

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 23 February 2010**

**(Extract from book 2)**

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**Legislation Committee** — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

**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, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

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

## Joint committees

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

**Education and Training Committee** — (*Council*): Mr Elasmarr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

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

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**Public Accounts and Estimates Committee** — (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips. (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

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

**Rural and Regional Committee** — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

**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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*Parliamentary Services* — Acting Secretary: Mr H. Barr

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Mr DAMIAN DRUM

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Coote, Mrs Andrea	Southern Metropolitan	LP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William <sup>2</sup>	Southern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
			Vogels, Mr John Adrian	Western Victoria	LP

<sup>1</sup> Appointed 3 February 2009

<sup>2</sup> Resigned 9 January 2009



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**Tuesday, 23 February 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 to:**

**9 February**

**Consumer Affairs Legislation Amendment Act  
Legislation Reform (Repeals No. 5) Act**

**16 February**

**Royal Melbourne Institute of Technology Act  
Swinburne University of Technology Act  
University of Ballarat Act.**

## QUESTIONS WITHOUT NOTICE

### Public transport: government performance

**Mr O'DONOHUE** (Eastern Victoria) — My question is directed to the Minister for Public Transport. The Premier is quoted as saying following the Altona by-election:

I think our plans in these areas are right ... but I think what the people of Altona said to me is they want us to move faster. They want us to do more; they want us to push ahead with these projects quicker, and I'm confident we can do that.

I ask the minister why, more than 14 months since the announcement of the transport plan, has construction yet to commence on the so-called short-term railway station projects located at Cardinia Road, Pakenham; Lynbrook; Caroline Springs; and Williams Landing; and why will it take up to four years to construct these projects.

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Mr O'Donohue for his question. One of the things that interests me, given his question, is that perhaps it further betrays the fact that the Liberal Party intends to cancel all those projects.

**Mr D. Davis** — On a point of order, President, you have made many rulings that this is question time and the opportunity to answer questions, not a time to attack the opposition.

**The PRESIDENT** — Order! The Leader of the Opposition is in fact correct. I ask the minister to come to the question.

**Hon. M. P. PAKULA** — I do not know whether Mr Davis expects us to operate under some sort of modified Marquess of Queensberry rules where only one side is allowed to throw a punch.

However, Mr O'Donohue's question goes to the construction of these stations. The government proudly intends, as part of the Victorian transport plan, to commence construction of new stations, as Mr O'Donohue said, at Williams Landing, Lynbrook, Cardinia Road and Caroline Springs. But that is not all we are doing. In the 34 days since I have become Minister for Public Transport I have overseen the commencement of works at Westall station and the conclusion of construction of a new passenger bridge at Laverton. We are also intending to extend metropolitan rail at places like South Morang and Cranbourne East. As important as that is the construction of the regional rail link, which will provide more and better services to passengers coming from Geelong and better services for all those on the western corridor. Mr O'Donohue should be aware that the construction of new stations is proceeding according to the plan. The timetable always envisaged commencement of those works in 2010, and they are on schedule.

Unlike the Liberal Party, we have a commitment to the Victorian transport plan and a commitment to providing more infrastructure, better infrastructure, more trains, more trams, more buses and better services for Victorian commuters.

### *Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister for his answer and ask by way of supplementary question: if it takes so long to complete so-called short-term projects, how can the community have any confidence that so-called medium-term projects, such as the Cranbourne East rail extension, to which the minister referred, will actually be delivered, particularly when most of the transport plan is unfunded and the government has been promising to deliver Cranbourne East since it was in opposition in 1999; and what assurances can the minister give that these projects will be delivered faster and quicker, as promised by the Premier?

**Hon. J. M. Madden** interjected.

**Hon. M. P. PAKULA** (Minister for Public Transport) — Mr Madden made an excellent point about the growth areas infrastructure contribution bill and the importance of that bill to provide funds for infrastructure in the expanding communities of Melbourne. What Mr O'Donohue betrays with his

question is a recognition of the fact that the opposition has no plan for transport. All it has is a — —

**Mr O'Donohue** — On a point of order, President, the minister is verballing the opposition in his answer and is criticising the opposition. I ask you to bring the minister back to the question.

**The PRESIDENT** — Order! I do not consider the minister has in any way verballing the opposition. Question time can be a little bit robust at times. There are certain guidelines that I like people to abide by, but at the minute on this particular answer I think the minister is still in order. I do not think he has overtly criticised either the opposition or the asker of the question.

**Hon. M. P. PAKULA** — I am actually grateful to Mr O'Donohue for providing me with the opportunity to talk about the Victorian transport plan, about the new V/Locity and X'trapolis trains, about the new trams, about the fact that there are four new stations planned, about the regional rail link and about the Metro Melbourne tunnel and to point out to members of the Parliament, to point out to the gallery and to point out to the Victorian community that there is only one side of politics with a plan for Victorian commuters, only one side of politics with a plan to improve transport services. Those opposite have no plan other than to do away with the plan.

