victoria Police' may enter the premises —

and without a warrant and without a reasonable belief that the order is not being complied with.

As Liberty Victoria has said, there seems to be no requirement for the power to enter the premises to be limited only to the police members who took out the order, who were named on it or who were authorised by a member of Victoria Police of a particular rank. Liberty Victoria made the point, and I think it is a valid one, that given that we are dealing with fortifications put up for the reasons that have been stated and that are above and beyond what would normally be expected at a premises, this all might seem palatable, particularly when we think of organised crime premises.

However, legislation of this type often ends up being used by the police against people in ways not envisaged by Parliament or for purposes not intended or stated by Parliament if the provisions in the bill — and later, the act — are not qualified in any regard and if they depart significantly from the longstanding position that police cannot enter premises without a search warrant.

Perhaps the government speaker might wish to go to this point. The fact that an order is in place may be partly taking the place of a search warrant; however, the fact remains that there are no qualifications in regard to entry by police. Under many other acts of Parliament such entry is qualified by the need for police to have a reasonable belief that something is occurring contrary to an order, an act or a regulation or contrary to conditions that have been put on a certain person before they can act. We should always be careful when extending police powers — and in my time in this place there have been lots of extensions of police powers — to make sure that they are not inadvertently used in ways not envisaged or intended by the legislation.

I have circulated a simple amendment to clause 25 to insert words to the effect that while a fortification removal order is in effect, if a member of Victoria Police has a reasonable belief that the order is not being complied with, that member is authorised to enter and inspect premises. All the qualifications and all the reasons for entry and inspection that are already in the bill remain. None of them is altered by the amendment I will be moving in committee.

The bill creates offences such as obstructing the lawful removal of fortifications and constructing or installing a fortification, the latter being set out in clause 48. I raise a query on that now, and I will go to this in committee. Clauses 48 and 49 create offences in regard to constructing a fortification. Again, this matter was raised by the Scrutiny of Acts and Regulations Committee. Clause 48 says:

A person must not construct or install a fortification on premises that the person knows, or ought reasonably to know, are being used, or are likely to be used —

and on it goes in regard to the purposes I have already raised. The Scrutiny of Acts and Regulations Committee wrote to the Attorney-General seeking information about the compatibility of clause 48 with the right to privacy in the Charter of Human Rights and Responsibilities. The minister has responded to that. The clause says a person must not construct or install a fortification on premises that the person knows are being used in connection with certain activities, and clause 49 talks about constructing or installing a fortification on certain premises if an order has previously been made or is in force in relation to the premises. Given that we have clause 49, which applies if a fortification order is in force or has been in force, I am not quite sure why it is an offence under clause 48 to construct fortifications.

I can understand that a person should, would or could possibly know about activities that take place on a premises, but clause 48 could inadvertently catch people who would not necessarily know. If a person is a local builder, for example, contracted to do work on a premises, which could be a home, with no knowledge of the use of the building, they could well be caught by this clause. I am asking the government to explain why this particular clause, which could possibly catch people who have nothing to do with any of the activities that may or may not be going on in a premises, is needed, given that if a premises has had a fortification order in place, there will obviously be a notice outside the premises to that effect, and that is covered under clause 49.

The minister's answer to the question from SARC is quite strange. On page 22 of *Alert Digest* No. 7 the minister said:

Prohibiting a person from building a structure or device to form part of or be attached to their home may negatively interfere with the person's privacy or home. However, any such interference will be lawful as it is specifically permitted by clause 48.

I am not sure that it is permitted by clause 48. I am not sure what the minister is saying here. Again I raise the point as to the usefulness of clause 48 when clause 49 already seems to cover pretty well the same territory.

Those are the major issues I would like to raise on the bill. I will move my amendment to clause 25 in the committee stage to make it clear that police will need reasonable belief that an order is not being complied with before they can enter and inspect premises, given that they will be able to do so without a warrant and without any notice apart from announcing their

presence at the building or premises. Of course a person may have already removed the fortification, because under the bill they have three months to comply with the order before anyone can be called upon to enforce it; they would be able to comply with it voluntarily within three months of the order taking effect.

Those are the main concerns and issues I would like to raise about the bill. I will be interested to hear whether Mr O'Brien has any responses, particularly to my queries on clauses 25 and 48.

**Mr O'BRIEN** (Western Victoria) — It is with great pleasure that I rise to make a contribution on the Fortification Removal Bill 2013, which is another important piece in the coalition's election platform, in particular the detailed law and order policies which it took to the Victorian electorate prior to the 2010 election and which it has been carefully and sequentially implementing through various pieces of legislation that have been considered by this Parliament.

Firstly, I will respond to what was a rather extraordinary suggestion from Ms Pulford on behalf of the Labor opposition. She described the actions of this government in relation to the provision of police as an assault on the budget. One of the key planks, if not the central plank, of the delivery of the coalition's law and order commitments is the commitment to provide 1700 additional police and 940 protective services officers — front-line services that have been steadily rolled out by this government. In relation to the police, we recall that that commitment was matched within hours by the then Brumby government. The Brumby government followed this, belatedly — in its death throes, one might say — with commitments to enact legislation similar to what is now before the Parliament in the Fortification Removal Bill 2013.

I recently became aware of a new development on, I think, the Fairfax website and other media portals in relation to the federal election, something called a fact checker. It reviews statements that have been made by candidates in the election campaign. I urge members of the opposition, when they make such contrary and incorrect statements on pieces of legislation, to think about the fact checker, because it is very tiresome to have to continually put those incorrect statements to bed and confirm on the record that this government has absolutely put the safety of Victorians first and will continue to make the safety of Victorians its no. 1 priority, particularly in relation to law and order.

With this bill we are looking at what has sometimes been a difficult area of legislation. The purposes of the bill are set out in clause 1. They are simply to provide

for the making of an order by the Magistrates Court, on application by the Chief Commissioner of Police, to require the removal or modification of fortifications on premises that are connected to certain criminal offences. In this statement are the answers to many of the matters put by Ms Pulford and also to the more detailed queries put by Ms Pennicuik on behalf of the Greens, which I will turn to in due course.

**Mr Leane** — Do them now.

**Mr O'BRIEN** — It is important to remember — for Mr Leane as well — that this bill is designed to target heavily fortified premises which are used in connection with serious criminal activity. If the property is not connected with serious criminal activity, then it cannot be subject to the scheme. These laws are consistent with schemes that are in place in every other state and territory except the ACT.

These offences will effectively make it illegal to protect serious criminal activity by erecting fortifications. With a careful understanding of the legislation — as it has been set out in the minister's second-reading speech both in this place and in the other place; in the minister's statement of compatibility, which deals with some of the human rights matters that have been raised by Ms Pennicuik; and more particularly in the minister's letter of response to the concerns raised by the Scrutiny of Acts and Regulations Committee (SARC) — one can see that this bill tackles a difficult subject. It raises questions of the rights to privacy, personal liberty and home security, but it does so in a carefully balanced way so that the intended targets of the bill — namely, fortifications in connection with a serious criminal activity — are the actual targets of the bill.

In that regard I agree with the Greens that the bill will have broad application and it ought to be interpreted broadly by the courts to avoid participants in serious criminal activity jumping through loopholes and using legal arguments in relation to human rights et cetera to tie up appropriate actions by the police and other enforcement bodies in the courts and at the same time to ensure that the legitimate, non-criminal personal security and privacy protection measures that many of our citizens take, and have a right to take, are not unlawfully, arbitrarily, unnecessarily or inadvertently interfered with by the bill.

A good starting point for understanding many pieces of legislation — and certainly this legislation — is the words of the bill, and in particular the careful words set out in clause 4 that deal with the definition of 'fortification'. A fortification is defined as a structure or device designed to prevent uninvited entry to a

premises that is more than what is reasonably required in regard to the ordinary lawful use of the property. This could relate to physical barriers to entry as well as electronic security measures such as CCTV cameras and night vision or motion sensors.

These are the kinds of installations typically erected by outlaw motorcycle gangs to conceal criminal activity and frustrate police attempts to gain access. This does not apply to all motorcyclists or to all people who might consider themselves bikies. It is designed to apply to serious criminal activity, which, regrettably for this state, has been and continues to be undertaken in some places associated with outlaw motorcycle gangs and other criminals who engage in serious criminal activity, which in part had been permitted to operate by the erection of fortifications.

This bill will allow a fortification removal order to be granted by a magistrate, which will require the owner or occupier of the premises to remove or modify the fortifications attached to the property. Those provisions are set out in part 2 of the bill. The steps involved in obtaining a fortification removal order are also clearly set out in the bill. The Chief Commissioner of Police is required to make an application to the Magistrates Court for a fortification removal order. The application is served on the property owner and affixed to the premises, and then there is an objection process set out in clause 9, which allows either the owner or the occupier to object to the application. Clause 11 allows the court, if it determines that the fortifications have been erected and is satisfied of the link between the property and serious criminal activity, to then grant the fortification removal order.

It is important to remember that properties that are subject to a fortification removal order can only be those properties used in relation to serious criminal activity, which can also mean any indictable offence punishable by 10 years or more in prison plus the offences listed in the schedule of offences referenced in the Criminal Organisations Control Act 2012 — the types of profit-motivating crimes that organised crime gangs are frequently involved in.

I turn now to the Greens amendment, which refers to the powers of the police to inspect a property under clause 25 of the bill once a fortification order has been made. Having looked at the Greens amendment and having considered the Scrutiny of Acts and Regulations Committee report and the minister's response, I can say that the government will not be supporting the Greens amendment. In fact the Greens amendment is unworkable and also shows a fundamental lack of understanding of the issue that this bill is seeking to address.

Logically, once an order has been made, which is the time we are looking at when we consider clause 25, the police are unlikely to be able to form a reasonable belief that a fortification has not been removed or modified if they are unable to enter the premises to check, which is essentially what the Greens amendment requires the Victoria Police to prove — namely, that there is a reasonable belief that the order has not been complied with. The Greens amendment would, in a sense, make it unworkable. We say that the bill seeks to confer upon police a power that is both proportionate and reasonable, again for the reasons stated in the minister's response to the SARC report as well as in the statement of compatibility and the second-reading speech.

I should note that it is a similar power to the compliance inspection powers established under the Firearms Act 1996 and the Liquor Control Reform Act 1998 to facilitate the administration of those schemes. The powers of inspection to inspect in relation to compliance of an order are an integral part of the bill. Accordingly, as I said, the government will not support the Greens amendment, which would have the practical effect of rendering an essential part of the scheme unworkable.

In relation to the Greens comments on clause 48, I need not say much more than has been said by the minister in response to the query which was raised by SARC. The minister's response at page 22 of the report simply says:

The definition of 'fortification' does not capture structures and devices that are reasonably necessary to provide security for the ordinary lawful use of premises. The prosecution will carry the burden of proving the elements of the offence in clause 48.

If the Greens wish to pursue that further in the committee stage of the bill, I urge them to do so. Otherwise this government will continue to do its best to provide police and resources to the community to ensure its protection and also to provide appropriate resources, particularly in our regional areas, which are an important part of the commitment to provide further resources and to maintain single-officer police stations. I send my continual support and best wishes to the many law enforcement officers who serve our community. I look forward to the speedy carriage of this important legislation through the house.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise today to speak in the debate on the Fortification Removal Bill 2013. I say at the outset that I will not go into the elements of the bill in the same detail that Mr O'Brien has gone into. I commend him on his contribution to the house.

Victoria cannot and will not stand idly by and watch the Bandidos, Hells Angels and their affiliate gangs terrorise suburban Victoria. This bill means that the gangs will not be able to run and hide like they used to, where they were able to utilise delaying tactics against lawful entry by Victoria Police to destroy or conceal evidence.

We have to understand exactly the types of people we are dealing with when it comes to these criminal bikie gangs. An American Motorcyclists Association report is said to have stated that 99 per cent of motorcyclists were good, law-abiding citizens. I believe that to be true. Using this as an inspiration, the gangs that I am talking about refer to themselves as the 'one percenters', specifically representing themselves as the criminal minority of bike riders. These gangs are global, and so are their rivalries. We do not want those types of gangs in Victoria, as they have been in the past.

Let us not fall for that flashy Hollywood veneer that bikies like. The people involved in criminal bikie gangs are bad people; they are bad citizens. Their values mandate complete loyalty and trust to their respective organisations, with members maintaining vicious rivalries with enemy clubs.

The respective club presidents have absolute rule over members of all these gangs, with a motto of 'death before disloyalty'. They are supported by a vice-president, a treasurer, a secretary, a road captain and a sergeant-at-arms. They trade in human misery. They fight over territory for the distribution of methamphetamines and other drugs, as well as for deadly weapons. These clubs are highly insular. Almost never do they cooperate with police inquiries within or between gangs. They prefer to shield their members and engage in dangerous vigilante actions against enemies instead of respecting Victorian law and order. Bikie gangs have patches that are sewn onto their leather jackets. These patches demonstrate their rank and are highly prized. If a rival gang steals those patches, it is considered a very serious offence. They are seen as the property of the respective clubs.

According to an article published in the *Age* of 6 August headed 'Outlaw bikie gang's neighbours refused insurance', these gangs have been engaged in a vicious feud since the shooting of Bandidos enforcer Toby Mitchell in March, with a spate of shootings, fire bombings and assaults ensuing. It is a question of when, not if, innocent bystanders will be seriously hurt or killed by these people. They have to be stopped, and this legislation will form a critical part of the government's response to such blatant disregard for human life.

As the Premier said when we announced this antifortification bill, they will have nowhere to run and nowhere to hide. These groups will have to remove the fortifications at their own expense. If they fail to do so, the police will be able to forcibly enter and demolish or remove the fortifications. Businesses in premises adjoining those of these criminal bikie gangs are having trouble getting insurance. It is having an impact on small businesses — legitimate businesses — that are employing Victorians and trying to go about their trade and commerce in a legitimate manner. It is time these bikie gangs were ruled out. It is time we say enough is enough in Victoria. I commend this very important bill to the house.

**Mrs COOTE** (Southern Metropolitan) — It gives me great pleasure to speak on the Fortification Removal Bill 2013. I will not go into the details of the clauses in this bill, because my colleagues Mr O'Brien and Mr Ondarchie have done exactly that. As both of them have said, there are many legal motorcycle groups in Victoria whose members abide by the law, do the right thing and are very valuable groups of people doing fun things together in a lawful way. This bill is not designed to deal with those people. It is to deal with the outlaw gangs, as Mr Ondarchie said very forcefully.

We have to look at and be absolutely mindful of what this bikie war means in this state. I had a look at some media articles recently. In fact over the last month there has been a lot written about these outlaw motorcycle gangs, organised crime and their fortified clubhouses, and I would like to mention a couple of those articles. Last week, in the *Age* of 28 August, it was reported that:

Another battle in the bloodiest bikie war in history could erupt here in Victoria as the Hells Angels move against members of the notorious Canadian gang Rock Machine.

Police say Rock Machine members trying to establish a Victorian chapter this year have been bashed by Hells Angels intent on protecting their turf.

The article states that when Rock Machine and the Hells Angels clashed in Canada more than 150 people were murdered. That was during the 1990s and early 2000s. This is something we do not want in Victoria. We have to curb this before it even takes a first step. Already we know that the outlaw bikie gangs are more about 'outlaw' than 'motorbikes'. They want to have illicit drugs, they want to be intimidatory, and they want to be out there causing havoc in lawful places. That is what this bill is dealing with. The article goes on to mention that:

The ambush of Bandidos sergeant-at-arms Toby Mitchell in March sparked what police have described as an all-out war between the club —

that is, the Bandidos —

and the Hells Angels.

The reason for this turf war was that bikie gangs have a lucrative illicit drug empire. The article continues:

Detective Senior Sergeant Cheesman said the business interests of bikie gangs generally included drug trafficking and extortion, and that the presence of another gang reduced the viability of these enterprises.

One of the startling aspects of what is happening with bikie gangs here in Victoria is that these gangs are now not just attracting people who ride motorcycles. This image of the Harley-riding, leather jacket clad bikie is becoming a myth. Organised crime has moved in to such an extent that people are not having to ride bikes. As I said, it is more on the 'outlaw', less on the 'motorcycle'. An article published in Sydney in the *Daily Telegraph* of 2 August stated in its headline 'No creed, colours or hogs'. It is the 'Nike bikie'. The article states:

The self-proclaimed national leader of the Comanchero bikie gang, Mark Buddle, doesn't have a motorcycle licence — or a bike.

Desperate to recruit and beef up their numbers, many outlaw motorcycle gangs are allowing new members to join even if they don't have motorcycles.

The current crop of bikie gang members are in fact car-driving criminals who have very little to do with the traditional bikie on the back of his Harley.

This is what we have got to be very concerned about. I saw in my electorate the recent picket of the *Spirit of Tasmania*, near my office in Bay Street, Port Melbourne. It was reported in the *Hobart Mercury* of 9 August that:

A major police investigation is under way into the suspected trafficking of drugs on the *Spirit of Tasmania* by organised criminals with links to Bandidos bikie boss Toby Mitchell.

It is understood a multi-agency probe is also looking into allegations of gun trafficking on the ferry.

The company responsible for moving freight on the Bass Strait vessel — in dispute with the Maritime Union of Australia — is concerned about a worker with family connections to Mitchell, the Bandidos national sergeant-at-arms.

It is understood complaints have been made to the Australian Federal Police about dock workers' involvement in drug trafficking on the ferry.

As I said, this picket has been happening on the *Spirit of Tasmania*, just around the corner from my electorate office. The *Herald Sun* wrote about this picket on 3 August. That article states:

Children from poor families could be left hungry by disruptions to freight on the *Spirit of Tasmania*, a major food charity has warned.

It goes on to say that deliveries across Bass Strait have dropped from up to 20 pallets a week to around 4 because of the delays caused by the protest by these outlaw motorbike organisations.

The bikies have also been infiltrating the construction industry. There have been secret meetings with industry bosses, and concerns have been raised about bikies employed as labourers on Victorian building sites selling illegal drugs on these sites. The *Herald Sun* of 4 August reports:

The allegations of bikie infiltration of the highly paid construction industry were discussed at the confidential meeting between Detective Superintendent Peter de Santo, the head of Victoria Police's anti-bikie Echo taskforce, and a group of leading Melbourne builders.

I could go on and on. It is being infiltrated by the outlaw criminal activities here in Victoria, and this bill goes a long way to addressing that.

The bill deals with the heavily fortified bikie club headquarters. It does this by allowing the Chief Commissioner of Police to apply to a magistrate to have a fortification removed. Clause 4 of the bill defines what the fortifications are. Before a court can order the removal of a fortification, certain criteria must be met, and other people have read through those in their contributions today.

These are very serious offences. It is also important to note that reinstalling fortifications is also an offence. With this bill the government has looked into some of the long-term ramifications and understood that one bikie gang member cannot get out of a lease and turn the property over to somebody else in the outlawed motorcycle club. That loophole is being addressed through the introduction of this bill today.

One clause that I would like to talk about is clause 49. I will not read it out, but basically it means that a person cannot construct a fortification on a premises on which a removal order has previously been made. This could cause a problem if the ownership of the premises changes hands, but if someone genuinely does not know there was a fortification removal order on the premises, this bill enables that person to be recognised. However, as I said, clause 49 deals with the issue of premises being handed around from one criminal outlaw bikie member to another.

Basically the bill cracks down on organised criminal groups, including outlaw motorcycle gangs. It does this by forcing them to remove fortifications from their

premises, including clubhouses, if ordered to do so by a magistrate. It will help protect innocent Victorians from these criminals, and I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Deputy President, I seek leave of the committee to allow Mr O'Brien to sit at the table with me.

**Leave granted.**

**Clause 1**

**Ms PENNICUIK** (Southern Metropolitan) — The purpose of clause 1 is to provide for the court, on application by the chief commissioner, to require the removal of modifications on premises that are connected to certain criminal offences. Under this bill there is no specific requirement or provision for magistrates to provide conditions on those orders, as there are in other jurisdictions.

In Queensland the magistrate must fix the period when inspections can occur; the order given to the owner and occupier must state the length of the period; the magistrate may make ancillary orders on how the order may be enforced — for example, placing limits on the time of the day when powers are exercised; for residential premises, magistrates must consider the interests of residents when making ancillary orders; and entry to residential parts of premises may only occur if police reasonably believe that those parts contain fortifications and that entry is necessary to make the inspection.

While there are no specific provisions in the bill for these, the question is: why are there no specific provisions in the bill for the magistrate to do that? And does that mean the magistrate cannot do that of their own accord?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I am advised that clause 13 in effect sets out the relevant test. I make the point to Ms Pennicuik that this is all predicated on a link to criminal activities. So there is a test required, a threshold or bar to be met, prior to the granting of an order to the chief commissioner.

**Ms PENNICUIK** (Southern Metropolitan) — I am just quickly looking at clause 13, which I do not think goes to the points I was raising, which are about ancillary orders or additions to the order to do with specific premises, and in particular if those premises are residences. Can a magistrate apply ancillary orders to the main order? The main order is for the removal of the fortification. Whether there is the capacity for a magistrate to make ancillary orders is basically the nub of the question.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — As referred to in my previous answer, clause 13 covers the range of orders or matters relevant to the scheme. In the government's opinion there is no need for other conditions as the powers of police are appropriately constrained within the scheme. Other conditions would fetter the workability of the scheme, given the need for a link with serious criminal activity.

**The DEPUTY PRESIDENT** — Order! If we are to go into detail on subsequent clauses, I would rather do them in the order of the clauses. Clause 1 involves a general discussion of the bill. If Ms Pennicuik's intention is to wrap up a range of issues within discussion of clause 1, I am happy to entertain that. However, if she has detailed issues about a particular clause, I would rather do it when we get to that clause.

**Ms PENNICUIK** (Southern Metropolitan) — I do not have detailed questions about clause 13, which I fully understand. Clause 13 is about the removal of fortifications. It is not about the question that I am asking, which goes to the purposes of the bill and the ability of a magistrate to issue an order.

The Scrutiny of Acts and Regulations Committee (SARC) and I are looking at similar legislation that is in place in other jurisdictions. I understand what the minister has said. I know he is referring to organised crime or serious crime and the fortifications that are required above and beyond those necessary for ordinary people who may want to put security around their homes. I think we all understand that. Clause 13 just talks about the order of removing the fortification.

The issues raised by SARC, that I read out, are that in other jurisdictions, particularly Queensland, magistrates can put time limits on inspections — for example, police can only inspect between the hours of 7.00 a.m. and 6.00 p.m. and cannot just turn up at 3.00 a.m. There is nothing to prevent that provision being included in this bill. There are similar provisions in other jurisdictions.

My question does not relate to clause 13, so I ask the minister not to refer to clause 13 again. It relates to the inclusion of a provision similar to that in the Queensland act. In fact the Queensland act requires magistrates to do certain things such as fix an inspection period, but they can also make orders about enforcement, particularly with residential premises and, as I said, times of day. My question is: even though there are no specific similar mirror provisions in this act, as there are in another acts around the country, can a magistrate still do that? Can a magistrate say, for example, that there are certain conditions attached to this order, apart from removing the fortification?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Other proposed sections in the bill deal with some of the matters referred to by Ms Pennicuik. Clause 14 details when a fortification removal order takes effect; clause 15, the duration of the fortification removal order; and clause 16, the compliance period. For example, clause 1 says the compliance period for a fortification removal order begins on the day the order takes effect and begins and ends three months after the day on which the order takes effect, a day specified by the Chief Commissioner of Police and the Magistrates Court. So there are various clauses within the bill that go to the points raised by Ms Pennicuik.

**Ms PENNICUIK** (Southern Metropolitan) — I do not believe there are. I understand the points that Mr O'Donohue has made. They are to do with the actual order itself and the time it will be in force but do not go to the issues I was raising. However, I am happy to move on as otherwise we could go around and around in circles.

**Clause agreed to; clauses 2 to 24 agreed to.**

**Clause 25**

**Ms PENNICUIK** (Southern Metropolitan) — I move:

1. Clause 25, lines 6 and 7, omit all words and expressions on these lines and insert —

“While a fortification removal order is in effect, if a member of Victoria Police has a reasonable belief that the order is not being complied with, that member is authorised to —”.

That replaces the current words, which say:

While a fortification removal order is in effect, a member of Victoria Police is authorised to —

There is just the addition of the words ‘has a reasonable belief’. These are words that are used in the Crimes Act

1958 and other legislation. The requirement for a 'reasonable belief' implies that the belief must be appropriate given the circumstances and ensures that actions taken by police are reasonable and appropriate. Unlike other legislation around the country, there is no requirement for the police to go back to the court to get a warrant to inspect the premises, and there is no requirement under this clause for them to have a reasonable belief. SARC raised that issue, saying that in particular in Queensland:

police are only permitted to enter premises without a warrant if they have reasonable grounds to believe that entry is necessary to inspect whether the order has been complied with or additional fortifications have been built ...

That is not something that I am just making up; it exists in other jurisdictions to make sure that there is some qualification on the ability of police to enter premises, particularly residential premises. As I said, reasonable belief is used in many other instances in legislation to require police to have a reasonable belief before they act to arrest people or enter properties. There is no reason why that should not apply here. That is why I wanted to move the amendment.

I was quite amazed at part of the minister's answer, because SARC had made it quite clear that other legislation contained these sorts of qualifications on the ability to enter and inspect premises. The minister said:

The differences between legislation in place in other jurisdictions and the bill currently before the Parliament are useful for comparison ... but it is, in my opinion, dangerous to infer that the inspection power is unwarranted because there may be no similar power in other jurisdictions.

I find that amazing. I think we do look at other jurisdictions and at how powers should or should not be exercised by the police. As I said in my contribution to the second-reading debate, we should be careful when we are extending police powers to ensure that they are not used beyond what Parliament has envisaged. Anyway, that is the reason I wanted to move that amendment.

**Ms PULFORD** (Western Victoria) — The Labor Party will not be supporting Ms Pennicuik's amendment to this clause. We believe the bill contains sufficient protections, including the need for the Chief Commissioner of Police to apply for an order from the courts. The Labor Party is not convinced that the amendment adds to the bill, as the police, having applied for the order, are well placed to determine whether or not it has been complied with. I put our position on the record.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The government does not support Ms Pennicuik's amendment. Without being churlish, I just wish to note that at 2.54 p.m. today the government first became aware of Ms Pennicuik's amendment to a bill which was introduced in the Legislative Assembly on 17 April this year, and it first saw a copy of the amendment at about 3.30 p.m. That made it difficult for the government to form an opinion. Nevertheless, we have done so, and we do not support the amendment.

Ms Pennicuik said we need to be careful in regard to police powers. The government agrees, and it has been careful. In the statement of compatibility, which is also cited in the *Alert Digest* from the Scrutiny of Acts and Regulations Committee, the Attorney-General says:

In my opinion, the powers of entry and inspection conferred on Victoria Police do not infringe this right because any interference will be lawful and will not be arbitrary. These powers are conferred for the limited purpose of determining whether there has been compliance with a court order.

While at the premises, Victoria Police are only authorised to do things that are reasonably necessary to determine compliance or the existence of further fortifications (cl 25(b) and cl 25(c)). Before entering, police must announce the fact and basis of their authorisation and provide a reasonable opportunity for persons present to permit entry without the police needing to use reasonable force ...

**Ms PENNICUIK** (Southern Metropolitan) — If I could just briefly respond, I am disappointed that the ALP will not be supporting the amendment. Ms Pulford said the order is in place. The order is in place for up to 15 months. This is about the power to inspect. The qualification of reasonable belief exists in other jurisdictions that have had this sort of legislation in place for some years, and on anything I have seen they have not indicated that there is a problem with that. The way the bill stands at the moment also means that police can enter a property that may have voluntarily removed the fortifications, and there is no qualification on the police having to have a reasonable belief.

On the point made by the minister, I admit that it was a last-minute amendment, but it is not a complicated one. Certainly the government has come into this place and plonked very complicated and long amendments in front of us when it has had the bill for who knows how long, and we have managed to deal with those. Occasionally that does happen, and I apologise for that. Having looked through the bill and the SARC report again today in preparation for the debate, along with having received just this morning the opinions of other organisations on the bill, I suppose I was prompted to move the amendment. It is a simple amendment, and it

exists in other jurisdictions that have the same types of legislation in place to deal with the same issues.

**The DEPUTY PRESIDENT** — Order! Are there any further contributions on Ms Pennicuik’s amendment?

**Hon. E. J. O’DONOHUE** (Minister for Liquor and Gaming Regulation) — I will start by again citing the contribution of Mr O’Brien during the second-reading debate and his comments about the proposed amendment of the Greens being unworkable and its demonstrating a fundamental lack of understanding of the issues the bill seeks to address. I would also say in response to the amendment and to early discussion about clause 1 that the comparison with other jurisdictions is not always straightforward. The legislation in other states varies significantly in form and content — for example, whereas Queensland might have the ‘reasonable belief’ requirement, others do not. The bill contains a great deal of prescription that does not exist in other jurisdictions.

**Committee divided on amendment:**

*Ayes, 3*

Barber, Mr  
Hartland, Ms (*Teller*)

Pennicuik, Ms (*Teller*)

*Noes, 36*

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Melhem, Mr
Crozier, Ms	Mikakos, Ms
Dalla-Riva, Mr	Millar, Mrs ( <i>Teller</i> )
Darveniza, Ms	O’Brien, Mr
Davis, Mr D.	O’Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Scheffer, Mr
Hall, Mr	Somyurek, Mr ( <i>Teller</i> )
Jennings, Mr	Tarlamis, Mr
Koch, Mr	Tee, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr

**Amendment negatived.**

**Clause agreed to; clauses 26 to 47 agreed to.**

**Clause 48**

**Ms PENNICUIK** (Southern Metropolitan) — My query is that clause 48 uses the words, ‘A person must not construct or install’ at the beginning of the clause. It does not say ‘the owner’ or ‘the occupier’ — this was not raised in the statement of compatibility and the

minister did not go to it; he only responded after SARC raised the issue — and it does not capture an innocent person constructing or installing the fortification on someone else’s behalf, such as a builder or a contractor, and they may have no knowledge of the possibility of criminal activities going on in the premises and could not be expected to know. Can this clause inadvertently capture someone like that?

**Hon. E. J. O’DONOHUE** (Minister for Liquor and Gaming Regulation) — The government believes the test articulated in clause 48 would prevent an innocent person from being caught by this clause, and therefore the concerns raised by Ms Pennicuik are dealt with by the test contained in clause 48. As was referred to by Ms Pennicuik, I note the Attorney-General’s response at page 22 of the SARC report in relation to clause 48 and these issues.

**Ms PENNICUIK** (Southern Metropolitan) — That was my main concern, and certainly if a person is wilfully constructing or installing fortifications and carrying on criminal activity, then they are meant to be caught by this bill. I was concerned — and for the record I note that I was not the only person concerned and that SARC was also concerned — that innocent parties might be caught by this clause. If the government is of the view that that is not the case, then I will let the matter rest.

**Clause agreed to; clauses 49 to 53 agreed to; schedule agreed to.**

**Reported to house without amendment.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**MAJOR TRANSPORT PROJECTS  
FACILITATION AMENDMENT (EAST  
WEST LINK AND OTHER PROJECTS)  
BILL 2013**

*Second reading*

**Debate resumed from 22 August; motion of  
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013, which, as the objectives suggest, is

about facilitating the east–west link and other major projects.

**Mr Ondarchie** interjected.

**Mr TEE** — It is important, Mr Ondarchie, and I will come back to the east–west link, but this is a bill that goes beyond those projects because it deals with the largest projects that are designed and built in Victoria. It deals with how we regulate, manage and facilitate projects that will affect hundreds of thousands of road users over a very long period of time. It is a bill which, in its outcomes, has an impact on taxpayers, who for generations will pay the debt incurred by constructing these major projects.

