

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 22 June 2010

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

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

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Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee. (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson.

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Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria.

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Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

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Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan ²	Northern Metropolitan	ALP
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Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
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Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue ¹	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles ³	Northern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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Tuesday, 22 June 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 15 June to:

15 June

**Building Amendment Act
Courts Legislation Miscellaneous Amendments Act
Parks and Crown Land Legislation (Mount Buffalo) Act
State Taxation Acts Amendment Act.**

QUESTIONS WITHOUT NOTICE

Stamp duty: first home buyers

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. At present Victorian first home buyers pay the highest stamp duty in the nation. Noting the Treasurer's rather hysterical reaction to the option of stamp duty relief for first home buyers, as displayed in today's *Australian Financial Review*, I ask whether he and the Brumby government now oppose stamp duty relief for first home buyers.

The PRESIDENT — Order! I consider Mr Davis's opening remarks about hysterical comments to be inappropriate in a question, and I ask him to withdraw them.

Mr D. DAVIS — I withdraw.

Mr LENDERS (Treasurer) — I thank Mr Davis for his question and note that he is inviting me to comment on opposition policy. After instructing me periodically that my job is to answer questions on government administration, he has asked me now to comment on opposition policy — and I am delighted to comment on opposition policy.

Mr D. Davis — On a point of order, President, I did not ask the Treasurer to comment specifically on opposition policy; I asked him to comment on a general policy point.

The PRESIDENT — Order! Mr Davis's point is well made, even though it is not a point of order.

Mr LENDERS — Mr Rich-Phillips would not have made that mistake. Mr Davis asked me to comment on the level of stamp duty for first home buyers and on opposition policy. What I say to the house, firstly, is that the percentage of the Victorian economy's total revenue rate is roughly equal to the national average. If you look at the revenue take and grants back to citizens, you see our level of stamp duty is roughly the same as that in the rest of the country.

If you take into account the stamp duty rates, which start at zero effectively and go up to 5.5 per cent right at the top of the scale, if you take into account the off-the-plan exemption, which only Victoria has at the moment — New South Wales, assuming its budget gets through its Parliament, will have a limited portion for certain homes for two years; and if you take into account the first home buyer grants, you will find that Victoria is not only competitive with the rest of the country but is absolutely skewed to actually generating more growth, the creation of more jobs and more homes than other any part of the country, because that is where we have targeted our assistance.

Mr Davis raised the Kim Wells special. He raised the issue of the profile piece in the *Sunday Herald Sun*, with the glowing pictures of Mr Wells in the vestibule — by himself, without Mr Rich-Phillips or any of the other three shadow treasurers around him — where he muses, 'Wouldn't it be nice not to have stamp duty for first home buyers? Everybody would think that is a good idea'.

What Mr Wells does is fly out to the world a little kite that reads 'Kim Wells, friend of Ted Baillieu and caring man of the people, reaches out to first home buyers everywhere and says "Let's get rid of stamp duty"'. That is in the same article where he says he supports every single funding initiative of this government but, above and beyond that, he is going to get rid of \$2 billion in taxes. He is not going to get rid of any nurses, he is not going to get rid of any teachers and he is not going to get rid of any members of the police force. He is going to keep budget surpluses and he is going to bring down debt, and he is going to spend more on infrastructure.

Mr Wells clearly has not been reading the budget papers; he has been reading Mem Fox's wonderful work or Norman Lindsay's *The Magic Pudding*. He has been reading *The Magic Pudding* rather than the budget papers. What Mr Wells has done yet again is seek to be all things to all people. He is going to trash the economic reputation of this state by either slashing public sector jobs or putting us into debt or cancelling

infrastructure projects — or he is on some illegal substance, because you cannot do it all.

Mr Wells is again seeking to be all things to all people. It is interesting that in his musing about getting rid of this tax he has given no detail. There is nothing about whether it is appropriate for a first home buyer purchasing a \$3 million or \$4 million home to get an exemption of several hundred thousand dollars.

Mr Drum — On a point of order, President, the Treasurer has been talking solely about the opposition for the last 2 minutes, and I think he needs to be brought back to his answer because it is not his position to be commenting on critical aspects of our policy.

The PRESIDENT — Order! And it is not Mr Drum's role to debate the point of order. The point raised is that the Leader of the Government may not be answering the question in a manner that is relevant to the question as it was asked. I remind the Leader of the Government that his answer should be relevant. I am not convinced that it is not; I think it was a very broad-ranging question. Whilst the minister has been on his feet for some 4 minutes, we have no time limits, and so long as he is relevant he can continue.

Mr LENDERS — Mr David Davis asked me to comment on opposition policy. President, I have said that the numbers do not stack up, it is voodoo, it is like the magic pudding and it is a cruel hoax on the Victorian people. I would suggest that if there were such a thing as a kindergarten economics class in Victoria, even the students of that class would know that you cannot promise to increase services, cut taxes and reduce debt — all without sacking the police, the teachers and the nurses, which is what the previous government did when Mr Baillieu, the Leader of the Opposition, was president of the Liberal Party.

Voodoo economics will not work in Victoria. Mr Wells and Mr Davis are the prophets of voodoo economics. What we say is that if they want to have a policy, they should cost it, prepare it and present it to the Victorian people — and then people might look at it.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I think I might have been right earlier, President, when I mentioned the word 'hysterical'. The *Australian Financial Review* article says that exempting first home buyers from stamp duty will cost \$500 million a year according to the Treasurer. Did Treasury provide that estimate, and will the Treasurer now release the modelling to back up his statement?

Honourable members interjecting.

Mr LENDERS (Treasurer) — That is right; I take up Mr Vogels's interjection about his Leader — 'You just make it up' — so I will sit down.

Rail: Clunes service

Ms PULFORD (Western Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister inform the house of what the Brumby Labor government is doing to provide the people of Clunes with better access to public transport?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Pulford for her question. Last week the Premier announced that this government will invest \$7 million to overhaul the disused Clunes railway station as part of the reopening of the Maryborough passenger railway line. As members would be aware, that is one of the regional train lines that was shut down by the previous government in the 1990s. Clunes station will now become a stop on the line to Maryborough following the completion of the \$50 million project to return passenger rail services for that community.

This \$7 million investment is just one part of the government's \$631 million blueprint for regional and rural Victoria. That blueprint is a massive strategic investment by this government. It is an investment that is going to drive a new era of opportunity and prosperity in regional Victoria. As a government we have listened to the community of Clunes, which has been eager for some time, certainly since the announcement of the return of services to Maryborough, to have passenger services return to Clunes.

I met with the president and the vice-president of Transport at Clunes, which is a local grassroots organisation that has been advocating for the return of passenger rail. We understand how important transport links are to regional communities, which is why we are making all these major investments. Now not just people living in Maryborough but people living in Clunes as well are going to be able to commute to Ballarat and Melbourne for work, for study and for leisure. Reopening that transport route is going to create better access for all the people along the corridor between Melbourne, Ballarat, Clunes and Maryborough.

The first of those passenger rail services to Maryborough will begin by August. V/Line is preparing to unveil the new timetable next month. I

certainly look forward to updating the house when those new services are set to commence. In a nutshell, the restoration of services is an investment in the future of Clunes. It took a Labor government to return something that the Liberals and The Nationals took away.

Rail: western suburbs

Mr FINN (Western Metropolitan) — I wish to ask a question of the Minister for Public Transport. I refer to the poor level of service provided on western suburbs rail lines in the minister's own electorate — the one that he shares with a number of us. The *Herald Sun* today reports in its 'Angry travellers lash out' story that its survey of train travellers reveals that western suburbs passengers are the angriest and feel they are getting the worst service on the network. Given that the minister claims to frequently travel from his home to work on public transport, how frequently does the Black Rock-based minister experience delays, cancellations and the appalling service on the Sydenham line?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Finn for his question. I, too, noted the survey story in this morning's *Herald Sun*. What it primarily indicated was that in particular passengers are concerned about issues of overcrowding. Those issues are just one part of the story. Passengers seek also to have trains that run consistently and reliably, which is a message I have heard loud and clear since I have been the Minister for Public Transport.

That is exactly why the government is making the massive investment that it is making, not just in additional rolling stock to provide more services, better frequency and less overcrowding but also in infrastructure such as the regional rail link project, which is about separating Metro services from regional services. That will ensure that passengers throughout that north-western corridor, whether they travel on V/Line services or on Metro services, have extra dedicated track so that we can put more services on both Metro and V/Line services as a result of that separation.

Mr Finn interjected.

Hon. M. P. PAKULA — I take up Mr Finn's interjection. The whole purpose of the regional rail link project is to provide more dedicated track so that the services coming from Geelong, Bendigo and Ballarat no longer have the interaction with services on the Metro line that Mr Finn has referred to.

Mr D. Davis interjected.

Hon. M. P. PAKULA — Unlike Mr Davis, who interjects, I am a regular user of public transport, including on the Sydenham line, the Werribee line and the Williamstown line. On numerous occasions I have used the train to get to my electorate office in Yarraville, which happens to lie not on the Sydenham line but on the Williamstown line.

We are investing record amounts into putting on more services and more rolling stock and creating more reliability, all of which is designed to alleviate exactly those issues identified by Mr Finn and this morning's article — that is, reducing overcrowding by putting on more services.

As I indicated when we announced the timetable improvements in June that focused on Frankston, Cranbourne and Pakenham, I also look forward to announcing improved services and extensions to services in the northern and western corridors later this year.

Supplementary question

Mr FINN (Western Metropolitan) — In thanking the minister for his answer, I point out to him that we in the west would very much welcome him as a fellow resident, if indeed he deigned to join us at some stage. My supplementary question is: why is this government yet again ignoring service provision for the western suburbs, an area this minister purports to represent?

Hon. M. P. PAKULA (Minister for Public Transport) — Mr Finn clearly had his supplementary question drafted in advance of my answer, because had he listened to my answer he would have heard me say that we are investing in more rolling stock — in 38 new X'trapolis trains, of which we currently have 6 out on the network — and that we have more coming on stream between now and the end of the year. What that additional rolling stock will allow the government to do is, in consultation with the operator, to announce further improvements to timetabled services focusing on the northern and western corridors later this year.

The PRESIDENT — Order! I take an opportunity to attempt to bring a bit of civility to the house. I congratulate Mr O'Donohue and his wife on the arrival of their new baby girl.

Rail: regional freight

Ms BROAD (Northern Victoria) — My question is to the Minister for Public Transport. Can the minister inform the house of what the Brumby Labor government is doing to boost regional rail freight to Mildura and north-western Victoria?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Broad for the question. This is a matter which she has indeed raised with me on a number of occasions. Regional rail freight was another of the winners under the \$631 million regional blueprint released by the Premier and Ms Allan, the Minister for Regional and Rural Development, last week. We will be investing a further \$12 million in the north-west rail corridor to Mildura to improve its freight-carrying efficiency.

I should indicate that this is on top of the announcement made during the last sitting week about the extension of the subsidy for container freight. It also builds on the recently completed \$73 million Mildura rail freight corridor upgrade. This project, announced last week, will involve the upgrade of 15 level crossings along the rail corridor to make them safer and to allow trains on the corridor to travel faster.

The upgrade will encourage further investment by freight carriers along the corridor, and it will particularly improve the track capacity in the Merbein-Mildura region. It will help to reduce transit times on the corridor from 13 to 11 hours, which will substantially improve the competitive position of that rail freight line.

Efficient, reliable rail services to the ports of Melbourne and Geelong and to other ports are critical for regional export businesses in north-western Victoria. The upgrade is going to mean industry in Mildura and the north-western corridor more generally will be able to get its goods to port faster. Key industries in the region include grain, citrus fruit, wine, packaged orange juice, table grapes and mineral sands. Victorian exports are in large part facilitated via that Mildura rail line.

It is the busiest intrastate freight line in Victoria. It has freight hubs at both Merbein and Donald. Improving the performance of that supply chain is going to enable new export opportunities to be captured in world markets. We have a proven record of making regional Victoria a priority after the bush suffered years of neglect from members opposite. This most recent investment in rail freight is another example of the government being aware of how the success of country Victoria is vital for the whole state.

Brookland Greens estate, Cranbourne: landfill gas

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Environment and Climate Change. Can the minister inform the house whether he was the minister who

approved the calling of an emergency evacuation of the Brookland Greens estate in September 2008?

Mr JENNINGS (Minister for Environment and Climate Change) — I think as members of this chamber who noticed not only what happened during that period of time but what happens in the course of any emergency event being called within the state of Victoria would probably know, it is the responsibility of my ministerial colleague, the Minister for Police and Emergency Services, to formally make such a declaration.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Given that the Environment Protection Authority is within the minister's area of responsibility as the Minister for Environment and Climate Change, why is it that the societal risk profiles, which may show methane levels were at an acceptable risk for total public safety on the days before the declaration of the emergency, will not be released; and given that a former EPA chairman, Mick Burke, claimed that the data is cabinet in confidence, will he now, as the responsible minister, ensure that that data is released?

Mr JENNINGS (Minister for Environment and Climate Change) — Not for the first time today a member of the opposition backbench has asked a supplementary question that does not relate to the substantive answer that has been given by the minister. The in-built assumptions within the question — that there is a connection between the declaration of an emergency, the information that was used to warrant such an emergency being called and my responsibilities in that matter — are confused.

However, I can assure the chamber and I can assure the community that the information that was gathered through the monitoring process that the Environment Protection Authority had required of the City of Casey, as the operator of the landfill on Stevensons Road — it was required to monitor the release of gases in the local community — showed there was evidence that warranted that emergency being declared. I do not think up until now there has been any contest about the validity of that information.

Information and communications technology: government initiatives

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Information and Communication Technology. Can the minister update the house on how the Brumby Labor government is facilitating

next-generation broadband applications and job growth in Victoria's regions as outlined in the regional blueprint?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Scheffer for his question and ongoing interest in not just regional Victoria but also how regional Victoria can and does prosper in the digital economy.

Mr Scheffer referred to the regional blueprint. I think what he has alluded to is the Re-Innovate broadband program, which is funded under the regional blueprint. The exciting thing about the blueprint, which was announced by the Premier, the Minister for Regional and Rural Development and the Minister for Agriculture just over a week ago, is its strong endorsement of regional Victoria. It shows the absolute ongoing Labor commitment to building jobs, building communities and embracing regional Victoria as a critical and central part of the state, not the toenails — as Jeff Kennett called it — but the beating heart of the state as we believe it to be.

Mr Dalla-Riva interjected.

Mr LENDERS — Mr Dalla-Riva is calling out 'Toenails', which is true to form for those opposite. When you mention regional Victoria they think of toenails.

Ms Pulford interjected.

Mr LENDERS — That is correct, Ms Pulford; they are very sensitive about toenails.

What the Re-Innovate broadband program does as part of the regional blueprint is make money available for work on a series of projects, including pilot projects, which let us come up with innovative forms of technology to help regional Victoria grow, thrive and prosper in a digital age.

For those who have not yet read the blueprint, it is a fantastic piece of work, and I would advise all those opposite to read it at least as far as page 43, where there is a reference to BreastScreen Victoria and an innovative pilot program that, by using technology, has made an extraordinary difference in the lives of 30 000 women and has made these services far more accessible than had otherwise been the case in Victoria.

I thank Mr Scheffer for his question. Like him, I have an absolute passion for the growth of regional Victoria and believe governments have a role in fostering and nurturing their entire communities — not just small parts of them, as the Kennett government did. Like

Mr Scheffer, I am absolutely dedicated to continuing to grow the entire state of Victoria, because Victoria is a fantastic place to live, work and raise a family, be it in Melbourne or in other parts of the state. This is a great state.

Mrs Coote interjected.

Mr LENDERS — Mrs Coote is very loud today. She had a very good Sunday. Regional Victoria is a great place to live, work and raise a family and is very well represented by Mr Scheffer.

Victorian Civil and Administrative Tribunal: major cases list

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Planning. I refer to the proposed Aldi supermarket at Box Hill South, which was valued at \$3.8 million when its application was rejected by the Whitehorse council. Since then the developer has revised its project value to \$5.7 million, thus enabling it to be moved onto the Brumby government's new major cases priority list at the Victorian Civil and Administrative Tribunal and enabling it to be given a smooth run on the inside track. I ask the minister what processes and protections the Brumby government has put in place to ensure that proponents do not artificially inflate their valuations in order to be given preferential treatment on the major cases list at VCAT — or is this another example of his government's planning for mates?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Davis. One of the common themes of today's questions — if people in the gallery or the chamber have not already picked it up — is that they have been driven largely by the headlines in the press today, yesterday or on previous days. What surprises me is that none of today's questions have been driven by any extensive research, consultation or work. That is just a contextual comment about the way in which the opposition has desired to do its research when it comes to any matters related to the questions presented to this chamber today.

The great thing about that from our point of view is that all we have to do is read the paper and its headlines to know what questions the opposition will ask tomorrow and the day after that and the day after that. Funnily enough, none of the questions the opposition asks seems to surprise us; that is because they come directly from the newspapers.

I welcome Mr Davis's question, and first of all let me highlight, if he is not fully appreciative of the fact, that

VCAT is the domain of the Attorney-General. As well as that, VCAT is the independent umpire when it comes to matters that need to be deliberated on, and many of those matters come from the planning stream.

In relation to Mr Davis's issues with the way this particular Aldi project was priced, I would expect, as I am sure would VCAT, that if at any time a proponent were requested to prove up its pricing in relation to its project, that proponent would be able to do so.

I am aware that it has been the case from time to time that, because of the way in which planning fees are processed, proponents have underestimated the cost of a project, but in this instance Mr David Davis is making the accusation that the proponents might be overcosting their project. While I am not aware of the full cost of this project, I would expect that these proponents, in the right situation and under the right questioning from any tribunal or any planning authority, would be able to ensure that the pricing of their project is appropriate and reflects some intellectual rigour rather than just being an estimate on their part.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — Further to the question and the minister's response as to what protections are in place to ensure that costings are accurate, the minister has not provided any explanation other than saying it is entirely a matter for VCAT, but in fact in the case of Aldi in Box Hill South we know that one price or one costing was given to the City of Whitehorse and an additional —

Honourable members interjecting.

Mr D. DAVIS — It is on the public documents. A different set of costings was provided to VCAT. The \$1.9 million difference is a very significant difference. I ask: will the minister look into this matter and seek some broader explanation for the community as to how these protections can be improved?

Hon. J. M. MADDEN (Minister for Planning) — I am certainly conscious that when proponents submit a project application in relation to works that need to be undertaken there are various ways they may seek to incorporate the respective costs into their project. One of the more significant costs of any project is the holding costs and the delay costs that might occur in relation to either the proponents' financing or the building inflation rate that impacts on the project.

I am not going to speak on behalf of these proponents in relation to this project, but I should also acknowledge, and I would expect the opposition to

acknowledge the same, that the longer any project is delayed, whether that be in respect of its approval or its resolution, the more it is going to cost any proponent and the planning system. It is going to cost the proponent in many ways. I am not going to anticipate what costs might be incurred in this project, but I would highlight to Mr David Davis that it is not unreasonable, I suspect, for a proponent to expect a project to be more costly at the end of the day the longer the delays that occur.

I know that one of the criticisms the opposition makes from time to time is in relation to the delays in the planning system or the delays to a particular project. One of the reasons that we sought to resolve many planning matters during the global financial crisis was to provide clarification and give confidence to the building and construction industry so that we could maintain employment in that industry.

Whilst I note that the opposition is concerned about this matter, what I would suggest to Mr David Davis is that he be consistent in relation to these matters — is he supportive of the construction industry per se or not, and is he supportive of the resolution of these matters as rapidly as possible? I suspect there is consistent inconsistency from the opposition in relation to planning, building, jobs and the economy. We as a government are working to ensure that we continue, particularly through the building and construction industry and the planning system, to make sure that Victoria is the best place to live, work and raise a family.

Regional and rural Victoria: Ready for Tomorrow

Mr VINEY (Eastern Victoria) — My question is also to the Honourable Justin Madden, the Minister for Planning. I ask: can the minister outline to the house initiatives from the Planning for Regional Growth package in the regional blueprint?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Viney for his interest in these matters. I know he has a large rural constituency, whose members are no doubt very appreciative of the regional blueprint and various other packages associated with it that have been announced in recent times.

That \$631 million package, entitled *Ready for Tomorrow — A Blueprint for Regional and Rural Victoria*, is not only a large package but also a long-term plan that will complement growth across the state. The government recognises, as have the Treasurer, the Premier and the Minister for Regional

and Rural Development, that a decade of growth has seen a rapid population increase not only in metropolitan Victoria but also, profoundly, in regional cities. That means they require a freshened approach when it comes to planning matters to make sure that we maintain prosperous and sustainable regions.

Part of that is a \$37.1 million planning for regional growth package that will guide the way governments work together, how regional communities can work collectively with governments in relation to regional planning and regional development. It also ensures that we complement that growth and supports a high quality of lifestyle for those in regional Victoria.

Part of this is incorporating the implementation of regional strategic plans across the state. They will feature prominently within the state planning policy framework so that they can help drive not only the investment and anticipated management of the planning system but also what occurs at the end of the planning system in terms of the delivery of projects.

Population growth brings with it many opportunities — in particular, new skills, increased services and more jobs. It is important that in complementing population growth we also build these elements into the work that needs to be undertaken. What we want to do is strengthen planning provisions at the regional level, make the planning system operate more effectively and efficiently, resource local councils to implement these regional plans and support sustainable growth, particularly in those cities that are not necessarily the stand-out regional cities in terms of provincial Victoria and that strategy.

Even though they are slightly smaller settlements, we have seen growth in many of those regional cities and centres like Ararat, Bairnsdale, Benalla, Colac, Echuca, Hamilton, Horsham, Mildura, Portland, Sale, Shepparton, Swan Hill, Wangaratta, Warrnambool and Wodonga. Those sorts of settlements allow for a great opportunity to build in more population growth and a great lifestyle for those who elect to remain in or move to those areas and help build that sense of identity, that character and that sense of community that should be part of any town in any regional location.

Part of that has seen the \$17.2 million Regional Growth for the Future initiative, which will deliver comprehensive land use and urban planning for these areas, particularly with the pressure and tension caused by the growth and anticipated growth of these centres. As well as that, there is \$13.6 million to support the Coastal Settlements of the Future initiative to manage the challenges that we all know come with coastal

settlements, which we have often talked about in this chamber. There is also a \$6.3 million frameworks for the future package to drive the implementation of Ready for Tomorrow and regional strategic plans across the state for these locations.

This is a commitment by this government to ensure that the rapid population growth we have seen not only in metropolitan Melbourne but right across Victoria is complemented by support, resourcing and a planning system that relies on collaboration, not necessarily taking a one-size-fits-all approach. This will make sure that Victoria remains the best place to live, work and raise a family.

Weeds: control

Mr KAVANAGH (Western Victoria) — My question is for the Minister for Environment and Climate Change, Mr Jennings, and follows a matter I raised on the adjournment on 5 May. In the minister's response to my adjournment matter he acknowledged that private landowners are not responsible for removing noxious weeds from land that is publicly owned. Some landowners in Western Victoria Region are very unhappy about the way the Department of Sustainability and Environment manages noxious weeds. The boundaries between public and private land are not always clear, and I ask the minister: what are the DSE's policies and procedures for verifying that land is indeed publicly owned land and therefore not the responsibility of private landowners?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Kavanagh for his question. I am glad he has a sense of perseverance in trying to deal with something that is a very challenging issue across the Victorian landscape, which is the appropriate treatment of weeds. Certainly the issue of the interface between public and private land is one that creates difficulties. You could also say that there are some challenges along roadsides with land that is the responsibility of public land managers, the owners and managers of private land or local councils that may be responsible, along with other committees of management, in maintaining public land values across Victoria.

It is a very challenging issue that has tens of millions of dollars every year allocated to it from the state budget in an effort to eradicate weeds across the landscape. A significant amount of investment comes through my portfolio and through the portfolio of primary industries. A significant amount of money is allocated by local government to this responsibility, augmented by funds from the state.

In the last sitting week, if not the sitting week before, I referred to a range of programs in the environment portfolio that fund local community activity on the interface between public and private land. They include the Good Neighbour program, which deals with weed eradication and the restoration and rehabilitation of land values along that interface. We continue to be committed to rolling out those programs and supporting them.

With that backdrop, the specific question Mr Kavanagh has invited me to comment on, which is the delineation of public and private land, is not normally a problem in terms of the identification of the land tenure involved. Very rarely is it drawn to my attention that there needs to be clarification about the ownership of land in question. Obviously this is an issue that, for instance, we are spending quite a bit of time on in the establishment of the river red gums national park. Currently we are spending some time on trying to make sure that the delineation on the maps and schedules associated with the piece of legislation is accurate. We have the updated, contemporary surveys that are required to make sure that we are very clear about where those boundaries may exist.

Very rarely in practice does this challenge of dealing with weed eradication on the interface of public and private land get down to who is the landowner. It is more to do with who controls the programs, who is funded for the programs and who undertakes the work. That is usually where the effort is spent — in clarifying those issues rather than necessarily the land status. However, if any matters of land status are unclear, I am very happy to provide the services of Land Victoria, which is part of my responsibility, to clarify the matters that are in dispute.

Supplementary question

Mr KAVANAGH (Western Victoria) — I thank the minister for his answer. Mr Jennings indicated that delineation problems are not common but do exist. Certain landowners from Western Victoria Region have come to my office saying that for 10 or 15 years they have claimed that land they were being ordered by the Department of Sustainability and Environment to weed did not belong to them and that has now proved to be the case. What remedy would the minister suggest to them? What avenues are open to compensate or recompense them for the expense and effort that they went to over many years?

Mr JENNINGS (Minister for Environment and Climate Change) — I think this is a sufficiently intriguing case for me invite Mr Kavanagh to share the

information with me so that I can actually see what the history of this matter has been and see what remedy, if any, is appropriate to it. The circumstance he is referring to is, in my experience, a very unusual one.

Ovarian cancer: diagnostic tool

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Innovation, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government, through the Victorian science agenda, is supporting research and development projects that might one day soon lead to practical solutions for real-life problems affecting many people in Victoria, in Australia and across the world?

Mr JENNINGS (Minister for Innovation) — I thank Ms Mikakos for her question and the opportunity to talk about an extraordinary capability that has been developed by a small Victorian biotech company, HealthLinx, which operates out of a manufacturing capability and research lab in Burnley and has developed a world-leading diagnostic tool for the early detection of ovarian cancer. This is extremely important work because of the potential not only to improve the identification of ovarian cancer but to lead to early treatment that may enhance the quality of life and longevity of women around the world who either have ovarian cancer or may be at risk of having ovarian cancer diagnosed in the future.

The reason why this is a very significant issue is that currently in Australia around 1400 women are detected as having ovarian cancer on an annual basis. Because ovarian cancer is quite often detected very late, the very sad consequence is that 800 of those 1400 women die within a year of being diagnosed. In terms of how that translates to statistics around the world, every year something of the order of 230 000 women are diagnosed with ovarian cancer and 130 000 women die within that first year. That is because the diagnostic tool — which relies on one protein, a biomarker, being detected within the bloodstream of a woman — is not terribly accurate. What that means is there is a 75 per cent chance that the diagnosis will be made within the last year of life.

This is a very sad outcome that we are trying to do something about. HealthLinx has developed a diagnostic tool that operates on the basis of five proteins within the blood. It has a 93 per cent chance of being accurate in early diagnosis, and if that diagnosis is then followed up with treatment, we can improve the life expectancy of women — this is extraordinary — so that there will be a 90 per cent chance of survival within the first five years, as distinct from the situation at the

moment where the vast majority of women die within one year of being diagnosed with ovarian cancer.