**The PRESIDENT** — Order! I remind members of the chamber that it is inappropriate to either point to or refer to anyone in the gallery.

**Employment: government initiatives**

**Mr TEE** (Eastern Metropolitan) — My question is to the Treasurer. Can the Treasurer inform the house of how the Brumby Labor government is leading the way in job creation, as reflected by recent employment data, and can the Treasurer update the house on any other economic data?

**Mr LENDERS** (Treasurer) — I thank Mr Tee for his question about employment, jobs and other economic data. We on this side of the house care about the creation of jobs. We on this side of the house care about jobs, and we care about the plans needed to generate jobs and improve services. That involves forward plans to create jobs.

My colleague Mr Pakula referred to the Victorian transport plan in his answer to Mr O'Donohue's question. He referred to the plan to spend \$38 billion improving the transport system. It is an interesting contrast to other plans. In fact it was the Lonie plan in

1982 by the Thompson Liberal government which closed down the transport system. Unlike the Victorian transport — —

**Mr D. Davis** — On a point of order, President, the Leader of the Government well knows the rules. His task in question time is to answer questions, not to go on a trip down memory lane to 1982.

**The PRESIDENT** — Order! The Leader of the Opposition knows full well the issue about frivolous points of order. However, I am in a generous mood today. I will simply state that there is no point of order.

**Mr LENDERS** — The Victorian transport plan is building on our transport system. For David Davis's benefit, rather than going back to 1982, if we go back to 1992, the Kennett government went on to sell the rail system. Between 1992 and 1999 it went on to sell the tracks, sell the rolling stock, sell the railway system, cut services and cut the system.

Mr Tee asked about jobs. What I can say to Mr Tee is that through the solid infrastructure program this government has put in place it has not only announced a plan but is delivering on that plan, as Mr Pakula so clearly said. We are delivering services and we are creating jobs.

Those opposite may bay in derision at creating jobs, but if anyone wants to look at the facts in the state of Victoria, they will see that for the last nine months since the state budget was presented there has been a growth in employment in Victoria in every one of those months. While we should never pay too much attention to month-to-month figures, because they jump around, for nine months we have seen employment growth in Victoria, and more than that, we have consistently seen greater strength than the rest of the country. January's figure of 21 000 extra jobs in Victoria is half the national average, and since the federal and state budgets two-thirds of the new jobs created in Australia have been created in Victoria.

I take extraordinary pride in that figure as a Victorian and as a member of a government that put a stimulatory budget in place which was focused on securing 35 000 jobs. In the depths of the worst financial crisis that we have seen since the Second World War this state has been far more resilient than other states.

Going to the future and to Mr Tee's question, if we are to secure jobs for the next generation of Victorians, we need solid plans like the Victorian transport plan and the water plan. I am confident we will continue to deliver, to do the hard yards and the work, to make the decisions for a sound economy and strong investment

and to make this state a better place to live, to work and to raise a family.

**State Trustees: fund management**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer as the minister responsible for State Trustees. Will the Treasurer explain why State Trustees failed to properly discharge its trustee duties and breached its duties under the Corporations Act, leading to legal action by the corporate regulator, the Australian Securities and Investments Commission (ASIC), and resulting in a settlement against State Trustees for \$13.5 million?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his question. He asks some particularly technical questions about the Australian Securities and Investments Commission and the State Trustees, and I will take those on notice, because — —

*Honourable members interjecting.*

**Mr LENDERS** — Mr Drum mocks, but I would have thought in the institution of Parliament a minister responding to a question involving legal proceedings ought be very cautious in their response so that we do not treat the Parliament like a cowards castle where we trash the reputations of institutions and bodies, as the opposition flippantly does at any particular time. I will take the specific question on notice and look forward to the member’s supplementary question, which I am sure will be helpful and designed to improve Victoria’s reputation.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I say to the Treasurer that the references to its failing to properly discharge its trustee duties and breaching its duties under the Corporations Act are not my words; those are the words of ASIC. Given the fundamental breach of trustee duty which led to the ASIC settlement, how can the 3500 Victorians who have funds managed by State Trustees have any confidence that their funds are being properly managed by State Trustees?

**Mr LENDERS** (Treasurer) — Mr Rich-Phillips raises a question. He comes into this house and uses — —

**Mrs Peulich** interjected.

**Mr LENDERS** — The opposition can mock. If opposition members wish this to be a question time where questions are answered rather than it becoming a

Star Chamber, as they like to treat it, then I would suggest they show a level of respect and listen to an answer rather than have a preformed view like those in a Star Chamber. They talk about the past; either this is a question time where Mr Rich-Phillips asks a question and genuinely listens for an answer or the opposition starts baying — —

**Mr Guy** — A silk with a glass jaw!

**Mr LENDERS** — Mr Guy can use whichever terms he likes, but I would say this is a question time where Mr Rich-Phillips asked a question.