It is also a bill that is incredibly important to a significant number of Victorians whose lives will be forever, and often irreparably, changed by the major projects facilitated by it and by the underlying legislation. That is because the homes of a significant number of individuals will literally be destroyed by these projects; their lives will be turned upside down; and their communities, the areas and the people they see every day will no longer be there as these major projects are rolled out. It is an incredibly important debate that we are having today about how we can manage those projects.

The bill brings together the 11 pieces of legislation that determine the framework within which we produce our major projects — legislation such as the Environment Protection Act 1970, the Planning and Environment Act 1987 and the Road Management Act 2004. The Major Transport Projects Facilitation Act 2009 is really a one-stop shop. It makes sense to deal under the one piece of legislation with the 11 pieces of legislation that go to making sure that we get major projects right, but it is important also to recognise that the government must get the legislation right when it will have a dramatic impact on people's lives and the way that the city works. We need to ensure that we do not ride roughshod over people's rights, that we do not cut corners and that we do not destroy unnecessarily the fabric of our society.

Unfortunately the government does not get it right in this bill. The bill cuts corners, takes shortcuts and rips to shreds important safeguards in the 11 pieces of underlying legislation. The bill destroys the very processes and structures that have been put in place to make sure that we get it right. The bill takes a sledgehammer to making sure that we ram through the projects. Instead of the bill reflecting the government being respectful to the community, this bill is about

bullying. This bill is introduced by a government that is determined to ram through the east–west project and to ensure that it gets its way. Government members will not let anything stand in their way. They will not let the community stand in their way, they certainly will not let proper process stand in their way, they will not let local councils get in their way and they will not let the best interests of Victoria affect their decisions.

The concern of opposition members is that the framework that has been established to ensure that we have a proper process is destroyed by this bill — and we will not support it. We will not make it easier for this government to bulldoze people's homes; we will not make it easier for this government to destroy communities and the lives of Victorians; we will not make it easy for this government to ram through dud projects; and we will not allow this Parliament and this bill to be used as a smokescreen so that this government can ram through the east–west project.

This approach does not surprise opposition members. On a number of occasions now we have seen the Minister for Planning do exactly what is proposed by this bill — that is, ride roughshod over communities and disregard local councils. As an example of that we need only to look at the tall towers, the skyscrapers, that he has ticked off with abandon, turning Melbourne streets into wind tunnels. What we see here is this minister and this government taking that approach to a new level by enshrining that practice in legislation.

The bill does that in four ways. The bill provides that when a major project is to be evaluated, it will be the Minister for Planning, or the government, that decides what risks ought to be considered. The evaluation will not be undertaken on an objective view; the risk-based assessment will allow the government and not the community to determine what risks are protected against. If the government does not consider a risk to be worth reviewing, then too bad. It allows for a major project such as the east–west project to be changed halfway through the process. The dimensions will be able to be changed, as will the route or the structure, and a proponent will be able to get away with not having those changes reviewed. The process will continue without a review of those changes, without any consideration of the merit, the danger or the impact on the community of those changes.

The concern of opposition members is that proponents will wait until halfway through a project before they put the bad bits on the table because they will know that there will be a really good chance that those bits will not be reviewed. They will know that they can get away

with it because they will be able to slip it through without the appropriate oversight.

Of the greatest concern to opposition members is that this bill excludes local communities from the process. Unashamedly and without any ambiguity, the bill excludes public consultation. Clause 21 gives the minister a power to provide 'a direction to confine the matters under consideration at a public hearing to particular matters'. The minister will be able to decide which matters will be considered at a public hearing. The minister, not the public, will decide what is important. It will not matter that the issues are considered important by the public, that they are considered important under the environment or planning legislation, that they are relevant to the project or even that they are important matters. All that will matter will be the direction that the minister decides to impose.

These directions are really a gag order by the minister aimed at shutting down public debate, and we are very concerned about that clause.

The bill goes further. As well as the local community, the bill excludes local councils. Clause 68 of the bill introduces new section 258A, which says:

- (1) Despite anything to the contrary in any other enactment or law, a permit, licence, consent, approval or other authority for the carrying out of works for the purposes of an approved project is not required from any Council ...

The bill unashamedly removes councils from the planning process. It is interesting to see some of the responses to that proposal, including that of the current Lord Mayor of Melbourne, Robert Doyle, a former Leader of the Liberal Party, a member of the Liberal Party and a Liberal insider. Robert Doyle wrote to the Minister for Public Transport and Minister for Roads on 17 July 2013, and his letter says:

This section —

that is, the section I have just read out —

has the impact of denying Melbourne City Council ... and other local governments the ability to approve, challenge or impose conditions on works to be carried out in relation to a project approved under the act.

The Lord Mayor, a Liberal insider, is saying very clearly to the government that by excluding local councils it is stopping local councils from having a say about the impact of noise, about hours of work and about light and dust. By excluding councils the bill will in effect allow our streets to be turned into a 24/7

construction site. No-one will be able to stand up for local communities once both the communities and the councils have been taken out of the equation. The bill is about the government having its way. The Lord Mayor's letter goes on to say:

... proposed section 258A is likely to cause problems of coordination and integration with local government responsibilities especially without processes that guarantee timely notification and consultation.

The Lord Mayor is saying the bill will stop councils from getting on with their jobs. He gives a couple of examples. He talks about the Transfer of Land Act 1958, which requires the government to get permission from local councils before closing down or redirecting local roads. The Lord Mayor is warning the Minister for Public Transport and Minister for Roads that this is a recipe for chaos. Taking away a council's ability to make sure that roads are not closed in an ad hoc way will create a traffic jam. The state government needs to sit down with local councils, not exclude them, and work it through so local communities are not disadvantaged and do not end up with traffic congestion that throttles their way of life.

The Lord Mayor is saying this is an important consideration, which the government has clearly missed. The reason the government has missed it is that local councils have not been consulted. It was the opposition that wrote to the Lord Mayor and advised him of this bill, because the government did not. The government did not take the time to write to the Melbourne City Council or any other council.

As I have identified, our underlying concern about the bill is the failure by the government to justify this project. The government is putting Melburnians into billions of dollars of debt, introducing a freeway that will be around for generations and destroying the lives of people who live in that area, yet there is no business case. It is interesting that today's *Herald Sun* and *Age* newspapers quote Tony Abbott, the federal Leader of the Opposition, as saying that if he ever became Prime Minister, he would not sign off on this project without a business case. Mr Abbott is quoted in a *Herald Sun* article as having said:

... a federal coalition government would not spend 'more than \$100 million on any single infrastructure project without a published cost-benefit analysis'.

**Mrs Peulich** — You didn't listen to the other debate. You weren't listening!

**Mr TEE** — That is what Tony Abbott says in today's paper. He might have changed his mind in

another debate. No-one has ever accused Tony Abbott of having any consistency. It might be that he has expressed a different view somewhere else, but in today's *Herald Sun* and today's *Age* he is reported as having said he would not approve this project because there is no published business case. All we have is an executive summary for an \$8 billion project, with one page on the results of the cost-benefit analysis. Not even under Mrs Peulich's federal colleagues would this project succeed, because there is no business case.

The concerns we have about the viability of this project are shared by others. I note that the Victorian Auditor-General has expressed concerns about the viability and importance of this project. In April this year, in his *Managing Traffic Congestion* report, the Auditor-General said:

... a key objective of the east-west link is to relieve congestion, but it is not evident to date that its impact on future traffic congestion levels and induced demand has been adequately analysed and assessed.

He says that analysis to date indicates that the road is likely to increase congestion in city-bound traffic, attract new road users and result in some reverse mode shift from public transport. He has said that the analysis that is out there, the work that he has had a look at, has found that this is a dud project, that it will not help congestion and that it is going to put more cars on the road and take people off public transport.

**Mrs Peulich** — I think you're misrepresenting the Auditor-General.

**Mr TEE** — No, I will read from his report for you:

These issues may adversely impact the net benefits of the project and have not yet been transparently quantified or fully assessed.

**Mrs Peulich** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! There will be a continuing debate on this matter. I would ask Mrs Peulich to make her contribution at the appropriate time and as much as possible allow Mr Tee to attend to his contribution unassisted.

**Mr TEE** — We on this side of the chamber stand shoulder to shoulder with the Auditor-General. We also believe that the net benefits of the project have not been transparently quantified or fully assessed. That is why we will move a reasoned amendment to defer consideration of this bill, and I ask that that be circulated now. I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the full business case for the east-west link is released'.

If you are going to saddle Victorian taxpayers with an \$8 billion debt, if you are going to put in place a tunnel and if you are going to destroy houses, the least you can do is have an honest debate. Before you expect this house to pass a bill that will facilitate that outcome, the least you can do is have an honest debate.

It is interesting to note the support we think we have for our reasoned amendment, which is essentially to make sure that we have all the evidence before us before we make a call on this project or on a bill that facilitates it. It is interesting to look at the transcript from a Public Accounts and Estimates Committee hearing that occurred on 15 May this year to take evidence from the Minister for Public Transport. Mr Mulder said:

The West Gate Bridge is currently carrying around 160 000 vehicles a day, and that is predicted to rise to 235 000 vehicles by 2031.

So there are 160 000 vehicles on the West Gate Bridge. I ask members to keep that figure in their minds for one moment. The minister then says:

The Eastern Freeway has more than 140 000 vehicles per day. Could you imagine the West Gate Bridge with 235 000 vehicles on it a day?

On the one hand we have the West Gate Bridge, which is going to have 235 000 vehicles on it, we have the Eastern Freeway, which has 140 000 vehicles on it, and we know the VicRoads figures for this year show that the number of vehicles on the Eastern Freeway is going down. So that figure of 140 000 vehicles a day is going down, and the figure of 160 000 vehicles on the West Gate Bridge is going up to 235 000.

**Mr Leane** — Then what are they building a tunnel for?

**Mr TEE** — Indeed, Mr Leane. This is what Mr Mulder says about the West Gate Bridge:

It is a 1970s structure and with that in mind, with the thought of those additional vehicles, it just makes absolute sense for any government or any opposition to support a second crossing.

Yet what we are debating today is a bill that will not facilitate a second crossing, but a bill — —

**Mr Barber** interjected.

**Mr TEE** — No. Thank you, Mr Barber, from your place. The bill, as its title says, relates to the east-west

link. We are being asked by this government not to support a second river crossing but to support an \$8 billion east–east link. There is no second river crossing in this government’s proposal. All this government has got, all it is trying to sign a contract for in the next year, is the east–east road. It is also worth noting that Melbourne Airport CEO Chris Woodruff has said the east–west link is likely to increase congestion on the already compromised Tullamarine Freeway.

So we have another person who is concerned about this proposal. Whether it is the local community, whether it is local councils, whether it is Liberal Party insiders like Tony Abbott or Robert Doyle, they are all singing out of the same hymn book. They are all saying the same thing to the government — that is, ‘This is a bad project; it is not justified’, and we agree. We think we ought to have the business case out there so we can have a full, frank and proper debate, and until then we should not pass or consider a bill that has the impact that this bill will have in terms of debt, the landscape and the projects that cannot be built while all our resources are being sucked into this \$8 billion tunnel.

You cannot have an \$8 billion tunnel and at the same time have a second river crossing. You cannot have an \$8 billion tunnel and at the same time provide public transport. You cannot improve the train network while all your money is being sucked into an \$8 billion tunnel. You cannot improve health or education when all your money is being sucked into an \$8 billion tunnel. If you are going to make that extraordinary commitment, the least you can do is be frank about the merits of the case, and the least you can do is put out the transport case, as Tony Abbott has suggested. For those reasons I have moved my reasoned amendment.

**Mr BARBER** (Northern Metropolitan) — Let us be clear about what we are doing here today: we are amending the Major Transport Projects Facilitation Act 2009. Who was in government in 2009? The Labor Party. What Labor did with that act was create legislation that allowed the minister of the day to override 30 years of environmental law-making in Victoria. Labor’s minister at the time, who was a Mr Pakula, while sitting in that chair, confirmed to me that government no longer has to obey those environmental laws in approving a major project; it simply has to have regard to those laws. If anybody is in any doubt about this, they should turn to schedule 1 of the principal act.

These are the laws, and the approvals under these laws, that a minister does not have to follow; they simply

have to have regard to those laws, which is to say they pick up a copy of the laws, they think about them for a minute and put them down again and say, ‘Yes, I have had regard to them’, being the Coastal Management Act 1995, the Conservation, Forests and Lands Act 1987, the Environment Protection Act 1970, the Flora and Fauna Guarantee Act 1988, the Forests Act 1958, the Heritage Act 1995, the National Parks Act 1975, the Planning and Environment Act 1987, the Road Management Act 2004, the Water Act 1989 and the Wildlife Act 1975.

Apparently all those governments, Labor and Liberal, got it wrong when they created those pieces of legislation, because in their minds that set up a terrible burden of green tape that this project must be sheltered from. At the end of the day the minister — and we know it will be Mr Guy who will be the minister sitting at the table discussing this bill later — will still issue permits under those acts, including the Environment Protection Act, under which no minister ever gets to issue permits. This minister will now stand in the shoes not only of a range of ministers but of an independent statutory authority and he will issue permits under their acts as if he were them. But he will not need to obey all the usual requirements of those acts in issuing those permits. He simply has to have regard to the acts, and that is the thing that is so damaging about this principal act which we are here today amending.

I remember the debate. Some members who were in opposition at the time and are now members of the government looked slightly queasy about what was going on when that legislation was passed.

**Mrs Peulich** interjected.

**Mr BARBER** — Mrs Peulich was one of them. The Labor Party, while purporting to care about the environment, stripped out all the environmental requirements when it created this act. What the Liberal Party is going to do today, while purporting to care about big, bad government rolling over the little guy, is take out all the remaining checks and balances in relation to the citizen and their ability to be protected from the government of the day. It is ironic, is it not? Labor strips away all the environmental protections, and then the Liberal Party brings in legislation to strip away the remaining checks and balances as they relate to the relationship of citizen to government.

Make no mistake: despite the dancing going on over here, Labor will build this project. Labor has made it very clear that it will build this project, if only the Liberals sign the contracts in October 2014. Labor has

made it very clear that if the Liberals sign the contracts in October 2014 — and even if the Liberals were to lose government over this project, which every citizen of Victoria is starting to understand is a giant lemon, they will still have won because they will have gotten this project through — it will spend its years in government post-2014 building this project. Of course they will be very happy because they will be in government.

The bill is supposedly about fast-tracking. The second-reading speech, rather than talking about what is in the bill, as a second-reading speech usually does, has many pages about how important it is to get these projects going really quickly. So it is interesting that although this bill was brought into Parliament in the sitting week around the middle of June, none of these approval processes have moved forward over these many weeks. The government was prepared to bring in this bill and then delay the project for some months in order to get these laws through before it moved any further in the approval process.

It is not about fast-tracking but about avoiding any capacity for the community to appeal the final approvals by this minister, which will happen right at the end, ignoring all the environmental legislation that we have built up over 30 years. This government does not want to fast-track it but to make damn sure that it is rammed through at the end. What the government has done, in an incredibly ham-fisted way, is gone through and found any possible provision in this or any other act which someone could use to hold up the project and has gotten rid of it. It has finished the job that Labor started.

Mr Tee referred to this as an \$8 billion project. Yes, it is going to be a lot more expensive to construct than even the desalination plant. CityLink cost about \$1.5 billion at the time it was built — in today's dollars let us say \$2.5 billion. The estimate is that this project will cost between \$6 billion and \$8 billion to build, but as taxpayers we will in fact pay about three times that. We know that because of Peninsula Link, the other unnecessary, wasteful road project that the last Labor government gave us, a consolation prize for the roadbuilders when we stopped them from bringing a road tunnel out through a park in Kensington.

Peninsula Link cost something under \$1 billion to build, but we see in the annual financial statements for the state of Victoria that over 25 years we will pay three times that amount in nominal or actual cash terms. So if a project like Peninsula Link will cost three times the \$1 billion in payments to a road, construction and maintenance company over the 25-year life of the

contract, then a project like this one, which we have been told will be structured in the same way, as an availability public-private partnership (PPP), will probably cost taxpayers about three times that, less any money we can collect in tolls — but more on that in a moment.

In fact over 25 years we could be paying out about \$24 billion to the toll road operator — or about \$1 billion a year. To put that in perspective, we do not normally spend \$1 billion a year on public transport infrastructure. In Labor's last year in government, and in this government's last budget year, a bit under \$1 billion was invested in public transport infrastructure — taking out the effect of the regional rail link, a largely federally funded, lumpy investment. By another comparison, we pay Metro Trains Melbourne something less than \$1 billion a year to run our entire train system. Now, by my estimate, we will be paying the guy who keeps the road tunnel open between Collingwood and Kensington the same amount.

That brings us to the question of how many people will in fact drive on the east–west link. This project has been looked at a number of times. In 2000, Labor promoted the idea of an east–west link through the *North Central Corridor Study*, and it was estimated at that point that only 4 or 5 per cent of the cars heading off the Eastern Freeway in the morning were going to make it as far west as the Tullamarine Freeway. It was not just that number that made Labor change its mind; it was the number of Greens elected to inner city councils in 2002. But it came back in 2008 with the Eddington study and was again promoting this idea of an east–west link. This time it brought in a different set of traffic modellers, Veitch Lister Consulting, and Veitch Lister said, 'Yes, that's right; we will pump the numbers up a bit. Maybe we will get about 10 per cent of the cars coming off the Eastern Freeway headed to all destinations west'. That was with about 140 000 cars coming off at that point.

At that point, Labor's plan, or Sir Rod Eddington's plan, was to bring the road tunnel up in the middle of JJ Holland Park, Kensington. When the entirety of Kensington went into uproar that project was very quickly shelved. As a consolation prize to the road construction companies, which demand a continuous pipeline of roadbuilding to keep them happy, there were some changes on the ring-road and Peninsula Link. Since those projects are almost complete, the little piggies are squealing, waiting for the next lot of slops to drop down through the roof so they can tear into it. We

saw the Premier out there a few days ago with something he called the 'east-west alliance'. I had not heard of that before. But in reality it was the Property Council of Australia and a few other big business groups appearing for a fashion parade.

**Mrs Peulich** — The RACV.

**Mr BARBER** — The RACV, which apparently, we were told, represented 2 million people. I never knew that business associations brought in 2 million votes. It is like some sort of Labor Party branch stacker delivering the votes. The last time I looked, the people from the RACV were the people who came to start your car. They do not speak for me when it comes to my future vision for this city, let alone the Property Council of Australia or the Victorian Employers Chamber of Commerce and Industry (VECCI). Apparently in the form of feudal lords, all their employees and all the people who work for their companies have their votes spoken for by the property council and VECCI. It is a sort of serfdom approach to democracy here in Victoria.

As we found out at question time today, it is not easy to get a meeting with the Liberal Party if you are against this project. The minister, Mr Guy, who will be responsible for the whole assessment and permit process, will not meet with people who are against this project, even though they are his citizens and even though he and Mr Ondarchie are the only Liberals who represent the area where the project is going. The Minister for Roads, Mr Mulder, came out today and predictably, for a man who is under a lot of pressure, described people in the inner city who came out last weekend to express their opposition to the project as a rent-a-crowd. I would like to know who rented them.

We know they have the votes of the president of the RACV, the president of the property council and the president of the road builders construction group, but apart from that they have not demonstrated that they have any popular support for their project. The people who some in the Liberal Party claim will benefit from the project, with faster travel times and less traffic in their streets, are simply a rent-a-crowd. What hope would there be for a submission from people affected by this process being listened to? In a minute the government will tell us it is a very good process which is designed to get to the bottom of all the impacts of the project.

Let me describe in short form exactly what this bill does. The bill removes the requirement for an impact assessment to contain an assessment of the impacts of

the declared project. Let me just say that again in case anybody thinks I misspoke. An impact assessment will no longer have to contain an assessment of the impacts. That is at clause 23 of the bill, which amends section 39 to remove the requirements that the comprehensive impact statement, the CIS, must contain an assessment of the impacts of the project, alternative options that have been considered and the impacts for those options, the methods considered to avoid, minimise, manage or offset the impacts, or any description of the preferred option and the reason for the preference. Some of those elements have been moved to new section 34A, which lists them as things the scoping directions may include, but currently they are compulsory. The requirement for an assessment of the impacts of the declared project have been removed completely.

What is left? A list of any of the waste management policies that apply, a list of approvals that are likely to be — formerly 'will be' — needed, info on how the project fulfils requirements for those approvals and a list of proposed planning scheme amendments. A new subsection calls for information necessary to get a works approval. Further changes ensure that the CIS will not have to comply with the minister's scoping directions but will have to be substantially in accordance with them.

The minister's own direction is no longer a mandatory requirement. That is described in the explanatory memorandum as providing flexibility. What this means is the Linking Melbourne Authority (LMA) will resubmit the project under the bill's transition provisions. The minister has 10 days to write new scoping directions for the CIS or to amend the existing ones. If the LMA is still not satisfied with the scoping directions, this bill provides that the proponent — that is, LMA — may request the scoping directions be amended under new section 34A, so long as the CIS has not yet been released to the public. This is what happens when you start a project and then decide you do not like the legislation you are assessing it under — you rewrite the legislation.

Even more surprising is that works on the project can start before the project is approved. Any part of the project can be declared associated works which can be started before the project is approved. The bill provides that the minister may declare some works or activities as associated works. They can then be part of or associated with the declared project.

A project can be broken into little bits and then started. Any community resistance that might start to build up can be rolled over. Of course local council approval for

that is bypassed under section 258A. What this means is that if the bill passes at any time before the CIS is completed, the minister can declare any part of the tollway to be associated works. Any remaining powers local councils have left under the Major Transport Projects Facilitation Act are stripped, including the example given in the explanatory memorandum as the transfer of lands act.

Then we have the even faster fast-tracking. The fast-track time lines under the facilitation act will be made faster still by decreasing time periods, removing some processes, and then there is a special hurry-up clause. Every section is getting fast-tracked, but in addition they cut the time lines. The planning minister now has 5 days instead of 10 to decide which is the appropriate impact assessment.

These changes do not just concern this toll road. I want to make that very clear. The second-reading speech actually refers to railway lines — I will be surprised if one of those ever gets fast-tracked — and even the port of Hastings. The *Age* newspaper yesterday revealed the serious risk to wildlife if an oil spill occurs in Western Port Bay as a result of the port of Hastings development.

The Victorian National Parks Association has asked for a strict environmental assessment to be completed before work commences at Hastings. It will not get that assessment because the federal Leader of the Opposition, Tony Abbott, will be Prime Minister, and he has already said he will take all of his federal environmental powers, including those over the Ramsar-listed, globally important wetlands of Western Port Bay, and hand them back to the states. This state will then use this legislation to push the port of Hastings development through in record time with no proper assessment. The hurry-up clause says that if any official moves too slowly in any process associated with this legislation, including that of even having input into it, they may be given a deadline by order of the Governor in Council with which they must comply.

The bill weakens the role of the Environment Protection Authority (EPA) and fast-tracks decision making regarding whether and under what conditions a works approval is granted. A works approval is a direction on how to prevent a project causing pollution. Under the Major Transport Projects Facilitation Act 2009 the EPA can get involved if a works approval is required under the Environment Protection Act 1970. The bill removes the reference to the Environment Protection Act. The facilitation act removed the EPA's authority to grant the works approval and gave it to the

minister. We already had that. The bill now deletes from section 74 the subsection that describes how the EPA may advise the minister on whether or under what conditions works approval could be granted and broadly moves them to section 64. As a result, the process kicks off before the public hearings rather than after the CIS hearings and recommendation. The time period is shortened. Until now the EPA had 30 days to at least have its say. It must now make its statement the day after the formal public hearing.

We know large amounts of toxic soil will be dug up in the construction of the tunnel and the tollway. There will also be impacts that we have not even yet begun to understand because the government is changing the law before it even tells us what the project is. If this bill passes, an already hamstrung EPA will be unable to rely on the assessment committee report, which is the whole point of the assessment, for its advice to the minister about the works approval. Parliament will no longer be able to debate or disallow orders and determinations about a declared project.

A legislative instrument is a type of law, such as a regulation or rule, made by someone authorised to do so by an act. In Victoria the Subordinate Legislation Act 1994 sets out the process for making legislative instruments under all other acts, subject to Parliament's authority and control, with scrutiny and public participation. This bill inserts a new subsection after each of the orders that are made under the facilitation act that declares that each one is not a legislative instrument within the meaning of the Subordinate Legislation Act.

We only just got around to tidying up and clarifying the Subordinate Legislation Act. It is the kind of act that the Liberal Party is supposed to care about because the Subordinate Legislation Act is about the rights of citizens vis-a-vis the government. That was what liberalism was all about. Now it is about statism. It is actually about wealth redistribution, if the truth is told. The Liberals are big fans of wealth redistribution. This project redistributes \$24 billion worth of taxpayers money to one of the Liberal Party's favoured road construction companies. This is a massive exercise in wealth redistribution, one which is bigger than anything we will see from Kevin Rudd in the other direction with the single mother's pension. This is \$24 billion worth of redistribution in one hit.

Under the current act a minister wanting to make a legislative instrument exempt would have to go to the Scrutiny of Acts and Regulations Committee. The minister would explain to the public the reason for the

exemption — for example, because there is no economic or social burden. If there is no exemption, there must be consultation, a human rights certificate and a regulatory impact statement, and public comments must be considered. The scrutiny committee can examine the instrument and report to Parliament, including with a recommendation to disallow or amend. Then the order would be subject to disallowance by Parliament.

This bill goes further and delegates responsibility, even bypassing the minister. The bill repeals section 11 of the facilitation act, which requires the Premier to consult with the Minister for Planning before recommending that a project be declared covered by the act. There were supposed to be guidelines for what could be considered a major transport project — I will ask the minister about those in a minute — but in the second-reading speech we read that bicycle paths may be a major transport project with high economic and social importance to the state of Victoria.

New section 15A gives the project minister the power to delegate to any person any power, duty or function of the project minister. Exceptions to this power are the delegation power itself, the control of the project authority and the determination of surplus land in preparing model utility agreements. Instead of the Minister for Planning, the secretary of the department now receives the comprehensive impact statement and decides whether to release it for public exhibition or make a review determination.

The bill is peppered with changes to make optional elements of the assessment that previously were compulsory. As I have said, the assessment was already highly limited. The language is being weakened to avoid any certainty about what must occur. The minister is allowed to narrow the terms of reference for public hearings, as Mr Tee has said. That seems to be the one section of the bill that has actually excited him. The impact management plan must no longer comply but be substantially in accordance with the scoping directions, now to the satisfaction of the secretary. The scoping directions may include assessment directions. The project proponent no longer has to revise the CIS so that it addresses the issues set out in the CIS issues report. The project proponent can review the CIS with regard to those issues and determine whether it has to come back to the public with more information about its project. That is not even a comprehensive list that I have given.

By the way, the bill bypasses the *Victoria Government Gazette* for some reason that I cannot work out. Many

decisions will no longer be published in the *Victoria Government Gazette* but instead will be published on the department's website. If you have ever tried to find something on a department website, particularly something that is important to you, good luck! The project contractor, the publication of scoping directions — the proponent must consult — the publication of the terms of reference for the assessment committee, the delegation and subdelegation of road functions under clause 51 and the model utility guidelines will just go up on a website somewhere. If they do not go up in a very obvious place or if they do not go up in a timely fashion, people who are affected by these things will be running around trying to find out what the hell is going on.

In other words — and it basically admits this in the second-reading speech — the government is going to extraordinary lengths in creating another 39 pages of legislation in order to cut red tape. It is amazing, is it not, how many laws you have to pass in order to cut red tape? There is something about this that has got the government very worried because it was prepared to lose a few months out of its fast-track timeline to pass a bunch of laws that pick up any remaining loose ends from Labor's act that might provide a citizen with the opportunity to challenge this project.

The project has already been challenged because it is a dud. The government cannot even tell us the costs and benefits of this project. It has told us that in economic terms the benefit-cost ratio is 1.4 to 1, but we know from the last time that we looked seriously at this project that it was approximately 0.5 to 1. That is like throwing \$1 into a wishing well and 50 cents coming back, except the government is going to chuck \$24 billion into a wishing well and destroy most of that. It will never get the 100 000 cars that it claims will drive on the road and pay the toll.

We do not know what the toll will be, but the government must know. It must have already decided what the toll will be, because it is that toll times the 100 000 cars that gives it the benefit side of its benefit-cost ratio. It is the revenue together with the time savings. We saw the Premier out there saying, 'These are all the traffic lights you will be able to avoid'.

What does the Auditor-General say about projects where the benefits are denominated largely in the form of time savings? In reviewing such projects in a report headed *Managing Traffic Congestion*, the Victorian Auditor-General said:

Similarly, a key objective of the east-west link is to relieve congestion, but it is not evident to date that its impact on

future traffic congestion levels and induced demand has been adequately analysed and assessed.

...

These issues may adversely impact the net benefits of the project and have not yet been transparently quantified or fully assessed.

I have FOI-ed pretty much every single piece of paper coming in and out of the Linking Melbourne Authority as it relates to traffic modelling exercises done by Veitch Lister, interestingly the same people who did the 2009 assessment and came up with a very different set of numbers. Many hundreds of pages have been released, but any time a useful conclusion is drawn it is blacked out under a section 30 exemption in the Freedom of Information Act relating to internal workings. When that one does not work the government bowls out another exemption, commercial in confidence. If it is not too confident about that, as it was not when I dragged it into the Victorian Civil and Administrative Tribunal (VCAT) the other day, it starts talking about cabinet in confidence.

Apparently all these pages were sort of placed on a trolley and wheeled through a cabinet subcommittee meeting that probably met for 20 minutes with two ministers in attendance, and suddenly that is cabinet in confidence. If it was such a great project, the government would be shouting it from the rooftops. It has already told us it reckons 100 000 cars will go on this thing every day. Now it should tell us what the toll will be. We are very interested to know.

Similar projects around the country, including most recently BrisConnections, have gone broke offering time savings with a few bucks of toll — in the case of BrisConnections, across the inner north of Brisbane, connecting to a free freeway that took you to the airport. That sounds familiar. The traffic projections on those private toll roads have come to anything from 65 per cent to only one-quarter of what was projected. That is all right because private investors stumped up the money for those projects — and they did their dough. What is going to happen here is that we are going to guarantee no risk on any part of this project to the private road builder or the private road operator, so if these traffic projections are wrong, it is the taxpayer who will wear the revenue risk. At the end of the day that means basically paying people to drive on this toll road, when the same money could have been used to invest in rail projects that would have done the same job.

Interestingly, in that traffic modelling we find hints amongst some of the things that have not been blacked

out that there was quite a debate going on between the Department of Transport, as it was then, and the Linking Melbourne Authority about their traffic modelling impacted by rail projects versus this traffic modelling being done by another crew off to one side.

The government solved that problem quite simply by delaying the rail project so far into the future that it had no impact on the traffic modelling of the early years of this toll road. We found out that much, but we do not know the simplest number that anybody would want to see in a business case: the amount of the toll. It is important because we have found that in the case of many other toll roads people are not prepared to pay the toll. Despite the purported time savings, which is what the project is all about and which represent the vast bulk of the benefits on the benefit side of the government's benefit-cost ratio, people will not pay for those benefits. People will not pay high tolls to go very fast over a short distance. That is why the Auditor-General recommended that:

... the Department of Transport, in consultation with transport agencies, develops and systematically implements a portfolio-wide decision-making framework for congestion related infrastructure expansion projects that:

includes clear standards and procedures for assessing both the congestion benefits and disbenefits of proposed initiatives, including induced demand —

that is, more people driving on the toll road as a result of the road existing —

relative to defined statewide congestion management priorities ...

That refers to alternatives to this project that under this law the government never has to consider in relation to any kind of public process. There is a further recommendation that the then Department of Transport:

assures the nature and scope of proposals is adequately informed by sufficient consideration of statewide demand management options and initiatives.