This is quite an extraordinary thing in terms of the capability of Victorian-based science. It is testimony to the great science we have in Victoria, and we in the Victorian government have been very pleased to support it through Victoria's science agenda. We have provided \$750 000 to enable a trial of additional biomarkers that may even enhance the 93 per cent accuracy rate of this diagnostic tool. This will be a collaborative trial with other health institutions around the world. HealthLinx has partnered up with the Mater Adult Hospital in Brisbane, the Mercy Hospital in Melbourne, Healthscope Pathology in Melbourne, the University of Liverpool, Sussex Health in England and the University of Singapore to do a multilocational trial around the world to see whether we can add to the diagnostic accuracy of the product, OvPlex, which has been developed by HealthLinx in Victoria.

We think this is great for Victorian-based science. It will add to the quality of life and treatment for thousands of women, not only in Australia but around the world. We think it will be of significant benefit to their health. We should, as a community, be very proud of our scientific capability — sharing the best science with the health industry across the world. It will, in its own right, achieve a benefit if it can improve the life expectancy of women who are diagnosed with ovarian cancer; that has a value in its own right far beyond dollars. But if you think about the fact that there is also a \$270 million market for diagnostic assessment around the world, you will see that it will reinforce the sound economic structure of the work in terms of biotechnology and the science agenda in Victoria. It is something the Victorian government has been very pleased to support through Victoria's science agenda.

PETITIONS

Following petitions presented to house:

Community sector: working conditions

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 current and serious workforce crisis in the not-for-profit community sector.

The community sector offers support to those most vulnerable in our community and provides services that are central in addressing disadvantage. The sector is an essential part of our community safety net, working to reduce the worst effects of poverty, social exclusion, violence and inequality. To ensure that our community is able to access adequate and appropriate

services, the community sector must be able to recruit and retain a skilled, dedicated and stable workforce. The sector is increasingly unable to do this as the wages and conditions of these workers fall further and further behind other sectors. For example, full-time, qualified community workers earn on average \$15 000 less than the average wage in Australia.

Your petitioners therefore request that the Victorian government immediately invest in the conditions of workers in this vital sector specifically so as to provide:

1. Better wages as an immediate way to stem the flood of workers leaving for other sectors where they are paid significantly more for doing the same or similar work.
2. Portability of long service leave across the sector to overcome the barriers workers face in achieving the required length of service with a single employer, such as limited duration funding and lack of clear career paths.
3. Paid parental leave across the sector to address the ongoing exodus of recent graduates who have identified the lack of paid maternity and co-parent leave as a significant factor in their decision to leave.
4. Safe workplaces through fully funded, best practice occupational health and safety standards so as to remedy the current major burnout factors.

**By Ms BROAD (Northern Victoria)
(1973 signatures).**

Laid on table.

Community sector: wages

To the Legislative Council of Victoria:

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The community sector offers support to those most vulnerable in our community and provides services that are central in addressing disadvantage. The sector is an essential part of our community safety net, working to reduce the worst effects of poverty, social exclusion, violence and inequality. To ensure that our community is able to access adequate and appropriate services, the community sector must be able to recruit and retain a skilled, dedicated and stable workforce. The sector is increasingly unable to do this as the wages and conditions of these workers fall further and further behind other sectors. For example, full-time, qualified community workers earn on average \$15 000 less than the average wage in Australia.

In 2010 the Australian Services Union will be running an equal remuneration case in the Fair Work Australia tribunal to increase the rates of pay for community sector workers to that of comparable workers. For too long the work in this sector has been undervalued and unrecognised — this cannot continue. Now is also the time for proper funding of the community sector.

Your petitioners therefore request that the Victorian government support the community sector by committing to

properly funding the pay increase that will result from the ASU's equal remuneration case.

By Ms BROAD (Northern Victoria)
(514 signatures).

Laid on table.

Police: Neighbourhood Watch

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria brings to the attention of the Legislative Council our opposition to the misguided state government changes to the accessibility of crime statistics for Neighbourhood Watch.

The petitioners believe that availability of local crime statistics on a street-by-street basis is an essential component of the Neighbourhood Watch program.

Local crime statistics on a street-by-street basis foster ownership of the Neighbourhood Watch program by local communities and enable vigilance and support of community safety activities. We oppose the proposed change to crime statistics only being available on a postcode basis.

The petitioners therefore call on the Legislative Council to urge Premier John Brumby, the minister for police, Bob Cameron, and all local Labor MPs to reverse their decision which ends vital access of Neighbourhood Watch to street-by-street crime statistics, undermining the Neighbourhood Watch program and the ability of the community to support this important and respected program and community safety.

By Mr O'DONOHUE (Eastern Victoria)
(123 signatures).

Laid on table.

Rail: Eltham station

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention the proposed extension to train stabling at Eltham station and inherent duplication of the track for a short distance beyond the Diamond Street crossing. The petition specifically includes the residents of the Eltham Retirement Centre and as well other concerned individuals who are also residents of Eltham and members of the business community in Eltham, and they request that the Minister for Public Transport immediately consult with the community to seek their views on the proposed expansion of train stabling, in order for the minister to fully understand the level of concern that the people of Eltham have about this issue.

The expansion of train stabling will be in conflict with the Nillumbik shire's strategic plan for the area, will reduce car parking for commuters, thus forcing them to take up already scarce car parking in the shopping precinct, will be an eyesore in the Eltham town centre, where its residents over decades have achieved a workable town and services centre whilst preserving its environmental integrity, will become a magnet for graffiti tourists and vandals and, of critical importance,

will have a direct effect on the health, wellbeing and peace of mind of the residents of the Eltham retirement village.

By Mrs KRONBERG (Eastern Metropolitan)
(227 signatures).

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 9

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 9 of 2010, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 26.

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

Baw Baw Planning Scheme — Amendment C75.

Greater Geelong Planning Scheme —
Amendment C226.

Melbourne Planning Scheme — Amendment C122.

Murrindindi Planning Scheme — Amendment C23.

Surf Coast Planning Scheme — Amendment C37.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 37.

Subordinate Legislation Act 1994 — No. 38.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 38.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 37.

Water Act 1989 —

Campaspe Deep Lead Water Supply Protection Area Abolition Order 2010.

Lower Campaspe Valley Water Supply Protection Area Declaration Order 2010.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Livestock Disease Control Act 1994 — Section 92(2) — 1 July 2010 (*Gazette No. G24, 17 June 2010*).

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Part 1 and sections 3, 4 and 5 — 8 June 2010 (*Gazette No. S212, 8 June 2010*).

State Taxation Acts Further Amendment Act 2008 — Section 11(3) and Division 3 of Part 4 — 1 July 2010 (*Gazette No. G24, 17 June 2010*).

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Sections 39, 72, 73 and 74 — 11 June 2010; Sections 4 to 13, Division 2 of Part 2, the remaining provisions of Division 1 of Part 3 and sections 75, 76 and 80 — 30 June 2010; remaining provisions of Part 4 — 1 July 2010; Division 3 of Part 5 and Part 7 — 31 December 2010 (*Gazette No. G23, 10 June 2010*).

- (2) the notice of motion given this day by Mr D. Davis relating to smart meters documents;
- (3) notice of motion no. 83 standing in the name of Ms Pennicuik relating to a reference to the Law Reform Committee on donor-conceived people;
- (4) notice of motion no. 76 standing in the name of Mr Hall relating to the disallowance of certain bulk water entitlements;
- (5) the notice of motion given this day by Mr Barber relating to the referral of planning scheme amendment VC67 to a select committee;
- (6) order of the day No. 7, resumption of debate on the motion moved by Mr Dalla-Riva relating to Office of Police Integrity documents; and
- (7) notice of motion no. 74, standing in the name of Mr Dalla-Riva, relating to Victoria's infrastructure.

AMBULANCE VICTORIA: PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 15 June 2010 from the Attorney-General:

ORDER FOR THE PRODUCTION OF DOCUMENTS

I refer to the Legislative Council's resolution of 9 June 2010, seeking production of:

a copy of all documents, including the final report, relating to the review commissioned by the Department of Health or other government agencies into the finances of Ambulance Victoria 12 months after the merger of Metropolitan Ambulance Victoria and Rural Ambulance Victoria.

I also refer to my letter of 28 October 2008, in which I explained the government's process for assessing documents for potential claims of executive privilege. A copy of that letter is attached.

The government is in the process of compiling and reviewing relevant documents and is therefore unable to meet the Council's deadline of 22 June 2010. The government will respond to this order as soon as possible.

BUSINESS OF THE HOUSE

General business

Mr D. DAVIS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 23 June 2010:

- (1) notice of motion no. 87 of 2010 standing in the name of Mr D. Davis relating to Department of Human Services documents;

Motion agreed to.

MEMBERS STATEMENTS

Housing: government performance

Ms LOVELL (Northern Victoria) — Something is very wrong in Victoria when it is safer for a family to sleep in their car than in a bed in a rooming house. According to the *Moreland Leader*, homelessness service providers are reportedly telling clients to sleep in their cars rather than risk their safety in rooming houses. Chris Povey of PILCH (Public Interest Law Clearing House) recently told the *Herald Sun* that the number of people living in cars is rising. He said:

If you are told there is a room available for you and your five-year-old child in a house with eight occupants, three of whom have mental illness and the rest with alcohol problems, what would you do?

Even the minister thinks it is unsafe for women and children to live in rooming houses. He told this year's Public Accounts and Estimates Committee hearing that to have women and children living in rooming houses is just not appropriate. Why, then, has the Brumby government not provided an update on the implementation of the 32 recommendations made by the rooming house standards task force, which were accepted by the government last October, more than seven months ago? In fact we have still not even seen the Brumby government's implementation plan for the recommendations, which was supposed to be completed by December 2009. We have not seen the promised legislation that was supposed to provide for improved living conditions and safety for vulnerable Victorians forced to live in rooming houses.

This is an appalling state of affairs. We have a tired, lazy government failing in its duty to assist vulnerable Victorians so that they have no choice but to seek shelter in rooming houses. It is another in a long line of important deadlines this lazy minister has failed to meet for reports and strategies to assist low-income and vulnerable Victorians, including Victoria's Homelessness 2020 strategy.

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

Aung San Suu Kyi

Ms PENNICUIK (Southern Metropolitan) — Last Saturday, 19 June, was Daw Aung San Suu Kyi's 65th birthday. Aung San Suu Kyi has spent 12 of the past 18 years under house arrest. More than 2100 political prisoners languish in Burma's prisons, some with sentences of 60-plus years — one has been sentenced to 93 years! Several million people, the majority of whom are ethnic minorities, are displaced internally or in exile. From her house arrest Aung San Suu Kyi is asking us to use our liberty to promote the liberty of the people of Burma.

Burma has been ruled by a military regime since 1962. Currently named the State Peace and Development Council, it has been repeatedly condemned by the United Nations for its systematic and brutal political oppression. It ignored the results of the 1990 general election, in which 82 per cent of the parliamentary seats were won by the National League for Democracy. Elections scheduled for later this year have been widely condemned as a total sham.

As part of the winter solstice celebrations at Federation Square on Saturday night, there were fantastic music and dance performances by a range of Melbourne's ethnic communities, and Burma Campaign Australia held a candlelight vigil to celebrate Women's Day of Burma and Aung San Suu Kyi's birthday. I was honoured to be asked to speak about Aung San Suu Kyi and to join the local Burmese people in singing 'Happy birthday' to her.

The Greens, along with most, if not all, Australians, stand in solidarity with the people of Burma in their long struggle for freedom and democracy. We call for the immediate release of Aung San Suu Kyi and all political prisoners in Burma and for truly democratic elections to be held in 2010.

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

Workplace relations: sexual harassment

Ms PULFORD (Western Victoria) — Former CEO of the David Jones department store, Mark McInnes, resigned after confessing to inappropriate behaviour towards a female employee. Workplace sexual harassment is always unacceptable, be it by the newest trainee or the CEO. I commend the victim of this harassment on her courageous decision to proceed with her complaint. Victorian Equal Opportunity and Human Rights Commission commissioner, Helen Szoke, says about 80 per cent of sexual harassment cases are not reported. I hope that this unfortunate incident encourages others to stand up to unacceptable workplace behaviour.

Australasian Performing Right Association: music awards

Ms PULFORD — Winners of the 2010 Australasian Performing Right Association (APRA) music awards were declared last night. Australia's most prestigious music award, Song of the Year, was won by Melbourne band The Temper Trap for *Sweet Disposition*. The Temper Trap is a Melbourne indie rock band consisting of Dougy Mandagi, Lorenzo Sillitto, Jonathon Aherne and Toby Dundas. Dougy and Lorenzo are credited with writing the award-winning song.

For 20 years the APRA Song of the Year has recognised outstanding songwriters and has been awarded for modern Australian classics, including *Treaty*, *My Island Home* and *Not Pretty Enough*.

The Temper Trap has enjoyed great success on the Australian charts and is now touring internationally. *Sweet Disposition* has featured in the top 10 in both the US and UK charts. Winning this award entrenches The Temper Trap, a Melbourne band, as an Australian music legend.

Rail: Eltham station

Mrs KRONBERG (Eastern Metropolitan) — The sight of a number of frail and aged residents from the Judge Book Retirement Village in Eltham struggling across the Diamond Street level crossing has made a lasting impact on me. All decked out in their warmest clothing, with a number displaying considerable reliance on their walking aids, they donned face masks and industrial ear protection to further highlight their concern and increasing frustration about the minister's lack of preparedness to consult with them on the train stabling at Eltham station. The Minister for Public Transport is doggedly dodging contact with this group

of frail aged, many of whom have lived in Eltham for decades.

The group wore face masks to raise awareness about the suspended particulate matter, mostly iron filings which are shaved off the track that runs within metres of their residential block and which float across to clog their flyscreens. Their ear protection was symbolic of the noise that will increase if shunting from the train stabling increases.

I have just tabled yet another petition from 227 of Eltham's residents and business owners asking for consultation with the minister. The residents feel they are the collateral damage in this government's poor and blinkered attempt to improve rail services on the Hurstbridge line. One could also describe them as sacrificial lambs.

Lakes Entrance: community services complex

Mr SCHEFFER (Eastern Victoria) — I was delighted to join the Minister for Community Development, Lily D'Ambrosio; Craig Ingram, the member for Gippsland East in the other place; Bruce Hurley, CEO of Gippsland Lakes Community Health; members of the board; Bevan Harrison and other members of the Lakes Entrance Aboriginal Health Association; as well as members of the community at the opening of the Lakes Entrance community services complex. This important project has taken five years and \$5 million, enormous vision, energy and creativity and countless hours of hard work to develop.

Congratulations are therefore due to Gippsland Lakes Community Health, the Lakes Entrance neighbourhood house, the Lakes Entrance Aboriginal Health Association and Yoowinna Wurnalung Healing Service, the Brumby Labor government, the federal Labor government and the East Gippsland Shire on this achievement. It is clear that partnerships have been central to the development of this community hub which will now provide a focus for community support, health services and education activities.

Under the project each of the four participating organisations keep their own identity but can collectively respond to emerging community needs in a more holistic way. The whole community — Aboriginal and non-Aboriginal, as well as those belonging to the diversity of backgrounds in East Gippsland, whether based on culture, age, disability, race, language, sexual orientation or religion — can work in partnership to foster wellbeing. Another benefit of the community services hub is that the four

organisations can share resources and maximise efficiencies.

This is a wonderful project that will make a huge and positive difference to community wellbeing in East Gippsland, and I congratulate everyone who has worked to achieve it.

Vision Australia: i-access program

Mrs COOTE (Southern Metropolitan) — I wish to make a statement about Vision Australia. Last Thursday night I attended a cocktail party to celebrate the achievements of the i-access program to date and to pay tribute to the immense generosity of supporters. Vision Australia is certainly an inspiration to people with low vision and people who are blind. Gerard Menses is the CEO of Vision Australia, and I would like to put on the record the praise that all Victorians should have for Pauline Gandel and the huge and generous support she has given Vision Australia for a very long time.

I-access uses modern technology to bring everyday communication and knowledge to the vision impaired. Caroline Simson, who was born blind, recounted a fascinating history of her experience of learning to read, starting with braille and then cumbersome braille machines and tapes — where trying to find one's place in a story was almost impossible — to the DAISY technology using CDs and the opportunity to have immediate access to information. For example, she gets the *Age* online before a hard copy even lands on her neighbour's front lawn.

Vision Australia is at the leading edge of timely communication for the vision impaired, and this has only been made possible with the generous support of Pauline and John Gandel; Microsoft; the J. T. Reid Trust; and the Wicking Trust, which is administered by ANZ Trustees. It is interesting to note that the Wickings have been supporters of the visually impaired for over 40 years.

It was a great celebration, and everyone is to be commended. I suggest that this chamber has a good look at the excellent work done by Vision Australia.

Rail: Coolaroo station

Mr ELASMAR (Northern Metropolitan) — On 6 June 2010 I was proud to stand alongside our Premier, John Brumby, and the Minister for Public Transport, Martin Pakula. The occasion was the opening of the new Coolaroo railway station in the state seat of Broadmeadows. The project included the construction of a new station building, a commuter car

park and a pedestrian overpass with both lifts and stairs and properly designated drop-off zones. It is a great new rail service for the travelling public of Coolaroo. I congratulate all the people involved in its marvellous construction.

Syrian Orthodox Youth Group of Melbourne: festival

Mr ELASMAR — On another matter, on Sunday, 20 June, I attended with my parliamentary colleague the member for Preston in the other place, Robin Scott, the inaugural Syrian Orthodox Youth Group of Melbourne (SOYGOM) festival. The festival was officially opened by His Eminence Archbishop Mor Malatius Malki Malki. The celebration was well attended by young people, parents and dignitaries from all walks of life. We were treated to cultural dancing and singing, traditional food stalls and beautiful clothing displays. Everyone thoroughly enjoyed the day. At the end I, with His Eminence, distributed congratulatory certificates to all youth present who had excelled in their final education year at school or university. I want to thank and congratulate the organisers on their splendid efforts.

Ashwood College: fire damage

Mr D. DAVIS (Southern Metropolitan) — I rise today to put on record my concern and goodwill over the arson incident at Ashwood College, which is a very good school. I have certainly had links with the school in the past and believe it is a school that does its very best for the students. It has had to cope with great difficulties and significant interruption to the work of students through having classrooms and structures destroyed. I understand the principal, Kerrie Croft, and the school council are working very hard with the department to ensure there is no disruption to the school's operations, but certainly the coalition is determined to provide any assistance that is required and is very keen to support the school community in its response to this terrible incident.

I note that two young individuals have been charged over this fire, and no doubt the legal processes will be followed through, but it is indicative of a concern about young people doing this sort of thing to a very important secondary college in the electorate that I and others represent. I add my concern about the fire and my support to the school, and I wish it well in its recovery.

Regional and rural Victoria: Ready for Tomorrow

Ms TIERNEY (Western Victoria) — Last Tuesday, 15 June, I joined the Premier, the Minister for Regional and Rural Development, and a number of government members of Parliament for the launch of the Brumby Labor government's *Ready for Tomorrow* — *A Blueprint for Regional and Rural Victoria*, through which \$631 million over five years will deliver five new strategies with 51 actions to secure economic growth and to attract jobs and population growth to rural and regional Victoria. The tertiary education opportunities package is the centrepiece of the blueprint, which will attract young people to study and return to work in the regions by increasing the number and range of university and TAFE courses and by additional student accommodation, cadetships and new higher education targets.

In the blueprint \$260 million has been committed to the Regional Infrastructure Development Fund, which is the largest single investment in this fund since its inception. The RIDF has supported 353 infrastructure projects across rural and regional Victoria, with a total value of more than \$1.4 billion. Some of these projects in western Victoria have included \$6 million for the Deakin University waterfront campus in Geelong, \$5 million for the IBM expansion at the University of Ballarat Technology Park, \$2 million for the Portland trawler wharf development, and just under \$1 million for the Warmambool Midfield Meat cogeneration project.

Western Victoria looks forward to the new injection of funds. In the new blueprint there will also be \$50 million for the sustainable small towns package to continue the Brumby government's support of Victoria's small towns into the future. The blueprint is a result of years of consultation with councils and representative groups across the state.

Buses: routes 767A and 670

Mr TEE (Eastern Metropolitan) — I rise to welcome the rollout of new bus route 767A, which will commence to operate just in time for the trimester 2 classes at Deakin University on 19 July. This new route will run from Box Hill station to Deakin University and will be of particular interest and benefit to students at Deakin University. It will provide an extra 350 bus trips to Deakin University each week, meaning much more frequent services for students.

There is also a new route 670, which has been extended beyond Ringwood station to Swinburne University,

again providing more frequent services to university for students. I welcome these changes, which were the product of the government-initiated bus reviews. Those reviews involved extensive consultation with the community on a number of occasions. As a result of that consultation there have been changes and improvements to bus services, including the two I have already mentioned. I congratulate the government on this outcome — on those very welcome changes.

Schools: absenteeism

Mr VOGELS (Western Victoria) — Last Monday, 14 June, the coalition announced that when elected to govern it will enforce truancy laws to remind parents of their responsibility to ensure that their children attend school. As members of the Rural and Regional Committee looking at disadvantage, we have heard from witnesses that lack of education is the no. 1 reason for lifelong disadvantage. The Education and Training Reform Act 2006 states:

It is the duty of the parent of a child of not less than 6 nor more than 16 years of age —

- (a) to enrol the child at a registered school and to ensure the child attends the school at all times when the school is open for the child's instruction ...

For example, in Mildura the *Sunraysia Daily* of Saturday, 6 March 2010, reports:

... a significant number of young people in the 17–25 age bracket were not involved either in education, training or employment.

A further 450 teenagers of school age were not involved in education ...

...

Some 20 per cent of four-year-old children did not attend kindergarten in 2009.

This scenario was repeated at hearings in Portland, Ballarat, Geelong, Benalla, Maryborough and so on.

The Brumby Labor government has clearly failed, as under its approach not even one parent has been held to account for allowing their children to miss out on an education. Clearly the current laws include a number of reasonable excuses for a child missing school — sickness, accident, missing the school bus, or a child deliberately waggling school, unbeknown to the parents. It is an indictment of this Labor government that anything up to 20 per cent of school-age children are not regular attendees at school, and many thousands of students across the state do not go to school at all.

Queen's Birthday: honours

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate the achievements and contributions of Victorians who were recently recognised with their inclusion in this year's Queen's Birthday honours list. George Lekakis, chairperson of the Victorian Multicultural Commission since September 2001, has been made an Officer of the Order of Australia for his distinguished service to the community through leadership roles in multicultural organisations and to the development and implementation of services to support those from culturally and linguistically diverse backgrounds. Mr Lekakis has also previously served as chairperson and deputy chairperson of the Ethnic Communities Council of Victoria amongst other roles.

Mike Zafiroopoulos, a former SBS director, has been made a Member of the Order of Australia for his service to the community over 40 years through executive roles within a range of arts, multicultural, charitable, media and local government organisations and as an advocate for cultural diversity and harmony.

Irene — or Rena, as she is widely known — Frangioudakis was honoured with a Medal of the Order of Australia for her services to the Greek community of Victoria. Ms Frangioudakis has devoted her life to enriching the cultural and social lives of Victoria's Greek Australian community. She has devoted many years to working in every facet of the media, including radio and television broadcasting and print journalism, and is a constant source of advice and support to many community organisations and individuals to which she generously gives both her time and compassion.

Dr Zisis Dardalis has been recognised for his services to the Greek Australian community through his charitable contributions to organisations that support education, health care and sport and has been awarded a Medal of the Order of Australia.

A Medal of the Order of Australia was awarded to Marika Bisas for services to the Greek community of Victoria. She has spent much time addressing the needs and appropriate care of the Greek elderly in Victoria.

I congratulate all the recipients on the Queen's Birthday honour roll and commend them for their continuing and valuable contribution to the community.

Alma Doepel: restoration

Mr MURPHY (Northern Metropolitan) — On Friday, 18 June, I was given the privilege of inspecting the *Alma Doepel* restoration works taking place at no. 2 shed, North Wharf Road, Victoria Harbour. Built in

1903, the *Alma* is the last remaining Australian-built wooden coastal trading sailing vessel. At 149.5 feet long, the *Alma* is a beautifully constructed ship that sailed our coastline and traded between Australia and New Zealand as well as serving us in World War II, carrying troops and ammunition.

This remarkable ship has a very long and proud history, and I am pleased to say it will once again be returned to service following its restoration. Whilst being restored the *Alma* continues to serve our community in many ways. Youth development programs for over 15 000 trainees, including members of the YMCA Bridge Project, have been conducted around Port Phillip Bay on the *Alma Doepel* as Melbourne's sail training ship. Retired engineers and seamen are also benefiting from the opportunity to work on the restoration of the *Alma* and continue to offer a great service to the community.

Whilst on board the ship, currently docked outside shed no. 2, I could feel the history and could only wonder at the countless stories this grand old ship could tell. Seeing photos of the *Alma* in action provokes a great sense of wonder at the efforts made by so many who ensured that trade amongst Australia's ports succeeded and enabled our early federation and democracy to thrive and become what we see around us today. I congratulate those involved in the restoration and wish them all the best and provide my support in order that once again we may see this magnificent ship returned to service.

PLANNING: AMENDMENT VC67

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

That pursuant to section 46AH of the Planning and Environment Act 1987, amendment VC67 to the Victoria Planning Provisions be ratified.

In doing so I wish to speak to this motion. I first of all highlight that as a government we are and have been taking action to complement and manage growth and protect Melbourne's reputation as one of the most livable and prosperous cities in the world. We are helping families secure their lifestyle aspirations today and protecting those of future generations. As we move forward, new challenges emerge, including how we cater for our growing population and how our city adapts and flourishes in the face of climate change and an increasingly competitive global market. Maintaining livability and safeguarding future housing affordability depends on making good planning decisions now so we

can protect the lifestyle of our existing suburbs and brand-new communities into the future.

In December 2008, the government released two integrated policy statements, Melbourne @ 5 Million and the Victorian transport plan, that will help us drive a new era of opportunity and prosperity in Victoria. Melbourne's population is expected to become home to 5 million people much faster than previously expected. We will need to accommodate an extra 600 000 new homes over the next 20 years.

I want to deviate for a minute and highlight that even if we were not to need to accommodate a growing population, what we would still need to do — and I have highlighted this on a number of occasions in this chamber — is to provide more dwellings on the basis that lifestyles and household formation are changing. We know that over the course of the next 20 years or so the current situation — one-third of the population living in traditional household formations, families with children — is likely to change and that one-third will make up only one-quarter of the general population of the city.

People are living longer, people are spending more time living on their own or in smaller households and people are forming partnerships later. Given that, the need and the desire for new dwellings, regardless of population growth — but also highlighted by the increased demand for those dwellings and population growth — means there is a much more profound need to provide those 600 000 new dwellings over the next 20 years.

More than half of these new homes will be built in Melbourne's existing suburbs, along transport and employment corridors and in activity centres. The remainder will be built in Melbourne's growth areas: Casey-Cardinia, Melton-Caroline Springs, Hume-Mitchell-Whittlesea and Wyndham. But we are not planning to build what has traditionally been described as the dormitory suburbs of the past. Instead, we have a plan to manage and complement Melbourne's growth in a sustainable way: to build new homes along with levels of infrastructure, local jobs and community services that residents now expect.

I have said all along that it would be irresponsible to open up new land for development without first securing the revenue to pay for the necessary infrastructure over the life of the development. The growth areas infrastructure contribution (GAIC) is a vital mechanism for funding these essential services and infrastructure. The GAIC legislation having passed, we can now move this amendment, VC67.

Last year we delivered an integrated long-term plan for land use and transport projects known as Delivering Melbourne's Newest Sustainable Communities. We have now reached another important milestone in the planning process. I have approved, and I am now seeking parliamentary ratification of, amendment VC67 in accordance with section 46AH of the Planning and Environment Act 1987.