This goes right to the point where the opposition’s esteemed financial guru, Kim Wells, the member for Scoresby in the other place, trashes the Members Equity Bank and Mr Rich-Phillips comes in here and trashes State Trustees. His question is: how can 3500 vulnerable Victorians have confidence in an institution? What I would say to Mr Rich-Phillips is — —

**Mr D. Davis** interjected.

**Mr LENDERS** — I thank Mr David Davis. I have got ears; I can hear. You do not need to rephrase it, and I did say it was a legitimate question. Perhaps if you clean the wax out, you might listen and learn.

Mr Rich-Phillips asked a legitimate question about the governance of an important institution — one, I might add, that has just created 100 jobs in his electorate. Leaving aside that detail, which he will not mention as part of asking a legitimate question, like his esteemed economic guru, Kim Wells, he comes in here and trashes an institution. What is the intent of his question? Is it to ask for information or is it to prepare a press release trashing another Victorian institution by asking why anybody should have confidence in that institution? If Mr Rich-Phillips had bona fides on this, he could have asked me privately. He could have asked for information in the adjournment, but he comes into this house trashing an institution.

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr David Davis says he is entitled, and if he had listened to me, he would have heard my answer, but what Mr David Davis and his team are not entitled to do from my perspective is to trash the state of Victoria and try to cause a run on another Victorian institution. The Members Equity Bank that Mr Gordon Rich-Phillips’s economic guru, Kim Wells, has spoken of before — —

**Mr Hall** — On a point of order, President, I draw your attention to standing order 8.03, which says that in answering a question without notice the minister is not at liberty to debate the question. By drawing in all these extraneous arguments and assumptions the Treasurer is clearly now debating this question, and I ask you to call him back to order.

**The PRESIDENT** — Order! In response to the point of order raised, Mr Hall is entirely correct. The Treasurer, on the answer; the Treasurer has finished.

**Minister for Information and Communication  
Technology: Indian visit**

**Mr LEANE** (Eastern Metropolitan) — My question is for the Minister for Information and Communication Technology. Can the minister update the house on the success of his recent trip to Mumbai and Bangalore, particularly in regard to job announcements demonstrating that Victoria is a leader in the field of information and communications technology (ICT) jobs?

**Mr LENDERS** (Minister for Information and Communication Technology) — I thank Mr Leane for his question and his interest in jobs — a four-letter word to those opposite but a word we on this side of the house are proud of. Mr Leane asked about jobs, and I am delighted to report to the house that the week before last I did visit India. I went to Mumbai and to Bangalore in a quest to build business relationships with Indian companies and grow jobs in the state of Victoria. I thank my colleague Mr Rich-Phillips for urging me a year and a half ago to do more travel, because after engaging with Indian businesses I came back from Mumbai and Bangalore with 72 business cards.

I met representatives of probably over 100 businesses in four very hectic days in those two cities. In particular I was looking at opportunities for creating jobs. There is a lot of debate out there over Australia's relationship with India. There are a number of people seeking to make mileage out of that and in the process give some grief to the state of Victoria and some of our citizens, but my focus was on what we can do to look at the strengths and the links we have, person to person, company to company, between Victoria and India. I am delighted to report that there was an extraordinary appetite among Indian businesses for doing business with the state of Victoria.

It is very interesting that when you talk to Indian companies, talk to Indian students in India and talk to businesses about their perceptions of Australia there is

clearly a big media debate which causes people concern, but people want to get to the facts. It is very interesting, as a number of people in India pointed out to me, that last year for the first time in the history of Victoria our largest source of immigration was India, and those people were overwhelmingly Indians who lived in Victoria and chose to become citizens of this country.

We need to keep a very strong focus on businesses. On the businesses, I am delighted — —

*Honourable members interjecting.*

**Mr LENDERS** — It is interesting that we are getting interjections from people who voted against the antidiscrimination legislation in the Parliament in 2001.

If we talk about companies in India, I met with a company called Kovair Software, a great company. Its chief executive officer and chairman, Bipin Shah, announced with me in India that Kovair Software was putting its Asia-Pacific headquarters in Melbourne — that is, 50 jobs in ICT. Also while I was in India I met with Attra, a great company run by expats who have settled in Victoria. It has offices in Melbourne and in Bangalore. It is a great international company that is creating 50 more jobs in Melbourne — that is, 50 more Victorian jobs. Also, Infosys, a great international company, is creating 90 more Victorian jobs, and Business Intelligence Technologies is creating 20 new Victorian jobs.

There is a hunger, an appetite, for jobs. There are extraordinary synergies across the ocean between Australia and India. There is a strong willingness to do trade. I am delighted to be able to announce that those four Indian companies are creating jobs here in Victoria. I think we have a lot more in common that unites us than what divides us. I think the opportunity is not just in ICT but also in financial services. I met with the banks association of India in Mumbai. There are a lot of banking opportunities and financial services opportunities, ICT opportunities and services opportunities more generally where there are synergies between India and Australia.