As the Auditor-General argued, projects like this attract new road users and therefore additional traffic along the east-west corridor and the wider network. It even results in some reverse-mode shift from public transport to cars. It is a mug's game; making bigger, wider, faster roads just draws more cars and then you are back where you started. A typical freeway lane, without traffic lights, might carry about 1200 cars per hour. However, as I am sure you are aware, Acting President, a typical train during the morning peak period might have 800 to 1000 people on it, particularly if it is coming in from the west. That train zips by in a few seconds with a

minimal environmental footprint, takes those 1000 people into the city and unloads them in half a minute. They are on their way to their destinations. However, a whole lane of freeway traffic can only do that same job in an hour.

You will never win by expanding roads. You can cut congestion deeply, and we have seen it on the Eastern Freeway and on Alexandra Parade as people move on to public transport. It is no coincidence that the traffic on Alexandra Parade has fallen by 10 per cent, because we know that during the morning peak many extra thousands of people are using the Ringwood line or jumping on a train at Clifton Hill station and using the Hurstbridge or South Morang lines.

Returning to the cost-benefit analysis, we do not know the discount rate that is applied to these projects. A discount rate is a measure of the risk, usually in the form of an interest rate, that is applied to the financing of a project. Risky projects need a higher discount rate — a higher hurdle to get over before they demonstrate that they actually create net benefits — and, as I said, toll roads are highly risky. There must be a discount rate because at the back of the state budget papers there is one for Peninsula Link that sets those net present value and real cash flows. They are the state finances.

What we have here from the government is a few pages of a glossy, short-form business case. The pitch was described by the *Australian Financial Review* as being about as high quality as the journalist's son's request for a new *Thomas the Tank Engine* video, and the behaviour of this government and its small group of supporters is pretty much the same. It is, 'I want one because I want one'.

However, it does disclose one useful number: if you put the discount rate up to 10 per cent — which is a higher burden of risk, and toll roads are so risky that the private sector will not invest in them any more — this project is under water even with the massively overinflated benefits, which the Auditor-General says are illusory, and the made-up numbers about traffic flows.

**Mr Ramsay** interjected.

**Mr BARBER** — That is a very good point! The Sheik of Scrubby Creek has decided to get involved in the debate — not that one dollar of this will go into public transport. For \$8 billion Mr Ramsay could build a dream public transport system for the whole of Victoria. He would be a country legend. But no, he is backing this. You still cannot get an extra train from

Warrnambool despite those carriages being rather overcrowded last time I took one, and I had to get up at 6.00 a.m. to be on that train.

This business case is rubbish. We will never see the real business case because the federal Leader of the Opposition, Tony Abbott, has already committed himself to the project. I can tell you that under the Labor government when I sought the business case it had submitted to Infrastructure Australia for WestLink — the same tunnel and toll road from west to east — it took 18 months and \$15 000 in legal fees to get a redacted copy of the WestLink business case. Now the Labor shadow minister says that he is going to move a motion that says Labor will not vote for the east–west link until the government shows us the business case. I would like to see the business case for dredging the bay or the north–south pipeline or the desalination plant, although all of those projects were much smaller in terms of capital costs.

We will never see the business case for the east–west link, and the Labor Party will never support exemptions being removed from the Freedom of Information Act 1982. It just wants to get into government as fast as it can. Things are going to get pretty interesting from here on in. Citizens are not going to accept this. Across the state people are realising that this has been totally oversold. The people at the top end of Collins Street like it. Everybody else can come up with a better list of projects for the same price. I was down in Warrnambool recently and people were saying to me, 'Taking all those peoples' houses is a bit rough'. That had been reported on the television the night before.

The government is taking land off the Melbourne City Council that it estimates, if it were trying to replace that open space somewhere else, would be valued at \$200 million. I cannot imagine that is treated as a cost on the C-side of the government's benefit-cost ratio. It is being treated as a bit of a free gift that the government will just take and use, and it will hand the land over to a private road operator. Soon enough the government will see people out in that park simply occupying it and saying, 'No, wrong way, go back. You did not ask us. You will not even try to explain it to us. You will not trust us enough to show us the business case, but you want us to trust you'. We will say that there is no deal. The already rattled Premier, the Minister for Roads and poor old Mr Guy, the Minister for Planning, who is the local member and has to approve all this stuff, are going to spend most of their days explaining why they pushed ahead with this crazy project.

**Hon. R. A. DALLA-RIVA** (Eastern Metropolitan) — If there is one thing Mr Barber has, it is conviction about what he stands for. There has been no variation in where the Greens or Mr Barber has stood on this issue, and indeed on many other issues. We commend him for that conviction, but having said that, obviously we believe this bill is appropriate for the development of the east–west link tunnel and for other projects.

It is important to take note of Mr Tee’s contribution. In the short period I have to make a contribution to the debate, if I am to finish before the dinner break, I will comment on Mr Tee’s contribution. Mr Tee said — and I do not mean to misquote him — something along the lines of, ‘We will not allow this government to ram through dud projects; we will not let them slip through without the appropriate processes’. Mr Barber summed it up succinctly in the last 5 minutes of his contribution by mentioning a range of projects which the former government rammed through, and there was a substantial cost involved in those projects.

I take up one of the points Mr Barber raised, and that is that those projects that were implemented are not being used, in particular EastLink, which I use daily because it is in the electorate of Eastern Metropolitan Region. The notion that it is not used is not true, because it is a very heavily-used freeway now. Yes, in the early stages there was a view that it would not be used, but it is used substantially now. The government believes that when the east–west link tunnel is built there will be substantial numbers of people using the freeway and travelling between the eastern suburbs and the western part of Melbourne.

As Mr Barber rightly pointed out, we supported similar legislation when we were in opposition. It is interesting to note Mr Tee’s reasoned amendment which asks the house to refuse to read this bill a second time. By default Mr Tee has moved a motion to refuse to have legislation, which originated from the government of which he was a member, read for a second time. We will not be supporting the reasoned amendment. We believe the bill is adequate and deals with the issues on which we have been working. There is no secret about the fact that we have committed to build the east–west link tunnel. We believe it is an appropriate project and a major project that should be completed for all Victorians, for Melbourne, to facilitate the passage of people between the eastern suburbs and the western suburbs and to move people from regional areas and city areas throughout Melbourne.

It is a fact that the construction of Peninsula Link, as Mr Barber rightly pointed out, has opened up the traffic flow from the Mornington Peninsula, and we only need to see what occurs if there is a break in the connection between the roads going into the city along the Monash Freeway. The only option now is for cars to divert onto EastLink, which then bottlenecks at the end of the Eastern Freeway.

This is a project that the government stands behind. It is a project that we believe is broadly supported by the community. I understand people in certain parts of Melbourne have concerns, and we are aware of those concerns, but the fact is that we believe it is an appropriate project. We had similar objections when CityLink was being built. It is interesting to note, as Mr Barber rightly pointed out, that the Labor Party originally opposed the CityLink project. But it was then opened by Labor Premier Steve Bracks, and that is commemorated by a plaque that is still there. I think Mr Barber’s assertion is right —

**Mr Barber** — They will be at the ribbon cutting, will they?

**Hon. R. A. DALLA-RIVA** — They will be at the ribbon cutting. I get the rider that they —

**Mr Barber** — Premier Andrews will cut the ribbon?

**Hon. R. A. DALLA-RIVA** — By the time Premier Andrews gets there, those from the right will have taken back control of the Labor Party and it will not be dominated by those from the left who seem to be lurching even more to the left — more left than Mr Barber. The bottom line is that if the Labor Party is serious about this, and if the left got out of the way of the Labor Party understanding business, it would support this project. We believe strongly in this project. This legislation is appropriate to what is necessary for Victorians.

On the other projects, as was indicated, government members consider the bill to be important for the port of Hastings development in terms of cutting red tape. The bill addresses a whole series of processes — for example, a process that now takes 25 days will take 10 days and administrative steps will be taken to proceed towards having quicker planning approvals processes. The bill also makes some changes to improve accountability. Some of the accessible information will be available on the website in addition to the *Government Gazette*. As much as we all like to read the *Government Gazette*, information will be more

publicly accessible on the website and that will reduce the administrative burden.

I am conscious of the time and of the fact that many members will speak on the bill. The bill continues the progress of the first stage of the development of the east–west link. Currently people are working on that project, and government members look forward to the completion of stage 1. This is a significant project that the government is committed to and the federal coalition opposition, soon to be the federal coalition government, one would hope, has committed \$1.5 billion to it. The project will deal with the significant growth of Melbourne.

For the third year in a row Melbourne has been voted the world's most livable city. It will continue to be the world's most livable city not only because we have significant rail infrastructure but also because we have a significant freight and distribution transport network that we need to maintain to be competitive in the world markets. This project is worthy of continuation, and government members support the bill.

**Sitting suspended 6.29 p.m. until 8.02 p.m.**

**Ms MIKAKOS** (Northern Metropolitan) — I rise to speak on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013, and I am pleased to join with my Labor colleagues in opposing this bill. I also speak in support of the reasoned amendment moved by Mr Tee that the passage of this bill be delayed until the government releases the full east–west link business case.

While it is reasonable to expect the government of the day to have legislation in place to facilitate the development of major projects and ensure that they are given priority, this bill clearly goes too far. The existing legislation, which was initiated by the former Labor government, struck the right balance as a mechanism to streamline and fast-track planning approvals for major projects without shutting down community debate and excluding local government consultation.

The bill before the house seeks to grant the planning minister extraordinary powers, including the power to confine matters under consideration at a public hearing to particular matters — in other words, the ability to shut down discussion and stifle criticism at public forums. The bill also takes a draconian approach to public policy by seeking to lock out local councils and remove their authority over any planning matters within the project area. For example, councils will lose their authority over a range of important matters, including heritage protections, restricting the hours of

construction work, removal of trees and even pollution issues such as noise and dust control.

Another major concern is the reduction of time lines in the government's decision-making processes. Preparation of a scoping document will be reduced from the current 25 days to just 10 days. Even more staggering is the halving of the period that the planning minister has to approve a project from the current 40 days to just 20. The current legislation already provides reasonably restricted time frames for approvals. Any further reductions will undermine the public's ability to properly scrutinise proposals and therefore result in compromised outcomes. Clearly the government will use these proposed powers to ride roughshod over democratically elected councils in order to impose a massive \$8 billion dud of a freeway — or tollway — on Victorian taxpayers.

The Minister for Local Government in using the Local Government Act 1989 to silence Yarra City Council, which, acting in the interests of its community, has voiced strong criticism of the east–west link project, is sinking to a new low and undermining the value of our locally elected councils. Residents in the city of Yarra, who are my constituents, are facing the prospect of either losing their homes and businesses or seeing the value of their homes decrease, yet the Napthine government has not provided a solid business case to justify the decision to undertake this \$8 billion project in the first place. Instead of providing this business case to allay the council's and residents' concerns, the government has threatened the council with a letter advising the council to shut up because the decision to go ahead with the project has already been made. An article in the *Age* of 8 August quotes Minister Powell's letter. The article says:

Ms Powell said it was appropriate for councils to make representations to the state government on preferred options before a government decision ... It is a different matter to wage a public campaign against a project of state significance ...

Members may well remember the campaign Yarra and Stonnington councils ran against clearways a few years ago — a campaign that the coalition then in opposition supported.

This is a government that has sat on its hands for the first three years of its term doing nothing. We know full well that the reason former Premier Ted Baillieu was removed from his position was that he had no interest in getting major infrastructure projects under way and happily sat back watching the Victorian construction industry slowly grind to a halt. The

government now seems hell-bent on proceeding with the east–west tollway, despite the fact that it has no mandate to do so. It is doing so purely to convince the Victorian people that it has a major project under way and to make up for dithering for the past three years. Victorians would recall that the coalition made no mention of the east–west link project in its policy platform before the 2010 state election. With just one year to go before the 2014 election the Napthine government has realised that time is running out to prove that it can deliver one single major project.

However, if the government is so confident that it has picked a winner with this project, it should have the courage to present it to the people of Victoria and allow them to decide at next year's state election. Labor cannot support any project where vital information has been kept out of the public domain and hidden from public scrutiny, especially when the project is going to cost a staggering \$8 billion. The government cannot answer even the simplest of questions about its own project. It has not provided a business case, it has not consulted with the community and it has not got a clue about how to address Victoria's transport and traffic congestion problems across the state. All the government has and all the Victorian public knows is that there will be a 5-kilometre tunnel in the inner parts of Melbourne that will cost \$8 billion. It is absolutely staggering that all the Victorian public has been given to assess the merits of this project are glossy brochures, artist impressions and animated videos.

If the government thinks it can hide the business case for its \$8 billion tunnel and expect Victorians to believe that other local projects will not be shelved to pay for it, it is sorely mistaken. In fact it comes as no surprise that the government has refused to subject its business case to Infrastructure Australia scrutiny. Infrastructure Australia is an organisation that has previously ranked the project well behind other important projects, such as the Melbourne Metro rail tunnel. Government members have instead obscenely exploited this project to assist their federal colleagues' election campaign in Victoria. It is extraordinary, although not surprising, that Tony Abbott, the federal Leader of the Opposition, is willing to commit \$1.5 billion to a project that has not even been independently assessed just to have a shot at winning one federal seat, the seat of Deakin, at the election this Saturday.

The Linking Melbourne Authority advised in 2011 that the coalition government should prioritise the western link above the east–west link to increase access to the port of Melbourne, but nobody's opinions seem to matter to this government. Rather than release the full

business case for this \$8 billion tunnel, the government has released a very short, 12-page executive summary that predictably contains very few details. It is a 12-page document, but Mr Dalla-Riva had the temerity to come in here in the last sitting week and claim that that is in fact the business case.

The Premier has claimed that an estimated 80 000 to 100 000 vehicles will use this tunnel each day and that trips between the Eastern Freeway and CityLink will be cut to 7 minutes. But, as is evident from a leaked email published in the *Age* of 19 August, those figures look to have been artificially inflated. A leaked memo from a senior VicRoads transport economist says that the projection 'smacks of a desire to enhance the quantum of benefits'.

We know from past traffic modelling that 80 per cent of cars exit the freeway at Hoddle Street, and that is not going to change. Where are the government's plans for Hoddle Street? They are non-existent. This tunnel will not alleviate congestion on Hoddle Street. It will in fact funnel more traffic down the already congested Flemington Road. However, in an *Age* article that appeared yesterday Mr Abbott continued to claim that somehow this project will address congestion on Hoddle Street and Flemington Road. He clearly has no idea where these places are. He should be shown a map in the *Melway* before the election on Saturday. We know that the on and off ramps for CityLink, which will be near the Royal Melbourne Hospital, the Royal Women's Hospital and the Royal Children's Hospital, will create more traffic congestion for people wanting to access those important hospitals.

The Napthine government refuses to release the business case for this project, despite asserting in its glossy brochure that the project will generate \$1.40 in benefits for every \$1 invested. The government has not demonstrated how this will be the case. There is no published cost-benefit analysis; in fact there is no publicly available analysis that can demonstrate why Mr Abbott is prepared to commit \$1.5 billion to this project, nor is there any indication of why the Victorian taxpayer should be contributing to this ill-thought-out project as well.

Another project that the government has put on the backburner in favour of this \$8 billion tunnel is the Melbourne Metro rail tunnel, a project initiated by the previous government that has already been assessed by Infrastructure Australia as economically beneficial and ready to go. Public Transport Victoria has come out and said that without the extra capacity of the new rail tunnel several lines will become so overcrowded by the

decade's end that some passengers will not be able to the board peak-hour trains. That is precisely when this government is saying it will turn its attention to the Melbourne Metro rail tunnel — by the decade's end. This is despite the fact that the Rudd federal government has committed \$3 billion to this project now.

This project is ready to go, and it is a vitally important project. However, Mr Abbott has been quoted as saying that he will not be committing to the metro rail scheme. He says he has made that absolutely crystal clear. This is an outdated way of thinking. Federal governments should contribute to major public transport projects. Thankfully the Rudd government takes that point of view, and hopefully those funds will be available beyond Saturday if the Rudd government is re-elected so that project can be realised — because it certainly will not be realised by the coalition, either at a state or federal level.

The cost of this road tunnel is simply staggering. It is \$8 billion for just 5 kilometres of road. For every metre of the tunnel built Victorian taxpayers will pay \$1.6 million. It has been labelled the world's most expensive road — and rightly so — but the government wants us to support this use of taxpayers money. Whichever way you look at it, it is a dud deal.

The expression of interest document released by the government to invite the private sector to bid for the project has dangerously exposed the state to future costs. Under this expression of interest document the taxpayer is liable if toll revenue is lower than anticipated, if interest is charged and private sector debt is higher than predicted, or if construction is delayed. Ultimately there is no way of knowing the total cost to the taxpayer of this tunnel; only time will tell. Hopefully time will not tell, because this will be a huge cost to Victorians for a long time to come. As I said, this project does not address key issues of congestion for Hoddle Street and for the majority of road users in our state who do not in fact use the Eastern Freeway.

I will conclude by making the point that this project is going to have a huge impact on my constituents. Victorians who live in the inner city, some of whom are my constituents, are facing the compulsorily acquisition and demolition of their homes and businesses should this project go ahead. Many others will be adversely affected by the construction of on and off ramps close to their homes. Their homes will not be compulsorily acquired, but they will have their amenity severely affected and their homes significantly devalued. Local parkland will be affected. Local sporting groups will be

affected. Local schools will be affected. Many people in the community are very concerned about this project. Those people deserve some answers, and they are not getting them from this government.

In conclusion I make the point that spending \$8 billion and possibly more on this tunnel will significantly reduce the amount of money available to spend on local schools, hospitals, public transport and road projects across my electorate and in other parts of the state. This is going to tie up and drain funds for a very long time. It is a dud of a project that is going to do very little to benefit Victorians. It is going to have a huge impact on our community, yet this government is not even prepared to take this project to the Victorian people, as it should. If the government has the courage of its convictions, it should delay signing contracts in September next year. It should have the guts to do that. If the government thinks this project is so fantastic, then it should delay signing those contracts and wait an extra eight weeks and take the project to the Victorian people as part of the November 2014 election. It should let the Victorian people decide.

The government knows it is a dud of a project; most of the backbench are not going to benefit in any way from the project. We know about the internal concerns government members have about this, and time will tell. They should have the courage of their convictions to wait until November 2014 and put this project to the Victorian people.

**Mr ONDARCHIE** (Northern Metropolitan) — I speak tonight on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013. What a pleasure it is to follow Ms Mikakos, who talks about delay. It is typical of the ALP: why do today what you can put off until tomorrow? I will tell members what it has done. Labor has put off making decisions until tomorrow and the next generation and the generation after that; 27 years at \$1.8 million a day for the desalination plant. It is typical of Ms Mikakos. What she should do is care about Victorians.

**Ms Mikakos** interjected.

**Mr ONDARCHIE** — Ms Mikakos should meet with her constituents. Let me tell members what the constituents say. I can give Ms Mikakos a *Melway*, which will explain to her where her electorate is. In my very first few months in this job I was met by community groups in the inner Melbourne area who said to me, 'Can you get the traffic off Alexandra Parade? Can you get the traffic away from Cemetery

Road? Can you get the traffic away from our houses in Parkville? There is too much traffic in this area'. If Ms Mikakos had bothered to talk to her constituents, she would know that this is a game changing project. This is a project that is going to benefit Victorians not just from the northern suburbs but from across Victoria. While she wants to talk about delay, she could spend a few moments delaying her speech by talking to her own leader, Daniel Andrews, the member for Mulgrave in the Assembly, who said:

We in many respects failed to keep pace with demand.

He went on to say:

Lethargy and indecision is not leadership. Hiding under your desk is just hiding under your desk.

Starving the constructors of this state of a pipeline of infrastructure is bad for our economy, bad for confidence, bad for jobs and bad for skills.

But he was not done. He then said:

... every one of the projects we need escalates in price every month the government delays.

Finally he said:

... let's have a bit of honesty about the fact that the only way you avoid complex projects and all their attendant risk is if you don't build any. Now, that's not leadership —

and we all know that.

Ms Mikakos could talk to her leader. Admittedly many Victorians do not know who he is, but she should know who her leader is, and he said it is time to get on with it. It is time for the opposition to show some leadership, stop hiding under its desk and support the east–west tunnel and its associated amendments.

But let me say that we should stop the lie right here. We should stop the false edification of this from across the chamber. There is a business case. It was submitted to Infrastructure Australia, and the executive summary of that business case is publicly available. Here is an idea: go and look at it. But if Ms Mikakos does not believe me, let us talk about what her own colleagues have said. In his Melbourne Press Club address of 16 October 2012 Daniel Andrews said, 'West–east is the way this project should be viewed'. He was talking about continuing with the tunnel, but starting at the other end. Then again, there are others.

On 15 August 2008 then Premier John Brumby, who Ms Mikakos talks about a lot, said:

I think what is undeniable, in Rod Eddington's report, is that the city does need a second east–west crossing ...

... one way or another we've got to address this issue of a second east–west crossing.

But let me not stop there. I ask Ms Mikakos to look not far from where she is right now, in fact she should look over her shoulder, because Cesar Melhem, when he was state secretary of the Victorian branch of the Australian Workers Union, was reported in the *Sunday Herald Sun* of 17 March as having said that the east–west link should be a priority for Dr Napthine:

'The key here is to decide on a solution and go with it, get it moving, and get the Victorian economy moving', Mr Melhem said.

'We have steel, aluminium, asphalt and a whole range of other manufacturers who are crying out for the orders that a big project would produce.

'Every order means jobs for Victorians.'

Ms Mikakos should feel free to look over her shoulder. But Mr Melhem was also reported in the *Age* of 30 July 2012:

'It is just crazy not to go ahead with the [east–west] project', Mr Melhem said.

'We are not going to live without roads and cars. We definitely need more investment in public transport infrastructure from both Labor and the coalition, but we can't do without road investment.'

If Ms Mikakos is having trouble understanding this, she could also turn to her left and ask Mr Somyurek, the shadow minister for manufacturing, services and technology, who in his submission to the east–west link needs assessment in 2008 said:

As the Eddington study is clearly focusing on a much-needed alternative to the Monash-West Gate corridor, including the possibility of a tunnel from the end of the Eastern Freeway, I would like to address some comments to this issue in particular ...

...

It is a simple and indisputable fact that Melbourne's road network is not fully connected. One of the key missing links is obviously at the city end of the Eastern Freeway. Existing congestion, already an irritant for motorists, will only worsen when EastLink opens in 2008. When EastLink opens next year, a 60-kilometre long freeway carrying more than 130 000 vehicles a day will come to an abrupt halt in the inner suburbs of Melbourne. This is neither sensible or desirable. The queues are horrendous and will get worse. Rat running through Fitzroy, Collingwood and Carlton will inevitably deteriorate as traffic attempts to make its way south, west and north.

Opponents of a new link say it is impossible for Melbourne to build its way out of congestion, but the congestion itself is partly caused by a glaring deficiency in the road network.

Ms Mikakos should not bother about looking across to this side of the chamber. She should look to her colleagues because they support it, and she should too.

**Mr MELHEM** (Western Metropolitan) — My contribution will be from the heart. What I find unsurprising is that despite all its promises, the Napthine government has done nothing to address Melbourne's transport infrastructure for nearly three years now. We always said the coalition would not deliver for Victoria, and that is not far from the truth. What I find astonishing is watching the government wake up from its slumber and panic one year out from an election, deciding to implement this ill-fated project, east–west stage 1. I have a new name for it — the east CityLink project — because there is no west in it.

Our debate today is on the amendment bill, which is said to address all the current and future transport needs. Today's bill crystallises a total disregard for the promises made by the government and its existing mandate from the 2010 election. It went to the election with a platform of expanding public transport and a commitment to due process in the development of a sustainable transport infrastructure plan for this state. It is worth reminding ourselves what the government said its mandate was.

The Minister for Public Transport, the Honourable Terry Mulder, ruled out the east–west tunnel before the last election. He called for the implementation of the Melbourne Metro rail plan and new rail lines to Doncaster, Rowville and Tullamarine airport. This was a public transport platform which ruled out building an east–west tunnel because, in the words of the opposition at the time, 'You cannot build your way out of congestion'. How things have changed.

Instead of implementing a sustainable transport infrastructure strategy and building on the work done by the Bracks and Brumby governments, this government decided to rip up over a decade of careful analysis undertaken since 2002. It tells us to forget the Eddington report and Victoria's transport plan and instead applaud it for drafting a patchwork of growth corridor plans. That is more time lost as the congestion and transport crisis continues to grow.

By 2020 the congestion cost to Melbourne will be around \$6.8 billion a year. By focusing on one project and one bill which will facilitate it, at the expense of an integrated plan which includes prioritising road construction and public transport options for outer growth areas, the government's approach sends the state's transport infrastructure investment down the

wrong path. It neglects an integrated strategy and higher priority projects of state significance, such as the Melbourne Metro tunnel and WestLink, while riding roughshod over the thousands of residents it will hurt along the way, and in the end it will deliver little for commuters and businesses.

The government's approach, aided by today's bill, has two major consequences — —

**Mr Ondarchie** — Have you changed your mind?

**Mr MELHEM** — You wait. It pits private transport against public and promotes a road versus rail battle that electors never wanted when they voted for this government in 2010. The government should read its own record. Electors never wanted that, including voters in the outer eastern suburbs, who wanted better roads and investment in rail and access to public transport options. As noted by the Auditor-General, there is a widening disparity between inner and outer suburbs of Melbourne. Sir Rod Eddington was very careful not to promote rail versus road because he knows that we need investment in both. The opposition wants both too, rail and road. The government, on the other hand, is now offering us 6 kilometres of road tunnel at a cost of up to \$8 billion. In so doing, the government is ignoring the advice of its Linking Melbourne Authority, which oversees major road projects. Like the metro tunnel, WestLink was part of the Brumby government's transport plan. Both had been backed by Sir Rod Eddington ahead of the east–west option.

**Mr Ondarchie** — What do you think? Tell us what you think.

**Mr MELHEM** — I am coming to it, if you hold your horses. As reported in an article headed 'Coalition overruled advice on road links' published in the *Age* of 6 June, the Linking Melbourne Authority advised the Minister for Public Transport that WestLink could be completed well ahead of an east–west option and would provide a crucial alternative Maribyrnong River crossing. Despite the problems of public transport gaps, the clogged West Gate Bridge and freight access to the port of Melbourne, the government directed the authority — it actually gave a direction — to commence work on an east–west tunnel, ignoring the advice of its own authority.

We have got the government looking to build a 6-kilometre tunnel with \$8 billion of taxpayers money when Sir Rod Eddington and I supported an 18-kilometre east–west project.

**Mr Ondarchie** — I know you support it.

**Mr MELHEM** — I am coming to it. What the government is doing here is transferring the car park from the Eastern Freeway to CityLink. The government's project is a dud project because it will not fix the real problem, which the proper flow of the 18-kilometre tunnel would fix. Industry Funds Management has come to the government and said, 'We will build the whole project as recommended by Sir Rod Eddington', at its own cost and with no risk to the taxpayers. What was the answer from this government? 'We are not interested. We are going to waste \$8 billion of taxpayers money and build the project at no risk to construction companies'.

Speaking to construction companies, and I speak to them very often, they cannot believe their luck. They think Christmas has come too soon, because they are going to get to tender for a project for which they will have no responsibility. The worst thing you can do in this country and this state is give construction companies an open cheque, and that is exactly what has been done here. The government has given them an open cheque and said, 'Bid for the project and we will underwrite your losses. We will underwrite everything. We will risk taxpayers paying a lot of money for this project'. Face it, the government could not get a single construction company in the state or the world to bid for this 6-kilometre tunnel without government taking the full risk. But companies would be prepared to bid for the project if it was a total project, and that is my challenge to the government. If it wants to be fair dinkum, if it wants to have a game changer, it should go for the lot.

**Mr Ondarchie** — You supported it.

**Mr MELHEM** — I will support it if the government goes for the lot. Do not go for a dud 6-kilometre project. The government should go back to Industry Funds Management and say, 'Put another proposal forward. If you do not like the current proposal, come back to us with a proposal to build the whole project'. Then the government can spend the \$8 billion to build better infrastructure for our growing suburbs. It can focus on building train lines to Doncaster and to Rowville and the metro rail plan. It can do all that.

**Mr Ondarchie** — You said we have got to get road infrastructure done first.

**Mr MELHEM** — You need to read my full submission, not half of it. If this government wanted to be fair dinkum and responsible, it would not just

squander \$8 billion of taxpayers money — and it will probably go to 10. As I said, it will give all the cheques to the construction companies basically saying, 'We'll give you an open cheque', instead of going to the private sector and saying, 'Here is an 18-kilometre project. Let's look seriously at this. You invest in it, you construct it, you run it, you operate it and you divert the funds to do other projects'.

The government's own national leader does not believe its business case, which has been lifted from Sir Rod Eddington's report. I read the report when I wrote my own speech, and when he did the costing it was one for four, based on the whole project and not on the most expensive part of the project. Those opposite should not mislead Victorians. One for four was for the whole 18 kilometres, not for 6 kilometres. The opposition should get the real business case analysis out there, stop telling Victorians lies and start telling the truth for a change. I will leave my comments at that. I am obviously speaking against the bill and am supporting the reasoned amendment of my colleague Mr Tee.

**Mrs PEULICH** (South Eastern Metropolitan) — It is my pleasure to speak briefly on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013. The debate to date has focused only on the first part of the title of the bill 'east-west link' and conveniently overlooked the fact that the bill is a facilitation regime that deals with major and integrated infrastructure projects. This is the sum total of a range of recommendations made by the Auditor-General following a number of audits. I must say that I take the opportunity of going to the briefings every Wednesday of every sitting week and informing myself on many of these matters, and Labor members would do well to do the same. They would realise that the provisions of the bill are completely in line with a series of audits and recommendations brought down by the Auditor-General. Mind you, they are audits and positions which have been misrepresented by the shadow Minister for Planning, Mr Tee, who claims that the Auditor-General is somehow opposed to the east-west link.

The Auditor-General has said that an integrated transport regime that involves public transport, roads and a bicycle network is all important in order to strengthen mobility, reduce congestion and pollution and make transport more accessible. This is completely in line with the needs of the state and certainly the recommendations of the Auditor-General. The contributions to the debate on this bill by Labor Party members are absolute proof that they deserve to be in

opposition and an explanation of why they lost government in 2010. They are playing politics rather than delivering for the wellbeing and interests of all Victorians — businesses and families alike.

I understand that the Leader of the Opposition, Daniel Andrews, had a major opportunity to differentiate himself from the coalition government on this bill, and can I say what a bad choice and a bad call he has made. A pitch was made to the voters of the city of Melbourne, where the Labor Party federally is trying to save as much of the furniture as it possibly can, with people in its camp having already conceded that they have lost the house.

I remind the house of the three major reasons why the opposition Labor Party lost government in 2010. Yes, it was a narrow loss; nonetheless, there are three major reasons why the Labor government lost office in 2010. One was its chronic failure to provide much-needed infrastructure. This was a very strong reason for Labor getting a kick in the pants in 2010. Another reason was the Victorian public could see how much money Labor was wasting, whether it was on the poorly handled auction of the pokies, whether it was on the ultranet or whether it was on the desal plant or a whole range of other major infrastructure and IT projects. Victorians could see money going down the gurgler — money that should have been converted to much-needed legacy infrastructure projects such as the east–west link.

The third reason the Labor Party got a kick in the pants was that it was perceived that the sum total of its failure to invest in infrastructure, its waste of money and its mismanagement was an articulation into increased taxes, charges and cost of living. Labor's opportunistic opposition to this bill shows why it does not deserve to be in government and deserves to be in opposition. It is an absolute confession of its failing to recognise the importance of infrastructure for the future wellbeing of Victoria and its community.