The amendment before the Parliament is one of the most significant city-shaping initiatives for Melbourne in a generation. It builds on the government's commitments and long-term planning considerations in the Victorian transport plan and ensures that Melbourne's competitive advantage in affordable housing is maintained. A very important component of the consideration of this amendment is the need for and desirability of maintaining affordable housing.

The amendment updates our statewide planning policies and introduces new planning scheme provisions for councils including Brimbank, Casey, Hume, Greater Geelong, Moorabool, Melton, Mitchell, Whittlesea and Wyndham. Amendment VC67 defines the city's new urban growth boundary to cater for Melbourne's growth for 20 years to come, ensuring sustainability and housing affordability. It introduces new zones for land brought inside the revised urban growth boundary to reflect its intended future function.

Amendment VC67 brings approximately 43 600 hectares of land inside Melbourne's urban growth boundary and directs most future growth to the north and to the west of Melbourne. The extension includes approximately 24 500 hectares of developable land. This is less than half the original size of the investigation areas. The extension provides land to build at least 134 000 new homes for Victorian families and land for employment, while also protecting natural areas, creeks, quarries and other non-developable land.

Amendment VC67 also includes a small number of changes to our state planning policies to implement Melbourne @ 5 Million. The proposed changes build on the government's commitment to encourage the location of development in areas best serviced by public transport and in and around activity centres where people have better access to jobs and services. This will reduce pressure for development in other parts of established urban areas that may be more sensitive to intensive forms of housing.

Amendment VC67 sets out the alignments for major transport initiatives identified in the Victorian transport plan, such as the regional rail link and the outer metropolitan E6 transport corridor projects. The

regional rail link west of Werribee to Deer Park will provide more frequent and reliable regional rail services in Melbourne's west where country trains reach the metropolitan network, and it will assist in boosting the capacity of the metropolitan rail system.

I believe this alone, let alone the other components of this amendment, is worthy of consideration and certainly worthy of support from opposition parties. If opposition parties are truly serious about improving the transport system — and, as we have heard today in this chamber, improving the transport system in the western suburbs — then this should be supported.

The outer metropolitan ring E6 transport corridor will also cater for the expected increases in the volume of freight and people moving around outer metropolitan Melbourne and Victoria over the coming decades. Construction is not expected to start before 2020.

Amendment VC67 will also protect 15 000 hectares of native grasslands in Melbourne's west, and a further 60 000 hectares will be zoned inside the proposed expanded urban growth boundary for rural conservation purposes, which will help us protect Victoria's most endangered native flora and fauna for future generations. Less than 5 per cent of Victoria's original grasslands still remain, and the Brumby Labor government is taking action to preserve these remaining grasslands.

The Victorian government has also worked closely with the commonwealth government to reduce the impacts of urban development on threatened flora and fauna species. The agreements, which have been progressively delivered with the commonwealth government, will provide significant regulatory reform for managing biodiversity and development in Melbourne's growth areas. This package of initiatives involves significant community consultation, including extensive notification that resulted in approximately 2000 submissions, all of which have been considered in my approval of the amendment.

In recent days we have had some pontificating by the opposition parties in relation to this amendment. I am disappointed by that. We have made significant reforms to the planning system in the last few years. But at each step along the way parties in this chamber have sought to delay, postpone, stall and block most of these changes to the planning system.

The real impact of those delays is to increase the cost of any development, particularly housing development. The real cost of that is passed on to families who seek to purchase homes. Any delays to this amendment will

again be passed on through the building and construction system to purchasers. Any delays to this amendment will also add uncertainty to the building and construction industries at a time when housing in this state is being delivered in record amounts, and it needs to continue to be delivered in record amounts on the basis of the opportunities that this state and this city provides.

If opposition parties either sought to delay or adjust this amendment I would be particularly disappointed for a number of reasons that have not necessarily been expressed by me previously, but expressed by the Liberal Party opposition when other amendments have been brought before this Parliament. On 14 April this year in relation to a Greens political party disallowance motion on the Williamstown rezoning, a number of comments were made by Matthew Guy on behalf of the opposition. I will not quote them verbatim, but basically what Mr Guy said is he did not want to turn the upper house of Victoria into the responsible planning authority for various amendments and proposals that come before it. I think that is a fair position to be adopted by the opposition. I do not believe this chamber should become the planning authority for matters on a day-to-day basis.

A number of other statements made by Matthew Guy, which I will not quote verbatim but they stand on the parliamentary record, also reflect that sentiment. He goes on to say he does not believe the community expects this chamber to become the planning authority that tinkers and adjusts the relevant planning schemes as they come before the house to guarantee and deliver certainty to the broader Victorian community.

I would be surprised if the opposition sought to adjust this amendment, because it is a competent package. It has been through enormous consultation and technical development. To make a minor adjustment would be like cherry picking and would unpick a comprehensively and technically delivered package.

Other statements made by Mr Guy on 12 November 2008 in relation to a disallowance motion in terms of VC49, which was moved in this place by the Greens political party, referred to setting precedents for the Parliament to intervene in any manner at any time it sees fit to knock something out despite it having gone through a lengthy process. I would be disappointed not only by the Liberals and The Nationals wanting to adjust this process but also if the Greens sought to delay it.

This comprehensive package delivers certainty in terms of the regional rail link. As part of the regional rail link

the package is germane to the development of new outer suburbs, because the regional rail link will develop additional metropolitan capacity to the western suburbs and to new suburbs. Any delay would no doubt reflect not only on the opposition but on the Greens, who not only were not supportive of housing affordability or of certainty and security around the planning, building and construction systems but single-handedly seek to undermine the delivery of public transport projects that will no doubt reduce carbon emissions in the long term. We see the Greens party wanting to spoil and delay one of the most important exercises in shaping the metropolitan area that we have ever seen in this Parliament. Not only do they want to do that, to the disadvantage of the broader Melbourne and Victorian community, but they want to undermine our ability to benefit the physical and natural environment in the best way we can.

I would be disappointed not only by the Greens political party's desire to stall this process but by the Liberal-Nationals coalition wanting to amend it, because it goes against their track record and their remarks in *Hansard*. I suspect it would undermine confidence in the broader planning, construction and building fraternity, which has been a great employer in the state and which continues to employ people in the commercial building area and more importantly in the cottage building industry. Those jobs are important not only to Victorian families but to the housing industry which provides security for those jobs.

I am confident that VC67 will deliver the outcomes that Victorians expect in planning new sustainable communities. Shifting the urban growth boundary will ensure that we have access to the land necessary to accommodate the projected population and housing growth while maintaining housing affordability. The outcomes of the urban growth boundary review, together with related major transport and biodiversity initiatives, will deliver the most significant land use and transport changes that Melbourne has experienced in a generation. Importantly, these initiatives build upon sound policy platforms and will maintain Melbourne's livability as the city's population approaches 5 million.

This package demonstrates the government's commitment to an integrated, long-term approach to land use and transport planning, and will ensure that infrastructure and essential services will be ready as communities grow. That is why VC67 will come into operation with a mechanism for funding the required infrastructure that new communities need, deserve and expect. Shifting the urban growth boundary is the first of a number of steps to deliver new sustainable communities in Melbourne's growth areas.

Decisions still need to be made regarding how land brought inside the expanded urban growth boundary will be used and ultimately developed. The preparation of growth area framework plans will help us identify the best areas for housing, employment, community facilities, public transport, road and rail infrastructure, drainage and open space. This will enable precinct structure planning to occur for communities and will help us identify development and investment opportunities in growth areas over many years.

While redefining the city's boundary, this amendment protects Melbourne's vibrant and distinctive look and feel, and helps maintain our reputation as one of the world's most desirable places to live and one of the best cities in the world. This important city-shaping initiative will help manage Melbourne's long-term growth and prosperity by ensuring land supply and by keeping house prices affordable. I encourage all parties to do their part and support the motion before the house.

Mr GUY (Northern Metropolitan) — You would think after 10 years that if the minister was going to come into this house and insult me, he would at least have the ability to do it unscripted. I must say I found it amazing that that speech — the first one, I might add, that the minister has delivered on this topic — was, in effect, full of what appeared to be grabs made up of lines from media releases or lines that had been pre-produced by people sitting around a computer and saying, 'Let's take this grab and see what it said here, and put this in and put this in and do this and do this, and let's conjure up a speech and put that together and read it out'.

Ms Mikakos interjected.

Mr GUY — If you feel passionately about something, Ms Mikakos, you should be able to come in here and make a passionate speech to try to convince your political opponents. You should be able to come into this chamber and say, 'Here is a matter which I think is of critical importance', and try to convince people, rather than coming in with scripted lines that will no doubt form the basis of some government media release within the next hour or two, which really just reflects why the planning system in this state is in the mess that it is in. I am not going to speak for long on this, because I think we have talked about a number of these points. I think we talked during the growth areas infrastructure contribution (GAIC) debate about this issue and about the concerns the opposition raised at the time. I think we went over them.

I should just make a quick couple of comments again. The minister referred in his speech to delays and to people delaying planning initiatives in this state. For those in the chamber and certainly for those listening, particularly given a number of calls made by the minister and his department and others to agency groups today, it should be remembered that it was the government that sought to delay part of the GAIC bill in December, so delaying bills or amending or stalling or halting planning initiatives is not within the purview of just one side of the house. Within the last six months it has been done by the minister's own government — in fact I think it was Ms Mikakos, as the Parliamentary Secretary for Planning, who actually moved for the debate to be adjourned on one of those issues. While we have from the minister the story, 'If we do not pass this now, it will impact on retail prices' and all the rest, the delays were in fact initiated by the Labor Party.

I note that the minister again said this was a significant, city-shaping initiative. It is four weeks to the day since I stood up in this chamber and said that if the amendment came back in the form of VC55, which was the government's original amendment at the start of the year, we would seek to remove clause 12, dealing with metropolitan planning and the higher density outside activity areas along bus routes, in particular orbital bus routes, and that we would have an issue with the E6 freeway. If it is such a significant, city-shaping initiative, why has the minister done nothing? He has had four weeks in which to try to fix the problem, four weeks in which to say, 'I have read it. We know where they stand'. We did not hide anything. We did not spring it on anyone at the last minute. We did not go to industry groups and say we would promise everything and then at the last minute announce a change in view. We said four weeks ago that we were going to say where we stood on everything that was going to come before this house on this issue; and it was there, it was open, it was out.

I received not a single call from the minister. Apart from the 45-minute bill brief, there was nothing to follow it up to say, 'What are your concerns? How do we get around it?'. It is his bill; it is his motion. He wants it to go through, but there was nothing, absolutely nothing. I said from the moment I stood up in this chamber four weeks ago that the coalition would not support what is in clause 12 of this amendment or, similarly, what was in VC55. I said that we would not support what was in the E6 proposal, given that the case had not been made, no funds have been put in any forward estimates and it lies just 4 kilometres from an existing freeway constructed within the last 10 years — and if you want to talk about certainty, you can talk about the people who live along the proposed E6 route

and their certainty. Anyway, I made very clear where we stood on those proposals. I had also made it very clear that we on this side of the house did not oppose the expansion of the urban growth boundary. For better or worse, we had said, 'We do not oppose it. We will not oppose it if that is the government's primary objective. Come and talk to us. We will not oppose it'.

We also offered an olive branch to the government on logical inclusions, which the government has still not talked about. It has still failed to talk about this matter after nearly 18 months. Urban growth land which lies adjacent to or close to infrastructure provisions is in many cases land whose inclusion has been backed and supported by councils. We have said, 'We will even support you on those as a first point of call. If you need land and you need it soon, you can grandfather part of the rezoning to ensure the land is indeed GAIC-able if you want to try to stimulate that housing growth around those infrastructure markets'. Not a call from the minister. Silence. Therefore I move forthwith as an amendment:

That all the words and expressions after 'That' be omitted with the view of inserting in their place 'pursuant to section 46AH of the Planning and Environment Act 1987, amendment VC67 to the Victorian planning provisions tabled in this house on 10 June 2010 be ratified, excluding clause 12 dealing with metropolitan planning and schedule 6 to the public acquisition overlay for the Whittlesea planning scheme (section 6(2), maps 5, 11, 12 and 17 of the incorporated documents).'

I said four weeks ago during the GAIC debate that this is what we would do — that we would move to amend this because we had serious concerns with it. I ask for comments to be made on that motion.

We had, as I said, serious trouble with clause 12 and the, if you like, Sydneyfication of Melbourne — what we are doing to Melbourne; what this government is doing to Melbourne. Look at what the Neville Wran government in the 1980s in New South Wales tried to do to Sydney, and indeed what it succeeded in doing in many areas. There have been 15 years of Labor government in New South Wales from 1995 and the Wran Labor government was in power from 1976 until 1988, which was 12 years.

What has occurred has been the complete destruction of urban areas in Sydney outside of activity centres and outside of designated nodes. There has been complete urban change across parts of Sydney that has destroyed its character and made that city unliveable in so many areas. Sydney is now, we all acknowledge, the worst place in Australia to live, the worst capital city in Australia to live. It is a completely unliveable city. It is a city that exists for the haves and have-nots, and very

few in between. We on this side of the house do not want to create that in Melbourne.

I say it again: we on this side of the house are not opposed to the expansion of the urban growth boundary, and if the minister asks, if he wants to move that today, he has our support on this side of the house. He has it. But we will not turn Melbourne into Sydney. We will not allow the city with what we believe to be the best built form in Australia to be decimated by a government with a short-term planning objective, a government that makes Whelan the Wrecker look good, a government that does not respect the character of our city.

Mr Viney — On a point of order, Acting President, I am sorry to interrupt Mr Guy in full flight, but my understanding of the Planning and Environment Act 1987, section 46AH, is that it very severely restricts the capacity for the house to consider amendments to the ratification of amendment VC67 to the Victorian planning provisions, so I am seeking the advice of the Chair as to whether the house can actually consider the amendment proposed by Mr Guy.

Mr GUY — On the point of order, Acting President, I note Mr Viney has made comments about my amendment not being in order. As reference, I would point the house to section 46AF of the Planning and Environment Act, part 3AA, which states very clearly that:

This Division —

under which the motion was moved —

applies to an amendment to a metropolitan fringe planning scheme that has been approved by the Minister under section 35 ...

It then specifies in paragraphs (a) and (b) the areas that cannot be touched, as follows:

- (a) that amends or inserts an urban growth boundary; or
- (b) that has the effect of altering or removing any controls over the subdivision of any green wedge land ...

The reasoned amendment that I have moved does not relate to either of those two paragraphs. It certainly relates to metropolitan planning and public acquisition overlays for a freeway, which do not fall within the purview of the two points raised in the bill; as such I believe the amendment is in order.

Mr D. Davis — On the point of order, Acting President, as I understand it Mr Viney's point of order relates to Mr Guy's proposed amendment. To assist the Chair in this the minister has moved for the passage of

amendment VC67 under section 46AH of the Planning and Environment Act. Under division 3, section 46AF, the Planning and Environment Act severely constrains the ability of the minister to move ratification motions. I think it is worth adding this to the record in its entirety. The act states in section 46AF:

- (1) This Division applies to an amendment to a metropolitan fringe planning scheme that has been approved by the Minister under section 35 and —
 - (a) that amends or inserts an urban growth boundary; or
 - (b) that has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme.
- (2) This Division does not apply to an amendment to a metropolitan fringe planning scheme if the amendment was approved by the Minister before the commencement of the Planning and Environment (Metropolitan Green Wedge Protection) Act 2003.

The point of this is that the minister is constrained in what he can bring to this chamber. He has brought an amendment under the act in the form of amendment VC67, but it is not in order. Mr Guy's reasoned amendment seeks to bring that planning amendment into order and enable the chamber to debate a matter within the purview of the minister under the Planning and Environment Act 1987, as amended.

This is surely a matter that the house should examine closely. It should be debating matters that are squarely within the Planning and Environment Act 1987. Mr Guy's amendment will bring the minister's motion back to the purview he is allowed under the Planning and Environment Act.

Currently VC67 strays legally from within the clear intent of the Planning and Environment Act parameters. For that reason the opposition is very concerned indeed that these matters that the minister has brought are not within his purview under the Planning and Environment Act. My point of order is very simple. Mr Guy's motion, through which the minister's activities would be brought back within the purview of the Planning and Environment Act, is entirely in order.

Hon. J. M. Madden — On the point of order, President, a number of matters have been raised here; I think the matters raised and again reinforced by Mr David Davis are contradictory. One is that he is asking for a ruling on whether this amendment is outside my powers and the other is Mr Viney's request

that you rule on whether or not the issues raised by Mr Guy are, in a sense, allowable.

There are two matters there, and they are slightly different. The one that Mr Guy has raised is slightly different from the matters that Mr Davis has raised. Whether or not they are consistent with each other or consistent with the amendment before the chamber today, I would ask you, President, to seek clarification on those matters, as per the request of Mr Viney.

Mr P. Davis — On the point of order, President, as I understand the point of order taken by Mr Viney, he is asking for a ruling from the Chair as to whether the reasoned amendment moved by Mr Guy is in order. His amendment is a reflection upon the terms of the motion before the house, which is a motion that a planning scheme be ratified. The provisions of the Planning and Environment Act are silent as to the form of the motion for ratification.

The motion for ratification which has been brought forward by the minister in one view exceeds the provisions of division 3, section 46AF, of the Planning and Environment Act — that is, it is a broader motion as Mr Guy has set out in his case, which I do not intend to debate in speaking to the point of order. Mr Guy has moved an amendment that seeks to limit the motion for ratification to the matter specifically contained within the Planning and Environment Act in relation to section 46AF and to excise and therefore exclude the other matters, which are, in effect, ultra vires — that is, beyond power in relation to the actual Planning and Environment Act provisions. Mr Guy is presenting an amendment to exclude matters which do not conform with the provisions of the Planning and Environment Act.

This places the Chair in a difficult position, in my view. To assist the Chair I suggest that the matter be handled in the following way: as these are matters which are of significant political interest — that is, political debate — and any ruling from the Chair will inevitably risk bringing the Chair's position into some sort of political conflict, we would not want to reflect upon the Chair in anyway.

I looked for guidance in relation to this matter. I found that *Odgers*, at page 116, sets out clearly that:

It is not the duty of the Chair to —

do a number of things —

nor is it the Chair's duty to adjudicate upon points of law.

It seems to me quite clear that this matter is in the hands of the house — that a house of Parliament has its own proceedings within its own gift — so clearly it is a matter for the house to determine by resolving the questions which are progressively put to it on this issue of ratification. Given that we would not want the President adjudicating on points of law, the way to proceed would therefore be to enable the house to proceed to put the amendment. If the house is disposed to agree to the amendment, that amendment will become the motion, in effect, which is the matter that the house would then consider — or otherwise. It would seem that we have within our gift the solution so as to not embroil the Chair in a controversial political debate on interpretation of law, which the Chair may or may not have the wisdom to properly interpret — although with the guidance of various people I am sure he could form a view. Notwithstanding whatever ruling the Chair makes, it will inevitably invite a question about the appropriate process.

My argument here rests on *Odgers*, which makes it clear that it is not the Chair's duty to adjudicate on points of law. What we have before the Chair is in fact an argument about a point of law.

Mr Hall — On the point of order, President, I note that the minister is employing in his motion the powers given to him by section 46AH of the Planning and Environment Act 1987 in asking the Parliament to ratify a proposed amendment to a planning scheme. Mr Guy has moved a motion that seeks to amend the minister's motion. Some good arguments have been put in this point-of-order debate, but I wish to put another argument.

Having looked closely at section 46 and those provisions associated with division 3 of part 3AA of the Planning and Environment Act 1987, which sets out the process for ratification by Parliament of amendments to planning schemes, I have seen nothing in those provisions that excludes a member from putting an amendment to such a motion as that moved by the minister. In the absence of any specific preclusion of this being done, I put it to the Chair that just as any motion put by any member in this house can be subject to amendment, so can the motion that has been moved by the minister.

In terms of the adjudication on this point of order, I contend that in the absence of any provision preventing Mr Guy from putting forward his amendment, it should be accepted.

Mr Barber — On the point of order, President, I have two additional matters for your consideration.

Firstly, both Mr David Davis and Mr Philip Davis suggested in their contributions that the motion put by the government might not be compliant with section 46AH of the Planning and Environment Act and that Mr Guy's amendments might make it more compliant. In fact Mr Guy's amendment only removes a small number of matters that are attached to this motion. In addition to the things that section 46AH authorises, a huge number of other matters have been thrown on top of this motion and the documentation behind it — public acquisition overlays, changes to planning schemes, both metropolitan and regional — so it cannot be argued that somehow if the motion is out of order, it will become more in order if Mr Guy's motion is agreed to. Mr Guy's motion only removes some of the possibly non-compliant matters. It is possible that all sides could be wrong.

Secondly — and I am following up Mr Hall's point — there is a whole other section of the act that deals with ratification of planning scheme amendments, and this motion now has a number attached. We are familiar with them because they appear every day of the week — we just had a whole bunch of them before. If you look at the act and see that there is this whole other section where matters such as those are dealt with and which is routinely used, it should become even clearer that the attachments the government has made are out of order at least in respect of the proper forms by which such things are meant to be introduced to the house.

The PRESIDENT — Order! I was listening with great interest to this debate in my chambers. It is one of those rare debates that gets everyone's attention; it is a pity we do not have more of them. However, regarding Mr Guy's motion for the amendment to the minister's motion for ratification of amendment VC67 to the Victoria planning provisions, I had discussions with the Clerk earlier today, pre-empting this debate, in which we discussed the position I should take. That was an interesting discussion as well.

This is not an easy matter for the Chair to rule on. Certainly the Chair cannot make a determination as to the legality or otherwise of the contents of amendment VC67 to the Victoria planning provisions. The Chair can, however, have a view about what the Parliament can or cannot do in relation to a ratification motion moved under section 46AH of the Planning and Environment Act 1987.

It appears to me that there is some doubt about the Parliament's capacity to permit a ratification of part of a planning scheme amendment to which division 3 of part 3AA of the act applies. However, this is only my view. In considering Mr Guy's amendment to the

motion moved by Mr Madden, the Chair has to be satisfied that the amendment is relevant to the subject matter under consideration. This requirement is normally interpreted liberally so as to not restrict unduly the rights of members.

There does not appear to be any procedural basis for ruling the amendment out of order. However, substantial doubts have been raised regarding the capacity of the house to consider the amendment. Other doubts have been raised regarding the legitimacy of the minister's motion. I therefore intend to take the matter under advisement and to obtain further advice, including independent legal advice. I will therefore not allow any debate on the amendment at this stage. I believe that the debate should be adjourned until I have reported back to the house.

Given that Mr Guy is halfway through his contribution, it is appropriate that he move to adjourn the debate so as to protect his rights.

Debate adjourned on motion of Mr GUY (Northern Metropolitan).

Debate adjourned until next day.

**TRANSPORT LEGISLATION
AMENDMENT (PORTS INTEGRATION)
BILL**

Second reading

Debate resumed from 10 June; motion of Hon. J. M. MADDEN (Minister for Planning).

Debate adjourned on motion of Mr VINEY (Eastern Victoria).

Debate adjourned until later this day.

Sitting suspended 4.17 p.m. until 4.24 p.m.

**TRANSPORT LEGISLATION
AMENDMENT (PORTS INTEGRATION)
BILL**

Second reading

Debate resumed from earlier this day; motion of Hon. J. M MADDEN (Minister for Planning).

Ms PENNICUIK (Southern Metropolitan) — It is a pleasure to speak on the Transport Legislation Amendment (Ports Integration) Bill 2010. Unfortunately the Greens are not able to support this

bill. At the outset, I thank the government for agreeing to the postponement of consideration of this bill for another week, which allowed me time, for a start, to receive a briefing from the adviser to and staff of the Minister for Roads and Ports, Mr Pallas, and also from departmental staff.

I thank them for their briefing and for the time they took during the last week to go through the concerns I have with the bill, some of which the government listened to when I raised them in that briefing. The government put some proposals to me in a general sense that it hoped would allay my concerns and may have resulted in the Greens supporting the bill. However, we have come to the view that we cannot support it.

I will outline why that is the case. The Transport Legislation Amendment (Ports Integration) Bill does three main things, as set out in the explanatory memorandum. The first is to continue:

the Port of Melbourne Corporation and the Victorian Regional Channels Authority under the Transport Integration Act 2010 with refreshed functions and object provisions that align with the new policy framework set out in that act.

During my briefing with the government department and the minister's staff I pointed out that under the Transport Integration Act the Port of Melbourne Corporation, the Victorian Regional Channels Authority and the Port of Hastings are what is known as transport bodies; in fact section 3 specifically names the three.

Section 24 of the Transport Integration Act states:

- (1) A transport body must have regard to the transport system objectives in exercising its powers and performing its functions under any transport legislation.
- (2) A transport body must have regard to the decision-making principles in making decisions under any transport legislation.
- (3) If a transport body is a specified transport body in a statement of policy principles, it must have regard to the specified policy principles which apply to it under the statement of policy principles.

For all intents and purposes the Port of Melbourne Corporation and the Victorian Regional Channels Authority are governed by the Transport Integration Act in terms of the decision-making principles and the policy principles that are set out in the act.

The Greens supported the passage of the Transport Integration Act, but we raised some concerns. We welcomed the fact that a vision statement, objectives, principles, a statement of policy principles and

decision-making principles were being included in that act, which also inserted the notion of triple bottom line, social, economic and environmental considerations that agencies and bodies that operate under the act need to take into consideration.

One of the key questions we raised during that debate — it was raised in the committee stage and I raised it again at the briefing — is: what does ‘take into consideration’ mean? It means what it means. In legal parlance it means ‘turn one’s mind to’. In terms of a corporation or a transport body other than a natural person, that means the corporation might turn its mind to any of those principles — be they environmental, social or economic.

But section 27 of the Transport Integration Act states:

For the purposes of section 24 and 25 —

which concern the application of the act to transport bodies and to interface bodies, which do not concern us with this bill; only transport bodies do —

a transport body ... may determine the weight to give to each decision making principle.

The transport body, be that the Port of Melbourne Corporation or, as in this case, the Victorian Regional Channels Authority, may determine the weight it gives to each principle. The argument running between the government and me on this was that the government was saying that would mean that if there was a need to give greater weight to social considerations, the organisation might do that. On the other hand, given the out that section 27 seems to give a body covered by the act, there may be other pressures on those organisations which may mean that due consideration would not be given to social and, particularly, environmental issues. In essence there does not seem to be an urgent need to bring the port of Melbourne and the Victorian Regional Channels Authority under this act.

Another point the government was making was that this bill will bring the ports into the transport system, but it leaves out the ports of Geelong and Portland. As they will not be brought into the system, it will not be totally integrated. The government certainly needs to work out how it will deal with that issue, if it wants to bring all the ports into an integrated transport system.

The bill abolishes the Port of Hastings Corporation, provides that the Port of Melbourne Corporation will be the successor in law to the Port of Hastings Corporation and integrates the management of the port of Melbourne and the port of Hastings. In other words, the whale will swallow up the minnow: the Port of

Melbourne Corporation will be responsible for the ongoing operations of the port of Hastings.

Many people in the community, many groups and many scientists have raised concerns about the current operation of the port of Hastings and the effect it is already having on Western Port. It is certainly not on my to-do list or that of the Greens to have the port of Hastings swallowed up by the Port of Melbourne Corporation.

Members will be aware of my concerns about the behaviour of the Port of Melbourne Corporation in the channel-deepening project it has undertaken over the past couple of years. My concerns were about its approach to that particular project. Its attitude to Port Phillip Bay was that the Port of Melbourne Corporation owns Port Phillip Bay, that the bay is basically a highway for ships and that all other considerations are secondary to those of the Port of Melbourne Corporation. On its approach to the environment effects studies, we know the first study was a flawed process that had a flawed outcome. Everything had to be done again because the Port of Melbourne Corporation did not undertake that process in a satisfactory way.