I look forward to working constructively with Indian companies, and also in this case with the regional governments in Maharashtra and Karnataka, to actually work on things that unite us and build bridges. There is nothing stronger in my view to build links and bridges than companies that trade in both countries and create jobs in both countries for the future. That is what a tolerant economy is about. I am delighted to have been there and to report this to the house. This is all part of

making Victoria an even better place to live, work and raise a family.

**Planning: urban growth boundary**

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. Given that in December 2009 the minister told the *Age* that we have sufficient land supply for the short term and that the government may not be in a hurry to move the urban growth boundary (UGB) but just a month later said that not expanding the UGB would strangle land supply, I ask: which of his comments is right? Is it government policy that Melbourne has enough land to maintain competitive affordability or not?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's strong interest in land affordability and the opposition's interest in this matter. I am conscious that it is anticipated that later today there will be a continuation of debate on the growth areas infrastructure contribution bill. I am interested in not only Mr Guy's question but also the stand Liberal Party members will take in that debate, because they are exclusive in the sense that whatever —

**Mr Jennings** — They are an exclusive party!

**Hon. J. M. MADDEN** — They are certainly an exclusive party, but what I am saying here is that we have continually made a commitment to land supply in this state. We continue to monitor that. The proof of the work done in relation to monitoring land supply is the fact that among the important cities across Australia this is the most affordable when it comes to land prices. Land prices here are better than those in the other major cities around Australia because we monitor them closely.

One of the issues on which Mr Guy fails to display an understanding is the strong demand and the growth rate due not only to people no longer leaving Victoria as they might have in previous generations but also to people no longer having the large numbers they might once have had settling in traditional family houses. I have said this time and again: we have smaller household sizes, greater demand, people living longer and more people needing access to housing.

In this chamber we may hear a proposition from the opposition, but it took an enormous amount of time to get its members to support development assessment committees and to agree to the provision of housing in and around activity centres. We dragged them kicking and screaming to that position, and I suspect that when

it comes to providing land supply we will again have to drag them screaming and kicking to this position.

To cut a long answer short, we are committed to land supply, but not only to land supply, we are also committed to providing the infrastructure. As opposed to others, we want to provide housing and we want to provide for communities, and the best way to provide for communities is to provide them with infrastructure. We hear time and again — and we have heard this afternoon —

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — Where are our train stations? The best way to provide for train stations, Mr Guy, is to support the growth areas infrastructure charge and to make sure that the urban growth boundaries are adjusted by providing certainty to communities about infrastructure. We have got a plan — we know there is no plan put forward by the opposition — and we remain committed to providing for that plan, particularly in terms of land and housing supply.

*Supplementary question*

**Mr GUY** (Northern Metropolitan) — I note that the Minister for Planning this month subscribed to the view that we do have land constraints, and I ask what processes the government has now put in place to examine and approve logical inclusions to the urban growth boundary, and if nothing has happened, why not.

**Hon. J. M. MADDEN** (Minister for Planning) — I am not exactly sure that that is supplementary to the initial question, but I am happy to answer it anyway. We have always made a commitment to consider and strongly monitor land supply in this state. We are also committed to housing affordability.

On the issue of housing affordability, on any front I wish the opposition to take note of a few statistics. In particular the Urban Development Institute of Australia's 2009 *State of the Land Report* for Melbourne states:

Melbourne — the best by far.

Melbourne's reasonable lot price growth indicates that they are better placed than other capital cities in the supply/demand equation.

In the December quarter no less than 60 per cent of the national market of lots under \$170 000 — 60 per cent under \$170 000 — were sold in Melbourne. When it comes to affordable and well-serviced land, Melbourne

is the place to come. The survey also reports that 51 per cent of the national market of lots in the \$171 000 to \$200 000 price bracket were again sold in Melbourne.

The opposition is running a scare campaign when it says, 'There is no land. We are going to run out of land. There is not enough land. It is the end of civilisation as we know it'. But it is the same party that will vote against the growth areas infrastructure contribution bill this afternoon. The same party! Such hypocrites!

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — The opposition is happy to trash the Victorian brand, but it has no plan in place.

**Mr D. Davis** — On a point of order, President, the minister well knows this is the time to answer questions, not to editorialise about the opposition, and I think the word 'hypocrites' goes well beyond a normal response to a question.

**Mr Hall** — On a further point of order, President, in relation to standing order 8.03, which says that the minister is not allowed to debate a question, clearly the minister is drawing assumptions and arguments from a wide range of views that he holds, and that quite clearly means he is debating the question. I ask you to call him back to order.