Other reports have been handed down, including most recently the Economic Development and Infrastructure Committee all-party report. It recommends that the government give consideration to the establishment of one-stop shops to facilitate dealing with business as a way of overcoming the chronic problem of obfuscation, stalling and delays, which are not only endemic in local government but obviously also throughout bureaucracy. This bill simplifies processes and reduces time frames, but mostly time frames that apply to the bureaucracies rather than interfacing with the community.

In closing I point members to a number of pages in the Victorian Auditor-General's *Developing Transport Infrastructure and Services for Population Growth Areas* report. Page 30 talks about:

... a significant and growing backlog of required transport infrastructure in the more established parts of growth area councils. While recent improvements in planning for greenfields has the potential to mitigate this in future, there is little evidence that state agencies have fully analysed and documented when and how all the transport infrastructure and services needed in existing growth area councils should be delivered.

This bill will help the government to do that. Under the heading 'Conclusion' at page 38 the report states:

The delivery of transport infrastructure and services to growth areas has not been timely.

There is currently a significant and growing backlog of required infrastructure, primarily due to shortcomings in past planning and the ongoing challenge of securing state funding in a fiscally constrained economic environment.

The Auditor-General goes chapter and verse into why the former government failed to deliver on the major infrastructure needs of this state, including the delays and the obfuscation. I think the Labor Party should apologise. The reasoned amendment makes no sense whatsoever. It requires the tabling of the business case for the east–west link and not other projects which are similarly affected by this bill. It shows that Mr Tee is an appalling shadow Minister for Planning.

**Mr LEANE** (Eastern Metropolitan) — Like my opposition colleagues, I oppose this bill and support Mr Tee's reasoned amendment. His amendment calls for the full business case of the east–west link. It is fair that that be publicly released because we are talking about people having their homes compulsorily acquired to build this project. In fairness to those people who will have their homes acquired and those who will still have their homes but will, all of a sudden, be living next to a tollway or an off-ramp, the government should be bound to justify its position to build this project.

Last week the opposition moved a motion in general business calling for the full business case to be released, but unfortunately it was talked out by the government. The response of government MPs who did speak about it was that there is a business case and that it is on the website. When you look at that business case, you see that it is all of 12 pages including the two covers. When you look at those 12 pages, you find there are over 50 coloured triangles. In a document that is supposed to support a road tunnel project, a picture of a tram takes up three-quarters of a page. There is also a half-page picture of pedestrians crossing a road in the CBD,

which is over 4 kilometres from the tunnel. This is insulting to the people whose lives will be affected by living next to a tollway. It is insulting for the government to say that these 12 pages are the justification for it compulsorily acquiring people's homes. It is outrageous.

People are saying that all of a sudden this government is pro-construction and pro-jobs. This series of events started with the 2010 election. I do not think the coalition thought it was going to win that election, so it promised it was going to build a rail line to Doncaster, it was going to look at building a rail line to the airport, it was going to look at building a rail line to Rowville and it was going to build a monorail to Avalon. It was also going to supply 800 extra hospital beds. It promised it would do a lot of things because it did not think it would have to fulfil those promises. But the coalition did win the election, and for three years it has done nothing in terms of infrastructure.

The only major project the coalition can pin its name to is a competition for a redesign of the Flinders Street railway station. An overseas architect pocketed half a million bucks for a design that will never be funded or built which this government never intended to fund. It gave half a million bucks to an overseas consultant who said, 'Thank you very much'. Then the government admitted there was no funding. That is the other major project that this bill relates to.

The coalition did nothing, and then three years had passed and it panicked. Big business and construction companies were saying that this government had done nothing and we were in trouble, so the government panicked and announced the construction of a tunnel at the end of the Eastern Freeway — not one that has a western crossing but one that ends at another city exit. The government is building a tunnel that goes from a city exit to a city exit. It will place a huge toll on the tunnel, which means that instead of a lot of cars getting off the Eastern Freeway at Punt Road, a lot more cars will get off at the end of the Eastern Freeway to avoid the toll. That is what the government has done. This is the big \$8 billion project.

Government members claim they are now the heroes of the construction industry. I need one of the government members who speaks on this bill to answer these questions: if they are the heroes of the construction industry, how many tilers will work on the tunnel? Tell me how many plasterers will work on the tunnel. Tell me how many painters will work on the tunnel. Tell me how many carpet layers will work on the tunnel. Tell me how many glaziers will work on the tunnel. Tell me

how many bricklayers will work on the tunnel. Tell me how many plumbers will work on the tunnel. If government members are the heroes of the construction industry, they will know all about construction. If they are going to save the construction industry, I want them to tell me how many of those tradespeople will work on this tunnel.

I will tell the government members about the Domain Tunnel. The only work supplied at the start of the construction of the Domain Tunnel came from international tunnelling crews: one from Ireland and one from New Zealand. They started at either end because the technology, equipment and kit is not available in Victoria. The government will have to go overseas to find people to start work on this tunnel. Government members are saying, 'We cannot delay it for two months to let people vote on it and get a mandate for it because we will hold up the workers'. All they will be doing will be holding up a couple of blokes who will be sitting in Ireland, New Zealand or somewhere else in the world and not coming here for a couple of months. If government members had any guts, they would delay the project until they have a mandate. But government members do not have any guts.

The government says this tunnel has a lot of support. I am an ALP member in the Labor desert of the east. I am out there in the desert. There are Liberal offices and MPs all around me. You would think that people in that part of Melbourne would be 100 per cent in support of this project, but I will tell you this: my office has not had one phone call or email in support of this project. Not one person has come to my office to ask for a meeting with me so that they can lobby in support of this project — not one. I have to say it is to the contrary. I have gone out of my way to ask a lot of people and a lot of stakeholders out in the east what they think of the east-west project. Most of them do not care. They are not sitting there saying, 'Oh, yes, it is a game-changing project. I agree'. None of them are saying that. Most of them do not care.

However, the ones who do care oppose it. The principal of a school out in the east told me he resents this project. He resents this project because when the coalition came into government it said it would save money and cut services so that it could pay cash for infrastructure. It has not built any infrastructure so far — nothing. The only infrastructure it has planned for is the east-west tunnel. It has cut services so it has enough cash. The principal said to me, 'I lost my Victorian certificate of applied learning coordinator because of the tunnel. I lost my funding for a lot of

programs so that these people could build this tunnel'. If government members think people out in the east are big champions of the tunnel, they are joking.

I give a challenge to government MPs. The government panicked because it has not done anything. The narrative in the media and out there in the electorate is that this mob has not done anything. So the government panicked and decided, 'We will dig a tunnel'. Then people said, 'Maybe that is not the best way to spend the money. Maybe you should have kept your commitment and built the Doncaster rail line. Maybe you should have kept your commitment and delivered 800 new hospital beds. Maybe you should have kept your original commitment that you have a mandate for and no-one would have complained'. But no, there was this panic. They decided, 'No, we are going to build a tunnel'.

As the panic builds, the Premier is out there, and he is not making any sense at all. When asked, 'Why are you building this tunnel?' he says, 'Because it is a game changer'. I ask the next government speaker to explain to us and all the people in Victoria what that means: get up and tell us what a game-changer project is.

**Ms Crozier** interjected.

**Mr LEANE** — Ms Crozier will take it up, then? Will Ms Crozier explain in her contribution what a game changer is? If the best way the government can defend spending \$8 billion on a project is to go around in a panic saying, 'It is a game changer', then it is a sad state of affairs we are in. That is why this government should rethink its whole approach to this. There is still time. It is not hard to say you are wrong, and the government is wrong. Its members should just get up and say, 'We are wrong. We will stick to the mandate we have. We have a mandate to build a rail line to Doncaster and we will do that'. That is less than \$8 billion. It has to be less than \$8 billion, I would think.

**Mr Barber** interjected.

**Mr LEANE** — Have a go at it. The coalition went out and had feasibility studies done for Rowville. It said it was going to build a train line to the airport. It said it would provide 800 new hospital beds. So why does it not stick to its mandate?

The government has panicked, realising it has done nothing other than a run a colouring competition for Flinders Street station. When it panicked, maybe its members should have sat down and thought, 'Maybe we should do what we said we were going to do'. But,

no, the government panicked, and it has come up with an east–west tunnel that moves traffic from one city exit to another city exit. That is all it does. The government will be judged on it. It should think about it. It should admit it is wrong. It should change its approach. If it is not going to do that, it should at least take it to an election — take it to the election due two months after this contract is signed.

*Honourable members interjecting.*

**Mr LEANE** — Wait two months and take it to an election if you have the guts! If it is such a game changer, whatever that is, take it to an election. But you will not.

**Mrs Peulich** — We will.

**Mr LEANE** — But you will not take it there. Do not sign the contracts. Take it to an election.

**Mrs Peulich** — In 2014.

**Mr LEANE** — Mrs Peulich reckons they will. Mrs Peulich has said they will hold back on the contracts and take it to an election.

*Honourable members interjecting.*

**Mrs Peulich** — On a point of order, Acting President, you will find that Senate rulings exist which basically state that it is out of order for members to place words in the mouth of another member that were not spoken and to attribute them to that member, especially where it is misrepresenting a position.

**Mr Finn** interjected.

**Mrs Peulich** — No, it is not to verbal. I ask that you ask Mr Leane to withdraw that. I am happy to find you the ruling, which I have highlighted previously to the Clerk, who is not here.

**Mr Viney** — On the point of order, Acting President, what occurs in a debate is that when a member chooses to interject, it will always get a response. Mrs Peulich was interjecting directly on the point that Mr Leane was making, so Mr Leane picked up her interjection. To suggest a member should withdraw a response to an interjection is pushing the standing orders a little far.

**Mr Finn** — On the point of order, Acting President, I was listening to the debate very carefully, and it is very clear that in fact what Mr Leane did was mislead the house as to what Mrs Peulich was saying. She was making some comments — in fact, I do not think she

mentioned the contracts at all, as I recall — about the next election. Mr Leane decided that he would get hold of Mrs Peulich's words and make up something of his own. Mrs Peulich's point of order should be upheld on the basis that, as she said, there have been Senate rulings, but also on the basis that Mr Leane has misled the house.

**Mr Viney** — Further on the point of order, Acting President, first of all, Mr Finn's allegation that Mr Leane has misled the house is a serious allegation that should be dealt with by substantive motion.

Secondly, members can ask for a withdrawal when something that is said is objectively offensive. I was listening to the debate as well, and I do not think there was anything objectively offensive. If Mrs Peulich or Mr Finn or anyone in the chamber thinks Mr Leane's commentary was incorrect, they are certainly capable of rebutting it in debate. For us to be trying to rule that responses to interjections are out of order or somehow objectively offensive will start to reduce debate in this chamber to a joke. We cannot allow debate in this chamber to be dumbed down so much that there is no longer any robustness or any right to say something and get a response. It would be ridiculous, frankly.

**Mrs Peulich** — Further on the point of order, Acting President, if I were the next speaker, I would certainly use the forms of the debate to repudiate Mr Leane's distortion and attribution of position. However, I have already spoken and so I am not able to do that. Therefore it is completely within my right to raise the point of order. It is not on the fact that the comment was offensive but that there was actually attribution of comments not made. My objection is based on Senate rulings, which I am more than happy to provide and which I have previously provided to the Clerk.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I am not certain that any of us at this end of the chamber could hear what Mrs Peulich was saying. If in his contribution to the house Mr Leane has quoted Mrs Peulich, I very much doubt if it could be accurate because none of us could hear over what was going on between Mrs Peulich, Mr Finn and Mr Leane at the time. So I ask Mr Leane to just withdraw that it was an accurate quote.

**Mr LEANE** — Withdraw that it was an accurate quote? On the point of order, I think the position I put was that the government should take — —

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I ask Mr Leane to withdraw.

**Mr LEANE** — Withdraw what?

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! That Mr Leane accurately quoted. I am not sure that he could have.

**Mr LEANE** — Withdraw that I accurately — —

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I am suggesting to Mr Leane that I am not sure he could accurately quote what Mrs Peulich was saying at the time because none of us could hear it. So I would suggest he withdraw.

**Mr LEANE** — All right. I am happy to concur with that. I am not sure what I am withdrawing. I am a bit disappointed that I was shut down and lost about 3 minutes of my time.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I have just asked Mr Leane to withdraw the statement that it was an accurate quote, because I am not sure he could hear it accurately either.

**Mr LEANE** — I am happy to withdraw.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Unfortunately, through that point of order, Mr Leane's time has expired.

**Mr FINN** (Western Metropolitan) — I rise in this chamber this evening on behalf of hundreds of thousands of people across the western suburbs of Melbourne who are very keen to see the east–west link built. I rise on behalf of those people with whom I travelled down the Tullamarine Freeway this morning, bumper to bumper almost the entire way.

**Mr Barber** interjected.

**Mr FINN** — Yes, many of them are going to the other side of Melbourne. Not all of them travel from West Brunswick to the city every day as a long-haul approach as Mr Barber does. I also speak on behalf of those who crawled down the West Gate Freeway and over the West Gate Bridge this morning, many of whom wanted to go to the other side of Melbourne and who would be very happy to utilise the east–west link, as indeed will many people who will be coming the other way as well.

I can understand the Greens' opposition to this particular bill, because they have a long and not-so-distinguished history of opposing all the benefits of modern life, and they are doing it again today. They do not want to see the east–west link. In fact they would like to see us all walking. I think the Greens get a bum

rap when people say that they want us all to ride bikes because bikes create carbon residuals or something; it would be much easier if people just walked. That is what the Greens have come to represent in our community. They oppose everything that is worthwhile in this world, but at least they are consistent. It is not easy to know exactly where they are coming from, but you can understand why they are coming from there.

Where have the Labor Party members gone? There is only one of them in the chamber at the moment. They must know what is coming. The Labor Party is a different kettle of fish altogether because the Labor Party should know better. The Labor Party supposedly represents working families. You might recall a couple of elections ago there was an incoming Prime Minister — backed up by an incoming deputy Prime Minister who became the Prime Minister and then became an ex-Prime Minister by the hand of the Prime Minister who was the ex-Prime Minister the first time — who talked no end about working families. Yet here we have a perfect example of something that is going to benefit working families, and what happens? The Labor Party says, ‘No way will we support the east–west link! No way do we care in any way, shape or form about working families in this state’. That is something we have come to expect and accept from the Labor Party.

**Mrs Coote** interjected.

**Mr FINN** — They have gone. On this side of the chamber we have to wonder why the Labor Party has betrayed everything it is supposed to believe in. People like Mr Melhem — —

**Mrs Coote** — Where is Mr Melhem?

**Mr FINN** — As Mrs Coote asks, where is Mr Melhem? He has possibly gone for a Tosca, and maybe not for the first time. When Mr Melhem was pure and he was the state secretary of the Australian Workers Union, this is what he had to say:

The Australian Workers Union ... believes that the new east–west link is crucial to jobs and economic growth. A new transport link from Melbourne’s booming west to the south-east and eastern suburbs has the AWU’s strong support because the Victorian economy relies on the efficient movement of freight and people. Hundreds of thousands of Victorian jobs depend on good transport links so it is crucial that the state continues to invest in new transport infrastructure.

That was co-signed by Bill Shorten, the current Minister for Employment and Workplace Relations and a number of other things.

**Mrs Coote** — Whose side is he on?

**Mr FINN** — Whose side is he on? Ask Julia or Kevin whose side he is on, because he is probably not aware of that himself. On this particular occasion Mr Shorten was very supportive of the east–west link, as indeed was Mr Melhem. Mr Melhem has done a backflip tonight, the likes of which we have not seen this side of the Olympic Games. I have a feeling that if Mr Melhem is so inclined, he could make the Olympic team bound for Rio and bring back gold in that category. It was a backflip of quite extraordinary proportions when he came in here and said that yes, he does support the project, and then no, he does not. I want everybody to have a clear memory of what Mr Melhem said in this chamber tonight. He said that he supports the project and then that he does not. That is what he said in the space of 10 minutes.

**Mr Viney** — Acting President, I am going to take a point of order about Mr Finn’s verballing of another member of this chamber. The point I made in relation to the last point of order is that it is going to become ridiculous if we go down this path. But you made the ruling, Acting President, and if this is going to be the new standard — it will not be if I am sitting in the chair, but you are and this is your standard, Acting President — Mr Finn has to withdraw the comments that he made about another member because clearly the other member did not say any such thing, and if we are going to go down this path, I am going to have to take a point of order every time.

**Mrs Peulich** — On the point of order, Acting President, the previous point of order and the one that is now being taken have nothing in common. Indeed the Deputy President himself objected to my previous point of order on the basis that debate in this chamber needs to be robust. I have listened to Mr Finn’s very robust contribution, but nowhere at any time has he reflected on the member aside from the usual commentary that is a normal part of debate. It is very different to the point of order that I took.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I do not uphold the point of order on this occasion in that Mr Finn did not say, ‘He just said’, by way of quote; he said that in his contribution Mr Melhem talked one way and then the other way. It is a debating point.

**Mr FINN** — In the few moments I have left I want to say that the ALP members who have spoken tonight have disappointed me, and I am sure they have disappointed the many Labor supporters throughout the

state who sent them here to represent the views of working families. I am sure they would be extremely disappointed to hear that the Labor Party has totally let them down. Let us face facts: the reason the ALP is opposing this extremely important piece of infrastructure for Victoria is the politics of the inner city of Melbourne.

That is what it is about. It is about votes in Fitzroy, it is about votes in Collingwood, it is probably about votes in Richmond as well, and it has absolutely nothing to do with the rest of Victoria. This is about whether the Labor Party wants to beat the Greens or the Greens want to beat the Labor Party in the seat of Melbourne or the surrounding seats — maybe Northcote as well, at a push. That is what all this is about. That is why the Labor Party is opposing this extraordinarily important piece of infrastructure in this state. It is because the ALP thinks it can use this to get back its home ground that it lost to the Greens federally at the last election. It thinks it can beat off the — —

**Mr Barber** — Will it be successful?

**Mr FINN** — I don't know, Mr Barber, whether it will be successful. We will find out on Saturday night whether it is successful. I am sort of hoping it is. That is what it is about. It is not about the future of Victoria. It is not about the welfare of working families. This is about party politics. This is about the ALP defending its home ground from an interloper. That is what it is all about. This is not about Victorians. This is not about what is good for Victoria. These people over here, when they bother to come in, could not care less about Victoria. All they are worried about are their own tails, and that is a rather unfortunate thing in itself.

This is a lovers tiff. When the Labor Party and the Greens were in bed together I am sure it was wonderful, but what we are seeing here tonight is a lovers tiff gone public. They are brawling, fighting and scratching. You will not see anything in a divorce court nastier or more bitter than the things the Labor Party and the Greens will come up with in the next few days in the seat of Melbourne. I could go on to talk about some of the lies that were told by the Labor Party in this particular debate, but unfortunately my time has long expired, even though the whip has not quite noticed it yet.

I will close by saying that I have never backed away from supporting this project 100 per cent. In fact I remember that just before the 2010 election, which is when I first met the current member for Tarneit in the Assembly, Mr Pallas, who was running for that seat — Mr Elsbury might have been there at the time — I said

to him, 'We need this tunnel', and my vague recollection is that he said, 'Yes, it will come'. I hope it does come, but I want it to come with the support of the Labor Party. It did support it, but it does not support it anymore. It has changed its mind once; it can do it again. I am hoping it will do just that before we vote on this bill tonight. I am hoping it will join us on this side of the house and support this vitally important bill.

**Mr VINEY** (Eastern Victoria) — The first thing I will say is that I hope members of the government, the Liberals and The Nationals, believe their own nonsense. I really hope they believe this is a battle about inner city votes. As someone representing regional Victoria in this place, I really hope those opposite think my opposition to this project is about votes in the inner city, because I can assure them that this project is a dead duck in Gippsland. The reason is that it will extract so much available funding for projects that are important to regional Victoria that the government will not be able to fund projects that are of vital importance to regional communities and the outer suburbs.

The government, when it was in opposition, delighted in talking about the cost of the desalination project, which I think it calculated at some \$20 billion when it was actually \$4 billion. It did a multiplier of 4.5 and said that over 30 years the cost of the desalination project would be \$20 billion-odd. Applying the same multiplier to this project, stage 1 of which, I say to Mr Finn, does not go to the west, the area he represents — —

**Mr Elsbury** — Yes it does: Moonee Ponds — geography!

**Mr VINEY** — That is a long way west! That is very instructive. That is apparently where the west starts and finishes. This project does not go to the west. Stage 1, at \$8 billion, with a multiplier of 4.5 — the same multiplier the government applied to the desalination project — over 30 years comes to \$36 billion. If stage 2 is done at another \$8 billion, that is another \$36 billion. With \$72 billion sucked out of public funding, good luck trying to find the funds to pay for other projects.

The people of the Latrobe Valley, by way of example, understand this full well. They know that in the current federal election campaign Mr Broadbent, the federal member for McMillan, indicated that the coalition would refuse to give any commitment to fund the \$7.5 million to finish off the Moe central activities district project. That \$7.5 billion was funded in the current federal budget, announced before the caretaker period by the current federal government, but

Mr Broadbent has said the coalition cannot commit to funding that project. The reason is that the funds the coalition has allocated for Victoria include a massive \$1.5 billion for this tunnel. In other states the federal coalition has funded a range of projects, but in Victoria there is one big project: the tunnel. There is no money for the second stage of Latrobe Regional Hospital or the duplication of the highway from Traralgon to Sale. There is no money for that because it is all being sucked into this \$1.5 billion allocation to this government's folly.

I hope government members continue to believe this is some kind of Labor concern about the inner city, because I can tell them that if that is their view, they will get an awful wake-up call from the people of regional Victoria and of suburban Melbourne, who know that this will do very little — —

**Hon. M. J. Guy** — We will see what happens on Saturday with the wake-up call, will we not?

**Mr VINEY** — That is fine; the minister can have his view. I am talking about a state matter. The minister can have his arrogant view.

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

**Mr VINEY** — No, if the minister had listened carefully, he would have understood that I am talking about a project in Moe that he might know nothing about, a project that the Labor government initiated and to which the minister's government has already committed \$3 million, but his federal colleagues will not commit to the \$7.5 million already allocated. That is because they cannot do so. They do not have the resources to do so because their commitment of \$1.5 billion for this tunnel sucks up any available funds they have for other Victorian projects. That is the problem the government will have.

**Hon. M. J. Guy** — Not even you believe that.

**Mr VINEY** — That is the problem that the minister knows very well government backbenchers across regional Victoria and outer suburban Melbourne will pay a price for — because no projects will be able to be funded. What is this about? This project will provide value for a limited number of people in terms of its use.

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

**Mr VINEY** — The minister is mocking.

**Hon. M. J. Guy** — How do you get from Gippsland to the airport, then? Do you go via CityLink or do you go via the east–west?

**Ms Pulford** — You sure cannot catch the train.

**Mr VINEY** — That is a very good point, Ms Pulford. You cannot get the train from Bairnsdale, that is for sure, because this mob has closed it twice; once in the Kennett government era and then again. I live in Gippsland. I know it well; I have spent most of my life in and out of Gippsland.

**Hon. M. J. Guy** — So have I, Mr Viney.

**Mr VINEY** — I will tell the minister this: if I need to go to the airport, there is one thing I know for sure, and that is that I will not be going down EastLink, then down the Eastern Freeway followed by that other route. I will go the direct route, which is all the way in on the Monash — —

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

**Mr VINEY** — It is a simple way: all the way in on the Monash, over the Bolte Bridge and then connect onto Tullamarine Freeway. It is the fastest, simplest route to the airport, and so that is the way that most people in Gippsland would take to get there. Why would they go any other way? That is the direct route.

**Hon. M. J. Guy** — You do not know on which road Gippsland people drive to the city on and off peak. It is called Bell Street. You do not know that, and yet you claim to represent them.

**Mr VINEY** — I have dealt with the minister's ridiculous interjections. If the minister and his colleagues believe so strongly that this project will provide value for Victorians and are so committed to it, they should release the business case that they have prepared. If they have prepared one, they should release it and make it public. They should let people see the strength of the government's position and how valuable this project will be for Victorians. Frankly, I do not believe a business case, certainly not a robust one, exists. The indications from all the media and the people who know are that this has not been done. If it has been done, it certainly has not been done properly or comprehensively.

Government members should release the business case. If they then still believe in this project and that opposition members are completely wrong in the position that we are taking on this project, all they have to do is hold off on the contracts for eight weeks, hold

an election on this matter and let the people of Victoria decide. We on this side are happy to have that test. The reason that government members are not is because the project does not stack up. That is why they will not release the business case. If it stacked up, they would release the business case and they would be prepared to put their proposal to the Victorian people at an election.

**Hon. D. M. Davis** interjected.

**Mr VINEY** — The minister is not even in his place. If he wants to keep interjecting, he should sit in his place and I will respond.

If government members believe so strongly in this matter, they should take it to the state election in November of next year — which is 14 months away, or something of that order. It will be a project that will suck all the investment opportunities for the public sector out of the system. It will do so not for one year or two years. Applying the same analysis the government used on the desalination project, government members, if they are going to complete the whole project, are talking of the order of \$72 billion over 30 years. That is the sort of calculation that government members applied to the desal plant, so it is reasonable for opposition members to apply a multiplier of 4.5 to this project. Two projects of about \$8 billion each come in at \$72 billion over 30 years. That is what government members are proposing to commit the Victorian people to: a decision made by one government but never put to the Victorian people. We on this side say that government members should make that their project and they should put it to the people of Victoria.

**Mrs Coote** interjected.

**Mr VINEY** — Mrs Coote may wish to complain about whatever in her view might or might not have been done by the federal government. Government members should stand by their own position and statements about putting things to the people. This will be a big infrastructure project, and it will prevent investment in other infrastructure across this state for many, many years. Government members should have the courage to put it to the Victorian people and let them judge. We on this side are prepared to stand by the position we have taken. Why do the members of the Liberal Party and The Nationals not do the same thing? That is what we are saying, and in advance of that we are saying that in order for the people of Victoria to make an informed decision at the next election the very least that government members could decently do is release the business case.

**Mrs KRONBERG** (Eastern Metropolitan) — I am delighted to make my contribution tonight to the debate on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013. In my 30 years as a member of the Liberal Party, being able to stand here at this moment and talk on this bill is one of my proudest moments. Why is that so? It is because it is the realisation of a dream that I have held as a resident of East Doncaster since 1972.

In the debate on this bill members in this chamber have heard all forms of inanity. I can imagine that there will be a number of interjections, but I am going to make a very heartfelt contribution to this debate tonight. As somebody who has lived in East Doncaster for 41 years, I dreamt of a great road system from what was part of the outer suburban sprawl right through the suburbs to get access to jobs and economic development in the central business district. This was critical for people living in East Doncaster at the time. I celebrated to the max when that freeway was actually opened. It stopped at Doncaster Road and it took the Kennett government to extend it from Doncaster Road eastward to Springvale Road, and that made a lot of sense as well. I have to say I celebrated when EastLink went in.

It is important to recognise how much productivity has been lost for the people travelling along that freeway system who come to the T-intersection at Hoddle Street or embark on the painful odyssey through Alexandra Parade. It is also interesting that we owe the obstruction and gridlock of the freeway T-intersection at Hoddle Street purely to the inane forms of activism that we are seeing coming through again in the venomous encounters we are having with Mr Barber in representing the interests of that part of Northern Metropolitan Region. That activism stopped the freeway going past Hoddle Street when it was originally built.

When anybody is talking about the funding of this project it must be in terms of the increase in the cost of the properties that have to be acquired and the number of people who have settled in the area since the mid-1970s when that freeway was finished and opened. All of the cost burden to society in terms of stymied economic development, impact on productivity and exhaust emissions into the atmosphere for the people living in those suburbs is what one gets when there is not the courage to make a visionary decision.

In government it is so important not to dither, not to be lily-livered and not to peddle obstruction and obfuscation but instead to deliver on your promises. In

terms of the contributions being made by members on the other side tonight, we have a strident example of the politics of envy, and that sickens me. People have been harping and carping, and they have to do so because they represent the interests of their electors — with the emphasis on electors — and it shows how they feel about their likelihood of winning and coming back to this place in 2014.

**Mr Barber** — So we're representing people.

**Mrs KRONBERG** — We all represent electors, but this is the politics of envy. Opposition members are saying, 'Do not spend that much money on delivering that system'. It is the only unconnected freeway in the entire metropolitan system, by the way. It ends in a T-intersection and a frustrating bottleneck of lots and lots of arterial road crossings.

The politics of envy sicken me. This is a project for the people I represent, the people of Eastern Metropolitan Region and beyond. The people of Kew, the people across the river in seats like Ivanhoe, and within Eastern Metropolitan Region the people of the seat of Eltham especially are all so anxious that this be built, that their lifestyles return to something normal and that they do not have to have their engines idling from Burke Road to Hoddle Street, taking anything up to 45 or 50 minutes to go that distance. This situation is not good for the economy of a state. How anybody can argue against this project defies all logic and reason as far as I am concerned. The Labor Party is desperate to have a point of differentiation and an issue to argue against us on. It is devoid of policy, direction, vision and capacity, so now Labor has to pony up and cosy up to get what it can, the crumbs off the tray, by being obsequious and sycophantic to the Greens.

Opposition to this bill is sickening and indefensible. The people of Victoria need to know that the east-west link project's time has come. It is time to return some sort of lifestyle to the people who spend so long commuting to their place of employment or visiting their customers. It is only decent for them to be able to spend time with their families. Everybody who uses that freeway has to allow between 45 and 90 minutes extra a day to deal with the traffic connections. It does not matter what time you get up in the morning, there will always be a volume of traffic during business hours and beyond, Monday to Friday.

I am an expert in this. I have been dealing with it for nearly 40 years. I have seen every version, every mood and every type of traffic jam on the Eastern Freeway. This project is going to be a merciful release for the

people who have to use that system. Are not the people who have snaked off the Monash Freeway onto EastLink, who might have been travelling 80 kilometres by the time they get to Hoddle Street, entitled to a break? Are they not entitled to some reduction in stress? How dare opposition members criticise the people of the east for wanting to get to work in a decent amount of time? How dare opposition members say they want the money spread all over the state and they want a bit of the action as well? People have waited nearly 40 years for the relief of this project. How dare opposition members find any point of criticism? How dare they say the time has not come for this project? How dare they!

We come back to some of the important points to be made about this project. In terms of the harping and carping that has gone on about the lack of a business case, I want to place on the record the projects for which the Labor government in its 11-year record of malfeasance in managing this state did not release a business case. The Labor government did not release any business cases for EastLink, Peninsula Link, the Southern Cross railway station, the Royal Children's Hospital project, the Royal Women's Hospital project, the desalination plant, the regional rail link, HealthSMART or the north-south pipeline. It is proof positive of a threadbare political mindset and political philosophy that will be decimated on Saturday. With threadbare policy, their party a shadow of its former self, all the members of the Labor opposition should be ashamed that they have not lifted their game.

They are letting their constituency down in big lumps. Those opposite have come up with an argument against this legislation that is so threadbare, so tragic and pathetic, that people must be laughing at them. Melbourne is made up of more people than those who live in the inner city, who might find that there is still some allure in voting for extreme left wing ideas or for the Greens party. The rest of the hardworking people of this state and business operators are not in a position to catch public transport, because they have to zigzag all over the metropolitan region to visit clients. They cannot indulge in the luxury of going from A to B in a direct line on the train line. This is where the argument from the Greens is so tragic and so pathetic.