The situation, in my view and that of many people who have studied the bay and are watching the effects around it, is that the Port of Melbourne Corporation has caused irreversible damage to Port Phillip Bay. Ongoing damage is being caused due to rock falls at the entrance. To all intents and purposes the Office of the Environmental Monitor is not monitoring that, because to do so would require quite a lot of underwater observation, which it is not doing. It is being done by some dive companies, which are reporting that ongoing damage is occurring.

Another issue is beach erosion, particularly at the southern end of Port Phillip Bay. I can remember when the first environment effects statement (EES) process for the channel-deepening project was under way. I went to a public meeting where I listened to Professor Graham Harris, who undertook the CSIRO’s seminal study of Port Phillip Bay in which it was recommended that dredging in the bay be minimised from then on. Professor Harris described how the tides work in Port Phillip Bay. He said in particular that the tidal flows tend to go in and out just at the southern end and that the water does not tend to move out of the northern end of the bay into Bass Strait. Now, more than 12 months after the project has been completed, there are reported tidal rises in the south of the bay and observable changes to beaches in the south of Port Phillip Bay, in particular to Portsea beach.

I have obtained all the tidal data and am in the process of examining it. I have also written to the Office of the Environmental Monitor. The environmental monitor made a public statement that the damage that was being caused to Portsea beach was due to unusual weather patterns. I do not know on what evidence he based that statement, so we are looking at the weather patterns as well. We will be watching that issue with great interest and reporting on it at some stage.

The Greens will not be supporting this bill because we do not see the need to rush the integration of the port and channels authorities and we do not support the integration of the port of Hastings into the Port of Melbourne Corporation. I take this opportunity to say that our reasons for not supporting the integration of the port of Hastings into the Port of Melbourne Corporation are completely opposite to those of the coalition. The coalition wants the port of Hastings to develop full steam ahead, as does the government. Along with many people in the community, including many scientists and environmentalists who have expressed concerns over the past 50 years or more, the Greens have grave concerns about the impact of a larger port of Hastings on the local environment and particularly on Western Port which, as everyone knows, is a Ramsar-listed wetland.

The Greens do not share the dream of both the government and the coalition of developing the port of Hastings into a significant container port. As has been said by members of the community, that dream is more like a nightmare. We consider that to be the wrong way to go and that the presentation of this bill is putting the cart before the horse, so to speak. Members will be aware that my colleague Mr Barber has been in a year-long tussle with the Department of Transport over obtaining documents relating to government bids for particular projects in relation to Infrastructure Australia, and he has had those released to him. One of those bids was for the development of the port of Hastings, which went to Infrastructure Australia.

It is interesting that, in terms of port development planning, even on the first page of that document the first stage, 2008 to 2010, is entitled 'Undertake preliminary environmental studies of Western Port and its catchment'. Where are they?

What really needs to occur is a new way of thinking about what happens at Western Port. This is the opportunity for that to happen. As I said, Western Port is a Ramsar-listed wetland, but the surrounding area is also a biosphere reserve. The opportunity is there to really have a different vision for Western Port and for the surrounding area, which includes the Mornington

Peninsula, part of the Bass Coast shire and part of the Casey and Cardinia shires as a biosphere region. This area, the Ramsar wetland, which is the whole of Western Port bay and the biosphere region surrounding it, needs to be protected, and the health and long-term integrity of that area is what we as a community, as a government and as a Parliament should be most concerned about.

I have mentioned before that this is the International Year of Biodiversity. Ramsar wetlands are havens for biodiversity, and Western Port is not only a haven for the thousands of water birds that visit it from all around the world every year but is also a tidal mud flat area which has a unique tidal system. There the tides can vary up to 3 metres a day and they can move in and out at great speed and create mud flats which are exposed to the air and then covered with water. It creates a unique ecosystem that is very precious, and the people of Victoria value this.

It is fair to say that many studies on Western Port have been done over the last 50 years, and every time there is a new proposal to put something huge down at Western Port, what usually comes up is that it would cause too much environmental damage, and it stumbles at that block. What needs to happen is that Western Port needs to be valued for its local, state and international significance, for its status as a Ramsar wetland and for its status as a biosphere region. That is how we should look at Western Port bay.

In fact if you look at the documents that are floating around — at *Freight Futures*, *Port Futures*, the *Port of Hastings Land Use and Transport Strategy*, the Meyrick economic impact study prepared for the Port of Hastings Corporation and the DOI, and the document put by the government to Infrastructure Australia — you see that all of the documents start from the premise that the port of Hastings is going to develop into a mega port. That is the premise of those documents.

The way they handle that is to accept that there is going to be a huge development of the port of Hastings, with all the impacts that will have on the amenity and ecology of Western Port and with the huge traffic movements that will cause, and that those environmental effects on the Ramsar wetland and on the fragile ecology of Western Port — which is already suffering from having the port of Hastings there already — will be managed and will be ameliorated in some way.

We and many in the community say that that is the wrong way to look at it and that we should be looking

at preserving and enhancing the integrity of Western Port because it has already suffered a loss of about 80 per cent of its seagrass due to dredging and other port activities. Expanding this into a massive port in Western Port bay is the wrong way of looking at it. We need to look at Western Port as a Ramsar wetland and a bioregion and how we can develop that in a sustainable way, and at how the port can fit into Western Port, not at how Western Port fits in with the plans of the Port of Melbourne Corporation or the government or the Port of Hastings Corporation. Victoria is so fortunate to have such a precious asset so nearby. Western Port is of absolute international significance.

As I said, many studies, starting with the Shapiro study in 1975, and others, have been done and submissions have been made by scientists and by bodies such as the Victorian National Parks Association, which have raised all the issues about the expansion of the port of Hastings, particularly the expansion to the north and the reclamation of some parts of Western Port to expand the northern part of Long Island. Many concerns were raised about the effect that that will have on Western Port and three of Victoria's marine parks that are contained in Western Port.

The Westernport and Peninsula Protection Council has done a lot of work studying the tidal movements through Western Port. People would be aware that French Island is in the middle of Western Port bay and that the water moves around it in a clockwise direction. A lot of studies have been done on what would happen if there is an oil or chemical or other toxic substance spill in that area and the damage that that would do. Because of the particular way the tides move, that toxic substance, whether it be oil or a chemical, could be caught up and remain in the mangroves for a long time.

We have already seen what has happened with the Deepwater Horizon oil rig problem. Obviously that is a different scenario, in that it involved deepwater drilling for oil, but it just shows what can happen when such a large amount of oil gets into an area which is mainly mangroves. Similar to the area affected in the Gulf of Mexico, Western Port bay is very fragile, and that petroleum products are moved through that site has been a concern of people for a long time.

Perhaps the government should not have rushed ahead with this bill and should be considering the long-term integrity of Western Port — for the next 50, 100, 200 or 300 years — as a Ramsar wetland and a bioregion. That should be the priority; the development of the port of Hastings is a lesser priority.

The other issue the Greens have long had concerns about is the projections that are used for these wild plans about the Port of Melbourne Corporation and the growth of trade at the port of Melbourne and the port of Hastings.

Projections are that by 2035 there will be 3.8 million containers through the port of Hastings. We do not support it becoming a container port. There will be 7.3 million tonnes of bulk cargo and petroleum and 640 000 cars going through the port of Hastings. The government and the ports are saying this is what is going to be the spillover from the port of Melbourne and that by 2035 there will be 7 million to 8 million containers. There are currently 2 million through the port of Melbourne. There would be 1.7 billion tonnes of bulk cargo; there is currently less than 1 billion. There would be 723 000 cars through the port of Melbourne; there is currently 300 000. It is worth noting that, if you add up these two projections for the port of Hastings and the port of Melbourne, it looks like we would have more traffic going through the ports of Melbourne and Hastings than goes through the whole of the United Kingdom, and the UK has 60 million people.

I have never accepted any of these figures as anything other than rubbery. We are expected to believe Victoria's per capita consumption would increase from the present, which is around half a container per person per annum, to almost two containers per person per annum. Notwithstanding the global financial crisis, we also have problems of peak oil. There will be an issue at Hastings when the Bass Strait oil runs out anyway, which is happening; it is already going down.

We have problems relating to climate change. We have the issue of whether people over the next 100 years want to run their economies predicated, as the economy in Victoria seems to be predicated, on growth, growth, growth and jobs, jobs, jobs, but not sustainable ones. We have jobs in housing and jobs in retail, both involving consumption.

We are living on a finite planet. We already have a lot of environmental damage in the Western Port area as a result of the trade through that port. It is incumbent upon us to make sure that Western Port is kept as a pristine area for future Victorians. Obviously it is not pristine because it has a port there, but there are many in the community — and I note it is even acknowledged by the government and by the Department of Sustainability and Environment in its description of the Western Port wetlands — who hold the view that the port of Hastings should be capped as it is, that part of the land that is owned by the port should probably somehow be acquired by the government to

become more of Crown land and become part of the bioregion and that the activities of the port of Hastings should be downscaled not upscaled.

These are things that need to be seriously considered if we are not to go to a future where there is just more and more growth, more and more traffic on our roads, more and more traffic through our ports and more and more pollution and environmental degradation caused by that.

These are the reasons we think the government has got the cart before the horse, and a threshold decision needs to be made. I know this is the view that is very much shared by the Mornington Peninsula Shire Council, that the future of Western Port and the future of the bioregion are the threshold issues that need to be resolved. Because it is a Ramsar-listed wetland, the federal government with its Environment Protection and Biodiversity Conservation Act is involved in preserving that wetland, enhancing it and making sure the damage that has already been done to it in terms of loss of seagrass et cetera is turned around. That is the threshold issue that needs to be addressed.

It may be that the inconvenient truth is that the port of Hastings should not be developed, particularly to the extent that all the documents about freight that are floating around are predicated on — the Port Futures strategy et cetera. There is so much that could be said about the need to preserve our biodiversity, starting with the precious assets we already have with us in Western Port. There is nothing to be gained by the port of Hastings being swallowed up by the Port of Melbourne Corporation. For those reasons the Greens will not be supporting the bill.

Ms TIERNEY (Western Victoria) — I rise to make a contribution in respect of the Transport Legislation Amendment (Ports Integration) Bill 2010. Members of this chamber would be aware that the government has delivered an integrated transport plan to join all the transport services that operate not just in metropolitan Melbourne but also in regional Victoria. Part of that plan involves the ports of this state. What we have before us this evening is a transport integration bill, which is part of two pieces of legislation that underpin the transport plan for this state. Before I enter the substantive part of my contribution I would like to say that, following the comments that Mr Rich-Phillips made during the last parliamentary sitting week, I would also like to commend the work of the parliamentary library and in particular its research brief no. 7. Library staff have provided us with a very concise background to what we have before us this evening, and it goes back some way.

This bill was introduced to the Parliament on 4 May 2010. It proposes to amend the Transport Integration Act 2010 and the Port Services Act 1995 in order to amalgamate the management of the ports of Hastings and Melbourne under the Port of Melbourne Corporation. The bill will also abolish the Port of Hastings Corporation. It repositions the port of Melbourne and the Victorian Regional Channels Authority within the framework of the new Transport Integration Act. Essentially its objective is to facilitate the future expansion of the port of Hastings.

It is worth going back and having some basic understanding as to why we are dealing with the port of Hastings and not the ports of Geelong and Portland on this occasion. That essentially is due to the history of what was considered to be port reform that the Kennett government introduced in 1995. It enacted what is now called the Port Services Act 1995. That so-called reform package meant the ports of Geelong, Portland and Hastings were to be privatised. What actually happened was that the ports of Geelong and Portland were sold in 1996; however, the planned sale of the port of Hastings was prevented by pre-existing legislation holding the state to the delivery of port services to Hastings. As I understand it, the port has remained a state asset and has been leased out to private corporations since that time.

In 2000 the Bracks government also undertook to look at the ports of Victoria. It commissioned an independent review of the privatisation and corporatisation reforms that occurred in Victoria in the mid-1990s. The report *The Next Wave of Port Reform in Victoria* was released in 2002. In 2003 there were a series of amendments to the Port Services Act. For those amongst us who are particularly interested in this, I suggest that a close look at library research brief no. 7 is really worth their while. In terms of the rest of the history, leading up to what we have before us tonight, it suffices to say there have been substantial reviews in this area. A lot of the reviewing has been to do with the type of work that is undertaken by the ports, increasing the efficiencies of the ports and linking our rail freight and infrastructure to service the ports as well.

As debate on this bill occurred in the other place there was appropriate recognition that ports provide economic stimulus and are of economic significance in this state. As has been stated by previous speakers, the port of Melbourne is the largest container and general cargo port in this country. It was recently ranked in the top 50 among the world's container ports. More than \$85 billion of trade each year goes through the port of Melbourne alone, and the four ports of Melbourne, Portland, Geelong and Hastings handle more than

99 per cent by volume and 90 per cent by value of our imports and exports. We can see that all our ports in this state are significant.

What this amending legislation is about can be described in seven points. Firstly, it is about improved governance of our ports, particularly with the amalgamation of the Hastings port into the port of Melbourne. The Victorian Regional Channels Authority is also reconstituted by the bill. Secondly, the bill recognises that integrating the management of the ports of Melbourne and Hastings is considered the most effective way to direct and drive future development of the port of Hastings. Central to this is the strategy to manage the projected growth we believe will occur in commercial shipping over the next two to three decades.

Thirdly, the bill improves the competitive position of the port of Hastings. Under the current arrangements the incentives for the Port of Melbourne Corporation are to maximise throughput at Melbourne and to defer diversions to Hastings for as long as possible.

There are also impediments to effective competition between the ports of Melbourne and Hastings due to a major imbalance in size and resources. It was not until I had a closer look at this and started asking questions that I realised only four people were actually employed at the port of Hastings. That is not to say that those jobs are insignificant in any way and that the work undertaken by those four people is not important. It is incredibly important. However, to try to engender some sort of scope or balance into this discussion we need to understand the sizes that are involved at the port of Hastings. The bill also recognises that maintaining the separation of the port of Hastings essentially entrenches disadvantages for the port and what the government believes are disadvantages for the people of Hastings as well.

The bill renews the charters of the Port of Melbourne Corporation and the Victorian Regional Channels Authority to align them with the Transport Integration Act's vision, objectives and principles for our transport system. It also defines the Port of Melbourne Corporation and the VRCA as transport corporations and includes them in part 6 of the act alongside V/Line, VicTrack and the Linking Melbourne Authority. The bill repeals the relevant provisions regarding the Port of Melbourne Corporation, the Port of Hastings Corporation and the VRCA from the Port Services Act 1995 and renames the act as the Port Management Act 1995. This is consistent with the approach taken in the Transport Integration Act regarding the renaming of the Rail Corporations Act 1996.

When I first looked at the bill I thought it was fairly straightforward. I saw this as an essentially administrative bill. I did not consider it to have any elements of controversy attached to it. I was surprised when I read the contributions from members in the other place as reported in *Hansard*. A number of issues were raised. One line relied on by some speakers was that the amalgamation of the Port of Hastings Corporation and the Port of Melbourne Corporation would take away competition between Victorian ports. Another line was that the amalgamation would stymie the development of the port of Hastings.

A further line was that the fast-tracking of development would seriously impact on the environment. Serious assertions were made that local input would be restricted or non-existent. A number of issues were raised about traffic congestion around the port of Melbourne. A number of new issues, primarily environmental issues, were raised by the Greens this afternoon in this chamber.

I will now essentially tackle some of those items that have been raised in previous contributions, particularly given that, as we understand it, the opposition in this house will oppose this bill. We also now know that the Greens will be opposing this bill.

The first argument that was raised, I think, by the member for South-West Coast in the other house was that if this bill went ahead it would take away competition between Victorian ports. That is an interesting thought. I would have thought a reasonable position to put is that the competition that ports in this state face is the same as competition from ports in other states or on a global stage. It is not competition between each Victorian port. We are Victorians; we are moving towards integrated transport infrastructure. It is quite shameful that people, for their own political purposes, want to try to create divisions and promulgate a view that we are competing against each other when it comes to our own port infrastructure.

Another aspect raised was that the merger of the port of Hastings and the port of Melbourne will stifle the growth and development of the port of Hastings and that development should be fast-tracked. The reality is that the fast-tracking of the development of the port of Hastings will compromise the sustainability of the region and efficiency of the transport system. I will touch a little bit more on that when I go through some environmental issues.

The bill positions the ports of Hastings and Melbourne as essential components of the transport system and underpins a port strategy that is the most effective way

to drive the future development of the port of Hastings in a very clearly planned way that will take 20 to 30 years. It is not a fast-in grab where a number of concerns, particularly environmental concerns, are not considered whatsoever. I seriously say to the Liberal Party that if it supports the development of the port of Hastings, then it should ultimately support this bill.

I will touch on some points Ms Pennicuik raised. She said the port of Hastings should be developed taking into account the status of the Ramsar wetland and its environmental significance. This government is serious about balancing the development of the port while preserving its environmental significance. On the one hand the Liberal Party says it wants the port's development to be fast-tracked; on the other hand it wants the fast-tracked development to preserve the environment. I do not think it can have it both ways. There has to be a measured response and measured plan to make sure that we have an evenly balanced approach to the development of this port.

Each development phase of the port will be subject to an EES (environment effects statement) process. This will take into account the broader implications of a fully developed port and, before the process can commence, around two years of detailed scientific studies will need to be undertaken. These studies will help prepare for the EES, including providing a guide on what needs to be done and how much it will cost.

The notion that the Liberal Party bandies around about fast-tracking the development just on the onset in terms of making sure that we have the appropriate checks and balances right for the environment falls into the quagmire. The other allegation that has been made is that the local community will not be able to be involved and the control of the local port will devolve to a large commercial port, and that will mean you will have an administration that does not understand local needs.

A number of points need to be made here. Firstly, the board of the amalgamated Port of Melbourne Corporation will include Hastings representation and will continue the important link with the local community. Secondly, all staff from the Port of Hastings Corporation will work within this new entity, so job security is absolutely paramount, and they will continue to be located at the office in Salmon Street, Hastings. Thirdly, the Hastings community reference group, the CRG as it is commonly known, is an integral part of ensuring that the port development is consistent with the needs and aspirations of the local community. As a result of that the minister has endorsed the CRG to continue for two years.

There have also been assertions that in the merger the Port of Melbourne Corporation will not operate in the best interests of the port of Hastings. People can say that. When you have an amalgamation of different entities and one is sizeably larger than the other, often people believe that that means innately that it is going to be a flawed amalgamation, not a true merger, that the interests of the smaller party are not going to be recognised and, indeed, the interests will be worked against somewhat.

In recognition of those potential criticisms, the government has ensured that there is a clear obligation in the bill that the Port of Melbourne Corporation must benefit the port of Hastings. The object and the functions of the Port of Melbourne Corporation's charter will include the requirement to commercially develop the port of Hastings. In terms of being attuned to the environmental needs of the port, I have already covered that when referring to the required EES documentation.

We also have had assertions that the port of Hastings should be developed as an alternative port to Melbourne, with road and rail linkages to ease traffic congestion in and around the port of Melbourne. I think there has been some media coverage about that. No-one can say that the government has been sitting idle in relation to trying to provide greater efficiencies in any transport connections to the port of Melbourne. A number of studies have been committed to.

Under the Port Services Act the development plans for both ports are required to be reviewed every four years. It is expected that the Port of Melbourne Corporation would prepare a combined development plan at this time to address the entire port facilities under its responsibility, meaning Melbourne as well as Hastings. Of course the Port of Hastings Land Use and Transport Strategy that was released in August 2009, following thorough and extensive community input, is still valid after the merger, so all that good work will continue.

A number of other comments have been made that the government has not delivered on its commitments on getting freight onto the port rail shuttle to Altona, intermodal hubs, a new container operator at Port Melbourne and getting trucks off the West Gate.

I can make comment on all those, but I understand that time is not on our side. However, I cannot help but make a comment about getting freight onto rail. The government has made a significant investment of around \$1 billion in improvements in the rail freight network, including better connections to the ports. Port rail freight mode share fluctuates significantly with

fluctuations in agricultural production, particularly in grain. I suggest that the member for South-West Coast in the other house recognise that as a fact in regional Victoria, and that the drought has significantly depressed port rail mode share.

The government has recently released a discussion paper entitled *Shaping Melbourne's Freight Futures*, which sets out detailed proposals for a metropolitan intermodal system to tap into the market that I have outlined. Leaving that to one side, with all the posturing that we have had, particularly from the Liberal Party on this integrated transport bill, we are not getting anything back in relation to how it sees an integrated transport plan operating. In particular there has been no positive contribution in the development of our Victorian ports.

Some 741 days have now elapsed since Ted Baillieu promised to deliver the coalition's transport plan, and I just do not know where it is. If someone lets me know where it might be, I would be more than happy to read that because I want to look at what the Liberal Party has in store, particularly for the ports of Portland and Geelong — those two ports that they quite outrageously privatised in the 1990s.

Whilst I have attempted to address a number of the issues that have been raised by the opposition parties, there are still a number of issues that I know my colleague Johan Scheffer will be addressing fairly shortly. When it comes to ideas — whether it be in the transport field, whether it is the ports of Victoria or those in regional Victoria — while this government is doing all the things it possibly can in planning for a better future, the other side is either mute or it says it wants everything yesterday. That is with the backdrop of them essentially being the fat controllers, doing their bit to shut down regional Victoria. I would like to know from the member for South-West Coast what he actually did when he sat around the cabinet table with his colleagues, when there were all those decisions to be made to shut down infrastructure, whether it was rail or ports or any other such thing in regional Victoria. As to his saying this bill represents the demise of competition between Hastings and Melbourne, let us get into the real zone.

Technology and a whole range of other things have caught up. You can no longer run the line that people living in regional areas of Victoria are poor country cousins. The reality is that we have a lot to be proud about in regional Victoria. To continue to run this view that regional Victoria is somehow cowed by this big thing called Melbourne is absolutely ridiculous. I believe this government is correct in saying that the people of Hastings have everything to look forward to

in terms of making sure that there is proper governance and there are proper environmental controls and proper planning for the port of Hastings into the future.

I commend this bill to the house and ask the people of Hastings to look at the great things that were announced as recently as last Friday in Geelong in relation to the port of Geelong. All of that is waiting for them; they just need to get on board and make sure that the political parties on the other side also get on board.

Mrs PEULICH (South Eastern Metropolitan) — What a lot of codswallop and drivel! What we have actually seen from the Labor government in Victoria, now that it has its friends in Canberra, is this progressive centralisation of absolutely every sphere of activity.

Honourable members interjecting.

Mrs PEULICH — We have! This is another Brumby-Brezhnev bill. It is embedding a wasteful antichoice, anticompetition Labor ideology that is certainly not going to meet the needs of a modern society or the need to develop that infrastructure into the future. Under both this government and the Rudd federal government we have seen a move to nationalise education, the curriculum and health. This government is certainly going to regionalise water and reintegrate all the water authorities, and no doubt this is only one step forward. Now we are having this integration of transport services — and for 'integration' read 'centralisation'.

The Labor government does not believe in choice and it does not believe in competition. When it reduces choice and competition it increases state control, union power, and costs to Victorians and to the nation. As a result there is less value for money for Victorians, there is certainly less value for the community and there is certainly much greater scope for stagnation, as we have seen under this government. Under the Brumby government record revenue has been collected and there has been record stagnation. Certainly with the integration — or centralisation, whatever you want to call it — there is much greater scope for corruption. I am absolutely aghast at the direction that this new alliance, this vertical integration of Labor's interests from federal to state to local, is taking Australia and Victoria. We know that with Deputy Prime Minister Julia Gillard, Anthony Albanese, Lindsay Tanner and Kim Carr, all under Kevin07, the Left is in charge and we are most likely going to end up with a leftie as a Prime Minister when they eventually roll Kevin Rudd.

The purpose of this bill is crystal clear. In the statement of compatibility the minister says quite clearly that this is not just about having an integrated strategy. Having an integrated strategy is very sensible. Of course you have got to have an integrated strategy. Unfortunately under this government a lot of the time the left hand does not know what the right hand is doing. Having an integrated legislative framework and having everything that you do within that legislative framework makes sense, but operational unification is just sheer madness in this modern world. It is antichoice, anticompetition and anti-efficiency, and what we are going to see is a period of stagnation such as has often led to an enormous waste of opportunity and has seen Victoria lagging behind the rest of the world.

This is what it is all about; it is good old leftie ideology. We thought when the Soviet Union dissolved in 1991 that socialism had disappeared, it is rising out of the ashes here in Australia. The virus of socialism is rising like a phoenix in Victoria. Premier Brumby, a virtual Brezhnev here in Victoria, has led this desire to embed a left-wing Labor ideology from the federal Parliament right down to local government, integrating its power, embedding its ideology and increasing union control. This is about the state controlling everything rather than allowing the forces of competition to give us the dynamism we need in a modern society.

With those few words I endorse the comments made by Gordon Rich-Phillips and, in closing, note the comments made by Mr J. E. Lines from ANL Container Line:

The proposal to merge the ports of Melbourne and Hastings will create an even bigger monopoly ... To be truly efficient and cost competitive, the ports and stevedores need real competition, not enhanced monopolistic protection dictated by government legislation.

That was submitted to the shadow minister for ports in an email dated 18 May 2010. The Soviet Union lives very strongly yet again in Victoria.

Mr SCHEFFER (Eastern Victoria) — I will make no attempt whatsoever to follow or rebuff what Mrs Peulich has submitted to the house in her contribution. I am astonished and gobsmacked. However, I will return to the realms of the real world and acknowledge Ms Tierney's very sensible, comprehensive and broad-ranging contribution, and I will make a much shorter statement in relation to the legislation. I will say something about the background to the bill and pick up some of the issues and challenges that the port of Hastings faces in relation to environmental concerns. I will talk about the community consultation and how the community is

involved in the development of the port of Hastings and say something about the government's position looking to the future.

The overall purpose of the bill is set out in clause 1, and it is simply to put in place further legislative provisions that will assist in establishing an integrated and sustainable transport system in Victoria. Apart from that general objective, the bill specifically provides for the continuation of the Port of Melbourne Corporation and the Victorian Regional Channels Authority as well as providing for the abolition of the Port of Hastings Corporation. The changes set out in the bill complete a long series of legislative changes that accompany the new arrangements in the transport portfolio, which were laid out in the Transport Integration Act passed by the Parliament earlier in the year.

The origin of this legislation goes back to the government's 2006 transport plan, *Meeting Our Transport Challenges*. It was in that document that the government announced its aim to modernise transport legislation to make sure that the legislative framework could support the transport system that it intended to develop — and is developing — into the next decade. In December 2008 the Victorian government released the \$38 billion Victorian transport plan. At that time the government renewed and furthered its commitment to modernise the state's transport legislation to ensure that it could underpin that integrated system. Finally, in July last year the government released the policy statement *Towards an Integrated and Sustainable Transport Future*. That document articulated much more precisely the framework for the introduction of the Transport Integration Act, which was intended to unify all the elements of the transport portfolio under one piece of legislation.

The other elements making fundamental contributions to the modernisation of our transport system that is under way need to be mentioned. They are the two strategic frameworks to which Ms Tierney referred, *Freight Futures* and *Port Futures*, both of which contain important strategies. *Freight Futures* was released in 2008 and contains the government's strategy to shape an efficient and sustainable freight network for the state. This document foreshadowed that the Port of Hastings Corporation would be subsumed into the Port of Melbourne Corporation so we can maximise planning and development efficiencies and reduce duplication.

The management of our freight infrastructure and the movement of the products we make, grow and reproduce is at the core of the Victorian economy. *Freight Futures* says that by 2035 Victoria will have a

population approaching 7 million and that this will generate massive growth in personal travel and freight movements. The document says that by 2025 the number of kilometres travelled by road freight vehicles is expected to increase by 70 per cent, with 60 per cent more vehicles on the roads, and that by 2035 the port of Melbourne is expected to be handling up to 8 million containers a year — that is four times the current level of 2 million containers. It also says that in Victoria freight transport and logistics activities contribute an estimated 14.7 per cent to gross state product and 334 000 jobs in freight and logistics activities across all industry sectors. Clearly the freight distribution network is fundamentally important to the state's prosperity, and the planning that goes into the development of freight is amongst the most important planning we pursue.