**The PRESIDENT** — Order! In response to the points of order, both are upheld. Whilst no-one can advise or tell the minister how to answer any question, be it initial or supplementary, the answer must be relevant, and the minister does not get the opportunity to debate it. If the minister continues with his answer on the supplementary question, I ask him to keep it relevant.

**Hon. J. M. MADDEN** — I am confident the government has immediate, short-term land supplies capable of meeting community demand. The government will continue with the long-term plan, and we look forward to the opposition's support of it. Unfortunately I am not aware of any alternative long-term plans to the one we have provided to the Victorian community.

### **Buses: SmartBus orbital service**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Public Transport. Will the minister advise the house of any new jobs that have been created by the upcoming expansion of the green orbital SmartBus route?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Mr Elasmr for his question. Two weeks ago I had the pleasure of announcing that more than 100 new jobs for bus drivers had been created as a result of the upcoming expansion of the green orbital SmartBus route.

**Mr Lenders** interjected.

**Hon. M. P. PAKULA** — Yes, Treasurer, there have been 100 new jobs for drivers alone. That announcement was made as part of the recent community cabinet. I was joined on that day by three excellent local members from the other place: Tony Robinson, the member for Mitcham; Kirstie Marshall, the member for Forest Hill; and Maxine Morand, the member for Mount Waverley.

The green orbital SmartBus route currently operates between Chelsea and Nunawading. The route already carries more than 6000 people each day, but the upcoming expansion will mean that the SmartBus will travel not just from Chelsea to Nunawading but all the way out to Airport West.

**Mr Guy** interjected.

**Hon. M. P. PAKULA** — It will travel, Mr Guy, along a route through the city's eastern and northern suburbs. That expanded route will mean that services will run every 15 minutes during the week and every 30 minutes on weekends. That green orbital route will also be boosted by the 35 new buses which will operate along it. In addition to the 100 new jobs for drivers, 35 new buses will be operating on the route, and they will all be low-floor buses with the technology to communicate with the bus depot and signage to provide real-time information for passengers.

Even more importantly, those new buses are being manufactured at the Volgren facility in Dandenong. That project, as well as creating jobs for 100 bus drivers, is also helping to secure local jobs in the manufacturing sector and will have positive flow-on effects for the supply chain right throughout the area.

The \$38 billion Victorian transport plan, which Mr O'Donohue and other members of the opposition are so quick to deride, allocated \$290 million to expand SmartBus routes across Melbourne. Five routes are now operating around Melbourne. We have already seen a 20 per cent increase in patronage, with 12 million trips taken on the network in 2009.

We have a plan. We are taking action to provide the best public transport network in Australia, despite the efforts of the opposition to trash it and talk it down. The

innovative SmartBus network, which offers increased frequencies, newer buses and longer operating hours, is a key part of that plan.

**Respect agenda: portfolio arrangements**

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for the Respect Agenda. I ask the minister to explain the difference between his new portfolio of the respect agenda and that of the former Bracks government’s Department for Victorian Communities.

**Hon. J. M. MADDEN** (Minister for the Respect Agenda) — I welcome Mrs Coote’s question in relation to this. One of the most important issues around the respect agenda is that it is more than just programs, it is more than just delivering funding for community groups, it is more than what the Department for Victorian Communities might already have done. It is about a broader discussion in partnership with other groups in the community.

I have met with and will continue to meet with a number of groups that are enthusiastic. Despite the scepticism of the opposition about this, these groups are keen to talk and promote the concept of respect on all fronts. There is no doubt recognition across the community that a small percentage of people within the community probably are not doing some of those little things which we all might have taken for granted as part of what we do on a day-to-day basis and which help the community operate and function properly.

We have had many of those issues alluded to today: it might be aggression, it might be violence and at other times it might be around alcohol. Many of those issues do not necessarily sit in the domain of the DPCD (Department of Planning and Community Development) through its programs, but they may sit in other programs in other departments. In many ways my role is to coordinate that agenda — coordinate with other ministers those program areas — so that we are more proactive in this space. There is no doubt that there are elements of the community that show no respect when it comes to certain issues, and it is not hard to identify those. Time and again I say this to the opposition: the important thing is that these changes will not happen overnight, but they will happen.

The example we give time and again is seatbelts. Seatbelts were more than just regulations; they were more than just legislation; they were about cultural change and generational change that altered the way people viewed the need to use seatbelts. I hear silence on the other side of the chamber because opposition

members have to agree with me on that; they cannot deny that.

What we also know is that cultural change is not going to happen overnight. It may not happen this week; it may not happen next week, but it will eventually happen. For members of the opposition to display incredible scepticism in this area in a sense shows their lack of respect for the Victorian community. It shows that they are almost disregarding the views of Victorians and the Victorian organisations that I am meeting with, who see this as a key priority. I welcome any support that the opposition can give in this space. I am open to any ideas from the opposition in relation to either discussing these things with the community, working with the community or partnering with business groups or community groups. I welcome any input from the opposition. When it comes to planning I am a bit more sceptical, but in relation to this portfolio I welcome those contributions.