One of the fantastic cut-through messages from Tony Abbot, the federal Leader of the Opposition, from a multitude of cut-through messages, is that should we as a country be blessed by a coalition victory on Saturday, we will deliver to this country a grown-up government. There is no grown-up opposition here and certainly no grown-up thought has ever entered the heads of the

Greens. They have absolutely no credibility whatsoever when it comes to talking about economic development. How can we help the business community? How will we get goods and services around this state? How can we be a competitive economy? How can we actually move freight around this place? I suggest that the Greens get off the train for at least one whole week, get in a car, drive around and look at how the rest of this city operates.

I have two important facts to share tonight. Melbourne is a growing city of 4.25 million people. The forecast for this city is that by 2056 it will grow to 8 million people. That is right — the size of Greater London. We have to make visionary decisions, make plans and lay down infrastructure for the people who will come after us. It will be criminal neglect if we do not lay down the groundwork. Here we are in this magnificent edifice to democracy. The 20 000 people who lived in Melbourne in 1856 had the money from the goldfields, the vision and the wherewithal to put this Parliament on the ground. Imagine how many nay-sayers there were in those days. I say no to the nay-sayers and I say a big yes to visionary, gutsy decision-makers. I have never been a prouder Liberal than I am now, and I applaud this government for its vision.

**Ms PULFORD** (Western Victoria) — The Labor Party members in the upper house will be opposing this bill and opposing the project to which it relates. I join the debate quite late tonight, and I have noticed that the scope of things on which members have been talking has gotten pretty wide. In the contributions from government members that I have heard today it is clear that everyone on the government side has been drinking the Kool-Aid when it comes to this project. Government members are lining up to defend the indefensible in this project.

Mr Finn talked about inner-city politics, completely missing the point and coming in here with a lot of front, representing Melbourne's western suburbs as he does. More than anything else this project is a massive exercise by the Liberal Party in overcompensating for the fact that it did nothing for the first two years it was in government. Mrs Kronberg talked about the politics of envy and expressed her happiness about this project after 41 years, but she then went on to claim that we are devoid of leadership, vision and policy — this from the party that had to change the captain after two years because the entire joint had ground to a halt. Mrs Kronberg said it was criminally negligent of us to oppose this project, and she talked about this edifice to democracy, the state upper house, which has basically been treated like a rubber stamp by this government for

two and a half years, getting on for three years now, where everything is resolved by the rule of 21 versus the rest.

I will start by responding to some of the comments made in the debate. This is a road that no one voted for — thematically, at least, it matches the Premier no-one voted for. It is a project that government members have clearly talked themselves into believing ought to be Victoria's no. 1 transport infrastructure priority. They are doing so without a business case and with dubious traffic flow data, and they are putting all their eggs into one basket.

This is a really large amount of money that we are talking about — it is an \$8 billion project. If you were going to spend \$8 billion of Victorian taxpayers money on an infrastructure project, you would want to make sure that you were on the right horse. We do not believe the government is on the right horse when it comes to this project. We believe the government has its priorities wrong. This government consistently has its priorities wrong, and there is no greater evidence of this than its support for this project.

I will respond to a couple of the arguments that government members have made, and I will pick up on some of the comments in the second-reading speech. The government has said it is committed to delivering major transport infrastructure projects. The only significant transport infrastructure project that this government has made any advance on is the regional rail link project, which was initiated when we were in government. For nearly three years now that has been it. The government might, say, turn a sod in Bendigo — —

*Honourable members interjecting.*

**Ms PULFORD** — I stand corrected; there have been a few ribbons cut. But in terms of major transport infrastructure, the regional rail link, which is a great project — I think we all agree it is a great project — has been it; that has been the whole show. Here we are, getting close to the election, with the government having to recast the thing quickly so that it looks like something other than how the government looked under former Premier Baillieu — until his premiership became untenable and Denis Napthine became Premier. It is a nice claim that the government likes major transport infrastructure, but this government just does not do anything to back up that claim.

The other claim by the government that I will respond to is the one that this is a congestion-busting project. I do not believe that claim stands up at all. The

government says this is going to bust congestion, but the government is building only half the road. I do not accept the claim that it is a congestion-busting project or that it is an east–west link when stage 1, at a cost of \$8 billion, will complete only the eastern half of it. For people who live in Melbourne, congestion is a massive issue. For people right across Victoria, people doing business and people in industry, tackling congestion is an important issue. We just do not think this is a smart way to go about it.

A public transport solution is an important part of the equation, and the government is putting all its eggs in the one basket with this half-a-road project. It is also important to point out that when the government says it is doing the Melbourne Metro rail tunnel, it is not backing up this claim with any serious funding. Previous speakers have talked excitedly about the coming federal election, but the federal Liberal opposition does not do public transport infrastructure projects; it has made that very clear. If that is the plan, it is not a very good plan.

On ports, the government always looks to the east. This is not about the politics of envy, as Mrs Kronberg tried to argue. This is about good value for money for Victorian taxpayers. It is about coming up with solutions that are going to be effective remedies for problems that Victorians face. That is our responsibility in this place. That is the responsibility of the government in particular, because it has its hands on the levers. But as legislators, as members of Parliament in the communities we represent, it is incumbent upon all of us to ensure that people get good value and that if we are going to spend \$8 billion on something, we are spending it on the right thing.

The final point I want to make relates to the question of government dishonesty in regard to this project. Before the last election the government, when in opposition, said it would not support this project, and now it plans to sign it off immediately before the next election. What we say is the Victorian public ought to have the capacity to express a view about this project. After talking to people right across regional Victoria and specifically in Western Victoria, I believe this is not the project that Victorians want. This is not the panacea for the congestion problem. The government has it wrong. Government MPs have been sold a pup. This project is not the solution, and the government needs to take a deep breath, reflect on the lack of information it is making this decision on and the lack of information it is making available to the public about this decision and have a good hard think about whether or not it is

properly acquitting the responsibilities that the government has to the Victorian public.

**Ms CROZIER** (Southern Metropolitan) — I am very pleased to be able to contribute to the debate on this important bill. I have been sitting in the chamber listening to the debate this evening, and I commend my colleagues the members of the government, who have put the case very succinctly. I sit in amazement when I hear the contributions and arguments of some of those opposite, because it was prior to the last election that they were very much in support of this project. For them to come out and say that we have done nothing for three years, that we have been dithering, that we should hold off and not sign the contracts, that we should do it this way and not do anything now, is just extraordinary. We have heard the debate that has gone on over the last few hours.

As I said, when Labor was in government it supported this project; members of the opposition supported this project. One has to ask, ‘Why are they not supporting it now?’. It is extraordinary to think they have not taken into consideration that when we came into government we had to fix up their mess. Labor talks about an \$8 billion project. When we came into government we had to fix up \$10 billion of IT project overspends and bungled projects. That is in addition to the desalination plant. There were the bungled pokies licences, the north–south pipeline, myki and the bungled fruit and vegetable market. You name it, we got it. We have been dealing with it, and we are dealing with it. We are absolutely determined to get major projects like this up and running with, I note, the support of a number of organisations. According to the Premier:

... all the leading industry groups, motorists groups ... say in a united voice: we support east–west link stage 1. So we have groups from the Property Council, from the Master Builders Association, from VECCL, from AIG ... from the RACV, and today the Victorian Transport Association, Infrastructure Partnerships Australia, Australian Industry Group, all coming together to say they support east–west link stage 1. They see it as a vital piece of infrastructure. There is no doubt that east–west link stage 1 is a congestion-busting project ...

I say to Mr Leane, ‘That’s your game changer’. It is going to create jobs for thousands of Victorians. It is going to improve our economy. It is going to enable commodities and services to be transported right across this state. It is going to provide significant investment for businesses all over Melbourne and throughout regional Victoria. The contribution of Mr Viney, as a regional member, showed just how little he understands regional Victoria and what vital road projects such as CityLink have done for regional Victoria in

transporting commodities, services and the general community.

Melbourne was voted the most livable city just last week, which is a very significant accolade. If we look at cities around the world that have very significant infrastructure, we see that we need to take into account that we should be promoting our growing and expanding city, and we need infrastructure projects like roads and other means of transport to continue to be provided across the city. But this project is absolutely crucial to enable us to remain the most livable city in years to come or to be up there with other cities.

I want to quote something from the web page of the opposition leader, Mr Andrews. It says:

Governments must be judged on the infrastructure they build and the services they deliver.

How right he is. If he does not support this infrastructure project, I suggest he change his web page, because he is all over the place on this issue. He is not known for his forthright views, because when he was speaking on this project just a couple of weeks ago he said:

More roads and particularly bad ones won't do anything to deal with the traffic congestion that we all face every day.

What does he expect? Congestion does not go away if you do not build road projects.

Back in 2008 the then Premier, John Brumby, stated in relation to this project:

I think what is undeniable, in Rod Eddington's report, is that the city does need a second east-west crossing ...

... one way or another we've got to address this issue of a second east-west crossing ...

Former Premier Steve Bracks said:

The government will also take steps to fully explore and access options for the development of another east-west link.

Mr Pakula, our former colleague in this chamber and now the member for Lyndhurst in the Assembly, said on the 2008 east-west link needs assessment:

... the Greens have told motorists in the middle and outer west to 'stick it' — no new river crossings and no new roads for them. Car drivers in the west are to be punished, sacrificed on the altar of green ideology.

I suspect he is probably right on that, but it goes to the point that this city and this state need significant infrastructure projects such as the east-west link. It will deliver significant benefits not only to the Melburnians

who are going to travel on that road but to all Victorians, whether they are transporting commodities or delivering services from one side of the state to the other or whether they are travelling for their own personal use. It will free up other freeways and road networks, and it will be very good for the overall Victorian economy. I am looking forward to this bill passing this house and enabling us to get on with this important piece of infrastructure. This bill will enable that to occur.

**Mr SCHEFFER** (Eastern Victoria) — As we have heard, the opposition is not supporting this piece of legislation, because we believe that the consequences of the objective of the bill to reduce the so-called procedural delays and red tape for processing major transport projects are unacceptable. I also support Mr Tee's reasoned amendment, because I do not believe we can set in place any legislation that furthers the government's proposed east-west link without first understanding exactly what it is that the government intends. During the last sitting week Mr Tee requested that the government make its full business case for the east-west road link publicly available. Mr Tee's motion has not yet been voted on, and the government may well in the end support it, but that support is no guarantee that the government will release the full business case, so the reasoned amendment Mr Tee has put forward this evening is necessary.

It is clear to everyone who follows the public debate, who reads the media publications and who talks to community organisations, businesses and citizens that the \$8 billion price tag for the east-west link is a very big issue. Everyone immediately wants to know what a one-off \$8 billion expenditure on a single project will buy for Victoria — the whole of Victoria. The second thing people want to know when this matter is raised is if the \$8 billion goes to this single project, what opportunities will be foregone and for how long will they be foregone? Fundamentally these are the questions the government needs to answer if it is to carry Victorians with it and if it wants Victorians to support the east-west link project.

Most of us are not engineers or planners. Most of us are inexpert, and we rely on public debate amongst experts to form a view of complex public policy matters. The release of the full business case would facilitate an informed public discussion amongst experts and interest groups with whom the government could engage to prosecute its case. Out of this debate would emerge a much better informed public. If the government is so confident that this \$8 billion expenditure is the way to go, then it should put the full

information out there and allow scrutiny and public debate.

When I talk to people in Eastern Victoria Region, most of them, to be frank, are not really sure where the \$8 billion road extension will actually go, and they are dismayed when they realise that it is only 9 kilometres — and that is only half the project! They are not convinced that linking the Eastern Freeway to the Tullamarine Freeway to the north and to Port Melbourne in the south is worth the money, and frankly even the YouTube promo they can look at does not give them much comfort. That is the problem of the project itself, but there is a further and much more serious matter that generates a good deal of doubt, and this has to do with the alternative projects that the \$8 billion could be spent on.

One of the key public transport and freight issues for Gippsland is the bottleneck on the Pakenham–Caulfield stretch of the Dandenong rail corridor, which desperately needs extra tracks to provide reliable express services, facilitate V/Line services to the Latrobe Valley and accommodate future freight services. Gippslanders ask themselves how this \$1.2 billion project will ever get done if \$8 billion goes into a single project north of the CBD that the government has not even established a full business case for.

Victoria is currently experiencing the biggest population increase of all the states, and Eastern Victoria Region is accommodating a huge proportion of this increase in the major towns including Bairnsdale, Sale, Traralgon, Morwell, Moe, Newborough and Warragul, all along the Bass Coast and of course in the Casey-Cardinia region. Residents know this, and when they consider the \$8 billion investment the government is pushing for the east–west link, they think of the need to upgrade the Cardinia and Officer railway stations, for example. They think of the Officer secondary college and primary schools. They think about the completion of the Koo Wee Rup bypass, the duplication of McGregor and Cardinia roads and the McGregor Road interchange upgrade. They think of libraries. They think of health services, children’s services, cultural hubs and all the recreational areas, such as football grounds and basketball areas. They think of all those infrastructure investments that need to be made in their community.

Last week I attended a business forum in South Gippsland where local business presenters drew attention to the poor condition of the roads right across Gippsland. This was the major issue for local businesses. They said that since the drought broke in

2010 roads have deteriorated, severely affecting their business capacity. They spoke about the issues relating to water quality, access to water and waste treatment systems, and they spoke about the price and unreliability of electricity supply. They know that the government has a price tag of some \$12 billion on the port of Hastings redevelopment, and this, together with the \$8 billion for the east–west link, is going to make it impossible for all the other needs to be addressed.

These are the issues that are galvanising businesses across my area of Eastern Victoria Region. In relation to this bill, our key concern is that local councils will be excluded as referral authorities, and the infrastructure works that come within the ambit of this legislation — such as the east–west link — will not need permits, licences, consent or approval from other authorities. We do not need to go any further than clause 68 of the bill, which inserts new section 258A, headed ‘Approval of Councils not required’, into the principal act. This spells out the new position once this bill passes into law. This new position is that the project authority or the holder of a licence or lease granted under the new legislation does not need any approval from the local government for the area where the works are planned to take place.

The Minister for Planning under this legislation will himself determine what matters, if any, the public will be consulted over.

The Labor government had already tightened the approval time frame for the provisions contained in the substantive legislation, the Major Transport Projects Facilitation Act 2009. At the time, this drew considerable hand wringing from the coalition opposition. The Minister for Planning reminds us in the second-reading speech —

**Business interrupted pursuant to sessional orders.**

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the sitting be extended.

**House divided on motion:**

*Ayes, 20*

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

Hall, Mr Rich-Phillips, Mr

*Noes, 19*

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

**Motion agreed to.**

**Mr SCHEFFER** (Eastern Victoria) — Prior to the interruption I was reminding the house about the way the initial legislation, the Major Transport Projects Facilitation Act, was greeted by the coalition. I was reminding us all about how at that time, in 2009, there was considerable confected concern on the part of the coalition opposition for the rights of councils and citizens in the planning process. Then, with feigned reluctance, the coalition opposition supported Labor’s legislation. Now in this bill the government has gone much further. It has overstepped and in our view destroyed what was a defensible balance between the community’s right to have a say and to object to a major infrastructure development and the need to move expeditiously on projects whose timely construction is considered by a government to be in the public interest.

An example of this overreach is the fact that the already narrow space of time allocated to completing certain steps in the planning process for these major projects, the construction phase of which can last a number of years, has been halved. The only reason I can see for the Minister for Planning further reducing what are already tight time frames is that he wants to effectively centralise decision making in his office and in his department. Sadly, it also betrays the mindset of a minister whose eagerness to get things done may well lead him into error.

The second-reading speech is instructive because the planning minister’s explanation and justification of the exclusion of local government, the severe restrictions placed on public consultation and the dangerously brief time frame is reduced to a few paragraphs — in fact, six very generalised dot points. To be fair, the minister says that the bill does not reduce the time frame for public exhibition and indicates that if the government wishes, it can consult local councils, but it is under no requirement to do so. Of course in my view this should be a definite legislated requirement.

The second-reading speech sets out the government’s take on the transport context for the legislation, the benefits of the east–west link and the policy context that informs the bill. But the fact is that there is nothing here. There are platitudes gesturing to increasing demand for transport, there is something about congestion and the transformative effect of the government’s decisive action and of course there is the panacea of cutting red tape. Then the minister says that the east–west link and the port of Hastings redevelopment are transformative.

The minister says that the east–west link is city shaping because it will alleviate chronic congestion for motorists and freight. He says the Melbourne Metro rail tunnel will unlock capacity and create capacity, and he says that the bill will enable the delivery of the port of Hastings redevelopment and that the provisions in the legislation can apply to lots of projects big and small. All we get on the policy underpinnings is that the bill helps with the budget bottom line — to save money — and there is nothing wrong with that; it is just that policy is a tad more than financing.

The second-reading speech is nothing more than the text of a promotional pamphlet. This is the same coalition that accuses others of spin! I understand that this is a facilitation bill and that we should not expect to see here a full rationale for specific infrastructure projects, but the government has a responsibility to set out its plan for infrastructure investment and delivery somewhere, and a second-reading speech is not a bad place to say something of some substance.

This second-reading speech does not even go near the staggering dimensions of the transport infrastructure challenge that confronts the state and the nation. The economic orthodoxy of the nation abhors debt in any shape or form, so it is difficult for progressive governments to borrow to pay for the infrastructure that is necessary for future prosperity. Public Transport Victoria’s CEO, Ian Dobbs, told the property council last week that his trip to Europe had opened his eyes — and he is correct. Massive public transport capital works are under way, funded by borrowings — and this is happening while European Union member nations are delivering the billions of euros in savings demanded by the European Commission. In fact the Netherlands is targeting an additional €2 billion on top of the required €6 billion so that it can free up funds to invest in the economy, such as infrastructure, to keep that nation in productive jobs.

Mr Dobbs said that he travelled to London and Paris with the transport minister. I think they should have

extended their trip to the Netherlands and Germany, where they would have been even more surprised at the rail investment that is being made. If the availability of capital is one side of the problem, the other is the astronomical costs. Why is transport infrastructure so expensive, and are there cheaper ways?

Dr Alan Davies from the Melbourne-based economic and planning consultancy Pollard Davies Pty Ltd wrote a piece recently in the *Urbanist* on the phenomenal cost of rail infrastructure worldwide. He points to the first stage of the east–west link and the mooted Doncaster rail line — at a cost of \$7 billion to \$12 billion — and says that studies show that a survey that was done of some 258 transport projects — —

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Thank you, Mr Scheffer; I appreciate your contribution tonight. Mr Elsbury, good evening.

**Mr ELSBURY** (Western Metropolitan) — Good evening, Acting President. It is definitely a pleasure to be able to stand this evening and speak on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013.

**An honourable member** interjected.

**Mr ELSBURY** — Just about. In debates about the east–west link many of my colleagues on this side of the chamber have on several occasions asked, ‘Can you imagine Melbourne without the CityLink tunnels?’. They have gone so far as to use the example of 3 October 2012 when a computer malfunction closed both the tunnels for the majority of that day. I would like to take it a step further. Imagine the city of Melbourne without the Eastern Freeway. Imagine the city of Melbourne without the Tullamarine Freeway or even the West Gate Bridge. To us here it would almost be unthinkable that any of those elements would not be a part of our major road network. In 20 years time that is what people will be thinking about stage 1 of the east–west link — ‘Imagine Melbourne without it’. Stage 2 of the east–west link will also become a highly utilised part of our road network.

At this point I would like to take up some of the comments that have been put forward by those opposite in the debate. Firstly, Mr Tee spoke about government running roughshod over communities. But as we know of the Labor Party, that only matters if it does not involve running a channel smack bang through someone’s farm to be able to build a pipe to steal water from the north of the state and send it down to the south so that we can flush toilets. Secondly, Mr Tee spoke about changing projects halfway. This shows some

insight into the psyche of the ALP. Constantly changing the parameters of the myki project did not cost us much at all, did it? That was only a minor \$1 billion cost blow-out! The same can be argued for the many IT projects the Labor government was involved in and which it could not make up its mind about, which caused millions of dollars of taxpayers funds to be lost.

Mr Tee also spoke about consultation. It is a bit like the Windsor Hotel project, I have no doubt. Labor also spoke about its need for locals to be consulted with. I would not really be going around saying how wonderful Labor was on this, considering that when it was in power a small project called the regional rail link was being put forward. The former residents of Buckley Street in West Footscray will vouch that the first they knew of the regional rail link was when journalists were standing on their front porches asking them how they felt about train tracks going through their newly renovated kitchens. That is apparently the consultation you need to undertake under Labor.

Mr Scheffer asked, ‘What about the alternate projects that the \$8 billion could go into?’. The same could be said about the \$3 billion that was lost in the bungled pokies licensing scheme. But in this case, with the \$8 billion we are going to get some infrastructure. With the \$3 billion it is lost and gone forever. I can even go on about the current federal government. It is losing around \$11.5 billion a year just to service its debt. In two years you could build the east–west link — the whole lot, both stages — and you would have change, and quite a substantial amount of change at that. That is for the people of Australia to sort out on Saturday.

Mr Leane said that the Napthine government has achieved nothing. Okay, we have put over 400 protective services officers (PSOs) on our railway stations. Labor once said that it was going to put PSOs on city loop stations.

*Honourable members interjected.*

**Mr ELSBURY** — We did not see any of them at all, Mrs Millar — none; they did not turn up. We are well on our way to the 940, Mr Leane. There is also the \$1.5 billion Webb Dock project that is currently under way. I can speak from experience, Mr Leane, that in the last budget we were promised three new schools in the west. We have already built two new schools. We have also rebuilt the Rosamond Special School, we are rebuilding the Galvin Park Secondary College and the P–12 Western Autistic School at Laverton is under construction.

We have provided \$9.8 million for the new public dental clinic in Footscray and \$14 million for a new intensive care unit at Sunshine Hospital to replace the film studio that was put there by the Labor government when it abandoned the intensive care unit in 1999. In addition, \$72 million of road infrastructure will be put into the East Werribee employment precinct, and there is \$34 million for the Werribee Mercy Hospital for an expansion of the mental health unit. All these projects have either already been delivered or will be delivered.

I listened to the Greens for a while, and I am sure I will pay for that later. The Greens are against the east–west link. I imagine that they would either have us driving hovercars fuelled by lentils or have us beholden to timetables to get around our beautiful city.

The quickly do-nothing approach of Labor leaders smacks of *Yes Minister*. That is not how we are going to run this state. At the moment the regional rail link is snaking through the western suburbs. Roads have been closed, property has been acquired, and the face of our community — the community I represent — will be changed forever. The coalition took into consideration the impact this project would have on traffic flows, so it ensured that all new crossings would involve a grade separation as either an overpass or an underpass. These vital parts of the regional rail project had been dropped by Labor. The project had to be rescued from Labor's unbelievable mismanagement of Victorian finances. Labor did not allocate funds for signalling, but that is okay because it also did not budget for trains to go on the tracks.

This mismanagement was similar to Labor's approach to the regional fast rail project, which was originally costed in 1999 at about \$80 million and landed at about \$1.2 billion. This project actually reduced rail capacity, especially to Bendigo, which now has a single line almost the entire way from Kyneton to Bendigo with only a few overpasses to provide for passing. A further disruption of the regional rail link was caused when the Gillard Labor federal government removed \$500 million from the project.

The east–west link will produce transport options and improved road efficiencies not currently possible on Alexandra Parade. The east–west link will allow for 78 per cent of traffic that currently uses Alexandra Parade to access the Tullamarine Freeway, which will also allow for better access to our primary international airport. Stage 2 will alleviate traffic issues faced in the western suburbs as a result of our dependence on the West Gate Bridge, and it will provide alternate truck routes to the port of Melbourne. I am glad that the

federal coalition has committed \$1.5 billion of funding towards this project so construction can begin within the first 12 months of the election of an Abbott government.

This bill goes much further than that. It also allows for continued work on future transport projects. It deserves our support. It will enable much more efficient road and rail projects in the future. That is what draws me to wholeheartedly support this bill.

**Ms BROAD** (Northern Victoria) — I wish to make some remarks in opposition to this bill, which amends the Major Transport Projects Facilitation Act 2009. In doing so, I intend to focus on particular aspects of the bill. Firstly, it is very clear that this bill guts the ability of local governments to represent the communities they are elected to represent.

I refer to recent remarks by the president of the Victorian Local Governance Association (VLGA), Cr Dunn. Cr Dunn states that she has written to the Premier about this bill, drawing his attention to the fact that there has been no consultation on the potential impacts of the bill. She goes on to state:

The VLGA has several concerns which require further consideration. The bill significantly reduces or alters the ability of local governments to plan for the impacts of major transport projects on local neighbourhoods. We are concerned that the bill effectively undermines the important role local governments play in working with their communities to develop locally informed responses to the impacts of major transport projects on matters such as traffic and transport planning, the provision and quality of open space and recreational facilities, social impacts of major transport infrastructure on existing communities.

She goes on to state:

These local responses are important enhancements to the social value of transport infrastructure and should not be seen as impediments to the planning and delivery of major transport projects. The bill reduces the scope and time limits for the impact assessment and approvals process. Further limitations will be placed on the ability of communities to participate in the assessment process by providing the minister the ability to direct the assessment committee as to what matters it hears in public. These matters warrant more detailed consideration by the Parliament, informed by public consultation.

The VLGA has therefore requested that the bill be deferred to enable further consultation with local government and their communities.

I recall being on the receiving end of a great many lectures about the merits of consultation when Labor was in government not so long ago. But when viewing this bill it seems that all those words were just that: words. Consultation with the community, as

represented by local government, has been well and truly put on the scrapheap.

Secondly, as well as quoting those comments by the VLGA, I would like to say that in addition to gutting local government's ability to do its job, it is clearly the intention of this bill to allow Dr Napthine to prevent all Victorians from having a say about his \$8 billion tunnel at the next election by ramming through approvals for the tunnel in advance of the next election. Many Victorians are coming to realise that Dr Napthine's \$8 billion tunnel will not fix congestion in Melbourne and that it will suck dry Victoria's ability to invest in transport infrastructure across the length and breadth of the state. I would like to refer to just a few examples across Northern Victoria Region, which I represent. Cr Judy Harris has been quoted in the *Sunraysia Daily* in Mildura as saying that millions of dollars should be spent on improving the rail line to Mildura. She said:

This line makes money for the government and, if standardised and upgraded, could have stations serving passengers in the tens of thousands.

Good rail policy builds wealth, in monetary terms and in social capital.

But given that the state government is building a new road tunnel in Melbourne rather than the more important and beneficial metro rail project, perhaps we are being short-changed in all ways with public transport in this state.

It's a pity really, as our grandchildren will condemn us for our lack of foresight.

For the Mildura families who need to travel along the Calder Highway between Ouyen and Mildura and mix it with B-double trucks when there is a derailment, as there was recently, there is very definitely a need to invest in making the Calder Highway safer as well as improving the rail line.

The *Sunraysia Daily* commented:

Our current roads are already congested and the Calder Highway desperately needs widening and passing lanes added in certain areas so that the speed limit can be increased to a consistent 110 km/h between Mildura and Bendigo.

Even the RACV has declared this stretch of the Calder the worst major highway in Victoria.

Further state and federal investment in the maintenance of our trade routes is essential.

Without these immediate improvements —

**Mr Elsbury** interjected.

**Ms BROAD** — This is the *Sunraysia Daily* that I am quoting — its words, not mine. I am happy to make it available. It continues:

Without these immediate improvements, our region is at risk of missing out on lucrative market opportunities, both locally and overseas.

I read with interest Mildura Development Corporation chairman Chris Ellis's comments at —

the recent —

annual general meeting and agree that it is totally unacceptable that our freight trains take more than 11 hours to get from Merbein to Melbourne.

People are calling for a host of further investments. There is a need to get on with the Benetook Avenue truck bypass in Mildura to get B-double trucks off Deakin Avenue and away from schoolchildren and to prevent Deakin Avenue being degraded by truck traffic that it is not built for. These are just some of the investments that have been called for in the north-west part of Northern Victoria Region.

Coming closer to Melbourne but also in Northern Victoria Region, in the Mitchell shire Cr Bill Melbourne has said recently in response to the Victorian Auditor-General's report *Developing Transport Infrastructure and Services for Population Growth Areas*:

Residents in Mitchell and other growth area municipalities require urgent action to improve connectivity and address public transport access issues as a priority.

Also in the growth areas, the mayor of Whittlesea City Council, Cr Griffin, said that the state government needs to make growth areas a priority.

By committing \$8 billion to a tunnel in inner Melbourne, the Napthine Liberal-Nationals government is putting the needs of outer suburban, regional and rural communities and their businesses and families well and truly on the scrap heap. As Labor leader Daniel Andrews, the member for Mulgrave in the Assembly, said recently, if Denis Napthine is confident that this \$8 billion tunnel is the best project to address the state's transport needs and if he can guarantee it will be delivered without further cuts to hospitals, schools and TAFE, then he should have no problem letting the Victorian people decide. Dr Napthine must tell Victorians why this is the best way to spend their money and why this \$8 billion tunnel is really the biggest priority for this state.

**Mr ELASMAR** (Northern Metropolitan) — I rise to contribute to the debate on the bill before the house, the

Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013. I support the reasoned amendment moved by Mr Tee, and I oppose this bill.

Like many others in Victoria, I am stunned by the cost of the proposed east–west link and what that will mean to the travelling public — a proposal to spend \$8 billion to provide more toll roads to fill up with more motor vehicles. It is true that traffic congestion is a major issue for Victorian commuters and that the problem will only worsen if nothing is done. But what this city needs is proper public transport infrastructure that will provide a quick, economical and efficient mode of transport for the travelling public.

This proposed east–west tunnel is a major project, and I would have thought that proper consultation would have taken place with major key stakeholders prior to any decision being made public. The fact that Victorian families are going to be uprooted from their homes to make way for these roadworks has been given very little consideration or compassion by this government. We in the opposition oppose this proposal for sound economic reasons. More tolls are not what the public wants. The government talks about jobs being created by this project, but the temporary benefits would be far outweighed by this rushed and massively expensive tunnel.

This government has had two and a half years to come up with a consultative process for this major infrastructure project. That is plenty of time in my view to take into account the opinions of road users and families whose properties are directly in the path of the east–west tunnel. The Labor opposition feels for the families who have lived their entire lives and raised their families in homes they now stand to lose, along with their communities and their neighbours. The families that have now been told they have no choice but to accept a price for their properties and make way for their demolition will pay the price of dislocation. It is shameful and dismissive of the human element.

Victoria desperately needs job creation projects that benefit all Victorians, not just those in the east. With \$8 billion on the table Victorians deserve more than just a tunnel to relieve traffic congestion. They need jobs, and they need them now.

**Mrs COOTE** (Southern Metropolitan) — It gives me great pleasure to speak, albeit briefly, on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013. I have listened to the debate in this chamber tonight, and what strikes me

most about the contributions from the members opposite is that they are trying very hard to be an opposition. From the many quotes citing Labor Party members' support, at both federal and state levels — right through to Mr Andrews, the Leader of the Opposition — it is clear that they do not believe this project is a bad thing. I commend the members opposite for talking about the human issues, as Mr Elasmar did, for talking about their own parochial interests, as Ms Broad did, and for talking about a whole range of other bleeding-heart issues. Mr Barber made a very predictable Greens contribution to the debate. This is the chamber for open and robust debate, and we have seen many robust contributions tonight.

However, last week the Minister for Planning, Matthew Guy, once again received the international accolade of Melbourne being judged the most livable city in the world.

**Hon. M. J. Guy** — Every year that I have been planning minister.

**Mrs COOTE** — As Mr Guy said, every year that he has been planning minister he has been able to receive this honour on behalf of all Victorians. There are many things that contribute to this, and I stand as a very proud Victorian living in the most livable city in the world. It does not just happen. As was mentioned previously in the debate, by 2056 there will be 8 million Victorians. It is our charter to make certain that Melbourne continues to be the very best, most livable city in the world, and the east–west link will contribute to that. I am certain that all members will see enough benefits for their own electorates from this project to make some very good media releases, and I too will be parochial and state what the benefits are for my own electorate. However, let us first look at the global picture.