The last government strategy I want to mention that relates to the wider thinking behind this bill is Port Futures, which is our strategy to deliver an integrated ports system in the context of the national transport and freight networks that operate and are being developed across the country. The strategy foreshadowed that legislation to merge the Port of Hastings Corporation into the Port of Melbourne Corporation would be introduced this year.

All the policy frameworks and strategic documents I have mentioned represent the phenomenal work the government and stakeholders, such as business interests and maritime unions, have put into the process to secure the growth and viability of our ports. The policy statement to which I referred earlier, *Towards an Integrated and Sustainable Transport Future*, explains that the Transport Act 1983, which was introduced by the Cain Labor government, was landmark legislative reform that repealed over 100 existing acts. The policy statement explains that the 1983 act was in need of significant reform because it was not able to provide the policy directions or the support needed for the integrated and sustainable transport system articulated in the range of documents I have just stepped through.

The limitations of the 1983 act included the fact that there were no overarching objectives that were capable of providing a contemporary direction to transport bodies that could drive integration and decision-making coordination; that social and environmental policy objectives were not reflected in the legislation; and that there was no recognition in the act of the roles played by a host of new decision-makers that have come to exist in the modern transport system. The Transport Integration Act addressed these issues, and the amending bill we are dealing with today completes the

formal transport portfolio organisational integration that, as I said, was introduced earlier this year.

Specifically, the management of the port of Melbourne and the port of Hastings will be integrated through this bill as part of the government's strategy to make sure that both ports are developed effectively, efficiently and in a coordinated way. This integration of the management of Victoria's ports will benefit the handling of freight, which I talked about before, and trade and therefore promote thousands of jobs, boost the economy and support future infrastructure development around our ports.

Western Port is a very significant area in Eastern Victoria Region, which I have the honour of representing, and the port of Hastings is critically important to the economies of Gippsland, the Bass Coast, Western Port and the Mornington Peninsula. But Western Port is also, as anyone who has been to the area would know, environmentally significant; any development of the order that we are talking about needs to be very sensitively and carefully developed and implemented. Western Port has a wide variety of marine habitats, ranging from deep channels to very extensive seagrass flats, mangrove stands and wide tidal mudflats, and the area is home to many varieties of birds and animals, as Ms Pennicuik alluded to in her contribution.

Western Port is included in the Biosphere Reserve and, as I have indicated, the plenitude of wildlife and landforms is very rich and very highly valued, as indeed is the human contribution to the environment in the area. Conservation, sustainable development, demonstration projects, environmental education and training, research and monitoring — all these activities — are vitally important to Western Port and to its development. The port facilities need to be responsive and to function within that natural and human environment.

As members would know, Western Port is popular for recreational boating, fishing, swimming, diving, nature study and bird watching. In relation to the operation and development of the port, consultations have shown that there is public concern relating to flora and fauna and areas of environmental significance. There are concerns in relation to dredging, spills, greenhouse gases and climate change, ballast water, the protection of biodiversity, pollution, air quality and stormwater run off. We know this from our consultations. We know that the people in the Western Port area have a very high-level and intelligent understanding of their environment, and they have very legitimate concerns

that we all need to take account of and that the government does take account of.

The consultations have also shown that there is concern regarding the increased volume of traffic movements, around road quality, noise and the adequacy of rail lines, as well as a whole host of issues relating to community health, preservation of heritage values and the importance of tourism to the area, for example.

Members would know that the port of Hastings was established in the 1960s and has been operating for some 50 years. It has traded steel and petroleum products for half a century; it is an area that is characterised by heavy industry. This is a well-established facility, and the government has signalled for some time that upgrading the port as a major container handling centre to supplement rather than replace the port of Melbourne is an important part of Victoria's future.

Given all that, the challenge is to undertake the development and expansion of the port while at the same time protecting the environmental and social attributes that we all value. The government has listened and continues to listen to the community, which is why the Hastings Community Reference Group is an integral part of ensuring that the port expansion is consistent with the needs and aspirations of the local community.

The government has said that environmental issues will be fully investigated and assessed and the community will be consulted throughout the planning and implementation process. The government supports the vision of the Port of Hastings Corporation for a sustainable green port at Hastings that aims to include the entire Western Port community, to make sure that these important values around environment, community and economy are sensibly factored in.

As Ms Tierney described in, can I say, forensic detail when rebutting each one of its concerns, the opposition has indicated that it will oppose the bill because it does not believe the transfer of the responsibilities of the port of Hastings to the enhanced Port of Melbourne Corporation will be in the public interest. The opposition believes that the move will stifle the opportunities for growth and that the port of Hastings, if it is to remain as an independent — I think Mrs Peulich said — operational entity, then the competition that would arise out of that would be of great benefit to Victoria.

Opposition members think that the development of the port of Hastings should be fast-tracked and that this

would be achieved if there was competition between the two ports. Finally, I guess they believe that this narrow type of competition would drive efficiencies.

The government's view, on the other hand, and it is a view that I share, is that both the ports of Melbourne and Hastings are essential components of an integrated transport and ports system. All the aspects of Victoria's ports and the broader transport system are connected and interdependent, and it is not simply a matter of setting up separated ports that can go into competition with each other when the objective is, as Ms Tierney said, to maintain Victoria as the premier port of Australia with 36 per cent of the nation's container trade. I think Ms Tierney also said that the port ranks 50th amongst the world's top 120 container ports in the world.

The only sensible way to strengthen Victoria's national and global competitive advantages and leverage off our strengths is through coordination and integration, not setting up separate entities to compete against each other, which will lead to duplication and wasted energy. The bill supports the direction set out in the Victorian transport plan, and it will further the development of the port of Hastings, and the state, as a prioritised project.

This bill, the Transport Act itself and our vision for ports are part of a long-term development of the port of Hastings. Incidentally, and it is no small thing, that is estimated to create over 1900 local jobs on the Mornington Peninsula, which is a very good thing. This is far-sighted and well-grounded legislation, and I commend it to the house.

Mr KAVANAGH (Western Victoria) — The debate tonight seems to be between arguments for an integrated transport strategy versus concerns about competition — —

Mrs Peulich interjected.

Mr KAVANAGH — I thank Mrs Peulich for that correction — versus concern from the coalition about competition. Frankly I am not sure about the merits of the arguments either way, although I did find it interesting that Mr Scheffer informed us that Melbourne is the 50th largest port out of the top 120. I wonder what number we would be out of the top 220 — or the top 320. To me it does not seem that a fundamental matter of principle is involved here, but one of management or administration. We are not sure. I think in my position I should support the government's mandate which it received to govern, manage and administer the state.

Whatever the value of my vote on this occasion, which presumably is not very much given the way the numbers are likely to fall in the house, I will probably vote with the government on this division.

House divided on motion:

Ayes, 19

Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr (<i>Teller</i>)
Huppert, Ms (<i>Teller</i>)	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 19

Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms (<i>Teller</i>)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr (<i>Teller</i>)	Vogels, Mr
Hartland, Ms	

Pair

Lenders, Mr	Atkinson, Mr
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Motion negatived.

PHARMACY REGULATION BILL

Second reading

Debate resumed from 10 June; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr D. DAVIS (Southern Metropolitan) — This is an important bill and the opposition will support it.

Hon. M. P. Pakula interjected.

Mr D. DAVIS — No, we are quite thoughtful about these things. Sometimes there may be problems with government bills, but if we support the principle, we will not oppose them. If there is a bill where we support what is to happen, we will support it.

The Pharmacy Regulation Bill 2010 follows in this long list of national accreditation or registration measures. The Parliament has dealt with a number of these bills over the recent period; two bills that were dealt with in the chamber late last year and earlier this year have set up a national registration arrangement. Ultimately

12 professional groups will be registered through that at a national level, with state or regional boards as well, to administer the national scheme and the national arrangements.

There is one aspect of regulation that will remain with the state in the case of pharmacists — that is, the regulation of the actual activities inside the pharmacy with respect to the quality of activity there and the safety of the pharmacies themselves. Certainly this is sensible. We support the retention of this arrangement at a state level. We believe it would be wrong to not have had that regulation available. Obviously pharmacists are also regulated through the Pharmaceutical Benefits Scheme, which provides rebates for pharmacy products and drugs. The Pharmaceutical Benefits Scheme also mandates geographic locations for pharmacies. In this sense there are three layers of regulation.

In saying this, I note that this bill is supported by the Pharmacy Guild of Australia and a number of other pharmacy organisations. I want to put on record the correspondence I have received and the communications I have had with pharmacists on this matter. The Australian Medical Association (AMA) has some concerns, which I will put on the record. It says in its brief on the bill that:

The bill is generally administrative, and consequential to the national law.

AMA Victoria recommends that the Parliament amend clause 5 of the bill to allow for the minister to determine a legal person is able to own a pharmacy business in the public interest, where that business improves access to pharmacy services to the community.

That is certainly a point and many of these issues were discussed at great length when competition policy reforms were being promulgated nationally by both the national and state governments. The Pharmacy Regulation Bill simply replicates the arrangements that are in place currently. That is sufficient reason to simply support the bill, because we are not going into new territory; we are ensuring that that regulation remains and that there is not something slipping through the cracks, as it were.

I want to make a point about national registration. Increasingly I am hearing from registered health professionals that significant additional costs are being generated. People in this chamber and elsewhere will be familiar with the fact that I was always concerned that additional registration costs would be generated and that those registration costs will ultimately be passed on to consumers. That is a concern because passing greater costs through to consumers will ultimately make health

care less accessible. The registration and regulation structures that we have in place need to be sufficiently lean so as to not add to the costs of the system.

Pharmacists have a very important role in dispensing medication, advising members of the community and acting as a point of primary health-care contact. In terms of that primary care, there will be a greater and expanded role for pharmacists into the future. The ability to refer patients, to give advice to patients and to work with other health-care professionals as part of a team, as pharmacists are so good at, is important. Over time there will be the option of a greater role for community pharmacies and community pharmacists, with them taking on an expanded role in primary care.

I note that at the moment many discussions are being had about matters relating to electronic dispensing and the e-health issues that are being considered at a national level. The coalition is supportive of better arrangements being put in place. The communication between hospitals, general practitioners and pharmacies where prescriptions are dispensed is an important aspect of that. Both cost savings and waste reduction can be achieved. Incorrect or inappropriate dispensing and error rates can be reduced through the greater use of e-health measures. Equally there is considerable opportunity for better health care to be delivered in the sense that error rates can be reduced and the primary treating practitioner can be given greater scope to manage a case with more knowledge. Checks and balances can be put in place in part through the electronic or e-health systems. Pharmacists have a critical role in working with such systems. They have shown a willingness to embrace these types of measures. I know that the Pharmacy Guild of Australia and other pharmacy organisations have been active in promoting these matters. I want to put on the record that I consider these to be very important steps.

Currently the federal Parliament is considering a number of matters surrounding e-health. The communication between pharmacists and general practitioners and in some cases hospitals or clinics is a critical part of that. The e-health identifier that it is contemplated to introduce at a national level shows significant promise if it is properly implemented. I make the point that there need to be sufficient checks, balances and protections and arrangements must be put in place to ensure that identities and privacy are protected.

It is clear that the role of electronic links in medicine and dispensing in pharmacy is growing. I note that the Victorian government has failed to successfully bring to fruition the HealthSMART system in this state. It is a

significant failure. The implementation of HealthSMART has been under way since 1 December 2003. In his 2008 report the Auditor-General made a significant set of recommendations and comments and he was highly critical of it. At that time he made the very clear point that HealthSMART had spent more than half its budget and implemented only one-quarter of its rollout. In recent times we have seen the ongoing concern among health services about the issues of HealthSMART and its implementation across our health system in Victoria. An article in the *Age* of 14 June headed 'Health "myki" blows budget', is significant. It draws attention to the failings of the HealthSMART implementation and rollout. HealthSMART has to be integrated —

Hon. M. P. Pakula interjected.

Mr D. DAVIS — The Minister for Public Transport knows about myki, which these days is his cross to bear because the system and its implementation have been such a disaster. The concern is that this government has not been able to implement ICT (information and communications technology) projects across government. For evidence of that, members need only look at electronic conveyancing in the land management area. That has been a disaster, with close to \$60 million spent and only a single transaction completed. It has been probably the single most expensive, completed land transaction in the history of the world, I suspect, given that e-conveyancing has been such a failure. The minister well knows about myki. Unfortunately HealthSMART increasingly shows itself as likely to be another version of myki, albeit in the different context of health.

The implementation of Cerner, the patient management and data arrangements, has been chaotic and problematic. It is of particular concern that the government has not come clean on the costs of the rollout of the Cerner aspects of the HealthSMART system, which obviously potentially has links to other sections of the health system. As I said, we are looking at these things at a national level and the state government is clearly struggling at a local level to implement what has been a great problem for the government.

I have in my possession a time line for HealthSMART, dated 1 December 2003. It is an extraordinary time line which looks at the rollout of HealthSMART across all the health services and community health centres in this state. However, it is clear that in relation to the parts about patient data, the Cerner system and other related matters, there was increasing trouble. Clearly these time lines have not been met. For the benefit of the house I

could run through the difficulties that have been encountered at a number of different levels, but suffice it to say the government's own website shows that clinical systems had been implemented at only two agencies and remained to be implemented at eight as at April 2010. The key thing here is that only 20 per cent of those intended to be implemented in the period have been implemented.

As I have examined the issues surrounding HealthSMART and the implementation of ICT systems by various health services it has become extremely clear that there will be a significant cost impact and an impact on patients, because the costs are being met in large measure by the health services. They are being clobbered terribly by the government — to the tune of tens of millions of dollars in some cases, as board minutes show — to pay for the botched implementation of HealthSMART. Frankly it is an outrage that the health services are being fitted up with the costs of the government's and the department's mismanagement. I want to be quite clear: the minister has to take personal responsibility here. Certainly FOI documents I have seen have the minister's initials scrawled all over them, going back three or four years go. It is clear that the Minister for Health, Daniel Andrews — —

Mr Barber — Which clause are you on?

Mr D. DAVIS — No, I am talking about — —

Hon. M. P. Pakula — He was not the Minister for Health three or four years ago.

Mr D. DAVIS — Sorry, let me go back. In 2007 and through that period he became active here. He was actually parliamentary secretary, as the minister well knows.

Hon. M. P. Pakula — He was Minister for Consumer Affairs and Minister for Gaming.

Mr D. DAVIS — Let me be clear: he has had a long involvement. His initials are all over some of these matters. It is clear that his involvement with HealthSMART is a close involvement, and he cannot walk away from that clear responsibility.

Mr Barber asked what clause I am on. Let me explain that pharmacy regulation is important to the future of pharmacy. A key aspect of the future of pharmacy is the integration of pharmacies into both the national and state arrangements for IT rollout. At the moment the health system is fragmented in terms of communications between practitioners and pharmacies. The community is very much of the view that we need

a modern health system where those communications, with appropriate protection of privacy, are enhanced.

I am interested in seeing that there are sufficient protections in the bill that is before federal Parliament at the moment so that the e-health identifiers can be rolled out in a thoughtful and successful way. In Victoria we have seen the failed and problematic rollout of HealthSMART, which has a considerable link to pharmacies when it comes to the patient aspect of the HealthSMART system — not the deeper record-keeping system inside the health networks — that can in the long run successfully link not only GPs but ultimately other health providers in the system.

Individual health networks are being hit with costs of tens of millions of dollars. The impact on their budgets has meant they have had to redirect money that would have been spent on patient care. Because of the government's mismanagement there has been a direct impact on patient care, and that has had a serious consequence for our community.

As I have indicated we support the Pharmacy Regulation Bill. We need to see pharmacy in the context of our wider health system. I see pharmacists having a larger role over time both in a primary care sense and in terms of their links with other health providers, public and private.

Ms HARTLAND (Western Metropolitan) — I will be very brief. This is a very straightforward bill that should be supported. It will help bring into line a number of regulations that are required, and it is generally supported by the agencies that deal in this area on a daily basis. For those reasons the Greens will support the bill.

Ms HUPPERT (Southern Metropolitan) — I rise to make a few comments on the Pharmacy Regulation Bill 2010. I am pleased that both the opposition and the Greens are supporting this bill, but I must note that in the almost 18 minutes that Mr David Davis spoke about the bill he mentioned pharmacies for only a few short minutes.

The bill covers the regulation of pharmacy businesses, pharmacy departments and pharmacy depots, although whether we would have known that from listening to Mr David Davis I do not know, because he talked about other issues which do not bear any reference to retail pharmacies. This bill also establishes the Victorian Pharmacy Authority. It does not cover the registration of pharmacists themselves. That will be regulated under the Health Practitioner Regulation National Law (Victoria) Act 2009 with a national scheme which will

come into operation on 1 July this year, in accordance with the intergovernmental agreement signed on 26 March 2008. While this national scheme covers the registration of pharmacists, it does not provide for the registration of their places of business, where they provide their services.

Pharmacy is a profession which has greatly changed over time. I have to admit that I have seen some of the changes myself. My late father and grandparents were pharmacists, as were a couple of my uncles. My father and grandparents operated a small retail business at St Kilda Junction for over 40 years. I worked in that family business as a part-time shop assistant whilst I was a secondary and tertiary student.

When my father and his colleagues completed their training and commenced their professional life pharmacies were mostly small businesses. Now pharmacies are often part of larger businesses, with pharmacists able to own up to five separate pharmacies. Often pharmacies co-locate with other more general businesses such as newsagencies, providing wider services to the community.

In the course of doing some research on this bill I came across a publication of the Pharmaceutical Society of Australia entitled *A Scandalously Short Introduction to the History of Pharmacy*, which refers to the virtual explosion in drug development over recent years. When the pharmaceutical benefits scheme was established in the mid-1950s there were 100 medications on the list covered by the scheme, and many were compounded by pharmacists themselves. I still remember the mortar and pestle on the shelf in my father's pharmacy shop. There are now more than 1500 medications on the list, and it is rare for a retail pharmacist to compound any of these medications.

People who have been working as pharmacists have seen a great deal of change, and they do a fantastic job of keeping up-to-date. To retain their registration, pharmacists are required to maintain their education about the massive number of drugs that are out there on the market. I often speak to one of the people who has seen most of those changes during his lifetime. He is David Prince, who at 85 is the oldest registered pharmacist in Victoria, and he still keeps up with his education to make sure he is aware of the various drugs that are available.

Despite all these changes pharmacies continue to provide a fantastic service to the community. As well as dispensing medications prescribed by medical practitioners, they are often the first port of call for people seeking advice about health issues. They can

provide certain health advice and first aid. Pharmacists also have valuable knowledge about the drugs that are prescribed to consumers and can sometimes provide life-saving information about side effects and drug interactions. Very often pharmacists provide a listening ear to some of the more isolated members of the community whose only interaction is when they go to the pharmacy to have their prescriptions filled.

Lately there has been a lot of discussion about even more radical changes to the way pharmacies operate, with suggestions that they should be able to be owned by doctors or be located in supermarkets. The bill does not address these issues, by and large maintaining the requirements relating to ownership and location of pharmacies which currently appear in the Health Professions Registration Act 2005. The bill does not change the requirements of who may own a pharmacy or the number of pharmacies that any one pharmacist may own. What this bill does is provide for the registration of pharmacy premises and the licensing of pharmacy businesses on an annual basis and establishes a new body to carry out this work: the Victorian Pharmacy Authority.

The Victorian Pharmacy Authority will consist of a five-member board nominated by the Minister for Health and appointed by the Governor in Council, of which three members must be pharmacists, one must be a lawyer and one must be a member of the community and not registered as a pharmacist. This structure will ensure that the interests of the community as well as the industry are well looked after in the registration of pharmacy businesses.

This authority will have much the same functions as the current Pharmacy Board of Victoria. The government anticipates that as well as dealing with registrations and licences, this authority will also issue standards for pharmacy owners in relation to these matters. The authority will also have the power to investigate matters relating to a licensee or registration and, if necessary, to revoke the licence or registration. Appeals in respect of the decisions of the Victorian Pharmacy Authority will be dealt with by the Victorian Civil and Administrative Tribunal, which is similar to the role that VCAT currently has in respect of decisions of the Pharmacy Board of Victoria.

This bill was developed after a process of consultation with pharmacy stakeholders, which involved the release of a consultation paper and the calling of submissions. Ten submissions were received from a variety of stakeholders, including the Pharmacy Guild of Victoria and the Australian Medical Association. All

stakeholders were generally supportive of the establishment of the Victorian Pharmacy Authority.

In summary, pharmacists play an important role in health care in our community, especially for many of the more vulnerable members of our community, and they are often a first port of call for people seeking health care advice. This bill continues the role of government in regulating the provision of pharmacy services to ensure that the community can have confidence in the service they are receiving. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I also support the Pharmacy Regulation Bill 2010. On 26 March the Council of Australian Governments signed an intergovernmental agreement regarding the implementation of a national registration and accreditation scheme for health professionals. I understand the national scheme will commence on 1 July 2010 for 10 health professions, including pharmacists. In order to complement the bill's measures, the Pharmacy Regulation Bill 2010 seeks to formally establish the Victorian Pharmacy Authority.

Following extensive consultation within the pharmacy industry, all of the stakeholders are in support of the establishment of the Victorian Pharmacy Authority. Therefore the proposed new authority will comprise a five-member board of governance. The board members, nominated by the Minister for Health and appointed by the Governor in Council, will comprise three registered pharmacists, a lawyer and a community member. Of the five members of the Victorian Pharmacy Authority, it is intended that the chair be a registered pharmacist. However, the bill allows for the Minister for Health to recommend a member who is not a registered pharmacist to be appointed as chair, if considered necessary.

The Health Professions Registration Act 2005 will regulate the ownership and operation of pharmacy businesses, pharmacy departments and pharmacy depots. It will also make consequential amendments to other acts and for other purposes. The Pharmacy Board of Victoria currently performs under the Health Professions Registration Act 2005. The Victorian Pharmacy Authority will employ the staff necessary to carry out its functions as set out in the proposed legislation and report on an annual basis in accordance with the provisions of the Financial Management Act 1994.

With the exception of some additional functions the Victorian Pharmacy Authority will have the same role as the current Pharmacy Board of Victoria. These

include the power to grant registration of premises on an annual basis with a payment of an annual fee and the ability to grant a person a licence to carry on a pharmacy business. The Victorian Pharmacy Authority will also work closely with the Pharmacy Board of Australia.

In relation to the current Victorian Civil and Administrative Tribunal's power to review decisions of the Pharmacy Board of Victoria, VCAT will continue to play the same role for the Victorian Pharmacy Authority. The initial cost of establishing the new authority will be the same as for the Pharmacy Board of Victoria. The funds obtained by the Pharmacy Board of Victoria for premises and for regulation will be set aside prior to commencement of the national scheme and transferred to the Victorian Pharmacy Authority.

The fees set by the Victorian Pharmacy Authority will operate on a cost-recovery basis, which will ensure the Victorian Pharmacy Authority has appropriate resources to fulfil its obligations under this scheme. I commend the bill.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.22 p.m. until 8.03 p.m.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 10 June; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make some brief comments on the Superannuation Legislation Amendment Bill. It makes a number of amendments with respect to state-administered superannuation legislation, of which there are a number of separate acts: the Emergency Services Superannuation Act 1986, the State Superannuation Act 1988, the State Employees Retirement Benefits Act 1979, the Transport Superannuation Act 1988, the Superannuation (Portability) Act 1989, the

Parliamentary Salaries and Superannuation Act 1968 and the Police Regulation Act 1958.

The bill's purpose is essentially to address inconsistencies between the existing superannuation acts that are administered by the state with respect to various public employees and the Charter of Human Rights and Responsibilities Act 2006 — to remove inconsistencies between the way in which these superannuation acts operate and the new charter.

Some of the key provisions that apply to some, if not all, of the superannuation acts are provisions to enable same-sex partners to be eligible for their partner's pension, even if the partner was a partner of the pensioner prior to the commencement of the Statute Law Amendment (Relationships) Act 2001 or the Constitution Amendment (Judicial Pensions) Act 2008. It therefore allows existing same-sex partners to access superannuation benefits, not retrospectively but from the passage of this legislation.

It allows members to contribute to defined benefit schemes until the age of 75, extending the age to which fund members can contribute. It changes arrangements with respect to parental leave, recognising parental leave for a period of 12 months. It allows members of the various schemes to register the names of parties they regard as dependents, and equally it allows other parties to lodge claims as dependents when the primary member of the fund is deceased.

The bill sets criteria to be applied by the superannuation funds in allocating dependent benefits among multiple claimants for the one entitlement. For those schemes that allow child pensions, it allows children with a disability — as described under commonwealth disability legislation — who are wholly or partially reliant on the pensioner for financial support to receive the pension in the event of the death of the fund member even if they are an adult. It repeals certain provisions that reduce the benefit for a spousal pension if there is more than five years in age difference between the fund member and a spouse who would become a pensioner on the death of the fund member. It also removes certain exclusions for children born to fund members over the age of 60.

The coalition parties will not oppose this legislation, because we believe that a number of the individual changes this bill makes have merit. What we are concerned about is the way in which these changes have been brought to the Parliament today. The individual changes — and I have outlined some of them — have not been brought into this bill on their merits; they are brought rather because they are

perceived by the government to be in conflict with the Charter of Human Rights and Responsibilities.

It is our concern that they are not coming forward to this Parliament on their policy merit — as I said, we believe a number of them have merit and should be supported — but that they are being brought forward simply because the government has determined they are inconsistent with the Charter of Human Rights and Responsibilities. Our concern about that is that we do not accept the 2006 charter as a legitimate basis upon which this Parliament should be amending legislation. We had concerns when the charter was passed by this Parliament in 2006. It was a period when the Labor government had control of both houses of Parliament and was therefore able to push the charter through in spite of opposition.

The charter is not consistent with the internationally accepted convention on human rights and the International Covenant on Civil and Political Rights. There are a number of differences between the international covenant and the Victorian charter which has been brought forward. It essentially seems to members on this side of the house that when the Attorney-General put together his 2006 Victorian charter he basically went through the international covenant and picked and chose what he saw fit from the internationally accepted framework for such charters. As a consequence there are a number of matters that have been omitted from the Victorian charter because they did not accord with the Attorney-General's view of what a citizen's rights and responsibilities should be, including a number of rights in relation to families — for example, the rights of families to raise their children in accordance with their own beliefs and other matters such as the obligation of the state to provide certain protections for people who are in state custody.

A number of matters in the international covenant were considered inconvenient by the government and were inconsistent with the Attorney-General's views of the rights of citizens, so they were simply left out of the Victorian charter in 2006. It is not a document this side of the house believes has any great legitimacy.

We are concerned to see this bill come before the house today. It seeks to amend a whole raft of superannuation legislation on the basis it is inconsistent with the charter that was put together on the Attorney-General's whim in 2006. We believe a number of individual measures in the legislation have policy merit, but it is regrettable that they are not coming forward in the house today on their policy merits; rather they are coming forward simply because of a perceived inconsistency between the 2006 charter and the existing legislation.

We will not oppose this legislation because a number of the individual changes have policy merit. We are concerned that they are coming forward simply because of perceived differences with the 2006 charter, which is of no consequence in the overall framework of internationally accepted rights and responsibilities.

Mr BARBER (Northern Metropolitan) — I thought Mr Rich-Phillips was being a bit of a meanie. It is a good day; we are going to remove some discriminatory provisions from legislation. I do not think it matters exactly how we — —

Mr Rich-Phillips interjected.