I say to Mrs Coote that I know she takes these issues very seriously, as opposed to some of her colleagues who no doubt are sceptical, but they are often sceptical about many things. I welcome her interest. I look forward to working right across the community on these issues, and I look forward to the cultural change over time that can take place through being proactive rather than reactive like some we know in this chamber.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — I think the minister may like to look at *Hansard* tomorrow, because there is no Department for Victorian Communities any more. He may like to correct that. My supplementary question is: it cost \$10 million to refurbish the offices in Spring Street for the then Department for Victorian Communities; how much does the minister anticipate it will cost this new department of respect for staff and to set up letterheads, signage and refurbishment of the offices?

**Hon. J. M. MADDEN** (Minister for the Respect Agenda) — I think if Mrs Coote checks *Hansard* she will find I did say the DPCD, so I was referring to the department. If I did not, I correct it now. I thank her very much for that opportunity.

Can I just say that again this is one of those loaded questions that oppositions like to ask sometimes: how much is this going to cost you and how much are you going to spend on it? I can give one of two answers. I can say, ‘We are going to spend a lot’ or ‘We are going to spend nothing’. In both instances I know what the opposition is going to say: ‘That is horrible’. If I say we

are going to spend a lot of money, opposition members will say, 'That is too much', because they are sceptical. If I say we are going to spend nothing, they will say, 'That is dreadful, because you are not making it a priority'.

We see this sort of positioning time and again. Mr David Davis even smiles now. He is smiling. It is one of those questions that we get time and again. He does not smile very often. It is probably the answer that he wanted, so that is why he is smiling.

What I will say is this: again this is about a proactive approach right across government, working with other government ministers and their programs in relation to many of these issues so that the concept of respect is promoted throughout the community, not just through the particular programs but also through the discussion that takes place around the programs.

**Mrs Coote** — Where are we going to find you? Where are you going to be? Where are you going to be located?

**Hon. J. M. MADDEN** — Mrs Coote will see plenty of me; I do not think I can hide in a crowd very easily.

I welcome the opportunity to promote respect. I welcome the opportunity to work with the community. I will even welcome the opportunity to work with opposition members if they had any concepts in this area that they wanted to see promoted.

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I would even welcome the opposition displaying a bit of respect from time to time.

I look forward to the change that will occur over time, working with my colleagues. There may be some money in my portfolio over time to spend in some areas; I look forward to working on that. But, more importantly, this is about working with my colleagues so that we have a coordinated approach right across government to work in particular targeted areas that I have already announced in this place, so we can see an impact from being proactive rather than reactive on all of these fronts going into the future. Through the respect agenda we will continue to stand up for Victorians, particularly working Victorians. These are the priorities they want us to work with them on. We look forward to doing that in order to continue to make Victoria the best place to live, work and raise a family.

### Planning: retail projects

**Hon. T. C. THEOPHANOUS** (Northern Metropolitan) — My question today is to the Minister for Planning, Mr Madden, and I guess, depending on what the whip says, this could well be the last question I ask of a minister in Parliament. But I am pleased to say that I have probably answered more questions than I have asked in the house, which I think is not a bad aim. The question I have for Minister Madden relates to the retail industry. Can the minister advise the house about the coordinated planning assessment process for Woolworths large-format hardware stores and Aldi proposals across Victoria?

**Hon. J. M. MADDEN** (Minister for Planning) — I almost feel privileged to receive the last question from Mr Theophanous in this place. I also note how young Mr Theophanous looks, following the decisions he has already communicated today. I know Mr Theophanous will like what I am going to talk about today in response to his question, because this is about jobs. I know throughout the course of his career he has always been interested in promoting jobs and employment across Victoria, so I thank him for the question.

We have cleared a path to fast-track the assessment of planning applications for quite a number of major retail projects right across the state. To give the house some details, 5 new Aldi stores and 12 Woolworths home improvement hardware stores proposed across Melbourne and regional Victoria will be assessed more quickly to secure jobs and to provide greater retailing choice for people across Victoria, particularly Victorian families.

Combined the proposals have the potential to generate \$191 million worth of development and create in the order of 1030 construction jobs, I understand, as well as the potential to generate in the order of 1740 ongoing retail jobs. When you think of these sorts of projects and the sorts of people who often take up these retail jobs, you realise that they are often young people looking for flexible working hours or family members who are looking for part-time work. In many instances these job opportunities, whether they be full time or part time, create an enormous amount of opportunity for young people and families not only to have greater retail choices but also to take up employment in these centres.

We are providing a coordinated and streamlined planning process for these projects, which will also support increased competition in the retail sector and allow assessment against strategic planning objectives. Each proposal will be considered by an advisory panel,



and consultation with councils and adjoining residents will occur as part of the process.