The east–west link is a cross-city road connection extending across Melbourne from the Eastern Freeway to the Western Ring Road. The modelling undertaken shows that between 80 000 and 100 000 cars a day will use the east–west link. It will be a crucial connection in Melbourne's road network that will benefit drivers from all over Victoria. Most importantly for the productivity of this state the average saving in travel time for trips across the north of the CBD will be 20 minutes. Productivity is the issue which drives the economy of this state. It does not matter how many trams, buses or trains people want, if our economy is not working effectively and if we do not have the money, there will be no money to put in that infrastructure. It is very important that we get this project right. This is the beginning. The infrastructure that will be opened up by the east–west link will be profound for this state.

Members spoke about their own patches, but let me remind members of how the east–west link will benefit the rest of Victoria: in northern Victoria, which Ms Broad spoke about — I do not know what happened to Ms Broad; she has disappeared — there will be a direct connection from the Calder Freeway to the Eastern Freeway via the new tunnel, and a whole range of sectors will benefit, including the horticulture, stockfeed and livestock industries. In western Victoria, there will be a direct connection from Ballarat to the Eastern Freeway via the new tunnel, and this will support the horticulture and livestock industries. If you are coming from Geelong or from the south-west of Victoria, there will be a direct connection from the Princes Freeway to the Eastern Freeway via the new tunnel which will help exporters get from Gippsland to the port of Geelong. The coalition government is extending the port of Geelong, and the Minister for Ports, Mr Hodgett, made that announcement this week. The port of Geelong will become a hub and will be linked by the new freeway we are debating here tonight.

The east–west link will support the high-end and valuable products coming from Gippsland via Avalon Airport. There will be a direct connection to the airport, the Hume Freeway corridor and the western suburbs, including the port of Melbourne, which I will come back to in a moment. It will support, for example, the delivery of fresh flowers that are destined for Melbourne markets, and it will support the tourism industry by allowing direct access to Gippsland from Melbourne Airport, including to Phillip Island where tourists can view the penguin parade.

Overall the economic benefits of this project have to be considered and reinforced. Within two years of opening the project will generate between \$500 million and \$700 million of economic benefit per year, including savings in travel time for cars, freight and public transport, and a reduction in vehicle costs and accidents. The annual benefits will increase to over \$1 billion after 15 years as traffic volumes increase on the Melbourne network. This is good for Victoria; the increased rates of productivity that we are going to get will be good for the state.

I would now like to speak about why it is going to be good for Southern Metropolitan Region. The 11 lower house seats that fall within Southern Metropolitan Region include Albert Park, Bentleigh, Brighton, Burwood, Caulfield, Hawthorn, Kew, Malvern, Prahran, Oakleigh and Sandringham. The seats of Bentleigh, Brighton and Sandringham will be directly impacted upon by the growth in the economy. Businesses in that area will be able to flourish. They

will be able to get their products to market more quickly. They will be able to spread their businesses across the state, and they will be able to enjoy the productivity that comes from a more healthy economy.

However, when I look at my electorate of Southern Metropolitan Region I see that many of our major freeways will be impacted by the east–west link — for example, the Monash Freeway from Warrigal Road to Kingsway, the West Gate Freeway from the Domain Tunnel to the West Gate Bridge and the Chandler Highway, which forms a spine along Kew and is part of the east–west link, are all areas in my electorate which will benefit in a major way.

In the lower house electorate of Albert Park there will be alternative truck routes to Webb Dock. Webb Dock is being enlarged, and we have heard the Minister for Ports, Mr Hodgett, explain the growth at Webb Dock and how important it will be for the port of Melbourne and for the development of this state. We are going to find that there will be easier ways to get produce in and out of the port of Melbourne than through the residential streets of Albert Park. There will be better access through these major road arterials.

In Burwood it will be so much easier for people to get onto the Monash Freeway and to travel in either direction, to go out to the east–west link, to go through Ringwood, to get out to the airport and ignore the Domain Tunnel should they so wish. It will be a lot easier to get around time and it will make a difference. Similarly in Caulfield people will be able to get into the city with greater ease, they will have choices to get out to the airports, and they too can avail themselves of the new links that are going to provide better roads to get around Victoria.

In Kew the Chandler Highway and the east–west link will go to the airport, making it easier for businesspeople. Getting products to the airport will also be a lot easier. As I said, Kew will be a major beneficiary because the Chandler arterial road that is the artery that runs right beside Kew is going to be alleviated of much of the congestion that is there at the moment, and there will be much more choice. It will be a better environment for people.

People from the city of Malvern use the Monash Freeway all the time. It will be a major recipient of the benefits of the east–west link connection because there will be more choice. People will not necessarily have to go through the tunnels to get out to the western region, they will be able to go through the east–west link. The congestion on the Monash Freeway will be reduced significantly.

The Assembly seat of Oakleigh is a big winner. There will be greater choice for travel. There will be the Princes Highway and Warrigal Road to the city via the Monash Freeway. People will be able to travel out to Ringwood or go through the east–west link to Geelong and to the airport, which will make an enormous difference to travel times.

Glen Eira City Council has made some comments which are very short-sighted. I am led to believe it has begun to reassess some of its negative comments about the east–west link. It will be fascinating to listen to its comments in the future when it sees the productivity that will be brought to Victoria and how many people from the municipality will be the beneficiaries of that increased economy.

The opposition has said tonight that this road will be at the expense of development in this state. I remind the chamber of what has happened in Southern Metropolitan Region since the election of the coalition government. We have invested \$4 million into safety improvements on the Princes Highway in the Stonnington area; \$800 000 has been invested into intersection improvements on Warrigal Road in the Monash area; \$580 000 for upgrades on Balcombe Road in Beaumaris; the level crossings at North Road, Murrumbeena Road and Burke Road are being removed; and \$13.3 million is being spent upgrading Balaclava station.

This east–west link is going to be a major benefit for people who live, work and play in and around Southern Metropolitan Region. I commend this bill. It is a winner for this state, it is a winner for the economy, it is a winner for beautiful Melbourne into the future and it is a winner for the people of Southern Metropolitan Region.

**Ms TIERNEY** (Western Victoria) — I understand I might be the last speaker, so it is important to go back to look at what the bill is about. It is about the tunnel that has been announced by this government, by Premier Denis Naphine and the Liberal-Nationals coalition, at a proposed cost of \$8 billion. What will that mean? Essentially it will mean that every other road and public transport project in Victoria will be put on the backburner. It will also mean that local roads in Geelong and other parts of western Victoria will fall to pieces. This is being done by the Premier and this government choosing to put all their eggs in the one basket. That is \$8 billion worth of eggs in one basket.

At the same time there is an infrastructure program and a tunnel that will be built for Melbourne and not for regional Victoria, which proves once again that when it

comes to expenditure the focus of this government is on Melbourne, and that there is a significant concentration of money being spent in Melbourne and not in other parts of the state.

The tunnel has a particular impact on commuters who come from western Victoria. I have some statistics on Geelong commuters that go back as far as 2011, when more than 12 000 vehicles were making the daily commute from Geelong to Melbourne. People have been faced with congestion for some time. But it is not just the commuters from Geelong. It is also people from Torquay, Bannockburn, Winchelsea and the Bellarine Peninsula who do the daily commute from their homes to Melbourne, often to their permanent place of employment.

It goes even further than that. Businesspeople in Warrnambool to whom we have spoken recently at community forums are saying that the congestion on the outskirts of Melbourne is also having a dramatic impact on their businesses. It is costing them time and money and of course further business opportunities. We can talk about those from western Victoria who travel along the Geelong–Melbourne road, but there is also the congestion caused by the increased number of residents in the western suburbs. I am sure Mr Elsbury will acknowledge that demographer Mr Bernard Salt has confirmed that each year there are approximately 10 000 more residents in Werribee alone. That means there is significant gridlock on the Geelong road.

Members all know that if you live in regional Victoria, it comes with the territory that often you have to commute. Time, distance and travel are part and parcel of our daily lives. You set the alarm to go off earlier and you go to bed earlier. It is just part and parcel of living in regional Victoria. For western Victorian commuters driving on the Geelong–Melbourne road it was once the case that the gridlock started at Laverton. Then it became the Point Cook exit and now, particularly at peak times over the past 12 months, it has been the Werribee exit. That means you have to make sure that you add another hour to the time you had calculated to get to where you need to go.

Unfortunately Mr Finn is not in the chamber at the moment, but I can tell him that members of working families do not get to see too much of each other — because many of them are on the road where they are not moving or they are standing on overcrowded trains that are often late. In the meantime, western Victorians have to keep setting their alarm clocks earlier and earlier and leaving the family home earlier and earlier. For many families a meal together, whether it be dinner or breakfast, can be had only on weekends.

Given the current congestion and massive dislocation for individuals and families, it is only fair that the government release a full business case. The government should let us have the discussion on and the scrutiny of this proposed tunnel. For goodness sake, western Victorians, stuck in gridlock every day, have time to think and to do so seriously about how their time and that of their families is tied up in congestion, with no plans from this government on how their daily grind on the road will be alleviated. Western Victorians do not see any light at the end of this tunnel. Combined with the fact that the government is not able to shed light on how \$8 billion of taxpayers money will be used for this project, it gives plenty of food for thought. All that thinking is done and all that frustration is felt as western Victorians tap their steering wheels and look at their watches every morning.

I concur with previous speakers tonight — namely, Mr Tee, Ms Mikakos, Mr Melhem, Mr Leane, Mr Viney, Mr Scheffer, Ms Pulford, Ms Broad and Mr Elasmarr — and call on the government to release a full business case on this massive \$8 billion tunnel and explain in detail and with honesty how it will benefit the areas of Geelong, Surf Coast, Golden Plains and Bellarine and south-western Victorian commuters and taxpayers.

**House divided on amendment:**

*Ayes, 19*

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

*Noes, 20*

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

**Amendment negatived.**

**House divided on motion:**

*Ayes, 20*

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

*Noes, 19*

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

**Motion agreed to.**

**Read second time.**

**Sitting suspended 11.06 p.m until 11.25 p.m.**

*Referral to committee*

**Mr TEE** (Eastern Metropolitan) — By leave, I move:

That noting that the community and local councils have raised concerns that there has been no consultation on the bill, and given the bill will reduce community involvement and exclude local councils from consideration of major projects, the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report no later than 29 November 2013, including consideration of the impacts the bill will have on community engagement and the role of local councils and whether these impacts are in the best interests of Victorians.

As we have heard in the debate, this bill will have a broad-ranging impact on Victorians, the economy and government debt — and indeed on the debt that taxpayers will have. But also, as we have heard, these major projects define our landscape; they define Melbourne and our transport routes in relation to both public transport and roads, and particularly in relation to the east–west project.

The community has not been consulted about the changes that are proposed in the bill, and these changes will exclude the community from participating in deliberations around major projects. The bill will in effect exclude local councils, and there have been a number of concerns raised by local councils. Again I refer to the letter from the Lord Mayor of Melbourne,

Robert Doyle. He is a friend and former leader of the Liberal Party, and he is very concerned about this bill.

My motion seeks an opportunity for people like the Lord Mayor to put their views to a committee so they can be considered in a reasonably short time frame. Hopefully at the end of that engagement we will get a better outcome. We might get changes to the bill, and we might get a better outcome, one that will benefit all Victorians.

Again I refer to the correspondence from the Lord Mayor of Melbourne, who wrote to the Minister for Public Transport and Minister for Roads on 17 July. He said that he is concerned about this bill. He argues that the bill:

... has the impact of denying Melbourne City Council ... and other local governments the ability to approve, challenge or impose conditions on works to be carried out in relation to a project approved under the act.

From a local council's perspective the impact might be around things like noise, hours of work, dust and so on. I think the concern the Lord Mayor is expressing is about turning our streets into 24/7 construction sites and the impact that will have on children, on students, on workers and on those who live in that area who will, for months and years, be disrupted. I think the Lord Mayor should have an opportunity to put those views to the committee so they can be tested by the committee and it can report back to us.

Robert Doyle refers to a couple of specific examples of the sort of things that I suspect have not been thought about by this government. He refers specifically to the Transfer of Land Act 1958, which requires that a council consent to the creation or surrender of a right of a carriageway before the transfer of land can be registered. Essentially this means that under the Transfer of Land Act if you are going to change or stop a local council road, then you need the local council's permission. That engagement with local councils will disappear if this bill is successful.

There will be an opportunity to have that tested and considered if we support my motion. The Lord Mayor says in his letter of 17 July that, if we do not, we will:

... risk the ability to deliver informed traffic and pedestrian management solutions within the city of Melbourne.

What he is saying is that we will make mistakes. We will close the wrong roads, and we will take opportunities that we should not. The result will be further and unnecessary congestion that could have been avoided if we had just taken the time to comply

with the Transfer of Land Act 1958 instead of taking the time, as allowed for in this bill, to rule councils out.

The Lord Mayor goes on to talk about the impact on the Local Government Act 1989, which says that councils are required to consult affected residents before allowing works on any road which will affect the drainage of water on or through land. Robert Doyle identifies a huge problem in regard to the impact of drainage and the important role that councils play to make sure that houses and roads are not affected by drainage issues, swamped or covered in water simply because councils have not been consulted. He says that without the involvement of councils:

... the effects cannot be properly ascertained and catered for through consultation.

The Lord Mayor also refers to the fact that this bill:

... will make redundant various mechanisms in the Road Management Act 2004 that give the council as a coordinating road authority responsibility for considering proposed road closures, changes to road boundaries and similar at the risk of undermining locally informed traffic management solutions.

Again the Lord Mayor is ringing the alarm bells and saying, 'Take us out of this process. You are going to have issues with traffic management. You are going to have issues with congestion'. It is a very sensible request from the Lord Mayor of Melbourne to ask the government — of which, on a party-political basis, he is a member — to take the time to get it right.

Other councils too have expressed concerns. The City of Yarra has written to say it is concerned that the bill will severely restrict local government participation in assessing the impacts of major projects. It has a concern that it will be excluded, and it says the bill reduces key time frames and also seems to remove some of the normal checks and balances in assessing projects. The City of Yarra says in its letter dated 16 August 2013 that the bill removes some of the important checks and balances that make sure that we get these projects right. It says that time frames have been much reduced, curtailing effective debate on and scrutiny of major issues associated with a declared project.

The City of Yarra is concerned about what will happen without proper scrutiny. There is a risk that we will get it wrong. It is also concerned about communication with communities to inform and engage them, which it says will be very difficult. The City of Yarra is really concerned about the bill, which it believes will restrict appeals on legal aspects. It says:

This is highly undesirable, compromising proper project appraisal and risk reduction. Without such checks and

balances, this adds to the risks and the costs of major projects with potential adverse to disastrous consequences.

I suppose the City of Yarra is putting the government on notice that we are at risk of adverse, disastrous consequences — cost blow-outs — unless we take the time now to get the bill right. Again, I think it makes a compelling argument. Let us take some time. Let us refer these issues to the committee for it to hear from the council and the local community.

The City of Whittlesea expressed similar concerns in its letter dated 14 August 2013. The council has a particular concern that the bill is intending to empower the Minister for Planning to determine the scope of impact management statements and comprehensive impact statements and to limit allowable matters and the time for which a submitter is able to comment at a hearing, thus reducing community input and decision-making transparency. This is another compelling argument. The City of Whittlesea resolved to write to the Premier, relevant ministers, relevant shadow ministers and local members of Parliament expressing disappointment with the lack of consultation with local government and the apparent haste associated with the process to approve the draft act of Parliament. The council is requesting that consideration of the bill be postponed pending consultation with the local government sector, including the Municipal Association of Victoria and the Victorian Local Governance Association (VLGA).

The opposition is standing with communities and councils like the City of Whittlesea which have expressed their disappointment at this government's failure to consult — I suspect the government will not be surprised by that. We are asking for a postponement of the committee-of-the-whole stage so that we can have a good look at this bill and make sure that we understand the consequences of it.

The Victorian Local Governance Association expressed similar reservations in its correspondence to the Premier dated 29 August and in a separate letter to me on 1 August. It says that the exclusion of councils:

... would have triggered a consultation period with the sector, especially given the terms of the Victorian state local government agreement.

What the VLGA is doing there is expressing a concern that this bill has been introduced, is being debated and is likely to be passed almost in breach of the Victorian state local government agreement. The government has not honoured, according to the VLGA's letter of 1 August, its agreement with the VLGA to consult on changes such as this. My motion gives the government

an opportunity to rectify that omission and to have that consultation and engagement. The VLGA said in its letter of 29 August to the Premier that there has been no consultation on the impacts of the bill. It states:

We understand that the Legislative Council will consider the bill in the sitting week commencing 2 September 2013. This time frame does not enable a full consideration of the impacts of the bill.

It says the bill significantly reduces or alters the ability of local governments to plan for the impact of major transport projects on local neighbourhoods. This is obviously of concern to the VLGA. It is a concern in terms of matters such as the provision of traffic and transport planning, the quality of open space and recreational facilities, and the social impacts of major transport infrastructure on existing communities.

To be absolutely clear, the VLGA is warning that it is very concerned about the impact this bill will have — if the government proceeds with it — on local communities and the design of local communities, on open space, on the quality of life and on recreational facilities. It is worried that in drafting the bill the government has not taken these matters into account. That body and every council I have referred to has been very clear that there has been no consultation with councils even though there is this very wide-ranging clause, a clause which explicitly rules out any role for local council.

I remind the house the clause says that notwithstanding any other enactment, no consent, authority or permission is required from any council, so effectively councils are completely ruled out of the process. What the VLGA asks, as do a number of councils, is:

We ... request that the bill be deferred to enable further consultation with local government and their communities.

I think that is being very generous. Councils and the VLGA have said elsewhere that there has been no consultation up until now, so it would be impossible to have 'further consultation'; I think the VLGA means it simply wants to have consultation.

What the opposition is doing, and I suppose what I am doing in moving this motion, is giving the government an opportunity to remedy the omission — its flaw, its mistake in not consulting with councils and in not being aware, I suspect, of the impact that it was going to have. This is not political debate. As we have seen, Robert Doyle, a member of the Liberal Party, is urging us to be cautious and think things through before we act — —

**Mr Barber** — This next vote's a big rebuff to Robert Doyle, you'd have to say.

**Mr TEE** — It is a slap in the face, I would go so far as to say. Certainly I think we should heed the words of Robert Doyle on this occasion.

**Mr Barber** — I think they're being very clear about what they think about Robert Doyle's request.

**Mr TEE** — I think that is right, and I am sure Mr Barber will elaborate on that in his contribution. I urge this house to take the time to get it right and to refer this to a committee — not for a long period — and for the first time to talk with councils so we can all get a sense as to what impact their removal from major projects will have so that we can be fully informed about what we are voting on. I suspect that if government members take the time and sit down with local councils — and we have a mechanism here — they will not support the bill in its current form. I therefore urge the house to support my motion.

**Mr BARBER** (Northern Metropolitan) — If I heard correctly, Mr Tee moved a motion calling for an inquiry into the bill, but then he argued why there should be an inquiry into the project. I agree with him in saying that there should be an inquiry into this bill. There should also be an inquiry into the principal act to which the bill relates — the principal act the Labor Party brought in — and there should be an inquiry into the project too.

From everything I have seen and from everything that has come forward in the public domain over the last 10 years, it is pretty clear to me that this project is a dud. It will not do what the government claims it will do. That is why the government is flustering around trying to come up with different rationales for this project. That is why we keep hearing that it is a game changer. That is why we keep hearing about poor industry representatives who apparently represent 2 million people. They outvote us, the industry associations on that list; that is a pretty good effort. They should run for Parliament. They might be able to get themselves 45 per cent of the primary vote.

We also heard all this other nonsense tonight for hour after hour about how great the thing is, about how it is like mother's milk and if anybody is against it, they are an idiot. Let us have an inquiry into it; fine. I agree. Let us have an inquiry into it, but we will just find out what we already know — that rail, not roads, is what we need if we are going to get this city moving.

**Hon. D. M. DAVIS** (Minister for Health) — I note the motion moved by Mr Tee. The government on this occasion will not be supporting this motion. We are very conscious of the need to move forward on this bill to enable this project to proceed. I am all for consultation, but I am not for unnecessary delay. I am not for the steps that are being taken here by Labor to delay this project, to stymie this project, to block this project and to prevent this project from proceeding in a timely way.

Daniel Andrews, the Leader of the Opposition in the Assembly, spoke to the Melbourne Press Club and made some comments about how projects needed to move forward, but then at the same time he called for this project not to proceed and to be delayed until after the election. You cannot have it both ways.

This is about Labor seeking to pander to its inner city base and to desert the outer and middle suburbs of Melbourne. It is not a balanced response to this bill or to the need for projects that are in the interests of the community to proceed. This is all about Labor being driven by its need to appeal to its inner city voting base. It is a stalling tactic. It is about Labor's internal contradictions. I have to say that this is about Cath Bowtell and Adam Bandt and Labor pandering to an outcome in the federal election. This is what Labor is seeking to do on this matter today.

The reality is that this is a sensible, practical bill. The Labor Party is seeking to obstruct, obfuscate and delay the outcomes that the community sees are important. The community will see that the government has taken the right steps here. Clearly there is a sensible level of consultation. I do not believe you can dismiss the group of nine major business groups that have supported this important bill. You cannot dismiss the views of people across the suburbs and across the city or the arrogance of Labor in seeking to delay this bill through stalling tactics that match so nicely with Daniel Andrews, who appears on YouTube vacillating and trying to have a bit both ways. You are either in favour of this project proceeding or you are not.

In this case we have a very sensible process in place. This bill provides a sensible outcome. There has been consultation. There will be proper processes; they are laid down in this bill, and they will be followed. But Labor has sought to frustrate and delay, and this is a further step in that stalling.

**Ms MIKAKOS** (Northern Metropolitan) — I rise to speak in support of Mr Tee's referral motion to send this bill to the upper house Economy and Infrastructure

Legislation Committee for further consideration. In doing so I point out that today the Minister for Public Transport, Terry Mulder, gave us the reason the government should be supporting Mr Tee's motion. In the Age online earlier today I read that the Minister for Public Transport was claiming that the opposition to this legislation and to this project was very minimal. He claimed that it was only a rent-a-crowd who were opposing the east-west link project, and he tried to dismiss the community's concerns in relation to it by denigrating the number of individuals who were able to attend a weekend protest.

If Minister Mulder and the government are so convinced that it is only a rent-a-crowd who are concerned about the east-west link project and the provisions of this particular legislation, then they should in fact put it to the test. Let the bill go to the upper house committee; let the community have an opportunity to put in submissions and to express its views on this particular legislation. Ultimately of course they should be prepared to put it to the test of the will of the people at the November 2014 election.

I indicated earlier, and want to do so again, that this particular project will have a huge impact on my community, on my electorate. It is for this reason that I have understandably received correspondence, as have other members of Parliament, from a number of local councils seeking to express concerns on behalf of their affected local communities. I point out, for example, that the City of Melbourne — in particular the Lord Mayor of Melbourne — wrote directly to Minister Mulder on 17 July expressing concerns on behalf of the council as to the operation of this bill.

In particular, he refers to new section 258A, to be inserted by clause 68 of the bill, and says that it would:

... have the impact of denying Melbourne City Council and other local governments the ability to approve, challenge or impose conditions on works to be carried out in relation to a project approved under the act.

The letter goes on to talk about how the new section would also impede council's role in managing the effects of works carried out in relation to a project approved under the act. The Lord Mayor expresses a number of concerns about how the new section will make redundant various mechanisms in the Road Management Act 2004 that give the council, as a coordinating road authority, responsibility for considering proposed road closures, changes to road boundaries and similar matters — at the risk of undermining locally informed traffic management solutions.

At its 27 August meeting the City of Melbourne resolved to express its opposition to the east-west link in its current form. The resolution states:

... given that the City of Melbourne does not yet have the data at hand to fully assess the east-west link, and given the need for further dialogue with LMA and the state government, the City of Melbourne does not support the east-west link project as announced.

The City of Melbourne is on the record expressing its opposition to this project.

The City of Yarra wrote to Mr Tee on 16 August, and I know it also wrote to other members of Parliament in relation to the bill expressing its very significant concern about the operations of the legislation. It has written a detailed letter, which I do not propose to read into *Hansard* this evening. It expresses a number of significant concerns about how a number of clauses in the bill — not just the section I referred to previously that the City of Melbourne is concerned about — will impact on its local community and the role the local council has played in the past with such projects and would have expected to play in relation to such projects in the future.

The council is very concerned in particular about the time lines being reduced and about the fact that the council will no longer have the ability to comment on a range of issues in relation to planning policies, waste management policies and associated works. A whole range of issues set out in the correspondence should not be ignored by the government. It has not given a convincing argument as to why the concerns expressed by the mayor of the City of Yarra, Cr Fristacky, on behalf of the council should be ignored in the course of this debate. The mayor says of the bill:

This is highly undesirable compromising proper project appraisal and risk reduction. Without such checks and balances, this adds to the risks and costs of major projects with potential adverse to disastrous consequences.

The City of Darebin has also written to me expressing its concerns in relation to this project. I know that it is planning a public forum to look at the project on Tuesday evening. That particular council and community want their concerns put on the record as well, through that and other mechanisms.

The City of Whittlesea also expressed its concerns about this bill by writing to Mr Tee on 14 August; I have also received that correspondence. In the correspondence, in relation to the minister asserting that there are delays being experienced as a consequence of local government intervention, the council says:

Council indicated at its meeting held on 6 August 2013 that not only is this view incorrect but that councils on many occasions facilitate projects that may be considered as candidate projects for declaration under this bill and also delivers some infrastructure components as appropriate, as in the case of the South Morang rail extension project.

As I was a member of the government that put in place the South Morang rail extension project, I know full well that the City of Whittlesea was very supportive and cooperative in relation to that project and that it cannot be said that the City of Whittlesea caused delays with it.

**Mr Tee** — Why do they hate councils?

**Ms MIKAKOS** — You really have to wonder, Mr Tee, why it is this government hates councils. The Victorian Local Governance Association (VLGA), on behalf of all its members — a number of councils are members of the VLGA — wrote a letter to the Premier on 29 August of this year in which it indicated its concern that there has been no consultation on the impacts of the bill. It hoped that the Legislative Council, in considering this legislation, would look at all these issues: the impacts on traffic and transport planning, the impacts on the provision of open space and recreational facilities, the social impacts of major transport infrastructure on existing communities and other such issues. Referring the bill to this upper house committee would give the opportunity to all these councils and all these affected local communities to have a say, because there will be a huge impact on those local communities.

I want to give a few examples of some of the impacts of this project and why I am supporting this motion. We know that 92 homes and 26 businesses will be bulldozed for this project. However, hundreds of other homes, which will not be compulsorily acquired and will not be compensated, will be adversely affected. There will be large communities that will be impacted in an adverse way by this proposal. We know that parks and surrounding areas will be severely impacted. We know that people who have bought apartments off the plan are now under considerable stress about whether they will be able to complete their acquisitions.

We have heard from people who are in that position and do not know whether they will be able to get finance to complete their acquisition of a building that may not be completed because it might be compulsorily acquired. For example, I have heard from Mr James Fitzgerald, who bought a property in the yet-to-be-completed Evo apartment block in Manningham Street, Parkville, four years ago. He was quoted in the

*Melbourne Leader* of 15 July as saying he was frustrated by the lack of information from the government. There are 175 apartments in that building complex.

We have heard from the Clifton Hill Primary School, which is concerned that it will need to relocate during construction due to noise, ground vibrations and pollution. The school principal, Mr Geoffrey Warren, has lamented the fact that there has been no consultation with the school, particularly with regard to the ventilation station that will be located very close to the school.

There is a Chinese community nursing home, the Elderly Chinese Home, at the end of Manningham Street, which has been there since 1986 and may need to move. The committee of management is particularly concerned about the impact on it, as it is just about to complete the extension of the nursing home which is currently under way.

We have many people in the community who are very concerned about this. The University of Melbourne Baseball Club is concerned about the implications for the club. Sporting facilities used by the Asylum Seeker Resource Centre soccer team, the Indigos Cricket Club and Living Practice Yoga Studio will be affected. There are many community organisations that are going to be affected.

**Mr Leane** — It's a game changer for them.

**Ms MIKAKOS** — It is certainly going to be a game changer for them. Mr Leane is absolutely right. They are not going to be able to use these sporting facilities anymore. All its impacts cannot be ignored. They are one impact upon the other. There are many people who are going to be affected by this, and the government is just wishing for them to go away. They are not going to go away — I can assure the government of that — and they should not go away. They are perfectly entitled to have their concerns expressed. Having this bill referred to the upper house committee would give the community and local councils an opportunity to have their say and particularly to express their concerns about the operation of this bill.

As I said before, Mr Mulder threw out the challenge to all members of the government today by accusing protestors of being a rent-a-crowd. If it is only a rent-a-crowd of 100 or so people, then put it to the test. Call for public submissions, call for public hearings, let us see what the level of support is from the Victorian people and enable that to occur by a report date by the end of November of this year.

However, ultimately the true test will be if the government has the courage to do so. If it has the courage of its convictions and truly believes in its heart of hearts that this is a game changer, as it says it is, and that this is a project that will benefit Victorians, then it should be prepared to take this project to the Victorian people in the November 2014 state election.

**Mr Tee** — Acting President, I direct your attention to the state of the house.

**Quorum formed.**

**Mr VINEY** (Eastern Victoria) — I am pleased to have the attention of the house. I am not quite sure why this government is so afraid of public scrutiny over its biggest infrastructure project, but let me be clear that the person that the government members can blame for us being here after midnight is their leader, Mr Davis, who just came into the chamber. This is because Mr Davis knows full well that he participated in the Standing Orders Committee process that established the new committee system for this house. He participated in it and supported it, albeit at the last minute because we could not get his attention for most of the period of the committee's deliberations. However, we finally got his attention. He supported a system where, as a house of review, this house would undertake scrutiny of legislation through this committee structure.

The then Labor government — now opposition — was very happy to open this up. Everyone understands that it has been Labor's policy for a long time that this house should be a genuine house of review, that legislation should be subjected to scrutiny and that governments should be required to explain in a public way the major projects and major pieces of legislation that they want to introduce and have adopted as the law and statute of this state.

Yet the government again refuses to send critical legislation to a committee; this time legislation regarding one of the biggest infrastructure projects this government will introduce while in office. However long this government is in office, this will probably be the biggest infrastructure project it will propose to the people of Victoria. This is an opportunity and a time for this legislation and this project to be subjected to scrutiny in these early stages. Yet we have a government that is refusing to allow public scrutiny of its project by failing to release the business case and, as it just has done, voting down a reasoned amendment that required the government to produce that business case before final consideration of the legislation. This is also a government that is now refusing to allow this

legislation to be considered by a parliamentary upper house committee.

Members of the government need to understand that the practice being driven by Mr David Davis, the Leader of the Government in this place, is at complete odds with the positions he took while in opposition regarding the establishment of these committees in this house.

**Mr Leane** interjected.

**Mr VINEY** — Indeed, Mr Leane. I cannot say it, but your interjection stands.

This is a government that said in opposition that it wanted public scrutiny of the activities of the government of the day, and it is a government that has now completely walked away from that policy position and walked away from its obligations to the people of Victoria to ensure that its projects, its acts and its legislation are open to public scrutiny.

There is not even a case to say that there would be undue delay of this legislation if it were to be considered by a parliamentary committee, because the government has said that it is 14 months away from signing the contracts for this project. We say that should take place after the election, but even on the government's timetable that is still 14 months, so there is no argument for this legislation and this project to not be publicly considered by an upper house committee. Frankly, the reason that we are here passing this legislation — if it is passed in the dead of night tonight — is because of the actions of the Leader of the Government in the Legislative Council, Mr Davis, and his opposition to public scrutiny.