Mr BARBER — That is a good thing in and of itself. I do not know about issuing Mr Rich-Phillips with a meritorious service award. We are removing this kind of discrimination from legislation which covers bureaucrats, judges, judicial staff, transport workers, police officers, emergency services workers and even those less heroic public servants — that is, members of Parliament — of which Mr Rich-Phillips is just about the sole representative in this chamber at the moment. That has been achieved by going through seven pieces of legislation covering public services and five pieces of legislation affecting judicial and solicitor-general staff.

This bill removes various sections that directly or indirectly discriminate against people on the basis of sexuality, disability, age and gender. As Mr Rich-Phillips points out, in many cases these are not the result of real-life cases that were brought to light. External legal advice was prepared for the Department of Treasury and Finance. It combed through various acts and ensured that they were consistent with the human rights charter. Even Mr Rich-Phillips would have to agree that it would be a damn good thing if it happened to new bits of legislation the government was bringing through Parliament right now.

Sometimes it seems the government pays nothing more than lip-service to its own human rights charter in its newly minted legislation. There is an estimate getting around that this may cost about \$44 million over 15 to 20 years as a proportion of the expected \$1.6 billion that we pay every year. It seems like a minuscule change.

It is perhaps good news to say there was not a lot of real-life discrimination occurring in that area. The one exemption to that would have been in relation to discrimination based on sexuality — that is, we have been told by the department that it received quite a bit of correspondence, as did the state superannuation

trusts, from homosexual retirees who could not designate their partners as reversionary beneficiaries of their pension if they retired prior to the 2001 passing of the Statute Law Amendment (Relationships) Act 2001. Reversionary pensions are payments that can be transferred to a widowed spouse after the member's death. This legislation will remove that time barrier so that no matter when a former employee started receiving their pension, when they pass away their same-sex partner can enjoy the fruits of their partner's labour. Similarly the definition of 'spouse' in the Police Regulation Act is to be amended to include same-sex partners.

When it comes to our view of all these issues that we have dealt with and are continuing to deal with in relation to same-sex equality, right up to the vexed question — for some — of marriage, the Greens believe it is not a matter of if but when. It is only a matter of time until homosexual Australians are equal in all aspects of the law, and this bill is just another tiny contribution to the reality that the Greens consistently champion. If there are people out there who have previously been discriminated against, I hope they will become aware that in these new provisions they may have a better opportunity compared to the last time they made an inquiry.

In relation to the right to privacy, the bill will implement changes so that members can nominate their dependants. The board, acting as a trustee, must consider these nominations, but it is not bound by them; in other words, its discretionary powers are wide but it must consider the level of dependency of each nominee. The board will be required to pay attention to the right to privacy in the way that it apportions and discloses those benefit payments. There are a number of other matters in that area which I will not spend too much time on.

In relation to disability, the ability for trustees to pay the pension to a guardian or administrator on behalf of a person will be narrowed further where the member is incapable of managing his or her financial affairs. Adult children who have a disability and are dependants can now be nominated to receive benefits under these changes. It narrows the ability of the Emergency Services Superannuation Board to require its members to undergo medical examinations. Currently there is no limitation on the board making such a request. These amendments will require a medical examination only for the purposes of determining the appropriate cost and level of disability, and death benefits for the member.

This change does not really do much to affect the charter rights of people with a disability; rather it

protects everyone else who does not need to enter into disability cover policy and so on.

In relation to gender, currently those on parental leave — overwhelmingly women, in my experience — forgo their disability or death insurance cover, while those who take unpaid sick leave are able to retain those covers and do not have to make contributions during this period. Parental leave does not count as contributory service for when one finally retires. The changes proposed in this bill will provide parental leave of up to 12 months per child and provide sick leave in the same way. You will not have to take sick leave to look after your kids, which I know a lot of people do.

There is also the issue of age discrimination. The original passing of the suite of public superannuation scheme laws contemplated having to pay out extended pensions to a variety of beneficiaries based on the comparative older age of the member. This was something the Parliament of the day obviously wanted to avoid or restrict.

In order to limit long-lasting pensions, the existing scheme reduced reversionary benefits when the deceased member was more than five years older than their partner. This arbitrary restriction will be removed.

The ability of a state employee to make contributions to defined benefit schemes is currently restricted to the age of 65. This will be amended to allow for contributions to be made up to the age of 75 or for as long as the commonwealth superannuation law allows.

If a relationship commenced between a member and their dependant after the member reached the age of 60, the partner would now be ineligible for the pension. That provision will be removed by the bill, which means if you are out there and you are a relatively young person and you are looking for some 60-year-old sugar daddy or sugar mummy to look after you for the rest of your days, and you happen to read *Hansard*, now is your chance. Latch on to them now — that is, if they are a public servant, of course — and you will be able to access their pension.

Currently for members of Parliament and former MPs who are over 60 and who have a child, that child would be ineligible for an orphan pension. This restriction is to be removed, and members will now be able to access lump sum payments from the age of 60, reduced from the age of 65.

Finally, as a miscellaneous provision, ambulance employees who transferred their employment to the Emergency Services Telecommunications Authority will be able to retain their membership of defined

benefit funds from their previous scheme. The ambulance union has told us it is happy with this provision; therefore, so am I.

The Greens support measures to reduce discrimination, and this bill is productive in this regard. Rewarding state employees and their dependants in their retirement years is very important, particularly given the comparatively reduced pay — I could start an argument here! — that public servants endure when compared to the private sector, which was always the reason for such generous defined benefit schemes. You knew you would not earn it during your working life, but you got a big retirement package, and that is why in the local government sector, which is where I have direct experience, it is still quite common to find these sorts of arrangements.

The bill has no controversial changes, and it has attracted no criticism from stakeholders, according to what has come to our ears; for that reason we shall support this bill.

Ms HUPPERT (Southern Metropolitan) — I am pleased again to speak in support of the Superannuation Legislation Amendment Bill 2010, which has the support of both the opposition and the Greens.

The Brumby Labor government is committed to upholding the rights of individuals within society, and one of the ways in which the government has worked to achieve that is by the adoption of the Charter of Human Rights and Responsibilities, which was introduced in July 2006.

Superannuation plays an important role in ensuring the quality of life for the more senior members of our society. In order to ensure that all members of the various government superannuation schemes are treated equally and have the same access to benefits, the government has arranged a review of all legislation relating to their state superannuation schemes, to ensure they comply with the provisions of the Charter of Human Rights and Responsibilities.

This bill will amend a series of pieces of legislation which affect superannuation rights for emergency services personnel, members of Parliament, judges and other state employees. This bill has also been supported by the Emergency Services Superannuation (ESS) fund, which is a superannuation fund that administers most of the state superannuation schemes.

The minister, in his second-reading speech, detailed the series of amendments brought about by this bill, but I just want to pick up on a few of the amendments and the specific types of discrimination.

Section 8 of the Charter of Human Rights and Responsibilities recognises that every person is entitled to the equal protection of the law without discrimination and to equal and effective protection against discrimination.

The review identified that certain provisions of the state legislation relating to superannuation discriminated on a number of different bases — in the first instance, on the basis of pregnancy. An example of this is that under the current provisions, a member of the relevant scheme must pay a contribution in order to have the period of any parental leave counted as service. In contrast to this, a member who is on unpaid sick leave continues to accrue service without having to make any such contribution. In order to remove this discrimination, the bill provides that 12 months parental leave per confinement will now count as contributory service.

The review also found that some of the provisions of the relevant legislation discriminated on the basis of age. For example, some of the acts contain provisions which can reduce the reversionary pension payable in circumstances where a pensioner begins a relationship with a person who is more than five years their junior. This bill provides that the age difference will no longer be relevant.

Another provision identified in the review as discriminatory is that a same-sex partner is not eligible for reversionary pensions if their deceased partner began receiving a pension before the Statute Law Amendment (Relationships) Act 2001 came into effect. This aspect of the scheme discriminates on the basis of sexual orientation. The bill ensures that reversionary pensions will be prospectively paid to same-sex partners of pensioners regardless of when they began receiving their pensions.

One of the other aspects of discrimination looked at was disability, and the bill repeals certain sections of the legislation which allow for reduction of disability pensions where the member brought on the sickness as a result of his or her own fault.

These are just a few examples of the amendments introduced by this bill. They may seem to be minor amendments, but for those affected they are important steps in ensuring they are treated equally before the law, and I commend the bill.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Planning) —
By leave, I move:

That the bill be now read a third time.

I thank members of the chamber for their contributions.

The ACTING PRESIDENT (Mrs Peulich) —
Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Mrs Peulich) —
Order! In order that I may determine whether the required majority has been obtained, I ask those members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

APPROPRIATION (PARLIAMENT 2010/2011) BILL

Second reading

**Debate resumed from 10 June; motion of
Hon. J. M. MADDEN (Minister for Planning).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make a brief contribution on the Appropriation (Parliament 2010/2011) Bill. This is a bill for appropriating funds for the Parliament as distinct from the Appropriation (2010/2011) Bill, which the house will deal with at another time. The reason we have the parliamentary appropriation bill as distinct from the general appropriation bill is to recognise the independence of Parliament from the government. It is of course only a notional independence in the sense of the legislation, because ultimately the parliamentary appropriation bill must be introduced by the government in the other place just as the general appropriation bill is, but the fact that we have separate appropriation bills is to underscore the separation of the Parliament from the government.

I note that with the Appropriation (Parliament 2010/2011) Bill we will be appropriating just over \$101 million for the 2010–11 financial year. This is an increase of a little over 5 per cent compared to the appropriation for the 2009–10 financial year — which is a lower increase than we are seeing in the general budget sector. It has been the case for a number of years that the Parliament has restrained its own expenditure growth at a rate significantly less than that across the general government sector.

As always the bill breaks the appropriation down into the five departments that are covered by the Parliament. They are the two houses, the Auditor-General, Parliamentary Services and the parliamentary committees. The bill allocates a little over \$6.8 million for joint parliamentary committees. It is worth noting that next year would be an opportune time for this Parliament to consider the way in which parliamentary committees are funded in view of the work done by the Legislative Council Standing Orders Committee in terms of recommending a new committee structure for the Legislative Council. Once that committee structure is up and running in the 57th Parliament it will give rise to questions as to the ongoing role of the joint committees and how they should operate, given that it has been the case for a number of parliaments that the joint committees have essentially been government-controlled, with the exception of one joint committee at the moment.

Given that this house would look to have its own standing committee structure, it may well be that the \$6.8 million that has been appropriated to joint committees would be better allocated to the operation of standing committees of the Legislative Council and appropriated to the Legislative Council rather than to the joint committee output. The appropriate funding of committees is an ongoing issue, particularly where they are committees of the Legislative Council rather than government-controlled joint committees. That is something we need to have regard to when the new structure is in place in the 57th Parliament.

I would like to take the opportunity to thank the various committee staff I have worked with over the past 12 months on the Public Accounts and Estimates Committee. I thank Valerie Cheong and her staff for the work they do. That joint committee has a particularly high workload.

I would also like to acknowledge the good work done by the Legislative Council committees office under Richard Willis and his staff in servicing the Standing Committee on Finance and Public Administration, which is running five inquiries simultaneously, as well

as servicing the Select Committee on Train Services. That committee office does an enormous amount of work with quite limited resources compared with the resources made available for joint committees. In acknowledging the good work that that committee office does, it is worth noting that as we move forward with a standing committee structure those funding issues between joint committees and Council committees will need to be addressed. With those few words, I commend the bill to the house.

Mr HALL (Eastern Victoria) — I want to say a few words in support of the Appropriation (Parliament 2010/2011) Bill. Parliament is a significant operation. In this bill we are appropriating just in excess of \$100 million towards the operation of the Parliament.

This is an opportunity to recognise some of the very good services that Parliament provides for members and, I would add, the people of Victoria in terms of allowing the Parliament to function and carry out the duties required of it. In particular I acknowledge the library service, the attendants who service the chamber, and Hansard — the reporting and recording service. All parliamentary services provide a pretty good standard of service to us as members of Parliament and, as I said, the people of Victoria in ensuring the smooth operation of the Parliament.

It is a complex area. Some of those complexities have increased in recent years, particularly with information technology facilities. In touching upon this issue, we still need to improve upon the information technology area. The means of communication with members is now largely electronic, so we need to have the means for good electronic communication. I point out that despite some significant improvements that have been made in that regard, there are still some deficiencies.

I think Parliament's IT services have struggled in recent years to maintain the service necessary for that communication to be functional and effective. Members are currently — and have been for some time now, I might add — experiencing some difficulties with the wireless broadband technology that we use with our laptops. In particular I refer to those of us who are country members, who use it in various locations. That has been disconcerting, and it has meant that at times we have been unable to communicate as efficiently and quickly as we would like. There is work to do on that.

I also think Parliament needs to look at the technology available to enable country members to participate in committee meetings and briefings through the use of adequate videoconferencing facilities. At the moment

there are still fairly basic videoconferencing facilities such as those provided by programs like Skype that are not used to communicate via our laptops in the way they could be. Modern businesses around the world nowadays communicate very effectively with live video links. These enable people to communicate, make decisions and participate in the operation of a business from any place in the world.

Members of Parliament are not yet able to do that, which is something we need to look at closely. For a business that appropriates \$100 million a year, Parliament is deficient in that regard. That is not to place any criticism on Parliament's IT staff, but to say to the government of the day, and members of the day, that we should seriously look at this area and properly appropriate resources so that we can improve that area of Parliament's functioning.

I echo the plea of my colleague Mr Rich-Phillips for the better resourcing of parliamentary committees, particularly the Legislative Council committees that are proposed for the next Parliament. There is and has been a trend towards a greater focus on committee work in the Legislative Council, particularly since the reforms of three and a half years ago. I have noticed that there is now much more work associated with committees — far more references are being given to committees — and therefore there is a desperate need to make sure those committees are properly resourced. I do not think they currently are. In terms of an appropriation, the government of the day should be looking at ensuring that those committees are properly resourced, and they will only be so resourced with an appropriate level of funding.

This is an important bill. Parliament needs to be appropriately resourced. The sum being appropriated to the Parliament tonight — just in excess of \$100 million — goes a long way towards meeting the needs of Parliament, but I think there are unmet needs in terms of services that should be available to members and to the Parliament so that it can function better. I hope that in future years we continue to review the operation of Parliament and the resources we give to it so that we are operating at best practice and at a high level, using the tools available to us so that the functions operate as efficiently as they can and as the people of Victoria would expect them to operate.

Ms BROAD (Northern Victoria) — I rise to make some remarks in support of the Appropriation (Parliament 2010/2011) Bill 2010, which makes appropriations for the departments of Parliament — the Legislative Council, Legislative Assembly, parliamentary investigatory committees, the

Department of Parliamentary Services and the Auditor-General. At the outset, I wish to record my thanks to the staff of these parliamentary departments who provide so much support and assistance to MPs, including me, so we can do our jobs to the very best of our abilities.

I also acknowledge the work of the Auditor-General, an independent officer of the Parliament, who does very important work in terms of providing information to the Parliament and to the general public about the government of Victoria, on value-for-money audits, performance audits and the like.

I also acknowledge the work of the staff of parliamentary committees which I have participated in over the past year of the Parliament, and I am sure it goes for the other parliamentary committees of the Parliament as well. Members of Parliament are very well assisted by administrative and research staff of the Parliament in doing their work on parliamentary committees.

However, I make the observation that in relation to calls for additional resourcing of parliamentary committees, I believe it is also incumbent on MPs who are members of parliamentary committees to devote themselves to the tasks before them in terms of bringing forward to the Parliament reports which, beyond accumulated research and analysis, put forward recommendations to the Parliament as to what steps should be taken coming out of the work of those committees and reports which are often largely put together by research staff. I think this needs to be very much an enterprise which is owned by MPs as well as looking to resourcing in the form of parliamentary staff to provide assistance to MPs in undertaking and delivering on our responsibilities on parliamentary committees.

I endorse some of the remarks made by Mr Hall in relation particularly to those MPs who represent country electorates and who spend many hours travelling on country roads with the attendant risks attached to spending so much time travelling. Recently I had direct experience of this, having had a very unfortunate collision with a kangaroo, which led me then to rely on a great deal of assistance from others as well as public transport, which performed admirably, because the vehicle that I was driving was unable to be driven after that collision. Fortunately no-one, including myself, was injured and also fortunately, from an animal welfare point of view, the kangaroo died very quickly.

But it does go to this issue of whether there are more efficient ways of communicating, not only in terms of

our participation in parliamentary committees but also in terms of how we interact with our constituents. A number of us represent very large areas indeed; the area that I and a number of other upper house members represent is more than 100 000 square kilometres. I certainly believe technology could be of a great deal of assistance in improving the efficiency with which we represent our regions and also provide many more opportunities for our constituents to have their say and to interact with us as MPs and with the Parliament. I am certainly very interested in pursuing additional ways of using technology to allow us to do more and hopefully to spend less time travelling, which is a lot of down time. With those few remarks I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

**APPROPRIATION (2010/2011) BILL and
BUDGET PAPERS 2010–11**

Second reading

**Debate resumed from 10 June; motion of
Mr LENDERS (Treasurer) and Mr LENDERS's
motion:**

That the Council take note of the budget papers 2010–11.

Mrs COOTE (Southern Metropolitan) — It seems almost a lifetime ago since this budget was brought down, and it has had the singular distinction of sinking like a stone. We have had a federal budget since then. We have had a whole range of other issues. We have the disastrous Rudd government on the federal scene which is going down the gurgler at a rapid rate. It would seem the state budget has sunk without a trace. However, I have gone back and had a look at the information in the budget and looked into my own community very closely to see what the impact of this budget actually is; it is very poor in the Southern Metropolitan Region. I just remind the chamber of that because, as I said, we have not been debating this for some time. It seems like a very time long time ago, and we have to have an overview of what this budget did not do.

We have had 11 years of this government — 11 years of the Bracks and Brumby Labor governments — and what have we actually seen in those 11 years? We have not seen very much. This is an election year and we are going into this election once again with public transport a complete disgrace. We have overcrowded trains, trains that do not arrive on time, people not being able to get home, people being concerned about safety on trains, trains that seem not to be able to run in hot weather — just to name a few of these other issues. For the life of me I cannot believe we have a public transport system in this state that does not operate properly.

We have had every excuse for its failure. We have had the excuse about the sleepers. We have had the excuse about the train drivers. We have had the excuse about the hot weather. In fact we had the debacle last year of their actually handing out ice-creams to the passengers who were running late and anxious to get home to their families. It is not good enough; there does not seem to be any long-term planning. We have heard about the \$38 billion transport plan that is going to run some underground system from Footscray to Caulfield. Yet already in this chamber we hear the Minister for Planning talking about urban growth areas, about suburbs that are going to grow in outer Melbourne, about growth corridors and growth areas. He is not talking about Footscray to Caulfield. That plan seems to be outdated before it has even had a chance to see the light of day. This is a hallmark of this particular government.

We have seen the myki cost blow-out. There are systems like myki all over the world in countries like Hong Kong, England and a whole range of other places where a simple card system works very effectively. Closer to home, we all have a card with a photograph on it and when we go across to 55 St Andrews Place, we slap it on the machine and the doors magically open. It is not rocket science. Even this Parliament can get it right. However, it does not seem that the government can provide a system for our commuters to use to get home safely and easily. The systems around the world are carrying far more passengers than we are in this state. They are sophisticated systems that get their passengers home to their families at night and to work reliably and on time every day when they are travelling.

But it has not only been the fact that this myki system does not work. It has cost an enormous amount of additional money; our taxpayers dollars are going right out the window. Why did we not look at the Perth system where in fact they have given free transport to the people in part of greater Perth and it works extremely well? They are still running a system that

operates properly and works well. For the amount of money that this myki system has cost this state, we could have had free transport for all Victorians for a significant time. It is an absolute and utter disgrace.

There has been an increase in violence on the streets, to the point that now the levels of violence are huge. I will not go into the details here because members have heard me on many occasions talk about the fact that people within Southern Metropolitan Region are fearful to go out on any night of the week — mainly on the weekends — particularly in and around Chapel Street and Commercial Road, and Fitzroy Street and Acland Street in St Kilda.

What happened to Marvellous Melbourne? What happened to the fact that Melbourne used to be the most livable city in the world? Where did this go so quickly? Why has that reputation disappeared? Melbourne does not have a transport system on which people feel safe or one that is reliable and cheap. It does not have streets on which people feel safe. What has happened to this state over the past 11 years under this government? It has absolutely gone backwards.

There is no vision for the future. There is no long-term plan to have Melbourne reinstated as one of the best cities in the world in which to live. We are really and truly going backwards, which is a disgrace, because in this chamber this government is presiding over this state's backward step.

We have got rising debt, which is another issue. The interesting thing about this debt — and I take this from my colleague Gordon Rich-Phillips — is that, yes, this government can say we have had a global financial crisis, how lucky we were to be able to ride through it and talk about how successful the Treasurer was et cetera. But the federal government ploughed a heap of money into this state in a crisis measure to try and shore up jobs and to make certain that the economy stayed afloat.

In fact the money that was put in for stimulus packages in housing and for the Building the Education Revolution — the holes in which are yet to be completely revealed — inflated the figures to such an extent that it is untrue to say that this government was successful in managing the budget. But time will tell. The sad part for Victorians is that we are running out of time. We are fast heading towards becoming a state like a Third World country, and this government is presiding over that.

There are some things that never change in the budget — the most vulnerable people in the community

are still not looked after. I cannot go any further in my budget reply without mentioning people with disabilities. I would like to put it on the record yet again — it sounds as if I am a broken record! Year after year, for 11 years, I have stood up and spoken about the disability sector, yet here we are again. A press release from the Gippsland Carers Association, and Jean Tops in particular, dated 5 May — the day of the budget — states:

Today's big budget Brumby government announcements aimed at big voter blocks for the next election fails people with disabilities and ignores the key recommendations of their own inquiry into disability accommodation services. The recommendation to fund the 2300 places needed for those waiting years on the high priority disability waiting list for supported accommodation and support to live in the community go to the dustbin of wasted taxpayer funded resources along with the 100 others the inquiry put forward.

This government is still not listening to the disability sector. But the disability sector is much bigger than it would seem, and each one of those people with a disability has a family member, a neighbour and a community that cares about them. They can see firsthand how elderly parents of disabled children are facing a very grim future; in fact, they will all be voting. They will be saying, 'We have had 11 years of this crowd. They have done nothing. They continue to do nothing. They do not even take any notice of their own inquiries, and we are tired of them'. That will manifest itself at the ballot box. This disability sector is not to be ignored, and I commend Jean Tops and her group for the amazing work that they do.

There were moments of light-heartedness in the budget. I think perhaps the very best headline was from the *Age* of 5 May, in which an article carries the headline 'Lenders: not exactly hot between the spreadsheets'. I think that is actually quite true.

Mrs Peulich — He is not hot between any sheets.

Mrs COOTE — Mrs Peulich said he is not hot between any sheets. I think the Treasurer should be in here defending himself.

Mrs Peulich — Metaphorically speaking.

Mrs COOTE — Metaphorically speaking. This article is by Jo Chandler. The Treasurer has come into the chamber, so I will repeat it for him: he may have missed it. The article is headed 'Lenders: not exactly hot between the spreadsheets'. Jo Chandler continues, in a very cynical way, to describe what happened when the Treasurer went on to talk about the budget. She writes:

A crush of paparazzi, shutter fingers in overdrive. Arrivals for the invitation-only event run the gauntlet of security beefsteak in bad suits. (And yet, still better dressed than most of the talent.)

A-list media luvvies work the floor. Cue lights. In the spirit of Logies week, welcome to the state budget.

She goes on, very much tongue-in-cheek in, to say:

The contenders are the usual cavalcade — the hospital drama, the cop show, the slice-of-life suburban soap — although the real-life incarnation makes *Neighbours* look as quaintly dated as a white-bread period piece set in the gentrified inner suburbs.

It goes on in that light. This is what the budget has actually come to — it is looked at so cynically and as so ho-hum. Once again we are not hearing this just from members in this chamber and from the communities we serve — such as people with disabilities — we are hearing it from the press as well. The press watches what is going on, and it is a very good mirror of what is happening.

However, I now turn to talk about hospitals in the budget. There are a number of smoke-and-mirrors situations in the budget with hospitals. The Premier was up in Bendigo — and I think he had been there before. I understand he has been there quite a few times, Mrs Petrovich — —

Mrs Petrovich — Absolutely.

Mrs COOTE — He was announcing the same thing. However, we should not forget that this is an election year, so he was up in Bendigo announcing things. The Box Hill Hospital, which is not quite in my electorate but is close, has been promised a complete revamp in years gone by. However, here we have this budget and what do we get? We get a modified partial extension of the Box Hill Hospital with 100 beds. That is not going to go far, given the fact that once again this government is pumping people into high-density areas but not putting in the infrastructure.

Let me remind members that we have had a disastrous situation with the transport system, so we have no transport and no hospitals. The schools in my region, which I am now about to talk about, were not given initial funding either. What is happening is that people are being pumped into certain areas, but the government is not providing the infrastructure for those people.

There was nothing for the Sandringham hospital, which has been there for 50 years. It had its emergency department revamped under Premier Cain, and then under the Kennett government it had a new dialysis unit

put in. Since that time this government has just tinkered around the edges. It has put in a bit of community service here and a bit there, but there has been nothing substantial. This hospital services a huge area and plays a vital part in our community, but it did not get anything.

Caulfield is an absolute disaster. We did not get anything in Caulfield. An article in the *Caulfield Glen Eira Leader*, headed ‘Budget fails health test’, quotes Mrs Jenny Ling, a resident of Caulfield, as referring to the government’s lack of funding for the Caulfield hospital, which missed out in the budget. The revelations of the budget’s implications have caused widespread concerns that the hospital is being drip-fed funds, according to Jenny Ling. She said also that despite huge investments in public hospitals, the Kooyong Road hospital missed out on money for its multimillion-dollar upgrade. It was a great disappointment to the community. The council and all the residents are concerned because it is such an integral part of our community. However, as I said, we did not get anything at all.

As far as the schools are concerned, in the *Bayside Leader* of 11 May there was a big headline — ‘Please explain’. It notes that Mr Brumby gave \$271 million to Victorian schools but that not one cent will go to the Brighton Secondary College. Jon Andrews, who is involved, said there was a total of \$271.3 million to 93 Victorian schools and none is in Bayside. He said that this unjust circumstance occurs as the school is crumbling and its antiquated science block is costing students. The school council president, David Marshall, said the lack of funding was unfair and disappointing, considering that the Premier said the government was taking action to give all school students the opportunity to reach their potential. Obviously that does not include those in Brighton.

In the same article Anna Ward is quoted. This is interesting because these are members of the community speaking. This is not being said by Andrea Coote or by other members of the opposition; it is being said by people out there who are affected. Anna Ward has two sons at Brighton Secondary College and a husband who is a teacher there. She said the lack of state government funding is testament to the false belief that these students all come from upper socioeconomic backgrounds, when most live outside Brighton.

Another woman, who has two children who have been through Brighton Secondary College and another one who has just begun there, said there had not been any changes made to the school in the past eight years. She said also that the school is in desperate need of

improved facilities and that the current government has simply neglected it. She said that maybe it is because it has a Brighton address. I think that is probably right on the money — or not, as the case may be.

There was an article by Paul Riordan about the Balaclava station in the *Port Phillip Leader* of 11 May. He said:

Balaclava station missed out on funds for a ‘much-needed upgrade’ in last week’s state budget.

While many other train stations around Melbourne will share in \$84 million to staff stations from the first train to last, Balaclava received nothing.

The Balaclava station is in fact quite scary. I have been there on many occasions. It has a very narrow entrance, it is dark and ill-lit and it needs some significant upgrading. In a very cynical approach, money was put into areas in the Southern Metropolitan Region that have far more potential for votes for the Labor Party — for example, in Prahran to boost the support for the current local member, Mr Lupton. I can assure members that Mr Lupton needs more than a promise of a lick of paint on the railway stations. Anyway, the vote will tell the tale when we get to the election.