I understand the proposed 12 Woolworths large-format hardware stores are the first of 30 stores to be rolled out over the next three years. The initial sites proposed to be developed include Coolaroo, Burnside, Preston, Hawthorn East, Oakleigh South, South Morang, Mornington, Wendouree, Geelong, Bendigo, Knoxfield and Carrum Downs. It is proposed that the five Aldi stores will be located in Balwyn North, Rye, Drysdale, Geelong West and Highton. If approved — and I qualify this by saying ‘if approved’, because they do have to go through the process — construction is expected to occur across Victoria over the next three years.

As well as that, early last year the Premier announced that the government would fast-track decisions, particularly on key building projects, to secure more jobs to help Victorians through the global financial crisis. These broader reforms have centred on identifying strategic projects that will deliver economic benefits and employment benefits — jobs, jobs, jobs for Victorians — while also meeting our planning policy objectives.

Over the past 12 months I have made a number of decisions on priority projects which represent development worth more than \$4 billion for Victoria and which have the potential to create in the order of 23 000 jobs, both direct and indirect, for Victorians. I will repeat that: 23 000 jobs — jobs, jobs and more jobs. That is why in the global financial crisis the Victorian economy has delivered not only more than any other economy in Australia but more than any other economy around the world. I know there are sceptics, but when it comes to Victorian families we know that it is jobs, jobs and jobs. We have delivered those, and I compliment the Treasurer on his continued leadership in delivering an economy that delivers for and protects Victorian families.

Our effort to fast-track proposals is one reason, and certainly a major reason, for Victoria having weathered the impact of the global financial crisis better than anywhere else in the world. We have a resilient, diverse and growing economy, a well-trained workforce and affordable land supply, so why would people not want to come to Victoria for those sorts of opportunities? Why would children not want to stay here in Victoria for those opportunities, and why would people not want to come from interstate to take advantage of those opportunities? Despite the international challenges of the global economic crisis, we are providing opportunities for, protecting and standing up for Victorian working families.

### **Kew Residential Services: site development**

**Mr KAVANAGH** (Western Victoria) — My question is for the Minister for Planning, and it relates to evidence he gave to the Select Committee on Public Land Development about the development of the Kew Cottages site. As the minister knows, stage 1 of the ongoing Kew Residential Services project was expected to return a profit of over \$6 million. However, the project liaison group of the developer, Walker Corporation, announced quite some time ago that the project will actually lose more than \$17 million on stage 1. I ask the minister how this happened and how in particular the government manages to lose money just by selling land that it already owns?

**Hon. J. M. MADDEN** (Minister for Planning) — I will be frank: I find this quite a bizarre question, because I am the planning authority, and the planning authority is not in the business of providing for or making money for developers in any context. My role is to be the relevant planning authority in terms of decision making on a strategic basis or the controls on a particular site. On the question, if there is an issue about the project, that should be directed to the developer, who has made money or lost money. I could not give the member an answer on that, because I make my decisions in relation to my planning authority or I monitor, through the advice of my department, whether those planning controls have been complied with. I receive that advice, but whether a developer makes money on a project is not necessarily something I follow closely or identify with.

What is of particular importance here is that the land was disposed of, there is a developer on the site and the developer will either make money or lose money on the basis of whether they have chosen their market in the right way and whether they have developed that site according to the market demand. On the various stages of the project or any planning permits or planning permissions that are related to that site, I would take advice from my department. If at any stage more authority is required in relation to the existing controls or to the development or adjustment of those controls, then again I will take advice from the department. But whether a developer makes money or loses money on a particular development is up to the developer and not up to me as the planning minister in this instance.

#### *Supplementary question*

**Mr KAVANAGH** (Western Victoria) — Can the minister offer any insight or assurance as to stages 2 and 3 of the project?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Kavanagh’s interest, and I am happy to

receive advice from my department in relation to the staging of the project. My understanding is that the vast majority of decisions have been made under delegation by the department, because in many ways the agreement in relation to the development of that land implies what those controls might be. The ongoing structure of those controls is either being put in place or is already in place across the site. If there are any controls that I am not aware of that I need to be made aware of on any further stages, I am happy to make those inquiries of my department. I am happy to receive that information, and I am happy to convey that information to the member opposite as I receive it.

**Bushfires: preparedness**

**Mr SCHEFFER** (Eastern Victoria) — My question is to the Minister for Environment and Climate Change. Can the minister update the house on any recent announcements made that will assist in preparing Victoria for the threat of future bushfires?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Scheffer for the question. As he and other members of the chamber and the Victorian community can understand, Victoria continues to be at risk from bushfires. We are now late in February and still within the fire season — there have been many outbreaks of very serious fires around this time in previous years. The Victorian community continues to be vigilant and on alert in relation to our preparedness to respond to fire.