Members of the government need to understand that they can stop this. They can stop this tonight. They can stop this facade of pretending that somehow there will be some sort of public scrutiny of the actions of government. They can stop this facade by simply doing one thing — that is, by for once sending a piece of legislation of substance and significance to an upper house committee. Just once! Many of the matters that should have been sent to references committees, because that is where policy matters should be considered in detail, have been sent to the legislation committee versions of upper house committees because they are the committees on which the government has a majority.

However, here is one piece of legislation that can be sent to a legislation committee on which the government has a majority. What on earth is the government afraid of? It has a majority on the

legislation committee of the Standing Committee on Economy and Infrastructure. It can control through its majority how the matter is considered and what witnesses attend, but it would be required, nevertheless, to go through the process of consideration of this bill in detail with the opportunity for public scrutiny of this legislation and this project. But the government is walking away from that.

Members on the other side like to criticise the previous government, but what a contrast it is. When it had a clear majority in this chamber the Labor government set up the very first legislation committee that this chamber had ever had. I know about that because I chaired it. In the three-month trial period that that committee existed it considered major health legislation and a total rewrite of the education act. We had the minister from the lower house willing and with the permission of the other place attending that upper house committee to go through several days of hearings on that rewrite of the education act because it was a government that saw that this house was a house of review.

What a contrast that is with those opposite. They came to government with a majority in this place, and despite the requests of opposition and Greens members, they have not sent any piece of legislation to any of these committees — not once. Every request has been denied by the government. Those opposite have used their numbers to ruthlessly push through legislation without proper public scrutiny or consideration, and here is another example.

It is time for members of the government to stand up to the Leader of the Government in this place, Mr David Davis, and tell him this is simply not good enough and that they as members of this government will pay a price for that refusal to have openness and scrutiny. They will pay the same price that members of the Kennett government paid for having the same approach and for doing the same things that it did — that is, for refusing to allow things to be properly considered in a public way. That is what is being set up here, and we will continue to require this house to act as it should — that is, as a house of review. That is what we all signed up to in the reform of this place.

We wanted to make sure that this house would be a proper house of review and a check and balance on government. That is the role this house should play. It is the role that government members, when in opposition, required of us. As a member of that government I can say that sometimes it was uncomfortable, but I can also say that I sat on all the select committees that those

opposite established, including the Standing Committee on Public Finance and Administration. I was on all those committees, often as deputy chair. I sat on the inquiries that looked at the activities of the then Minister for Planning and the Hotel Windsor matter. They were uncomfortable and often difficult matters to deal with in government.

Even though I defended the government — and to this day I believe the positions I took were proper and right — I always respected that the process of making sure that the government of the day was held to account was the correct process, because that is what the Westminster system, proper accountability and the process of consideration of government should be about. That is where those opposite are failing themselves. They are allowing the Leader of the Government to do what comes naturally to him, and that is to control everything. In doing that they are allowing him to control them, and it will be to their detriment.

**Mr LEANE** (Eastern Metropolitan) — I say sorry to the government members because the opposition and Greens members would like to scrutinise an important piece of legislation. We are very sorry that the actions of those opposite have to be scrutinised.

I say sorry to the government that 10 pages of coloured triangles and pictures of trams is not enough for the opposition to be convinced that this bill should not be referred to an upper house committee. And for the *Hansard* record, I was being sarcastic then.

Mr David Davis's contribution opposing this reference did not actually go to the reference. He spoke about the project and indicated that it should not be delayed because this reference is all about the ALP and Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, getting in the way of a pet project of the government. Mr Davis seems to think he can get away with saying there should not be a referral to the committee to examine this piece of legislation and to that extent examine the project and listen to people who have concerns about it because it is all an ALP opposition plot. Unfortunately for Mr Davis a number of experts outside this chamber have aired their concerns about the project as well. Let us refer to the comments of a former VicRoads manager.

**Mr Tee** — What does he have to say?

**Mr LEANE** — My eyesight is failing a bit at this time of night, but I understand Mr Doug Harley was employed by VicRoads for 27 years.

**Mr Tee** — So he should know what he's talking about.

**Mr LEANE** — He should know, because he was manager of network modelling and analysis.

**Mr Barber** — Maybe he could make a submission to the inquiry.

**Mr LEANE** — Yes, he could make a submission to the inquiry, absolutely. After 27 years in the job Mr Harley had to look at a redundancy package from the road authority. In his words, he was drummed out after demanding the road — as in the east-west link — be adequately justified. This is an expert who worked at VicRoads for 27 years; he started in 1986. I might have been an employee along with him when I worked at VicRoads a number of years ago as a traffic light technician.

Mr Harley raised concerns about the modelling that was used to justify the project. Mr Harley, who as I said was VicRoads manager of network modelling and analysis, said the proof used to justify the road as the state's most urgently needed project was not good enough.

**Mr Tee** — It did not stack up.

**Mr LEANE** — He said:

I'm not opposed to any project as long as it's assessed properly and the taxpayers don't get ripped off.

So here we have an expert — and I am sure a much higher expert than any of us in this chamber would profess to be — indicating that the modelling that was used to justify not just the coloured triangles but this project itself was dodgy, to the point that he left his position. This is a man who started working at VicRoads when he was aged 22; to stay there that long he obviously loved the position and loved the authority. But in disgust at the dodgy model that this government has used to try to bluff the people of Victoria and in his words 'rip off the Victorian taxpayers', he left his position of 27 years.

The government can say it is all a conspiracy and it is all just an opposition being an opposition, but when it comes to comments from experts like this man, you would think the government MPs of this chamber would heed what he was saying. But no, they think they know better, they are going to rush the bill through the Parliament and there is to be no transparency and no committee to look into the legislation or the project. They think they know better than everyone else; they know better than a man who spent 27 years of his life working for a road authority and who is an expert in

modelling and analysis. They know better. There is no scrutiny and no transparency. They have reneged on all the things they promised to do when they came to government. As Mr Viney said, it is all going to be at their peril.

**Ms PULFORD** (Western Victoria) — I will speak in support of Mr Tee's motion, which seeks to refer the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013 to the Economy and Infrastructure Legislation Committee, of which I am a member, so that committee members can conduct a reasonably quick inquiry. The motion suggests reporting to the Parliament at the end of November this year, so it would not be a long consideration. Ours is a pretty well-functioning committee, and I think we have conducted all our other inquiries reasonably ably. Our committee does not have a lot on at the moment — in fact we have not had much on for a few months — and it is even quieter than its sister references committee, on which the government does not have a majority, which means it does not get much work at all.

Perhaps the government-controlled legislation committee could take submissions that consider expert advice. In inquiries on previous bills committee members have invited ministers and their senior bureaucrats to come and talk to us about legislation. We have had quite good cooperation from ministers. Notably the Assistant Treasurer, Mr Rich-Phillips, has been the most regular ministerial visitor to our committee, but I am confident that our committee might invite relevant ministers to come and present the government's case. However, this would present an opportunity for affected community members and local councils who feel this legislation is preventing them from having their say to at least have their say about the way in which this bill stifles their ability to participate in this important discussion.

Earlier in the day many members in this place made contributions to the second-reading debate on this bill, so it is probably unnecessary to labour the point overly.

**Mr Ramsay** interjected.

**Ms PULFORD** — Mr Ramsay seems keen to get home. He would be a member of the committee doing this work, and I am sure he would endeavour to robustly defend the government's position, which is what we have seen plenty of tonight. However, the committee could conduct its inquiries by holding public hearings and inviting the participation of both executive

and non-executive government members who are committee members.

The suggested reporting date of the end of November is not a long period of time. Mr Tee's suggestion about how we progress this very difficult question is a worthy one that I am happy to support. I say as a member of the committee that it is an inquiry I would be very pleased to be involved with so that members of the committee and members of Parliament could improve the way in which the government is going about the implementation of major transport infrastructure projects. As many Labor members have said inside and outside the house in recent months, we believe the east-west link project is not the right project. It is an \$8 billion project, and we think the government is on the wrong tram on this matter. Mr Tee's motion to refer the bill to the committee is a reasonable suggestion so that we can consider some of these issues in a timely manner. Let us get our upper house committees working.

**Hon. M. J. GUY** (Minister for Planning) — In my seven years in this place I have heard some rubbish speeches, but some of the rubbish filibusters I have heard over the last hour or so really take the cake. I think Ms Pulford's was no. 1 on that list. If she wants to filibuster, she should at least be good at it. Maybe she might want to talk to Mr Finn or me or others on this side. We have had experience in opposition if those opposite want to talk to us about trying to waste people's time. Ms Pulford is doing a good job of it but not as good a job as she could.

I am trying to fathom how people like Brian Tee and Jenny Mikakos can walk into this chamber and say words to the effect of, 'Why does this government hate councils? Why does it want to take their powers away?'. I cannot fathom the hypocrisy, the stupidity, the idiocy and the sheer boldness of these people. Here he goes! Mr Glass Jaw — —

**Mr Viney** — No glass jaw, Mr Guy. I don't care what you say about us.

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

**Mr Viney** — On a point of order, Acting President, earlier in the second-reading debate you required Mr Leane to withdraw something that you believed was verballing another member in this place. I argued at the time that it was pushing the limit to suggest that we could not have robust debate where someone was responding to an interjection, and that is still my view. However, I think to allow Mr Guy to make comments alleging that certain statements were made by other

members of this chamber is inconsistent. We need some consistency, Acting President.

Personally I think we are now in a really silly place because of those rulings, but, frankly, what is good for the goose is good for the gander. If you are going to rule, as you did earlier, that Mr Leane cannot respond to something another member says, surely we cannot in this very same debate allow a member to make allegations that certain members said things. I am not going to repeat the inappropriate comment, but surely we cannot allow a member to similarly verbal other members.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I think I have got it now. I thank Mr Viney for his point of order. I do not uphold it.

**Hon. M. J. GUY** — This concern for councils and consultations is coming from the same people who introduced development assessment committees, which took away a council's power to be a responsible authority in its own activities areas. Guess who voted for that? Brian Tee and Jenny Mikakos, who was the Parliamentary Secretary for Planning, mind you. Now she says, 'Why does this government hate councils?'. These are the people who took away the planning powers on every wind farm application in Victoria — every one of them. They took them away, and now they walk into this chamber and say, 'Why does this government hate councils?'. They deserve a gold medal for hypocrisy. Their crocodile tears are astounding, particularly when we talk about compulsory acquisitions. Maybe the people opposite have forgotten the way properties were compulsorily acquired for the regional rail link.

Who remembers former Premier John Brumby and company having canapés and wine and so forth with the media as he introduced the brand-new regional rail link? At the same time other members of the media were knocking on doors in the western suburbs to tell people that their houses were about to go. Not a single person from the then Labor government had bothered to tell those people. The people opposite come into this house and talk about a lack of due process for compulsory acquisitions. What planet are they on? Acting President, have you compared the number of houses and properties that were compulsorily acquired to build EastLink with the number to be acquired to build the east-west link? It is like comparing a townhouse to the Eureka Tower. Those opposite are the people who say, 'Where is your plan?'. Here he is again — Mr Glass Jaw.

**Mr Viney** — On a point of order, Acting President, I would like to raise the same matters I raised before, but I am going to raise something different. It would be really nice if the minister would speak on the motion before the Chair. It is actually a narrow motion.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I do not uphold the point of order.

**Hon. M. J. GUY** — Mr Viney's point would be relevant if his own members had kept to that exact same point. You are quite right, Acting President: had his own members kept to the motion, his point of order would have been relevant, but it is not because his members set the tone for the debate. I am therefore glad you ruled in that way, Acting President.

Members opposite talk about business plans. Could someone tell me where the business plan for the desalination plant is? Remember the north–south pipeline? The Labor government sent police to remove people from their own farms — their own properties. All of a sudden Labor members are shedding crocodile tears about compulsory acquisitions. When people protested about losing property rights to their own farms, the then Minister for Water, Tim Holding, called them 'terrorists'. That is the Labor Party. 'This is Labor', as they like to say. People were protesting against the north–south pipeline, which had no business case — not even a summary business case — in the public domain, and the Labor government sent in the police to say, 'You have no rights on your own property, and by the way, you are a terrorist'.

**Mr Viney** — On a point of order, Acting President, this is a narrow motion about referring this piece of legislation to an upper house committee. It is not appropriate for the minister, in responding to what opposition members have said, to raise myriad matters and, frankly, unsubstantiated allegations about what might or might not have happened in a previous Parliament. It is highly inappropriate that we should be allowing this minister — —

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I have Mr Viney's point of order.

**Mrs Peulich** — On the point of order, Acting President, the minister is rebutting the very arguments that were canvassed at great length by members of the opposition, and in his summary on the bill he has absolutely every right to do so. I ask that you, Acting President, rule the point of order out of order and also note that the member is raising vexatious points of order repeatedly.

**Mr Viney** — Further on the point of order, Acting President, to suggest that members on this side were straying beyond the narrow motion before the Chair is simply incorrect. There was considerable discussion around a range of issues in the second-reading debate, but this is not the second-reading debate; this is a subsequent debate on a specific motion to refer the bill to an upper house committee. It is not correct to say that a whole range of things about the business case were being debated.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Mr Viney made that point in his very first point of order, so I do not want to hear it again.

**Mr Finn** — On the point of order, Acting President, from listening to Mr Viney it is clear that he did not hear much of the debate at all, because the debate on this motion was wide ranging — it covered a range of areas — and the minister is perfectly within his rights to respond in the way he is.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I thank Mr Finn; I have his point of order now. The minister to continue, and I ask him to come back to the motion before the house.

**Hon. M. J. GUY** — Members opposite had the gall to talk about scrutiny in this chamber. I simply point to the examples I have mentioned in my presentation — the crocodile tears and the speeches, like the one Ms Mikakos gave, which were very wide ranging and certainly not in keeping with what Mr Viney has apparently heard for the last 30 minutes. I simply say again: this project is one that, unlike those of the Labor government, will receive proper scrutiny through the processes in this chamber, which is why we are here at 12.30 at night and will no doubt be here for many more hours. This project has received a lot more scrutiny than was conducted by the previous government of projects like the desalination plant, the north–south pipeline and a whole bunch of other failed projects for which members of that government still have not released business cases.

**Mr TEE** (Eastern Metropolitan) — I will briefly reply, and I start by thanking members for their contributions, particularly for some of the comments that were made. I want to talk about Mr David Davis's contribution. Mr Guy used the word 'hypocrite', but it would be an apt description after many of the observations Mr Davis made when he talked about being all for consultation on the one hand while on the other hand he was standing here and refusing to support a motion that would allow for consultation. He said he was all for consultation, and yet time and again, in letter

after letter, councils have said that they have never been consulted about this bill. If Mr Guy has any concerns about hypocrisy, I urge him to talk to Minister Davis.

In relation to Mr Guy's contribution, again what we have is Mr Guy, the one-trick pony, who comes in and rants and raves, attacks the opposition and trawls through history, but what he forgets is that we are talking about people's lives that are going to be impacted by this bill. Mr Guy forgets that he is taking away people's homes, destroying their amenity and putting them in a situation where they cannot sleep at night because he is turning — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! We will get through this in a reasonable amount of time if we just apply a modicum of behaviour.

**Mr TEE** — What is at stake here, Mr Guy, is that communities will become 24-hour, seven-day-a-week construction sites — —

*Honourable members interjecting.*

**Mr TEE** — That is not me, have a look at Mr Doyle. That is what Mr Doyle says. That is what your Liberal Party mate says. He says you cannot do the things that local councils do. You cannot control the noise, you cannot control the light, you cannot control the dust.

These are communities, these are streets where families live, where kids are trying to do their homework at night, where kids are trying to get through school, where workers have got to try to get some sleep, but there will be trucks rumbling through their streets because Mr Guy has excluded local councils. The most galling thing about it is that Mr Guy will not even talk to them about it. Mr Guy does not have the courage to front up to them and talk to them beforehand. He has no courage to confront them and talk to them beforehand. The government has simply dropped the bill into the house hoping that it can slide it through in the same way it is excluding communities and councils. Mr Guy should go and actually talk to these people and find out what is going to happen.

Failing that, he should allow this motion to do that. That is all this motion says. It is doing Mr Guy's job for him so that he can finally engage with people and councils, because these are real people. They have got real lives. They want to pay their bills, they want to go to work and they want to be able to sleep at night, but Mr Guy will not even grant them the opportunity to be heard before he goes in there with his bulldozer

approach and knocks down their lives and their communities, yet he has the audacity to come in here and be critical of members on this side of the house for standing up for those communities. We are standing up for the communities.

*Honourable members interjecting.*

**Mr TEE** — It is typical of the approach we have seen from this minister and this government. He rides roughshod over communities. He does not give a rat's about communities. He does not care about people. He does not care about processes. That is what this bill does — it cuts off the process. The minister does not care about process. He does not care about people — —

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

**Mr TEE** — I say to Mr Guy that it will come back.

**Hon. M. J. Guy** — This is not a personal debate.

**Mr TEE** — I will take up the interjection. This is not a personal matter? This from the minister who comes in here and does nothing but attack everyone on a personal level and who then has the audacity to say to me that this is somehow not a personal matter. This is from Mr Personal. There was not a word of substance in the minister's contribution. There was not a word on the bill. There was not a word of substance. It was all form and no substance — —

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

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Minister!

**Mr TEE** — There was no discussion about the drainage issues that were raised by Mr Doyle. There was no response to the concerns Mr Doyle had about the noise. The minister did not address any of the issues Mr Doyle raised about the closure of local roads. The minister did not discuss any of the issues that will actually make a difference to people's lives. All that Mr Guy did was come in here and rant and rave about something that is completely outside the scope of the bill. It was a smokescreen. It is his typical approach to put up a smokescreen behind which he tries to hide from the reality of what he is doing.

Mr Guy raised other projects, but on all of those projects councils had a view. Councils had rights and communities had rights. We never wrote councils out of the process.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I am channelling the President. Have members got it all out of their systems now?

**Mr TEE** — On not one of the projects the minister raised did the former government, nor indeed did the Kennett government, seek to do what the minister is trying to do on this bill. There was no attempt to gag the community. There was no legislative prescription. No-one sought to enshrine the removal of local councils and local communities from the process. This is a legislative attempt to gag the community in a way that has not been seen for a generation. I urge those opposite to join with us to support this motion.

**House divided on motion:**

*Ayes, 18*

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

*Noes, 20*

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

**Motion negatived.**

**The PRESIDENT** — Order! I make the point that I get concerned about these late-night sittings, their impact on everybody's health and their ramifications for occupational health and safety. I suggest to members that the debate on this bill is not going to be enhanced by shouting and any increased volume, nor is it going to be enhanced by trips down memory lane. In the committee stage members will be testing the merits of particular clauses, and I urge contributors to the committee debate to stick to the merits of each of those clauses and to pertinent questions that might be asked of the minister and, as I said, not to wander off on some flight of fancy, given the time of night.

**Committed.**

*Committee*

**Hon. M. J. GUY** (Minister for Planning) — I seek leave to have Mrs Millar join me at the table.

**Leave granted.**

**Clause 1**

**Mr BARBER** (Northern Metropolitan) — What I would like to ask the minister is whether the east-west link project proposal that he has received from the Linking Melbourne Authority complies with the act and the guidelines that he has promulgated for project proposals. No, the minister does not have to ask the advisors. He is the minister who makes the decision.

**The DEPUTY PRESIDENT** — Order! In calling the minister, it is normal procedure for the minister to be able to get advice from the advisors box.

**Hon. M. J. GUY** (Minister for Planning) — Yes, it is normal procedure, Deputy President. If Mr Barber wants answers to his questions, as you would expect, I will give answers to his questions — —

**The DEPUTY PRESIDENT** — Order! I have made some commentary; the minister does not need to add to it.

**Hon. M. J. GUY** — Deputy President, I am just reiterating the fact that if Mr Barber wants proper answers, I will give him proper answers. I am not here to engage in political spin. If Mr Barber is after political spin, that is what he will get; if he wants proper answers, that is what he will get. The answer is yes.

**Mr BARBER** (Northern Metropolitan) — Minister, one of the requirements for a project proposal under the current act, which the minister seeks to change, is that the project proposal contain designs. It is a mandatory requirement of the act that a project proposal contains designs, and therefore if there are no designs it is not a project proposal for the purposes of the act. The designs are not in the project proposal that has been put on the website. Has the minister seen designs that have not been made available to the public?

**Hon. M. J. GUY** (Minister for Planning) — I believe so.

**Mr BARBER** (Northern Metropolitan) — The advisors cannot tell the minister whether he has or has not seen designs.

**Hon. M. J. GUY** (Minister for Planning) — No, but I do not know what they have seen in the Department

of Transport, Planning and Local Infrastructure for me. Mr Barber is asking me to compare something I do not know the answer to.

**The DEPUTY PRESIDENT** — Order! Can we do this in a proper order?

**Hon. M. J. GUY** (Minister for Planning) — Yes, but he is misleading.

**Mr BARBER** (Northern Metropolitan) — The minister is not just the minister responsible for the bill; he is the minister responsible for the assessment, which is on foot.

**Hon. M. J. GUY** (Minister for Planning) — I do not want a lecture from Mr Barber. Does he want answers or what?

**The DEPUTY PRESIDENT** — Order! I know it is late, and we are all tired — hopefully not tired and emotional. It would be much more efficient if we allow Mr Barber to put a position or propose a question that the minister can respond to if he chooses. As the minister knows, I will always call him if he wishes to have the call. We have done this enough times. Mr Barber has the call, and rather than interjecting during his comments, it would be much more efficient for the purposes of the committee if we allow this to be done by a proper process.

**Mr BARBER** (Northern Metropolitan) — Section 5 of the Major Transport Projects Facilitation Act 2009 requires that ‘a project proposal is a document that contains all of the following’, including, at subsection (b), ‘designs prepared for the declared project’. I ask the minister whether he has seen designs prepared for the declared project. I have seen YouTube animations with techno music over the top of them and I have seen indicative corridors, but I have not seen designs for the project. What I initially asked was: is this project proposal a complying project proposal? The minister said that, yes, it was. Therefore I asked him, ‘Where are the designs?’. There are no designs in the published project proposal, so I ask: has the minister seen designs that the rest of us have not seen?

**Hon. M. J. GUY** (Minister for Planning) — This is now the third time I am going to answer Mr Barber’s question; hence my frustration at a quarter to one in the morning. We have said there are high-level designs, and they are the designs that are public, and that is why I said yes.

**Mr BARBER** (Northern Metropolitan) — So the minister is saying that the designs are the ones that the

public have seen — that is, the YouTube animations. There are some other requirements of the project proposal guidelines, and they include an assessment of options. Subsection 5(f) of the act says:

If relevant, any alternative options for the declared project that have been considered in the development of the project before it was declared to be a declared project ...

In other words, the project proposal document must contain those alternative options in order to qualify under the act. When I look at the project proposal I do not see any alternative options.

**Mrs Peulich** — Is that a question?

**Mr BARBER** — Therefore I ask: has the minister seen these options that have not been made available to the public? If not, how can this be a complying project proposal?

**The DEPUTY PRESIDENT** — Order! I note Mr Barber responded to an aside from Mrs Peulich. He is not actually required to ask a question in the committee stage. He can put a position and see if the minister wishes to respond; he may or may not.

**Hon. M. J. GUY** (Minister for Planning) — I have not.

**Mr BARBER** (Northern Metropolitan) — If the minister has not seen any alternative options and if the project report itself does not contain those options, how can it be a complying project proposal?

**Hon. M. J. GUY** (Minister for Planning) — Section 5(f), which Mr Barber is referring to — and I think he said the words himself — says, ‘If relevant, any alternative options’. Those two keywords are ‘if relevant’.

**Mr TEE** (Eastern Metropolitan) — I move:

That the Chair report progress and ask leave to sit again.

In doing so I note the time — it is 1.00 a.m. — and I note that the President has rightfully drawn our attention to the occupational health and safety (OHS) implications.

**Mr Drum** interjected.

**Mr TEE** — I am not necessarily worried about Mr Drum or those of us on this side of the chamber. I am worried about the chamber staff, the Hansard staff and the clerks. I am worried about the fact that they have all had a very long day and that there are risks with continuing to work.

**Mr Lenders** — Mr Guy's stress.

**Mr TEE** — We have seen Mr Guy's stress. It is a really important issue that we should take seriously — the environment in which we are expecting people to work and the hours we are expecting people to work.

I also note that this is a very important bill that has generated a lot of debate, and rightfully so. It is an important debate that goes to how we develop our major projects and what regulation informs their development. It is something that should not be hidden at 1.00 a.m. It should be done in the light of the day. It should be done at a time when we have the energy to properly focus on what are important matters and, as we have seen from the start of the committee process, some very technical matters. It is important that those matters and the bill be considered properly and carefully. I do not think you can do that at 1.00 a.m.

Throughout the debate on this bill — a wide-ranging debate, as has been said on a number of occasions — no reason has been given as to why this debate cannot continue on Thursday. There is no urgency that warrants us pushing through the night to try to ram this bill through. There is no urgency. It is entirely appropriate that we do this in a considered manner and that we do it on Thursday. I urge others, including Mr Drum, to give serious consideration to looking at this bill properly, applying some common sense and not behaving in a juvenile way when there is absolutely no need for it. There is absolutely no excuse for us being here at 1.00 a.m. There is plenty of time for us to work this through on Thursday.

Let us think about the importance of the issues that we are considering. Let us think about the OHS issues. Let us think about what the President has said in terms of consideration of those matters. I urge members to heed the motion I have moved.

**Hon. D. M. DAVIS** (Minister for Health) — The government will oppose this motion moved by Mr Tee. The government understands the importance of this bill. The community understands the importance of this bill and the need to move this bill through the chamber. It is important to note that we have been debating this bill since 5.10 p.m. with appropriate dinner breaks and a supper break at just after 11.00 p.m. There has been a fulsome opportunity for members to debate this bill. Almost every member of the opposition has spoken on it — I stand to be corrected on that — and many members of the government have spoken on it at length. There has been the opportunity for members to put forward all of their points. We have heard Mr Tee's

recent attempt to refer the bill to a committee and now his further attempt to filibuster. That is his democratic right; he is entitled to put his view. We are in favour of democracy, but equally we are in favour of legislating.

**Mr Drum** — And brevity.

**Hon. D. M. DAVIS** — And we are in favour of brevity, as Mr Drum has carefully pointed out. What I will say is that all matters can be considered, and the government will oppose the motion of Mr Tee, which is an attempt to filibuster, to block the passage of this legislation and to defend the Labor Party's position in the Melbourne electorate ahead of the federal election.

**Mr LENDERS** (Southern Metropolitan) — I was not going to enter this debate, and for the record, I have not spoken on it today, just as a number of other members of the Labor Party have not spoken on it, because several of our members have more than succinctly covered the issues we wished to raise. It is worth supporting Mr Tee's comments and rebutting those of Mr David Davis by saying that this is unnecessary. This is a government that is woeful at managing its legislative program. It lurches from week to week putting forward bills of no substance whatsoever, and then it puts forward a bill of substance. It is this government's modus operandi to put forward bills of substance on a Tuesday and then crush debate by essentially expecting the non-government parties to ignore their ability to scrutinise those bills.

The modus operandi of the Leader of the Government is to have the house sit until people are so tired that they put up the white flag. I can flag that the opposition is not going to put up the white flag on this behaviour. If this government wishes to have a legislative program that is dealt with and debated respectfully, it should discuss with the opposition parties when it could be done. The Leader of the Government has talked about filibustering, when for every bit of general business he adds half the government backbenchers to the list of speakers to stop votes getting put. It is a little rich that the Leader of the Government is trying to tell the non-government parties that this is what is happening.

Let us get right back to basics. We have sitting hours that conclude at 10.00 p.m. We can sit when we need to on Thursdays until 10.00 p.m. We can sit on Fridays during daylight to debate important legislation. This government will not silence the critics by trying to continue debate in the dead of night when no-one is watching. We support the reporting of progress so that we can come back on Thursday at a civilised hour and deal with this as a piece of legislation. The legislative

program is padded with inconsequential bills from the government. This is the most serious bill that this side of the house has seen for a while, and we wish to debate it at length. If the government's operation is to try to continue until 3, 4, 5 or 6 in the morning — whatever it thinks — it is not going to silence the opposition. We will seek to debate this bill in daylight. The Leader of the Government can operate in this anarchic matter, or he could actually try to negotiate with the people opposite him and with those on his own side and act in a civilised manner.

**The DEPUTY PRESIDENT** — Order! I heard Mrs Peulich interject that the Leader of the Opposition should sit down. That is not her task; it is mine. I will determine whether or not people have transgressed the standing orders of this place. If Mrs Peulich wishes to raise a point of order on the matter, she may, but she will not do it by interjection.

**Mr BARBER** (Northern Metropolitan) — The Greens will support this motion. I agree with all of the statements Mr Lenders just made, except one. He said nobody is watching. There are actually a number of viewers at home who are quite dedicated and interested in this bill. Perhaps they are part of the unpaid 'rent-a-crowd', as Mr Mulder labelled them today. I am sure that while a lot of the anger of government members is directed against the parties that are scrutinising the bill, it is pretty clear that it is thinly veiled anger against the community, which will just not play ball with the government's plan.

**Ms MIKAKOS** (Northern Metropolitan) — I rise to speak in support of Mr Tee's motion that we report progress on this bill. I want to remind members that we are asking to report progress in the broader context where government members have voted to stymie further scrutiny of this bill on two occasions. We had a reasoned amendment from Mr Tee a few hours ago that would have delayed passage of the bill until such a time as the government was finally prepared to release the business case to the Victorian people, and government members collectively voted that reasoned amendment down. Then we had a motion to refer the bill to an upper house committee that would have enabled the so-called rent-a-crowd — as Mr Mulder, the Minister for Public Transport in the Assembly, dismissively referred to concerned members of the community — to make public submissions, to have public hearings and to enable this bill to receive the full scrutiny of the Parliament.

Members of the government should not be surprised, then, that members of the opposition feel very strongly

about this issue. This very significant legislation — significant in terms of the impact it will have on the community — should be scrutinised in the most thorough way. We should not be having this debate and the final vote in the dead of the night. Of course that is what government members wish — they want this bill to go through in the dead of the night so that the Victorian public does not have the opportunity to listen to this debate.

I know there are people following the debate at the moment; I have seen people assiduously tweeting the debate throughout the course of the evening. I commend those few hardy individuals who are still listening in to this debate at the moment, but we know that the vast majority of the Victorian people are not able to observe or listen in to this debate at this point in time. It is now just after 1.10 a.m. We know that affected community members will not be able to listen in either. That is why we should continue this debate tomorrow, on Thursday, to enable the committee stage to happen in the course of the day, when we can have members of the media sitting in the public gallery and reporting the minister's answers and we can also have members of the public, the so-called rent-a-crowd, being able to come in here to listen to the minister's answers in the public gallery.

I think the government, and the minister in particular, have greatly offended many concerned constituents of the minister — who happens to be one of the local members, as am I — by referring to them in this way. He has in fact created the compelling — —

**Hon. M. J. Guy** — Referred to whom as what?

**Ms MIKAKOS** — As the rent-a-crowd.

**Hon. M. J. Guy** — No, I didn't.

**Ms MIKAKOS** — Not you — Minister Mulder. I said earlier that Minister Mulder referred to concerned residents as a rent-a-crowd. That is highly offensive. The Minister for Planning is one of the local members, as am I. We should be in here defending the interests of our local constituents, and we should — —

**Hon. M. J. Guy** — As opposed to Tim Holding calling people 'terrorists'.

**The DEPUTY PRESIDENT** — Order! The Minister for Planning! That is sufficient.

**Ms MIKAKOS** — We should give those individuals every opportunity to be heard. They should have every opportunity to participate, listen in to this

debate and be informed about these issues. For the government to come here and continue this debate in the middle of the night in the way it is proposing to do is contrary to the democratic process that the leader of the government claimed earlier in his contribution to be following. With this bill we have seen an attempt to gag local governments. They will not be able to consider or have input into this particular project. That is in fact what the terms of this bill are.