An opinion piece on the Balaclava station in the *Caulfield Glen Eira Leader* stated that Rhonda Clarke from Balaclava, who uses the train regularly, expressed her distress at the state of the station, describing it as being in a very poor state. She said she was amazed at how poor it is, especially relative to other stations. The article states that local residents like Rhonda do not feel safe when it gets extremely dark there at night, but that is not all that concerns them. The article says Rhonda pointed out that not only are there not enough ticket machines for the size of the station, which means that people can easily miss a train while waiting to purchase a ticket, but there is also not enough seating, especially under cover. These are some of the concerns of our local constituents.

I point out that once again nothing was given to the city of Stonnington in this budget. In an article in the *Stonnington Leader* of 11 May Ainsleigh Sheridan discussed the lack of budget money allocated to constituents in Stonnington, who have been overlooked for a piece of the \$19.3 million pie in the state budget for noise walls. I know that my colleague Michael O’Brien, the member for Malvern in the other place, has been vigilant in bringing to the attention of the government noise abatement and other issues with the noise along the Monash Freeway, including how it impacts on the residents of Malvern. As Ainsleigh

Sheridan says in the *Stonnington Leader*, there has been no money at all for noise abatement.

In the same article Ainsleigh Sheridan goes on to quote Michael O’Brien, the Liberal member, as expressing that this is a perfect example of how the Brumby government likes to play politics and will pick and choose infrastructure on political margins rather than on need or merit. This is what has been happening, and it is a major concern. If you drive along the Monash Freeway, you see that the noise abatement treatment finishes at Malvern, but — surprise, surprise! — it starts again in Burwood. That is because Mr Stensholt, the current local member, needs every vote he can get. Nobody is worried about Malvern because that is a safe Liberal seat. That is the cynicism that is demonstrated by this particular budget. The people of Victoria will not have the wool pulled over their eyes. They are aware of what the budget does.

However, it was pleasing to see funding in the budget for Circus Oz. It is going to move from its current location in the old naval drill hall in Port Melbourne, not far from my office, to Collingwood. I hope that the \$3 million for the relocation will be enough. As I have said on many occasions to the Minister for Environment and Climate Change — and it is good to see him in the chamber — I hope that the naval drill hall will be used effectively and efficiently. It is a heritage building and it would be good to see it reinstated. It could be a museum and so be used to bolster the arts there. As Port Melbourne is such an integral part of the history of this state, it would be an ideal location for a museum. While I do not want to seem to be a nark, the one highlight for me out of this is that Circus Oz is going to Collingwood.

There have been not just the articles in the local newspapers or articles such as the one by Jo Chandler in the *Age*. There was also an article by that well-respected political analyst, Paul Austin. In the *Age* of 5 May Paul Austin said:

Crisis, what crisis? The message John Brumby wants you to take from this budget is this: Victoria has dodged a bullet called the global financial crisis, and happy days are here again.

He went on to say that public transport is bad and a whole range of other things that I have just alluded to. He finished his article by saying:

After the global financial crisis, Brumby’s mind is now focused on a new crisis, much closer to home — his government’s declining support.

Economic crises are so last year. Politics is king again. Hence a budget designed to help Victorian Labor win a historic fourth term.

How do we know this government is doing that? I will tell you how we know. We know because for months the people on the other side of the chamber have been crowing and saying, ‘Where are your policies? Show us your policies. You are a policy-free zone’. Under his excellent direction the Leader of the Opposition in the other place, Ted Baillieu, has come out with a number of policies. In fact this government has already copied 62 of them. Let me start with some of them. The first is an increase in police force numbers by 1600 over the next four years. That is a Baillieu policy and part of the Liberal Party’s umbrella covering law and order. What has happened? This government has blatantly copied it.

What about the anticorruption commission? No, Premier Brumby was not going to have an anticorruption commission at all — never, ever. He thought it would just be a picnic for the lawyers. He has learned from the Prime Minister, Mr Rudd, and he has had to do a total backflip. He has copied a Liberal Party platform of law and order because Labor Party polling must be showing that law and order is biting. It is a major issue for the November election, and this government is doing as much as it possibly can to back-pedal on what it already neglected to do and get back in the race. It has a long way to go, because the people of Victoria understand that members of the Liberal Party under Ted Baillieu have been out there speaking about a whole range of law and order aspects for some time.

On sentencing the Liberal Party said it would abolish suspended sentences. We have seen the government backflip on that, too. In fact it was a glorious moment to see the Attorney-General, Mr Hulls, almost choke on the words when he had to come out and say them. It was actually quite poetic, I would have to say.

On the anti-hoon laws we said we would crush cars for a third offence. I think that is another thing on which the Labor government has copied us. Others are the liquor licensing fees review; allowing municipalities in country Victoria to designate different public holidays as a substitute for Melbourne Cup Day; a mental illness research fund; and expanding Avalon Airport into an international airport. I cannot believe the blatant hide of the Premier, Mr Brumby, when he comes out and pretends this is all his own work. It is quite extraordinary. As I said, the people of Victoria now see that.

Other policies are bringing kindergartens under the education department — another Liberal Party policy that has been copied; a fox bounty — once again it was copied; the south-west emergency helicopter — again the government capitulated on that; salary bonuses for

hard-to-staff schools; performance pay for teachers; an implementation of a hoon hotline — and on it goes. What has happened? I could go into a lot more detail, but I am mindful that other people want to make contributions. As I said at the beginning, this budget has sunk without a trace. I have to say it is a cynical election budget full of hollow promises, and it will be judged on 27 November.

Mr DRUM (Northern Victoria) — It gives me great pleasure to rise to add to the debate on the Appropriation (2010/2011) Bill and the budget papers. I must admit that when it comes to looking at the state of Victoria’s finances and where the government currently sits, and the record revenues that have been flowing into the government over the last 11 years, it is really becoming more and more apparent that Labor simply cannot manage money. One of the amazing problems the Labor Party has in relation to dealing with its respective drivers and masters is that, when it all boils down, Labor simply, in this state anyway, cannot manage money. Maybe federally it can — no, probably it cannot. One is better off assuming that across Australia Labor simply cannot manage money.

If people want to know some facts and the truth behind the claim, they merely have to look at the last 11 years and at the respective budgets that have been put forward by each of the departments. They will see that the overspend in total is now in excess of \$9 billion. This government goes about its work of governing for the state of Victoria with each of its departments spending many months making sure that they have their expenditure under control so the Auditor-General can ensure that funds are spent in the way they are meant to be. Yet every government department has overspent on their budget, to a combined total of over \$9 billion in the time this government has been in control of Victoria’s finances.

Often in this chamber the Treasurer stands up and says, ‘The opposition wants more, but the opposition is not keen on us having the highest taxes of any state in Australia. So what is it? Does it want one or does it want the other?’ We do not necessarily need one or the other. We do not need this state to increase taxes to accommodate what we want, and we do not need this state to cut services to deliver what we want. What we need is for this government to treat the finances that it has at its disposal in a more responsible manner, whether that be cutting off \$1 billion in waste from myki, or cutting off \$400 million or \$500 million in waste from fast rail — and on it goes. Every major project this government touches becomes an absolute financial basket case.

Sometimes it is not even a major project but simply an opportunity to collect for Victorians what they are due. I refer to the concept of an electronic gaming machine licence auction. In one day, one 24-hour period, or in less than that, in one-half of one day, this state under the Premier, Mr Brumby, and the Minister for Gaming, Mr Robinson, effectively wasted \$1 billion. One thousand million dollars of Victorian taxpayers money was spilt through their fingers as they bungled the electronic gaming machine auction process. A billion dollars in one day! Yet the Treasurer has the hide in this chamber to say, 'Well, what is it? Do you want us to tax the people of Victoria more? Do you want to cut services?'. No, we do not want either of those. We just want him to manage the finances he has at his disposal in a more responsible manner. The fact that the state government let \$1 billion slip through its fingers in one day has gone past the media and the people who should be examining the way the government manages its financial affairs.

Over the next 10 years operators in the gaming industry, whether they be clubs or hotels, will collectively be given a \$1 billion gift from this state Labor government. This did not happen on purpose; the government did not give it to them deliberately. The only reason it has happened is that the government is incompetent. It simply did not have the intelligence to work out how the process was going to take place.

Did the government have the ability to talk to the industry? Yes, it did. Did it do it? No, it did not. Did it have the ability to travel overseas and see how other jurisdictions have handled this type of opportunity? Yes, it did. Did it take that opportunity? No, it did not; it simply sat back and cobbled together a process that it thought would deliver the best value for the industry and the best value for the people of Victoria via an auction process. It was the greatest example of incompetence that any government could possibly exhibit to the people of Victoria.

I do not know whether the government has accepted that it had the responsibility to handle this process in a more professional manner. I would suggest that it has not, because in effect it has come out and said the reason the auction for the licences performed at such a poor level was because of all the so-called preventive gaming policies it had introduced over the last few years, which had deterred people from betting to the levels they were expected to bet. We have to accept what the government has said, but the government was entrusted with the responsibility of managing our finances in the best way it possibly could, and there is no doubt that it has in effect broken that trust.

One of the great things that is shared by all parliamentarians, whether Nationals, Liberals or Labor, is that first and foremost we want to govern and protect the most vulnerable in our community. We need to look after those who cannot look after themselves. In this area we find that the current budget is horribly short of where it needs to be. A whole range of areas in all of our electorates are in need. In my electorate, for instance, the Bendigo Special Developmental School has again been short-changed by a range of government projects. The Bendigo community of 100 000 people does not have an out-of-home respite centre for children. All those families who have children that they cannot cope with on a full-time basis simply have to cope, because there is no other option. This government has been told time and again that it needs to do something to create this type of facility, but Jacinta Allan, the member for Bendigo East in the Assembly, who is also the Minister for Regional and Rural Development, and Bob Cameron, the member of Bendigo West in the Assembly, who is also the Minister for Police and Emergency Services, refuse to entertain this debate. They refuse to get involved in the fact that Bendigo simply does not have an out-of-home respite centre for children when Geelong and Ballarat have centres. We certainly do not have that in Bendigo.

There is a whole range of issues surrounding early childhood intervention and families with children who have been assessed with disabilities. The time they can expect to wait for that intervention has gone beyond what is reasonably acceptable. Once those children have been assessed we are struggling to find them any sort of early childhood intervention or programs that are going to assist in what we all understand is the window of opportunity, the zero to seven-year-old stage. The work that is poured into those early stages is going to be rewarded three or fourfold, as opposed to work that is put in at later stages. We have a government that refuses to accept that premise and continues to hold off on the necessary programs that need to be implemented.

Then there is the continual problem of shared supported accommodation, where more than 1000 people in Victoria are on the high-needs list, the urgent list or crisis list — or however you term it — for shared supported accommodation. The government has walked away from this responsibility by saying to parents, many of whom are ageing parents, that it is their problem, that they can deal with the problem. The government says it has nothing to do with it. It is happy to mouth all the right words, it is happy to say all the right things, but when it comes to dealing with kids with severe and profound disabilities it just puts its head in the sand and tells parents, whether they are ageing or

not, that they can look after their children because it is their responsibility. That is the way this government goes about its work.

In the last two months we have heard for the first time ever the Brumby government mouthing the words ‘rural proofing’. What is rural proofing? Rural proofing is a system of checks and balances that governments around the world have put in place to protect themselves against themselves. One could argue that had Julia Gillard and Kevin Rudd introduced some form of rural proofing, they would not have made such a botch-up of the youth allowance mess that gave all regional Victorians cause to sit back, shake their heads and wonder who on earth was leading this country. There was an assumed problem that a range of wealthy people were supposedly rorting the existing system under the Howard government, and Kevin⁰⁷ thought he had to fix it.

Julia Gillard, the Deputy Prime Minister and federal Minister for Education, came up with a system primed to deliver what the Labor government needed to fix this rorting, but she did so without for 1 second realising the damage she was about to inflict on regional Victoria. She did so seemingly without any knowledge of the growing disparity between the number of regional students finishing year 12 with Victorian certificate of education or equivalent and going on to tertiary studies — she had no understanding of that group — and the number of metropolitan Melbourne students going on to complete VCE and undertake tertiary studies.

She had no understanding of the differences that exist between working families. We hear this rubbish from the federal government; it puts out cliché after cliché, and it must make the Labor Party in Victoria absolutely sick.

Mrs Peulich — It makes Australians sick.

Mr DRUM — It must make the Labor Party people sick. I think most members of this chamber, whether they be Liberal, Labor, Nationals or whatever, want to make a difference, but to see the Labor Party in this state have to fall in behind a bloke like Kevin Rudd must just make party members sick to the core. Then all of a sudden they are falling in behind Julia Gillard, who has implemented a system of reform within the higher education system that makes it harder for regional Victorians to get tertiary qualifications.

The Rural and Regional Committee has gone out to a whole range of smaller areas in regional Victoria. That committee has been shown the growing disparity and

the increasing gap that exists between entire communities. The committee heard evidence that Lakes Entrance Primary School had one parent with a university degree.

Labor government members on the committee could not care less about that fact. They think, ‘That’s up to them. Whatever happens, that is not our business. That is a federal issue. We will simply go on with our work. For goodness sake, let’s not concern ourselves with those types of statistics, because that simply does not concern us’.

Had Julia Gillard put in place a form of rural proofing she would never have made such a disgraceful decision in the first place. A rural proofing body would have alerted her to the problems in what she was about to do. She would have been warned. She would have had the facts put in front of her. She would have had checks and balances and would have been told, ‘Yes, you might stop the rorting of the people in Camberwell and Brighton, but you will wear forever the damage you are going to inflict on the people of Robinvale, Ouyen, Bendigo and Shepparton. You are going to turn the clock back’.

We have had 11 years of the Bracks and Brumby governments in effect saying, ‘We understand the bush. We understand the regions’. Yet this government stands by and continues to back 100 per cent Julia Gillard in her youth allowance changes. There is total support from the Victorian government, and yet government members knew the damage this was going to inflict on regional Victorian youth. That is something that makes us all wonder where their allegiances lie.

It is only recently that the Premier has started to mouth the words ‘rural proofing’. He has said he is going to introduce a form of rural proofing, but we have not seen any detail in terms of what type of rural proofing the Premier is going to introduce. We have now heard for the first time the word ‘decentralisation’ mouthed by this government’s members. For the last five, six or seven years we have heard that decentralisation does not work, that it is a nasty word, that it has been tried previously and we do not like talking about it any more. But everywhere we go in regional Victoria — and we have expert witnesses come in and give evidence about what will take Victoria forward — all the people mention the ‘decentralisation’ word.

Here we are, 11 years into the term of the Bracks and Brumby regime, and what happens? All of a sudden this government discovers the decentralisation word again. Now, in the regional blueprint, we have a \$200 million commitment to start to talk about

decentralisation. We now have a word that has been brought in to create regional jobs, to move people out of Melbourne and to move people into the regions. Some of those regions are going to be areas of disadvantage. Some of the regions and regional centres may have an opportunity to start talking about themselves as decentralisation areas, and we may actually see some benefits accrue to the regions, which are so well positioned to accommodate additional people.

When this government's members stand back and accuse the opposition of whingeing, whining and being policy free, they say it with genuine attitude. However, you only have to look at the three big state government issues: the chalkies, the health system and the cops.

Firstly, with regard to the education system, for many years the Bracks and Brumby governments have maintained that education is the no. 1 priority. While they were out there espousing that education is their no. 1 priority, our teachers who worked in schools in Victoria were being paid the least of any teachers in Australia. But the government will tell you that education is its no. 1 priority. The education union waged a war against the Bracks and Brumby Labor governments and in effect received a deafeningly silent response when it came to fixing and talking about the issue, to working through and creating a compromise that would suit our teachers and accommodate the government with its limited resources.

More than 12 months ago Ted Baillieu, the Leader of the Opposition in the other place and the leader of the coalition, stepped forward with a \$400 million program to pay government school educators in this state not the least amount of money received by teachers in any state in Australia but the most amount of money received by teachers in any state in Australia. His program took Victorian teachers to the top, not the bottom, of the tree.

For 12 months the education union and Victorian teachers had been fighting the Brumby government but had been stonewalled. It took this gutless Labor government about 40 days to do a total about-face to give Victorian teachers exactly what the coalition had promised them. This was the first instance of copying of coalition policies. It has now become part and parcel of the way this Brumby Labor government operates as it limps towards the November election. All of a sudden education is the no. 1 priority.

The government said, 'Can we pay our teachers more?' and it answered itself, 'No, we cannot'. The opposition stepped up and presented teachers with a program that would mean they would be the highest paid teachers in

Australia. After a month or so the Brumby government suddenly found the money to match that commitment. I would like to know how the teachers felt when they had to try to fight against the government to get a better deal when they knew their New South Wales counterparts were \$10 000 a year better off.

However, it is only when politics gets involved that this government gets something done. That is the theme that comes through all of these decisions in the run-up to the election. This government will go after whatever is politically suitable for it. This government will say, do and promise anything if it is going to give it a better chance to stay in government. What is best for the state becomes irrelevant, and what is best for the people of Victoria becomes totally irrelevant. What gives this government the best chance of staying in power is what ultimately decides where the Labor Party takes its policy.

The teachers' pay dispute has not been settled. The non-government sector pay dispute has still not been settled because this government thinks that Catholic schools, Anglican schools, all the other private schools and the special schools which are funded under the same funding model will somehow have more fundraisers and that the parents of children who attend special schools will receive more family payments. That does not seem to concern this government, because it will just put its head in the sand and hope the problem goes away. It has had many opportunities to address this issue, but it chooses not to do so.

The second of the three big issues is police numbers. I do not know how many times assaults and inner city violence have been on the front pages of our newspapers. We have seen the level of violence increase over four years. On Sunday and Monday mornings we read our newspapers and are forced to see what has gone on over the weekend with young people being glassed, attacked, punched and kicked. Very few people now feel safe in either their major regional cities, the Melbourne CBD or Melbourne metropolitan hubs. There has been a prolonged campaign by everybody in this state to get more front-line police on the beat.

What have we heard from the Brumby Labor government, with its outstanding Minister for Police and Emergency Services who makes everybody in this state laugh? The fact that Bob Cameron is a minister makes everybody shudder, but that he is entrusted with the responsibility for police and emergency services is nearly enough to make us all give up what we are doing here. With him as minister in charge of something as serious as police and emergency services, you

sometimes have to say it is no wonder our streets are in the mess they are in. Over a prolonged period of time the opposition and the Victorian community have been crying out to the Brumby government to increase police numbers, but the Premier has continued to say, ‘You do not need any more police. We have given you all the police you need. It is up to the police as to how they best apportion their officers’.

Then Ted Baillieu, the Leader of the Opposition, and Peter Ryan, the Leader of The Nationals in the Assembly, came out and announced that in government they will introduce over 1600 front-line police on top of 900 PSOs (protective services officers) to patrol our train stations.

Honourable members interjecting.

Mr DRUM — And 100 transit police. What do we have after years of denial rebuffing the calls from the community? All of a sudden we have our gallant, courageous Premier changing his mind and in one of the greatest backflips of all time deciding to jump straight in behind the coalition. He does it so shamelessly!

Mrs Petrovich — It is the highest form of flattery.

Mr DRUM — I like that, Mrs Petrovich. It is.

Mrs Petrovich — Total imitation.

Mr DRUM — Total imitation has to be the highest form of flattery, but you would like to think that you were being flattered or imitated by someone with a vision. Unfortunately what we have in this state is a government with its eyes firmly trapped in the headlights of an oncoming car. It is simply looking for opposition policy so it can copy or mimic it. In effect it wants to take it away, dress it up and reintroduce it as its own, because with the election coming along the government knows it is out of ideas. Every time it introduces a new policy it has to go back, break promises and change policy previously laid out before the people of Victoria.

For two and a half years Premier Brumby said we do not need any more police. We have the policing structure in place. It is simply up to police command to apportion those police where they need to be. Then less than a month after the coalition went public with its additional police package, this gutless government found its only option. It had obviously done its polling, its market research and its focus groups and realised that this one was going to cut through. So what is it going to do? It says, ‘We had better copy them. We had better neutralise this one even though it goes against

everything we have been saying for the last two and a half to three years since John Brumby became Premier. We are going to have to fall in behind the coalition. We will dress it up and beat them by two police to make sure that we are in front of them’.

Again I ask — as I asked about the teachers — how do the police feel when they have been screaming out for additional resources over the last seven or eight years only to be butted away, pushed back, roadblocked and all of a sudden see this government backflip in the most gutless manner as soon as the opposition takes the lead? That has been done, and we will have to leave it up to the people of Victoria to make their minds up.

I have dealt with teachers and police. I go on to the health system. Ted Baillieu went out in front of the government, totally hypothecated the proceeds from the gaming revenue, nearly \$1 billion, straight into health infrastructure. Within two weeks the government has fallen in behind him and announced funding for Bendigo hospital and a couple of other health infrastructure projects.

An honourable member interjected.

Mr DRUM — In Coleraine and down in the Gippsland area as well. It has reached a stage where in every major aspect of government the coalition in opposition is now leading the government on policy. The government, because it is bereft of ideas, vision and creativity, has now been forced to fall in behind the coalition’s policies and try to neutralise the leadership that is being shown by the Leader of the Opposition. If he gets the chance, and I believe he will, Ted Baillieu will be one of the great premiers, if not the greatest, this state has ever had, simply because he has the ability to truly communicate with the vulnerable in our society. He understands what is needed. He works hard and drills down to the detail. Ted Baillieu has the ability to communicate with all areas of the community and will be one of the great premiers of this state if given the opportunity by Victorian voters.

We now come to regional Victoria, where Peter Ryan is out in front with \$1 billion over eight years for the regional growth fund. Not only is that a substantial amount of money, double the Regional Infrastructure Development Fund’s allocation for the previous 10 years, but he had the courage to hand over 40 per cent of that money to the communities that are going to benefit from it. Although the Labor Party will try to mimic the concept of a regional commission that has its own funding and meets to determine which projects are taken forward and which are knocked back, it cannot quite go all the way.

Peter Ryan, as the shadow Minister for Rural and Regional Development, sees that the best model going forward is to give 40 per cent of the \$1 billion regional growth fund, as it would be called, to the regions. They would have the decision-making power to determine how that would be spent. The Rural and Regional Committee has heard time after time from witness after witness that they have the ability and the decision-making prowess within their own communities; they do not need to go off to Spring Street every 5 seconds to ask for a bit more money for which they have to go through another form of approval and jump over the next step. For the first time ever, communities will be funded to develop their own projects in a manner that will give them the autonomy they have been crying out for.

If any members of the Labor Party think this is not 100 per cent the truth, they should simply call members of Regional Development Australia committees and ask them to compare the packages that have been put to them by the government and the coalition respectively for the next four years. If Regional Development Australia committees had an opportunity of choosing between supporting the government's regional blueprint or jumping on board with the coalition's regional growth fund, which actually gives them 40 per cent of \$1 billion over eight years and allows them to choose how they spend that money, choose the projects they will spend that money on, there is no doubt whatsoever which way they are going to lean. One only needs to make those phone calls to realise that.

The regional growth fund has the ability to regenerate this state. It will return some of the wealth that is generated in regional areas back to those regions. Not many people are interested in this fact, but it is often left to the statisticians to tell us that the Goulburn Valley alone generates \$9 billion a year in wealth for this state's economy. If you visit each of the other areas — the wheat-growing areas of the south-west, the mining areas of Gippsland, the dairy industries in both the south-west and south-east of the state — you recognise that the amount of money generated in regional Victoria, billions of dollars, is absolutely staggering. Seventy per cent of Australia's pork is generated in the north of this state.

The billions of dollars worth of trade and primary industry that continues to maintain the prosperity that people in Melbourne take for granted needs to be acknowledged at some stage. We need to reinvest this money in the regions and not just because there is something in it for Melbourne. The government claims it will invest in water infrastructure in the regions, but it seems that it will only do that provided that there is

something in it for Melbourne. The government has now announced its regional blueprint and it is going to go out and try to win as many regional votes as it possibly can in the lead-up to the election. I can inform the government that the people of country Victoria can see through it. In country Victoria we have health crises by the day, we have ambulance crises by the day —

Ms Tierney interjected.

Mr DRUM — I say to Ms Tierney that I cannot help but pick up on the Bendigo hospital. The government wants to give the people of Bendigo a hospital that is going to be split over two sites. It will effectively be half of what the business case had called for. It knows that it can do that simply because it has its own lackeys in positions of power within health care on the board. The government has totally disregarded the health needs of regional Victorians. I am hoping in the months to come that members of the government will be forced to eat their words. We will all have to wait and see what happens in that regard. When it comes to health in central Victoria I can assure the house that the Victorian coalition is committed and will be out there pushing as hard as it can for all health-care services to be delivered from the Bendigo Health Care Group.

The coalition understands that right around regional Victoria the regional growth fund offers us the opportunity to take this state forward, to take this state into a new era where politics can become secondary and regional growth can become the primary focus of the government of the day. It is only when you put in place leaders like Ted Baillieu and Peter Ryan that you are ever going to see this state truly go forward and maximise its true potential. Unfortunately until the people of Victoria vote out the Labor government, we are going to be forced to put up with the continued overspend in budgets, the continued waste on major government projects such as myki and regional fast rail, the lost money in the electronic gaming machine auctions and so on.

Mr Koch interjected.

Mr DRUM — I suggest that Mr Koch does not to talk about smart meters. The community can only take so much incompetence on any one night. The Minister for Gaming, Tony Robinson, has botched everything he has touched, whether it be liquor licence fees or the introduction of Intralot. He is a pretty nice bloke but effectively he is a minister who has been very poorly informed. Maybe Premier Brumby needs to give Minister Robinson some of the special treatment that he may have given the Minister for Regional and Rural Development, Jacinta Allan. It has been reported that

Jacinta Allan might be a bit of a protected species when it comes to the front bench of this government.

We have had substantial criticism coming from the teachers union in relation to the TAFE sector. A website sponsored by a range of unions recently called for Minister Allan to be dumped from her seat of Bendigo East, saying she has butchered the TAFE sector in a manner that it will never be able to recover from. While Minister Allan may have been dumped from the skills portfolio, it seems that this \$100 million announcement that somehow came back in through Regional Development Victoria will put the TAFE sector back under her control. The claims and cries of exasperation from the education sector in my region are absolutely staggering. Those in the sector are hoping that this mess, Minister Allan's effective investment, as it was called, in tertiary education, which I think was going to be \$300 million — —

Mr Hall — Three hundred and sixteen million dollars.

Mr DRUM — It was for \$316 million to generate 170 000 places, but what we have seen is a diminution of 30 per cent or 40 per cent in the number of people who are going for diplomas and similar types of qualifications within the sector. The fact that the minister has been lambasted by her own union means that hopefully we can help the unions to remove Minister Allan.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Ambulance services: central Victoria

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Health regarding ambulance response times in Castlemaine and central Victoria. My request of the minister is that he immediately review ambulance resources in Castlemaine and central Victoria with a view to boosting paramedic numbers to provide adequate coverage to address community concerns about ambulance response times.

Last Wednesday a five-month-old baby girl suffering breathing problems was reportedly forced to wait almost 1½ hours for an ambulance to take her from a Castlemaine doctor's surgery to Bendigo hospital. The

baby's doctor, Dr Rebecca Dale, was outraged at the almost 90-minute delay before an ambulance arrived. The baby was suffering from bronchiolitis, which can cause serious breathing problems in infants, and remained in hospital until Saturday.

My understanding is that response times can vary depending on the severity of the patient's condition. However, most people would consider an almost 90-minute wait for a seriously ill baby to be unacceptable, particularly when the call had been lodged by a doctor who was able to clearly articulate the urgency of the baby's condition. This delay was not the fault of local paramedics, who are underresourced and are doing the best job they can with the limited resources available.

This is not the first time the community of Castlemaine has endured unacceptable ambulance response times. Recently a woman at Fryerstown, which is about 12 minutes from Castlemaine, reported a suspected heart attack, and it took about 1½ hours for an ambulance to reach her because the Castlemaine crew was in Bendigo. Eventually both the Castlemaine and Daylesford crews turned up within a few minutes of each other, but a 1½-hour wait for an ambulance to attend someone who had reported a suspected heart attack is far too long.

Maryborough is another area where we have seen some horrendous cases. On 4 April 2009 young footballer Carl Lawrence collapsed on the Maryborough football ground, which is two blocks from the ambulance station. It took 18 minutes for a crew to reach Mr Lawrence, who unfortunately died before he reached a hospital. Recently we heard of the tragic death of Dick Gouge, who lived only 200 metres from the Maryborough ambulance station. Unfortunately there were no paramedics on duty at the Maryborough station when Mr Gouge suffered a heart attack, and it took 25 minutes for an ambulance crew to arrive from Avoca. Mr Gouge died, leaving his family to wonder what might have been had an ambulance crew reached their loved one a little earlier.

My request of the minister is that he immediately review ambulance resources in Castlemaine and central Victoria with a view to boosting paramedic numbers to provide adequate coverage to address community concerns about ambulance response times.

Public transport: Western Victoria Region

Mr KOCH (Western Victoria) — My issue is for the Minister for Public Transport and relates to the state government abandoning public transport routes in

remote areas of western Victoria. Over the last two years the Timboon, Simpson, Cobden and Camperdown Getting There and Back Transport Connections project provided flexible transport options to the isolated rural communities south of Camperdown. The service involved door-to-door taxi pick-ups, which would transfer commuters to Cobden, where they would board a bus to Camperdown to access the Melbourne to Warrnambool train service. Timboon and Simpson are approximately 45 kilometres from the nearest railway station.

The project was well supported by the local taxi companies, Timboon Taxi Service and Camperdown Cobden Taxis Service. Operating three days a week, the program has been a tremendous success. Many local residents, including the elderly and students, have come to rely on this service to visit family members, take part in community activities, shop, attend medical appointments, meet transport connections and use other services not available close to their homes.

Without warning or community consultation, as of this week the benefits of this vital transport program have been slashed. The service has been reduced from three to two days per week and the number of return trips has also been reduced. The modified route now in place will cut services to many disadvantaged people. Due to these ad hoc and ill-thought-out changes, the majority of elderly and disabled residents in the area, a large percentage of whom live out of town, will now be unable to access public transport. Both taxi services have worked hard to get this public transport linkage up and running and have provided their services at a greatly reduced cost, and in many cases in kind, to provide this public service opportunity to rural communities.

The Brumby government has built up an expectation in the district that has seen users come to rely on this service, but they are now bitterly disappointed that the Brumby government has decided to withdraw its support for this scheme. It is yet another example of Labor pulling the rug from under a small community program, ignoring the needs of remote, rural communities and denying them services taken for granted in metropolitan Melbourne.

The action I seek is for the minister to review and reinstate this well-supported and necessary transport program that has serviced the needs of many in the Simpson, Timboon and Cobden catchments. This program has been an excellent government initiative; it was well supported and also received local industry underwriting, but for unexplained reasons it has been

unacceptably slashed at a great cost to this community's mobility.

VicRoads: Garfield signage

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Roads and Ports. It concerns road signage and is an issue I have raised previously on the adjournment in regard to signage for the Pakenham show and directional signage for the township of Powelltown. VicRoads seems to have a particularly aggressive and heartless approach to existing road signage that has been on VicRoads road reserves for some time.

The latest example that I draw to the attention of the house is that of the Garfield Berry Farm and Produce Market. The berry farm has been operated since 1975 by the Ferraro family, which over the last 35 years has built a West Gippsland tourist icon and in doing so has developed another great migrant story based on the family's hard work and self-reliance and the support of their local community. The Ferraro family has built a business where people are able to buy fruit, have a coffee and stop off between Melbourne and Gippsland. This has particularly been the case since the opening of the Pakenham bypass.

In building this business the family has supported agricultural land use and now employs approximately 20 people; it is an important source of local jobs. Sadly, this business is now at serious risk because of the bloody-mindedness of the government and its agency, VicRoads.

After completing a study of roadside signage along the Princes Freeway and without adequate consultation with the affected family and business owners, VicRoads has removed the Ferraro family's signage which has been in place for many years. The consequence of this has been that business has dropped by 60 per cent, making it unviable. This issue has been outstanding now for some significant period, and despite representations being made to the minister and liaison occurring with members of the government, there has been no satisfactory outcome.

It is most concerning, not only because this is a longstanding business but because of the lack of consultation with the affected family and because of the broader ramifications for employment and economic activity in the local area. Added to this is the issue of appropriate access to and egress from the property to the Princes Freeway, as VicRoads owns a parcel of land which abuts the freeway before the access to the Ferraro family's property.

The matter is urgent, as I say. The action I therefore seek is that the minister intervene personally in this issue as a matter of priority with a view to reinstating at least some of the signage that has been in existence for a long time, so that in the interim the business can continue to attract customers passing through on their way to Gippsland.

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

V/Line: passenger information

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Public Transport. It concerns the lack of information and inaccurate information provided to V/Line passengers in the situation where a scheduled service may be delayed, cancelled or varied in some form or another. This issue was highlighted to me in an email from one of my constituents, Fairlie Kermode of Maffra, who emailed me yesterday recounting the story of a train journey on Friday last, 18 June.

Ms Kermode described her intended journey to travel on the 3.27 p.m. train from Caulfield to Traralgon. Normally that train leaves from platform 4. Passengers were not advised of a platform change, and by the time she and other passengers changed platforms they had missed that service. Three subsequent trains to Traralgon were cancelled, but again there was no notice on the V/Line website of those changes. It was then announced, as I understand it, that the passengers travelling to Warragul and beyond were to catch the next Metro Trains Melbourne service to Pakenham and be picked up by a bus.

That happened some 45 minutes later, when the next train arrived. It was standing room only at that point of time because of the number of passengers on that train. When they arrived at Pakenham, the V/Line staff could tell them only that a bus was expected to transport them to Traralgon. Various mobile phone calls to V/Line information suggested that it would be 10 or 15 minutes before a bus arrived. As she described in her letter:

After waiting over 1 hour in freezing cold conditions, a bus eventually arrived to take us to Traralgon, but still some five or six people were left at Pakenham as the Traralgon bus was full.

To end the story, Ms Kermode arrived at Traralgon at about 8.00 p.m., some 2½ hours after the scheduled time.

The complaint that she makes, which is a very valid one, is that throughout the course of this sad and sorry

few hours there was a lack of information and then inaccurate information was provided to passengers. My request to the Minister for Public Transport is for him to investigate this particular occurrence as I have recounted it here this evening and do something about providing better information to people who are travelling on V/Line services so that they know when they are going to have to wait, how long they will have to wait, how long a service has been delayed and when they may expect to catch some form of public transport to their destination.

Bay Street, Port Melbourne: car parking

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning, Justin Madden, and it is to do with Kyme Place in Port Melbourne. Bay Street, Port Melbourne, has moved forward at a rapid rate since I have had my office there. There are vibrant restaurants, shops — I will not talk about the two murders and the shooting that have taken place — real estate agents and the famous Melbourne Bakehouse, which is stacked full at lunchtime and serves delicious cakes and coffee at all times. There are newsagents, a Telstra shop, supermarkets, apartments, homewares and clothing boutiques. It really is a hive of industry and a terrific area to be in.

It is close to the light rail, beaches, Albert Park Lake, the city, Royal Botanic Gardens, St Kilda and a whole range of other things. But car parking is at a premium. There are very few spaces at any given time.

Mr Finn — The same as Sunshine.

Mrs COOTE — As Mr Finn says, it is the same as Sunshine. A small place that runs parallel to Bay Street is called Kyme Place. It is located only half a block behind Bay Street and is currently a lane, which is a service delivery lane, and a car park; it is a very small space. I have had a letter from Mr Mark Lopez, who said:

Development started there recently. It is a source of deep concern to local residents and the local traders in particular.

They are worried about the loss of 31 parking spaces. This will deplete parking for customers and reduce the convenience for shoppers. This will adversely affect their bottom line.

I think this is actually the point. At the moment, because of the Brumby government's push for higher density housing, this inappropriate development will destroy the very amenities that the government is setting out to attract people to. In fact the shopkeepers will close down their shops; they are not going to be

able to sustain the lack of facilities, and this will affect the basic survival of these businesses in Bay Street.

The action I seek is for the minister, as a matter of urgency, to review the planning of this particular development in Kyme Place to ensure that it meets all the planning requirements.

V/Line: passenger information

Mr P. DAVIS (Eastern Victoria) — I direct a matter to the attention of the Minister for Public Transport concerning the problems being experienced by travellers on the Gippsland train line. This is especially pertinent given the minister's comments earlier in the day when he boasted about the recent provision of additional eastern metropolitan services, including those on the Pakenham line. The minister also indicated additional services will be introduced for the western suburbs later in the year.

From his comments, Sydenham in the west and Pakenham in the east set the limits for the government's vision for public transport. Let me cite an incident that illustrates the continuing problems facing passengers on the country line beyond Pakenham. Last Friday, 18 June, people intending to catch the 3.27 p.m. train from Caulfield to Traralgon followed the timetable advice that said it would depart from platform 4. Instead the train pulled in at another platform and left without them. The next three trains to Traralgon had been cancelled without advance notice being placed on the V/Line website. A station announcement advised passengers to catch the next Metro Trains Melbourne service to Pakenham and wait there for a bus. The train was 45 minutes late and offered them standing room only.

At Pakenham the passengers were told a bus — one bus — would be along for them soon, even though about 100 people, or two busloads, were awaiting transport. No-one knew what was happening, and there were conflicting messages on the V/Line telephone helpline service. The alternative of boarding the Gippslander train as far as Traralgon turned out not to be an option because it was already full. After an hour's wait in freezing weather a bus destined for Traralgon arrived at the Pakenham station, but it soon filled and left a number of people behind.

Those who boarded the bus arrived in Traralgon after 8 o'clock, some 2½ hours late. Among the passengers who had to endure this inconvenience, misinformation and lack of information were a sick, elderly woman, an 82-year-old man and a family with a toddler and a one-month-old baby. One of the passengers concerned

put it succinctly in a message to me: 'What is happening, please?'

I put to the minister that he act, firstly, to ensure that there is a more reliable service to Gippsland and, secondly, to ensure that prompt, helpful and accurate information is available for passengers in the event of any change or disruption to services.

Rail: Manor Lakes

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, Martin Pakula. It is in regard to the regional rail link — the new rail line running from West Werribee to Deer Park and through to Southern Cross station. The population of Melbourne's west has been increasing at a rate double that of the rest of Melbourne, yet this growth has been accompanied by a low level of investment in high-quality transport services. As a result, Melbourne's inner and outer western growth areas are not well served by public transport and cycling links. The regional rail link is therefore very welcome and well overdue. What is needed now is an assurance that it will be delivered to the community in the best possible way.

The matter I raise deals with the route of the proposed rail link in the Manor Lakes area. The current proposed route goes through the centre of Manor Lakes. This will result in a school losing its sporting ground and will restrict access to Our Lady of the Southern Cross Catholic Primary School, a school that already has great accessibility needs and by 2014 is expected to have 3000 students. Most importantly the proposed rail link runs right through the centre of Manor Lakes and includes the construction of an overpass, which will result in a significant visual and physical impact. In fact it threatens to cut the community in half.

The action I ask of the minister is that he act upon a petition tabled in the Legislative Assembly on 9 June 2010 by 4568 signatories from the Manor Lakes community. Along with the local community I call on the minister to construct the regional rail link in a full ground cutting in Manor Lakes as detailed in the rail link engineering design published by the Victorian government in 2009.

Information and communications technology: broadband access

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Information and Communication Technology. It relates to the

availability of broadband in outer suburban areas — in particular the south-eastern part of Melbourne.

Prior to the 2007 federal election the Victorian government used to publish a report on broadband availability and demand which acted as an incentive for both the federal government and broadband suppliers to increase the availability of broadband across Victoria. That report has not been published since 2007. Following the 2007 election the federal government announced the new national broadband network, to be rolled out over a number of years into the future, which seems to have had the effect of restricting the amount of investment in broadband by existing telecommunications companies as they wait to see what form the national broadband network takes. This has given rise to a situation where, to use an example presented to me in Narre Warren South, the availability of broadband is extremely limited and patchy.

I had Mrs Rachel Wilson, who operates a small business, Aussie Vendor, come to me regarding the lack of availability of broadband in Narre Warren South. She has been able to get some limited assistance through the Australian Broadband Guarantee, which provides a subsidised satellite service, but it is still at a hopeless level of speed — down as low as one-tenth of 1 megabit compared to the 50 megabits that we might get here at Parliament. It is very limited broadband availability. In fact she says at times she has to get up at 3.00 or 4.00 a.m. in order to use what broadband she has available, because in normal business hours there is simply no availability at all to upload or download data. This is in an area that is only 40 kilometres from Melbourne, not in a remote part of the nation or the state.

In question time today the Minister for Information and Communication Technology spoke about the government's regional blueprint and initiatives to increase the availability of broadband to regional areas. What I seek from the minister is for him, where appropriate, to extend those initiatives to ensure that broadband is made available in the outer suburban areas of Melbourne where it is currently of limited availability and that it be made available far earlier than would otherwise be the case if we waited for the national broadband network from Canberra.

Electricity: high-voltage powerlines

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Energy and Resources, and it concerns a letter I received a couple of weeks ago from Mr Laurie Grima of Sunshine West. The letter begins:

Powercor is putting 66 000 volt powerlines through our neighbourhood to provide power to industry on the other side of the Western Ring Road. The powerlines will be running along Ridgeway Parade, Nancy Street and Whitesides Avenue in the Sunshine West area.

There has been no consultation from Powercor and when they were asked about the powerlines, they stated Brimbank Council gave them permission and Powercor provided a contact number that was disconnected.

There is some evidence that electromagnetic radiation can have health impacts and I am very concerned for the wellbeing of my family ...

These lines are close to our homes and a kindergarten, yet Powercor will not put them underground saying it doesn't want to pay. I am sure you would agree that the health of the Sunshine West community, especially the kids, is more valuable than investing in underground powerlines.

I agree with Mr Grima that the health and welfare — and wellbeing, indeed — of the Sunshine West community is extremely important. I have to wonder if Powercor or another energy company were to be putting in powerlines on the other side of Melbourne whether they would be putting in overhead lines or they would be putting them underground. Frankly, we in the western suburbs are totally sick of the double standards of government, of the private sector, of a whole range of interests across the community when dealing with people in the western suburbs. We seem to get a raw deal time and again. This really has to cease, particularly when it may well endanger the lives and the health of people living in the western suburbs.

When I read this letter, I picked up the phone, I spoke to Mr Grima and I visited his home, where a goodly number of concerned neighbours had gathered. They took me around and showed me exactly where the poles had gone up and where the overhead powerlines are due to go. What we are talking about here are high-voltage powerlines opposite a kindergarten. It is just not good enough.

I ask the Minister for Energy and Resources to convene a meeting to ensure that consultation is provided by Powercor and that no overhead powerlines go up until such time as the local community is totally reassured that there are no health risks — that there are no dangers to their health or wellbeing. I ask the minister to do that rapidly, as the poles for these overhead wires are already erected. He will need to do that quick stick. I ask the minister to do that as a matter of urgency.

Hazardous waste: management

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change. It is in relation to

the management of tips landfill and in particular the role played by the Environment Protection Authority in the licensing, monitoring, inspecting and enforcement of various permit conditions, more particularly since the tabling a few days ago by the Attorney-General of a report showing that the EPA is basically a totally dysfunctional organisation with fragmented databases and a totally inadequate capacity to undertake its statutory responsibilities.

The problem was brought to my attention yet again. Not only does it shed new light on what happened at the Stevensons Road landfill in Cranbourne and on the lack of progress in dealing with 'Mount Heatherton' in Clayton, the TPI Heatherton Sands tip, but it also explains why little has been done to respond to the many complaints about the Lyndhurst waste facility.

Last week I attended a public meeting at the Cranbourne Golf Club convened by the EPA. It was a landfill public conference in relation to an application by SITA for landfill works for an advance waste facility at Hallam Road, which were not part of its approval application. What we heard the whole night was a litany of complaints from local residents about the existing facility at Lyndhurst and that nothing had been done. During the course of the night, Daniel Fyfe, the manager of the current facility, said he had not received any of the complaints until only a few weeks ago.

There is little confidence in the conditions on the existing facilities being monitored and enforced. There is certainly grave reservation about seeing more of such facilities develop without the EPA being rebuilt brick by brick in an open and transparent way and a bipartisan fashion, so that the community and this Parliament can have faith that this important authority is able to fulfil its responsibilities.

I call on the minister to put in place a process which not only sees the implementation of the Attorney-General's report but is able in an open and transparent way to rebuild the EPA so that we can have confidence and proceed with the processes of approval for these facilities. As the ones currently in existence are filled and outgrown, we obviously need others on line. It is a problem that needs to be resolved. The minister must act forthwith and it must be done with full consultation with the other political parties and the community. The minister must lay bare all the information he has but has failed to release.

Black Forest Drive, Woodend: traffic management

Mrs PETROVICH (Northern Victoria) — My matter on the adjournment is for the Minister for Roads and Ports, Tim Pallas. It concerns the commencement in the middle of June of roadworks on Black Forest Drive, Woodend. Local residents have been appalled at the lack of consultation by VicRoads and the state government. Fortunately the Rotary Club of Woodend stepped into the breach and organised an information session on 17 June at the Woodend neighbourhood centre. Rotary member Howard Burvill said the club initiated the meeting to encourage communication with the community. I congratulate Rotary on this initiative.

The road is in my home town of Woodend and I have been inundated with concerns. VicRoads acting regional director David Runnalls attended the meeting and said that traffic on the road had reduced significantly since the Calder Freeway opened. VicRoads has come to this conclusion without any studies, other than one that went back to 2001. On the night he also said that this decision was a *fait accompli*.

The \$1.35 million worth of works is touted to improve the safety for motorists. That is quite amazing, considering that overtaking would be the major cause of fatal accidents. However, this road has bends which make it not conducive to being a two-lane road. Black Forest Drive is a major road out of the towns of Woodend and parts of Macedon and Mount Macedon. It provides access to the Calder Freeway for many residents. We have been told that a bicycle track is to be installed. I do not see why people cannot ride bikes on it as it is.

We have been continually warned by a massive advertising campaign over the summer to leave the area on days of high fire danger and to leave early. We know that sometimes that does not happen. Because of the proximity and speed of the fires on Black Saturday, some who choose to stay in areas such as Kinglake were caught short. This road holds the key to the evacuation of the townships of Woodend, Macedon and Mount Macedon, which have all been classified as high fire risk areas and were involved in the Ash Wednesday fires. They are close to the Wombat State Forest and other heavily treed areas which pose an increasing threat to the population, most of whom would need Black Forest Drive to link them with the freeway. This area has a planning overlay showing a wildfire overlay on it. It was clear in the aftermath of Black Saturday that clear safe escape routes are crucial in times of evacuation and emergency. I do not want to see cars piled up on the side of the road, as we did then.

The action I seek is that the minister stop the downgrading of Black Forest Drive immediately so that proper community consultation can be undertaken on the issues of proper traffic counts and that there be referrals to the Country Fire Authority and the police to discuss issues of traffic accidents, weather conditions and bushfire and emergency access.

Hospitals: outpatient services

Mr D. DAVIS (Southern Metropolitan) — My matter on the adjournment tonight is for the attention of the Minister for Health. It concerns the plight of Victorian outpatients, the large group of patients who are not inpatients but seek assistance through clinics in our large public hospitals, principally, in the country and the city. Many tens of thousands — indeed hundreds of thousands — of people seek assistance through the outpatient clinics in our public hospitals that deal with a whole range of conditions, from neurological to orthopaedic and others. General practitioners refer people to outpatient clinics.

What we have discovered under freedom of information for the period ending 30 September 2009 — and I hasten to add that the department and the government do not have these lists in any coordinated or collated form — is that there are enormous numbers of people waiting. At the Austin hospital there are 18 444 new appointments waiting and 63 511 review appointments. At the Royal Children's Hospital there are 13 630 new appointments waiting. At Box Hill there are 2873 and 8502 waiting for review appointments. At Monash Medical Centre there are 1673 new appointments waiting; a large group of undisclosed appointments, 4116; and 409 waiting for review appointments.

At Geelong 884 are waiting for initial appointments, 3103 are in an undisclosed category, and a much smaller number are in the review appointment category. At Royal Melbourne Hospital 1046 are in the new appointment category and 14 407 are in the review appointment category. At Monash Medical Centre 648 are in the new category, 1235 are in an undifferentiated or undisclosed category and 161 are in the review appointment category. At Maroondah Hospital 821 are waiting for new appointments and 2659 are waiting for review appointments. At Bendigo 125 are waiting for new appointments, 1968 are in the undisclosed category and 1426 are in the review appointment category. For Frankston Hospital no new appointments are claimed, but there are 1664 in the undisclosed category. At Dandenong Hospital 235 are in the new appointment category.

My point is that many thousands of people are waiting around the state. Indeed tens of thousands of people are waiting for their first appointment. This has truly become the waiting list before the waiting list, as this minister tries to fudge and hide secret lists. What I ask the minister to do is disclose these lists to the public so the community knows how many people are waiting and for how long they wait before they get their appointments.

Mr P. Davis — I wish to raise a point of order, President, for the attention of, fortunately, the minister who is in the chamber this evening, the Minister for Environment and Climate Change. It was in fact a point of order I took at the end of the last sitting week during the adjournment debate for the attention of the minister but through the Treasurer. Hopefully the minister has been apprised of this. The point of order relates to the fact that on three separate occasions I have written to the Minister for Environment and Climate Change about his responsibilities with respect to the health minister concerning a matter which I raised on 16 September, which remains outstanding. I am seeking an explanation from the minister, before I proceed to the next provision under the sessional orders, to deal with this outstanding matter because I would rather that we had some cooperation rather than none.

The other issue I raise, a separate additional point of order, is in relation to a matter for the health minister that I raised on the adjournment debate on 13 April this year concerning the Bairnsdale Regional Health Service consulting suites. I wrote to the minister on this matter last Friday and I am seeking an explanation, if I may have one, for the delay in responding to what is an urgent matter because it relates to the withdrawal of specialist consulting physicians and specialists.

The PRESIDENT — Order! Whilst Mr Davis is certainly entitled to raise matters under the sessional orders to seek an explanation, it is not in fact a point of order. However, the matter is valid.

Responses

Mr JENNINGS (Minister for Environment and Climate Change) — Thank you, President, for providing some structure for this unfortunate delay in terms of the communication of written responses to matters that have been raised by Mr Philip Davis seeking information from the Minister for Health. Part of my responsibilities to the chamber is to try to account for circumstances where something may not be delivered in a timely fashion, or to try to use my influence and the influence of my office to bring to bear a response from the Minister for Health. At various

times during the course of today I have had a degree of confidence that the intervention of my office was going to deliver a result. But even though I have checked the list of a number of responses that I have in written form, it does not appear that I have one that relates to 16 September last year or another, from memory, to 13 March.

Mr P. Davis — It was 13 April.

Mr JENNINGS — It was 13 April? I thought it was the one for 13 March that we had discussed before. Mr Davis and I have had conversations off-line prior to him formally raising this in the chamber this evening, so I am becoming more aware of these matters myself. Certainly I perceive that I might become even more familiar with this material as I personally pursue the Minister for Health in subsequent times. Because at this point in time I do not have the answers, even though I have been given some encouragement to believe that they are on their way. They are not part of the list that I have before me this evening.

Given that there is nothing else pursued at this moment, I do have written answers to adjournment matters raised by Mr Guy on 7 May, Mr Finn on 7 May, Mr David Davis on 7 May, Mr Atkinson on 2 February, Mrs Peulich on 2 February, Mrs Coote on 9 March, Ms Hartland on 11 March, Mrs Petrovich on 23 March, Mr Philip Davis on 24 March, Ms Lovell on 25 March, Mrs Petrovich on 25 March, Mr O'Donohue on 13 April, Mr Philip Davis on 14 April, Mrs Petrovich on 14 April, Mr Philip Davis on 15 April, Mr Drum on 5 May, Mr Philip Davis on 5 May, Mrs Coote on 5 May, Mr O'Donohue on 5 May and Mrs Kronberg on 6 May. I have all of those, so I have done reasonably well in that regard this evening.

On the matters raised this evening, Ms Lovell wants the Minister for Health to respond about a review of ambulance services in Castlemaine and district. I will pass that on, as I will with every other matter except for the one for myself.

Mr Koch raised a matter for the Minister for Public Transport in relation to a review of the taxi service that has operated in south-west Victoria.

Mr O'Donohue raised a matter for the Minister for Roads and Ports in relation to road signage on the Princes Freeway and surrounds.

Mr Hall and Mr Philip Davis raised for the attention of the Minister for Public Transport, and unfortunately for those passengers seeking to go to Traralgon and district earlier this year on what must have been a bit like a day from hell, a matter in relation to a lack of connectivity

of public transport connections between Caulfield and Traralgon which has led to significant delays. Obviously that has led to a number of passengers being very concerned about their experience and to both members wanting better information and a better coordination of services available to public transport users of V/Line services to Gippsland.

Mrs Coote raised a matter for the Minister for Planning seeking his review of a planning decision in Port Melbourne. Notwithstanding the glory of living and working there, from the way she described the situation apparently she thinks this one development will turn that entirely around. I am sure the minister will respond.

Ms Hartland raised a matter for the Minister for Public Transport, seeking him to personally, by the sound of it, construct the regional rail line. But I am sure she just wants him to oversee the way that work may be undertaken.

Mr Rich-Phillips raised a matter for the Minister for Information and Community Technology seeking the extension of services to provide quality broadband services to people in the south-eastern suburbs.

Mr Finn seeks the intervention of the Minister for Energy and Resources so that he can review the consultation process surrounding the installation of powerlines in the western suburbs.

Mrs Petrovich raised a matter for the Minister for Roads and Ports in relation to his review of the redesign and reconstruction of Black Forest Drive out of Woodend and in the Macedon region.

Mr David Davis provided us with a litany of numbers that related to lists. Even though he obviously had that material available to him, he wanted the Minister for Health to release that information in some other way.

In her contribution Mrs Peulich raised a matter for my attention. At various times she portrayed accurately criticisms of the record-keeping and accountability framework of the Environment Protection Authority (EPA), as assessed by the Auditor-General recently. I totally accept criticisms of the paucity of information services of the EPA, but I do not accept the other assertions she made in relation to the ability of the agency to monitor and enforce appropriate regulation of landfills and the other conclusions that she reached.

Mrs Peulich — On a point of order, President, I did mention the 250 people who stood up and attested to the inability of the EPA to do that. Clearly the minister is disputing that.

The PRESIDENT — Order! There is no point of order. The minister, to continue.

Mr JENNINGS — I accept criticism in accordance with the terms that I have just described. I accept that it is incumbent on the operators of the landfill to consult appropriately with local communities about the quality of environmental protections and ensure community engagement within the municipalities in which they operate. I accept that it is incumbent on the EPA to ensure that the environmental standards are complied with both in accordance with the law and in accordance wherever possible with best practice in terms of environmental standards, and I accept the notion that it is important for us to try to build community confidence in the way the EPA will undertake those activities now and into the future.

I am quite happy to embark upon a process which is open and engaging. I look forward to the day when people who bandy around the word 'bipartisan' can actually operate in a bipartisan fashion. If in fact that becomes a two-way street, then that may be a way in which these activities will be undertaken. I will take responsibility for the ongoing improvement of the EPA in an open fashion. If we can find some bipartisanship on the way through, then that would be good for all of us.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.45 p.m.