**Hon. D. M. Davis** — On a point of order, Deputy President, this is a very narrow debate. It is a procedural debate; it is not an opportunity to broaden this out endlessly, as Ms Mikakos seeks to do.

**The DEPUTY PRESIDENT** — Order! There is no point of order.

**Ms MIKAKOS** — The point I am making is that there are very compelling arguments as to why progress should be reported and why we should enable this bill to be debated in the full light of day tomorrow.

**Mr TEE** (Eastern Metropolitan) — In summation, I start by saying that it does not appear that the government has really put forward any response to the arguments around the occupational health and safety considerations, the fact that we are dealing with an important bill or the fact that these matters can be dealt with properly on Thursday, when there is scrutiny.

**Mr Drum** interjected.

**Mr TEE** — Mr Drum, why don't you make your own contribution? What happened here was that the Leader of the Opposition reached out and said, 'Look, there is a better way'.

**Mr Drum** interjected.

**Mr TEE** — There is a better way, Mr Drum.

**The DEPUTY PRESIDENT** — Order! That is sufficient. I have allowed Mr Drum to interject for about 5 minutes.

**Mr TEE** — The Leader of the Opposition reached out and said, 'Look, there is a better way. We can assist and work with you. We can reach out. Let's manage government business in a way where we use the time that is available to us so that we don't have to sit at 1.00 a.m.'.

I urge the Leader of the Government to take up that offer so that we can work through these issues in a more sensible way and so that we do not have the sort of almost juvenile behaviour that we see coming from

government members, which forces us to be here at 1.00 a.m. because they cannot get their act together and work through government business. We have plenty of time to do that in a considered manner, but government members are unable to do that. I urge them to take up the offer put forward by Mr Lenders — a genuine offer — in reaching out to try to make sure that we can deal with government business in a more efficient way. That will lift us all up and will lift the level of debate and make sure that — —

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

**Committee divided on motion:**

*Ayes, 18*

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

*Noes, 20*

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

**Motion negatived.**

**Mr BARBER** (Northern Metropolitan) — I have a question for the minister. Subsection 5(h) of the principal act states:

(h) an outline of any consultation that has been undertaken and results of the consultation ...

We all know consultation has been undertaken; we have all been on the receiving end of it. However, the results are not in the document — the project proposal — that has been made public. Has the minister himself been provided with copies of the results of the consultation?

**Hon. M. J. GUY** (Minister for Planning) — The details regarding community consultation are on page 60 of the project proposal.

**Mr BARBER** (Northern Metropolitan) — No. There is a description of a prospective consultation program. That is not what the act says; the act says any consultation undertaken and the results of that. In other words, past tense, and there is certainly no detail of the results of any consultation in the project plan that was provided by the minister.

**Hon. M. J. GUY** (Minister for Planning) — No, I think Mr Barber is mixed up on the wording there. I understand it says any consultation that has occurred to date — any — and this being prospective goes quite to the point of what Mr Barber is trying to argue. Mr Barber is arguing against his own point.

**Mr BARBER** (Northern Metropolitan) — No, subsection (h) is very clear in using the past tense. What page 60 of the government's project plan contains is a description of the sort of consultation that the proponent might in future want to undertake.

**Hon. M. J. GUY** (Minister for Planning) — Subsection (h) refers to 'an outline of any consultation that has been undertaken and results of the consultation', and that is it.

**Mr BARBER** (Northern Metropolitan) — There has been consultation, and there must be results of that, yet it is not reported in the project proposal. We therefore have a project proposal that in my view is non-complying. It does not contain designs, it does not contain detail of the alternative options and it does not contain any details of the consultation that occurred before the project proposal was made. It is my view that since this thing is not a complying project proposal, the minister should proceed no further with it or, at most, should write back to the Linking Melbourne Authority and say, 'You're a project proponent. You've sent me a project proposal. It doesn't comply with the provisions of the act, so I'm not going to do anything with it until you correct those flaws'. They would of course be legal flaws if the minister was to proceed down the track of the processes under this act.

This is not just an accident. It is quite notable that the Major Transport Projects Facilitation Act 2009 contains very strict provisions in that section that describe what a proposal must consist of. The minister would be aware, because he is also the minister responsible for the Environment Effects Act 1978, that there is no such provision within the Environment Effects Act, and anyway under the Environment Effects Act all sorts of multitudinous proposals are made: all different types, from quarries to telecommunications facilities to whatever. With this act, however, and the way it was

drafted and put through Parliament, there were very specific requirements for what a project proposal must consist of. In my view this one does not comply, and the minister's only lawful course of action would therefore be to say, 'Well, Linking Melbourne Authority, have another go'.

It is interesting that the Linking Melbourne Authority produced this thing in May. Remember we have been talking about fast-tracking here all day today. This landed in May, and I certainly assumed that shortly afterwards, in line with the fast-tracking provisions of the act, the minister would then order or create scoping directions for a comprehensive impact statement (CIS). The fact is that for a whole month nothing much happened. Then we had a piece of legislation introduced to the lower house in mid-June that was designed to change the rule book.

The minister has now seen the proposal, or he has seen an early version of it, and rather than telling the proponent to try again, the government attempts to rewrite the rules, knowing full well there was the whole winter break, with no sittings, before debate in the lower house and this debate today would have to transpire — that a three-month period would have to elapse before people could get back to this. The government wasted three months before coming back with a bill it now wants to fast-track. Another term for it is, 'Hurry up and wait' — as you would know if you have ever been around the army at all.

Why has the government done that? There is only one conclusion that I can draw, and that is that the minister and the government have worked out that this is a non-complying project proposal so they will rewrite the rules to fit what they have got. As I said in debate earlier this afternoon, the scoping directions for a comprehensive impact statement no longer have as a minimum a comprehensive statement of the impacts. It appears to me that the minister is likely, when he gets this legislation through, to then put out scoping directions that require something very much less than a comprehensive statement of the impacts.

This document from the Linking Melbourne Authority certainly lists a number of impacts. What I would like to know from the minister is, when he prepares the scoping directions — I would not be surprised if they have already been drafted for him — which impacts of this project will he require to be assessed through the comprehensive impact statement?

**Hon. M. J. GUY** (Minister for Planning) — The scoping directions for the CIS were gazetted by me on 27 May. They state very clearly:

... publish, pursuant to section 30(3) of the Major Transport Projects Facilitation Act 2009, scoping directions that specify the matters that must be considered and addressed in the comprehensive impact statement process (CIS) for the east–west link, eastern section project, being a project to which the Major Transport Projects Facilitation Act 2009 applies.

It is there in black and white in the *Victoria Government Gazette* of 27 May.

**Mr BARBER** (Northern Metropolitan) — I am well aware that the act applies, but the minister is changing the act as we speak. Table 7 in the proponent’s so-called project plan says in relation to the issue of air emissions from tunnel ventilation structures:

Tunnel ventilation structures would be designed to ensure that air emissions meet agreed/required air quality standards. Nonetheless, assessment would be undertaken to predict compliance with air quality standards.

Can the minister tell me whether that particular impact of the project will be required to be assessed through the CIS?

**Hon. M. J. GUY** (Minister for Planning) — Yes.

**Mr BARBER** (Northern Metropolitan) — How about air emissions from vehicles using surface and elevated roadways?

**Hon. M. J. GUY** (Minister for Planning) — Yes.

**Mr BARBER** (Northern Metropolitan) — How about dust from construction activities?

**Hon. M. J. GUY** (Minister for Planning) — Yes.

**Mr BARBER** (Northern Metropolitan) — How about noise from tunnel ventilation structures?

**Hon. M. J. GUY** (Minister for Planning) — Does Mr Barber want to package a list together before I walk to the advisors box and back three or four times? What were the ones Mr Barber wanted answers to?

**Mr BARBER** (Northern Metropolitan) — The Minister for Planning is the minister in the driver’s seat.

**Hon. M. J. GUY** (Minister for Planning) — How about Mr Barber provides me — —

**The DEPUTY PRESIDENT** — Order! The minister and Mr Barber can both sit down for a second. I do not think it is the minister’s role, or indeed mine, to

instruct Mr Barber as to the order or how he wishes to pose questions. The committee stage is an opportunity for members to ask ministers a range of questions and I am not about to give Mr Barber instructions to group questions together. It is not the minister’s role to do that either. If there is considerable delay in the minister seeking advice, then that is what we will have to live with. Mr Barber to continue.

**Mr BARBER** (Northern Metropolitan) — Provided I can get a considered answer. Table 7 of the east–west link project proposal contains a number of sections, each with their own subsections: subsection 1 is headed ‘Air quality’; 2 is noise and vibration; 3, post-settlement heritage; 4, Aboriginal cultural heritage; 5, urban form, visual and landscape; 6, surface water; 7, groundwater; 8, ecology; 9, social and community; 10, economics and business, including 10.1, which is headed ‘Economic benefits from the project through improved access and mobility and reduced travel times’, with the form of that being ‘Economic benefits associated with changed connectivity at the regional level would be described’; 11 is about transport and traffic and the potential to cause unintended consequences on the road system. Subsection 12 is headed ‘Greenhouses gas emissions’, and 12.1 states, ‘Contribution to Victoria’s transport-related greenhouse gas emissions’. No. 13 is headed, in part, ‘Contaminated land’.

Then table 8 relates to the CityLink to the port of Melbourne section in a similar vein, all the way down to subsection 12 of that table. Can the minister assure me that his scoping guidelines and the comprehensive impact statement (CIS) we receive will address each of the matters listed in that table?

**Hon. M. J. GUY** (Minister for Planning) — Yes.

**Clause agreed to; clauses 2 to 9 agreed to.**

**Clause 10**

**Mr BARBER** (Northern Metropolitan) — Clause 10 relates to the new creation of a concept called ‘associated works’, which can commence before the project itself has gone through any of these processes. Can the minister tell me what the government’s intention is? What associated works will be commenced in advance of this project?

**Hon. M. J. GUY** (Minister for Planning) — Surveying and geotechnical work.

**Mr BARBER** (Northern Metropolitan) — Geotechnical work is already under way. Why is this

provision needed in order to continue with geotechnical work?

**Hon. M. J. GUY** (Minister for Planning) — The location of services.

**Mr BARBER** (Northern Metropolitan) — I did not understand the minister's answer. Is he saying that the location of services will also be associated work?

**Hon. M. J. GUY** (Minister for Planning) — No, that is why it is under way now.

**Clause agreed to; clauses 11 to 15 agreed to.**

**Clause 16**

**Mr BARBER** (Northern Metropolitan) — This clause and other clauses that relate to it make a number of changes. One of them is that the CIS that the proponent produces now only needs to be substantially in accordance with the CIS guidelines. Secondly in a latter group of clauses the proponent has the opportunity to review, or not, their own CIS after the assessment committee has given its report. It appears to set up a situation where the proponent can ignore the minister — and for that matter ignore, if it likes, the report put together by the assessment committee — and then, despite the process that has just been run, actually march on towards getting approval. What is the government's intention with this provision?

**Hon. M. J. GUY** (Minister for Planning) — These amendments will simply reduce the risk of a technical challenge by applying a proposed rather than a black-letter test, and other checks and balances will obviously apply, such as the Secretary of the Department of Transport, Planning and Local Infrastructure will review the impact statement prior to its release for public consultation. If the secretary is not satisfied with the impact statement, he can direct the project proponent to make revisions. Further, if an impact statement is inadequate, the assessment committee may advise the Minister for Planning to refuse or grant some of the applicable approvals.

**Clause agreed to; clauses 17 to 22 agreed to.**

**Clause 23**

**Mr BARBER** (Northern Metropolitan) — Clause 23 — and related clauses, because each of these bits operates across multiple clauses — is the provision that removes the requirements from section 39, including that the project contain an assessment of the impacts of the declared project.

It then goes on and repeals subsection 39(c), the bit about setting out options that have been considered, then removes subsection 39(d), which would have required the proponent to set out the methods considered to avoid, minimise, manage or offset the impacts, and then repeals subsection 39(e), which includes a description of the preferred option. It then takes out subsection(h)(i), the one that would have required an assessment of the applicable law criteria in a CIS. Basically, the impacts of the proposal, any alternative options, the methods of avoiding, minimising or managing the impacts, a description of the preferred option and a list of the controls are all now non-mandatory requirements for a comprehensive impact statement. Is it the intention of the minister, once this passes, which we know it will in a few moments, to rewrite the guidelines for the CIS and give this proponent a free kick on all of these basic minima?

**Hon. M. J. GUY** (Minister for Planning) — That is not the case.

**Mr BARBER** (Northern Metropolitan) — What is the plan, then? Why is this being done?

**Hon. M. J. GUY** (Minister for Planning) — I understand Mr Barber is talking about clause 23, and there is some relevance there to clause 17 as well. This act, as he knows, sets out those requirements for impact statements for projects. It is consistent with the purpose of the bill, to facilitate the east-west link project and other transport projects. Mandatory option assessments will be repealed. However, those changes do not automatically result in the removal of options assessment; rather, back in clause 17, they will enable the planning minister to decide on a project-by-project basis how to deal with options assessment. It depends on the project and the relevance of alternatives.

**Mr BARBER** (Northern Metropolitan) — I just do not accept that is a good piece of law-making. An environment impact assessment looks at alternatives to the project, whether they be modifications or complete alternatives. It is clear that as other projects come down the line, such as the port of Hastings project, as is flagged in the second-reading speech if not in the purpose clause of the bill, that it is the intention of the government to bowl up these incredibly lightweight impact statements that in no way are comprehensive and therefore avoid scrutiny of the key impacts, the alternatives and the possible mitigating measures of these projects.

All members need to understand what that does: by constraining what is considered in the early stages of an

assessment process and then ending up at the finish, which is the issuing of a permit, where the minister stands in the shoes of any decision-maker under all of those acts and is supposed to make good decisions — that is, whether it is under the Planning and Environment Act 1987, the Coastal Management Act 1995 or the Wildlife Act 1975, all those acts listed in this schedule — the public is completely locked out of the process by virtue of the fact that only the impacts that the minister prefers will actually ever be considered. At the end of the day the minister is supposed to achieve the objectives of the Planning and Environment Act, the Coastal Management Act and the Heritage Act 1995. How can he possibly do that if the input to his decision is an assessment process where he gets to choose, and to a large extent the proponent gets to choose, what impacts he talks about. It completely guts the integrity of decision making under all those acts. In fact it is impossible to achieve the objectives of those acts in issuing permits if the impacts of the proposal have never been properly considered. What this is all about is locking the public out of even having a discussion through this process about the impacts of a particular proposal.

It is bad enough under current acts — for example, we have seen it through the Environment Effects Act 1978. In that case, the case of the bay dredging process, the quality of the environment effects statement (EES) was so poor that the panel actually recommended a supplementary EES. In other words, it was a matter of saying, ‘Do it over and get it right this time’. There were more delays, more time wasted, more confusion and more burden on the community. It was hundreds of millions of dollars of costs just in assessing that project, never mind building it. We should be bringing more rigour into our environment assessment processes. However, this act is a poor substitute even for the limited capacity of the Environment Effects Act. What we are doing is making it even worse.

**Hon. M. J. GUY** (Minister for Planning) — I reject entirely what Mr Barber has said. The Environment Protection Authority and all relevant bodies still will have input into this process. As I said, I do not accept the premise of what Mr Barber has just put forward.

**Clause agreed to; clauses 24 to 67 agreed to.**

**Clause 68**

**Mr BARBER** (Northern Metropolitan) — This inserts a new section 258A in the principal act. The section heading gives the game away — that is, ‘Approval of councils not required’. It goes on to say:

(1) Despite anything to the contrary in any other enactment or law, a permit, licence, consent, approval or other authority for the carrying out of works for the purposes of an approved project is not required from any council by —

(a) the project authority; or —

the guy who is doing the project. Then the next subsection says:

(2) Nothing in this section derogates from any requirement relating to standards of construction and safety that may apply under any other act.

I have two questions for the minister in relation to the two subsections. Which acts does subsection (1) apply to?

**Hon. M. J. GUY** (Minister for Planning) — Just this one.

**Mr BARBER** (Northern Metropolitan) — Maybe I need to be a bit clearer. Subsection (1) says:

Despite anything to the contrary in any other enactment or law, a permit, licence, consent, approval or other authority ... is not required ...

et cetera. Which enactment, law or laws does this apply to?

**Hon. M. J. GUY** (Minister for Planning) — If I am answering Mr Barber’s question correctly, it applies to legislation such as the Road Management Act 2004.

**Mr BARBER** (Northern Metropolitan) — I am presuming that this section will apply not only to a project during the project’s construction but also during the project’s operation. The operation could go on for 25 years after the concession is issued. Is it really the case that the developer of the project and the operator of the project, which include the project authority and the holder of a licence or a lease, never have to apply to any council for anything under any law?

**Hon. M. J. GUY** (Minister for Planning) — That is not correct, because the basic permits for the project and its operation will be granted as per the comprehensive impact statement process.

**Mr BARBER** (Northern Metropolitan) — Okay, but let us say the minister has granted a concession to a toll road company, and along the way the company decides to bung up a billboard on the side of its freeway. The company might need a permit for that — a planning permit, for example, but because this bill states that:

Despite anything to the contrary in any other enactment or law, a permit, licence, consent, approval or other authority ... is not required from any Council ...

is it the case that it will not need a planning permit?

**Hon. M. J. GUY** (Minister for Planning) — It is important to note that this applies to the works phase of the process. Section 110(2) of the Major Transport Projects Facilitation Act 2009 states:

On receiving a notification under subsection (1), the Project Minister must publish a notice in the Government Gazette, advising of the completion of the approved project.

After completion, that no longer applies.

**Mr BARBER** (Northern Metropolitan) — So it will only apply until the project is completed, not during the ongoing operation of the project?

**Hon. M. J. GUY** (Minister for Planning) — That is correct.

**Mr BARBER** (Northern Metropolitan) — Let us focus on the project while it is being built, which might go on for a number of years. Is it the case that the company will never need to go to council for a permit for anything under any law during the construction phase?

**Hon. M. J. GUY** (Minister for Planning) — This is a state project. Perhaps Mr Barber wants to change the process so that councils need to come to me every time they want to build a project on council land. That is what he seems to be suggesting in arguing about state governments having to provide permission for every local government to build anything on state land. That is an interesting premise. I notice that it was not one Mr Barber advanced when he was a councillor of the City of Yarra, but that is the kind of premise he is advancing in what he is arguing now.

**Mr BARBER** (Northern Metropolitan) — I am not advancing anything; I am just asking questions. The minister has a completely open-ended clause here. It says it does not matter what any other law says anywhere; this project proponent never needs a permit under any law where the council is the issuer of that permit.

I know for a fact that the council issues permits under the Building Act 1993. It sometimes gives licences or consents under the Health Act 1958. I am not an expert, so I cannot tell you how many other laws a council is sometimes the issuer of a permit under. I do know that under the Local Government Act 1989 a council can

create its own by-laws, and then permits, licences or consents could be required under those.

New section 258A(2) says:

Nothing in this section derogates from any requirement relating to standards of construction and safety that may apply under any other Act.

Standards of construction and safety, I presume, appear in places like the Building Act. When someone on a construction site bungs up a wall and that wall falls over and crushes some people, people tend to go around and say, 'Did council approve that wall? Was a building permit required? Was there an inspection?'. Yet to me, between new subsections (1) and (2) — depending on how you read new subsection (2) — it reads that it is the construction authority, or the guy who has the lease or licence, who has to guess what permits, authorities, licences and consents, depending on whether or not they relate to standards of construction and safety, which could mean a lot of things, he does or does not need from the council. Is he safer to ignore the council, or is he safer to apply to the council, in which case it is the council that has to interpret this section?

If there are particular types of permits, licences, consents, approvals and other authorities that the minister wants to avoid, they should be listed in this bill or related to us now. It seems that this would require a project authority, or the holder of a licence, to be involved in the construction and/or the council itself to trawl through the entire statute book to see who is responsible for what and then try to guess whether it does or does not fall under the requirements or carve-out of new subsection (2). If the minister can tell me what acts and laws we are talking about, that would be helpful.

**Hon. M. J. GUY** (Minister for Planning) — I advise Mr Barber that this provision relates to standards more than anything else and ensures that relevant state laws in relation to standards, particularly safety standards, will continue to apply.

**Mr BARBER** (Northern Metropolitan) — Under what acts?

**Hon. M. J. GUY** (Minister for Planning) — There are many acts which have safety standards related to occupational health and safety, but of course Mr Barber would be aware that the Building Act and others have state standards that are related to it. Importantly this clause ensures that they are adhered to.

**Mr BARBER** (Northern Metropolitan) — The purpose of this clause is to say that they are not adhered to because they are not required. It is just that it is not clear. I gave the minister a couple of examples, and he gave them back to me. It is not clear as to which laws we might be talking about. If I were a project proponent or a council, it would not be clear to me from reading this section what permits, licences and authorities may or may not be required.

All I can do is point out that particular flaw with the government's legislation.

**Clause agreed to; clauses 69 to 74 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

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

That the bill be now read a third time.

In doing so, I would like again to acknowledge that this has been a lengthy debate, and I thank the house for its patience, particularly the staff in the chamber. I acknowledge there have been a number of passionate speeches from members of the government, the opposition and the Greens. I acknowledge that while it has produced some passionate debate it is obviously a matter that members feel strongly about. I acknowledge that and indeed again thank the staff for their forbearance for the passage of this legislation.

**The PRESIDENT** — Order! I agree, Mr Guy. The question is:

That the bill be now read a third time and do pass.

**House divided on question:**

*Ayes, 20*

Atkinson, Mr  
Coote, Mrs  
Crozier, Ms  
Dalla-Riva, Mr  
Davis, Mr D.  
Drum, Mr  
Elsbury, Mr  
Finn, Mr  
Guy, Mr  
Hall, Mr

Koch, Mr  
Kronberg, Mrs (*Teller*)  
Lovell, Ms  
Millar, Mrs  
O'Brien, Mr  
O'Donohue, Mr  
Ondarchie, Mr  
Peulich, Mrs (*Teller*)  
Ramsay, Mr  
Rich-Phillips, Mr

*Noes, 18*

Barber, Mr (*Teller*)  
Broad, Ms  
Eideh, Mr  
Elasmar, Mr (*Teller*)  
Hartland, Ms

Mikakos, Ms  
Pennicuik, Ms  
Pulford, Ms  
Scheffer, Mr  
Somyurek, Mr

Jennings, Mr  
Leane, Mr  
Lenders, Mr  
Melhem, Mr

Tarlamis, Mr  
Tee, Mr  
Tierney, Ms  
Viney, Mr

**Question agreed to.**

**Read third time.**

PARLIAMENTARY COMMITTEES

**Membership**

**The PRESIDENT** — Order! I have received the following letter from Mr Brad Battin, the member for Gembrook in the Legislative Assembly:

Re: Resignation from education and training joint committee

Effective immediately I would like to tender my resignation from the abovementioned committee.

I wish the committee all the best in the current terms of reference.

I have received the following letter from Mr Martin Foley, the member for Albert Park in the Legislative Assembly:

I wish to advise of my resignation from the economic development and infrastructure/outer suburban interface services and development joint investigatory committee of the Parliament.

This resignation is to take place effective immediately.

I wish to thank the staff and members of the former Economic Development and Infrastructure Committee for their efforts and contributions over the life of this Parliament to date.

I wish the new committee all the best in its important work.

Following discussions within the state parliamentary Labor Party it is my understanding that the member for Western Metropolitan Region in the Legislative Council, Mr Kahlil Eideh, will be the nominee of the parliamentary Labor Party opposition to fill this vacancy.

Thank you for your assistance in this matter.

**Hon. D. M. DAVIS** (Minister for Health) — By leave, I move:

That Mr Eideh be appointed to the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee and Mrs Millar be appointed to the Education and Training Committee.

**Motion agreed to.**

## ADJOURNMENT

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the house do now adjourn.

### Ashburton police station

**Mr LENDERS** (Southern Metropolitan) — The matter I raise tonight, at 2.10 in the morning, is for the attention of the Minister for Police and Emergency Services, Mr Wells. It relates to the Liberal Party's promise to the Ashburton community in 2010 that the Ashburton police station would get an additional 10 police officers and would operate 16 hours per day, seven days a week. This was advocated by Mr David Davis and Mrs Andrea Coote in this place. Nearly three years on, those MPs, Mr Graham Watt, the member for Burwood in the other place, and the Baillieu and Napthine governments have failed the Ashburton community.

I note that the crime rate has continued to rise as this promise of extra policing goes unfulfilled. Total crime in the city of Boroondara has increased by 7.1 per cent, with drug offences exploding by 105.2 per cent and burglary up by 22.8 per cent. We know that Victoria Police has been hit with a \$100 million cut to its budget and has been stripped of 380 staff, in addition to 480 staff being stripped from the Department of Justice.

The action I seek is that the minister inform the Ashburton community when exactly it can expect to see the much-hyped extra policing resources as promised by Mr Watt, Mrs Coote and Mr Davis.

### CenITex

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Technology concerning the transition of CenITex from an IT services provider to an IT services broker. It has been reported that CenITex currently delivers ICT infrastructure and desktop services to 12 Victorian government departments and employs 683 staff, including contractors. The minister would no doubt have been displeased to hear about reports of this transition being leaked to the media earlier this year. The problems with CenITex are well noted, with an Auditor-General's report into improper conduct by CenITex officers last year being a case in point.

The action I seek from the Minister for Technology is that he put on the public record the time frame for CenITex's transition from an IT services provider to an

IT services broker and advise on how many jobs, if any, will be lost under Program Evolve.

### The Geelong Project

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Community Services, Ms Wooldridge, and it is in regard to the Geelong Project (TGP), which has been axed by the state government. This has left hundreds of young people, families and schools without critical support for at-risk youth. Despite significant financial contributions for the development of the early intervention model for vulnerable young people in Geelong, no further funding will be provided by the Victorian state government for the full implementation of TGP.

Funding has ceased with only one month's notice, despite widespread community support for the outcomes of the pilot, positive and overwhelming feedback from schools and clients receiving support, and evidence that young people are being diverted from homelessness and are staying at school. Since the funding announcement, the Geelong community, 71 individual clients, 12 now unemployed full-time project staff, school staff and families being offered this critical support have been in a state of dismay, wondering who will now do the work to prevent young people in the region becoming homeless.

With astounding data on the outcomes being achieved and clear evidence of the complex issues being experienced by these at-risk young people — mental health concerns, family breakdown and drug and alcohol abuse — some of the figures are very interesting. Following TGP's intervention 100 per cent of the young clients have remained engaged in school, increased their engagement or returned to school. Often these are young people who were not regularly attending school. Further, 100 per cent of the young people supported by the program have retained or obtained safe, sustainable accommodation, with 86.2 per cent remaining at home or returning home after leaving home or regularly couch surfing, and 13.8 per cent of young people have been supported into alternative accommodation when home was no longer appropriate.

With these kinds of figures you would think the government would want to continue supporting such a project, a project that is supported by Time for Youth, Swinburne University of Technology, Barwon Youth and the local learning and employment network. I do not understand why the government would cut such a

valuable program that also keeps young people out of homelessness and out of the juvenile justice system.

The action I ask of the minister is that she meet with representatives of the Geelong Project and work towards reinstating this valuable funding so that these young people can be supported and avoid homelessness.

### Wallan-Kilmore bypass

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Premier. I refer the Premier to the 92 homes and 26 businesses it has been reported will be compulsorily acquired to build the \$8 billion tunnel and the further 258 properties reported to be affected by the tunnel. Recently the Premier was reported as saying that all residential property owners had been contacted about the \$8 billion tunnel and will be able to access compensation before the tunnel project starts. I note that construction on the tunnel is due to start at the end of 2014.

I refer Dr Napthine to the promised Wallan-Kilmore bypass. At the 2010 Victorian election the Liberal Party promised a bypass from the Northern Highway to the Hume Freeway to the north of Kilmore and Wallan. However, the routes under consideration by the Napthine government utilise local roads within the town of Kilmore and threaten homes. The fact is there are homeowners around Kilmore who for a considerable time have been facing the distressing prospect of having their homes bulldozed.

I call on the Premier to give homeowners in Kilmore who are facing the threat of their homes being bulldozed at least the same consideration as property owners affected by the \$8 billion tunnel. Kilmore property owners do not deserve to continue to live in a suspended state with no resolution to the threat that is now hanging over them of having their homes bulldozed.

### The Geelong Project

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Housing, Ms Lovell, and it is in relation to an important service in Geelong called the Geelong Project, which is a community-based youth service led by Time for Youth with its partners Swinburne University of Technology, Barwon Youth and the Geelong local learning and employment network. The project aims to protect Geelong's most vulnerable young people from becoming homeless.

On any given night in Australia more than 100 000 people are homeless, and almost half of these people are aged under 25. Approximately 465 Geelong residents are homeless on any given night. While some sleep in cars or couch surf, the latest statistics from shelters suggest that at least 150 people sleep on the streets in the Geelong region each night, and this figure includes children as young as 10. More than half of those 150 people are under 25.

The Geelong Project builds new partnerships and pathways between schools and community agencies to develop common tools and approaches to assist community sector workers. The project has a direct benefit for the Geelong region with its effective work to identify and assist young people who have issues at home and school and enable them to access support from a range of professionals. This is a reform project. It is not just an academic exercise, quite the reverse. It is a hands-on program. It is about early intervention and providing the intensive support that is required.

Everyone would concur that early intervention projects are incredibly important in making sure that our youth are not disengaged, but this project has actually been able to re-engage young school leavers with school. Most people who work in this area know this is almost impossible to do, yet this project has been successful in doing so.

I take this opportunity to read from a letter written by the mother of one of the girls involved in the project. It says:

As a parent of a child who is currently engaged with the Geelong Project, I'd like to express my concerns at the possible closure of this incredible program ...

When my daughter first presented as a candidate for the Geelong Project she was in a state of despair and hopelessness. She was lost in a system that wasn't able to provide her with the desperate help she needed.

The letter refers to:

... incidents of self-harm, suicidal thoughts and living through the panic of her running away ...

The intervention of the Geelong Project meant my daughter's voice was finally heard ...

The action I seek is for the minister to provide me with an explanation as to the reason this very effective and valuable program has been axed by the state government, and I also ask the minister to explain what is going to happen to the more than 500 families that depend on this project at the moment. As one person described the whole situation to me today, the fact that

this government has cut this funding represents nothing but mundane stupidity.

### Responses

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Mr Lenders raised a matter for the attention of the Minister for Police and Emergency Services, Mr Wells, regarding the Ashburton police station. I will refer that matter to Minister Wells for his response, but I can advise Mr Lenders that I am advised that the election commitment made by the coalition is in train to being fulfilled.

Mr Somyurek raised a matter for the attention of the Minister for Technology, Mr Rich-Phillips, in relation to CenITex and its change from being a project provider to being an IT services broker. I will refer that matter to Mr Rich-Phillips.

Ms Hartland and Ms Tierney raised the matter of The Geelong Project. Ms Hartland raised the matter for the attention of the Minister for Community Services, Ms Wooldridge, and Ms Tierney raised the matter for the attention of the Minister for Housing, Ms Lovell. I will refer the matter to those respective ministers.

Ms Broad noted the community consultation that was undertaken by the Napthine government with regard to the land acquisition process for the east–west link project and sought a similarly thorough process for the Kilmore-Wallan bypass. I will refer that matter to the Premier.

I have written responses to the adjournment debate matters raised by Ms Pennicuik on 28 August 2012 and Ms Broad on 26 June.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 2.22 a.m.**