I can report to the house that up until this time in the fire season there have been 518 fires across Victoria during the summer months. They have cumulatively burnt 34 000 hectares. In terms of the relative pain and suffering that our environment and our community have borne due to fire in the last few years, I can say that the 34 000 hectares we have seen burnt over this summer is significantly less than the 30-year average, with an average of 169 000 hectares being burnt across Victoria each and every summer for the last 30 years. This year our collective preparedness and the preparation and care that our community has shown in dedicating resources and efforts to firefighting, overlaid by a milder summer than last year, have meant our fire profile has been far lower than it has been in previous years. That is not to say that we should be complacent. Indeed, we will continue to be vigilant.

I emphasise this in the context of last week when the Premier, the Minister for Police and Emergency Services and I announced, on behalf of the Victorian government and our fire agencies, that we would be embarking at the earliest opportunity on a planned burning program to reduce the fuel load in the Victorian

landscape beginning as soon as we possibly can. That may coincide with the ongoing fire season.

We were intending to commence a burning program somewhere around the end of last week or the beginning of this week, but a number of wet days at the beginning of last week and then the high temperatures we saw at the end of last week coincided with that and meant it was unwise to commence that program. As we stand at this moment we are intending to embark upon that program as early as we possibly can. There are a number of burns scheduled for this week in the Alexandra area in the Blue Range. We have identified a number of planned burns in the Ballarat and Macedon areas, particularly through the Wombat State Forest, and we will be moving progressively further east when the prevailing wet conditions diminish so we can get on with that program.

This is a very intensive program. It is very difficult to achieve our objectives in terms of the number of burns. Last autumn, which is the prime planned burning season, saw 608 burns. Last spring there were 190 burns. This year we hope to commence that program as early as we possibly can and to drive it as far as we can in relation to its scale, strategic nature and appropriateness in protecting vegetation types and community assets.

I would have the chamber and the community on the alert to look out for planned burning programs commencing as early as this week.

**PETITIONS**

**Following petitions presented to house:**

**Water: Thomson River supply**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council their total opposition to the Labor government's decision to take a further 10 billion litres of water from the Thomson River to top up Melbourne's water supplies, with the knowledge that this action will have a disastrous impact on the health of the Thomson River and the Gippsland Lakes, and particularly when the government has made no meaningful effort to utilise the 300 billion litres of wastewater each year going out to sea and the 250 billion litres of stormwater falling on Melbourne's roofs, roads and footpaths.

The petitioners therefore request that the government abandon its plan to take a further 10 billion litres of water from the Thomson River.

**By Mr HALL (Eastern Victoria) (383 signatures).**

**Laid on table.**

**Rock Eisteddfod Challenge: funding**

To the President and the Legislative Council of Victoria:

This petition of residents of Victoria draws to the attention of the house the failure of the state government to fund the important and popular Victorian secondary schools Rock Eisteddfod.

The petitioners register support for the Rock Eisteddfod as a major showcase for the artistic talent of many thousands of Victorian secondary students. The music, dance and drama spectacular promotes healthy living and an active life. It builds students' self-esteem through teamwork, all in a drug and alcohol-free environment.

The petitioners therefore request that the Legislative Council of Victoria support the reversal of the decision to no longer fund the Rock Eisteddfod.

**By Mr DRUM (Northern Victoria) (578 signatures).**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Legislation Reform (Repeals No. 6) Bill**

**Mr EIDEH (Western Metropolitan) presented report, together with appendices.**

**Laid on table.**

**Ordered to be printed.**

*Alert Digest No. 2*

**Mr EIDEH (Western Metropolitan) presented Alert Digest No. 2 of 2010, including appendices.**

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 —

Minister's Order of 25 January 2010 giving approval to the granting of a lease at O'Donnell Gardens Reserve and Shakespeare Grove Reserve.

Minister's Order of 12 February 2010 giving approval to the granting of a lease at Cross Keys Reserve.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2009.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ending 31 October 2009.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2009.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2009.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2009.

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

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

Alpine Planning Scheme — Amendment C11.

Alpine Resorts Planning Scheme — Amendment C20.

Ararat Planning Scheme — Amendment C22.

Bass Coast Planning Scheme — Amendments C108, C109, C110 and C111.

Baw Baw Planning Scheme — Amendment C44 (Part 1).

Bayside Planning Scheme — Amendment C84.

Casey Planning Scheme — Amendments C94, C102, C104 and C120.

Darebin Planning Scheme — Amendment C64.

East Gippsland Planning Scheme — Amendments C78 and C83.

Frankston Planning Scheme — Amendments C58 and C59.

French Island and Sandstone Island Planning Scheme — Amendment C3.

Glenelg Planning Scheme — Amendment C49.

Greater Bendigo Planning Scheme — Amendment C138.

Greater Dandenong Planning Scheme — Amendment C119.

Greater Geelong Planning Scheme — Amendment C212.

Greater Shepparton Planning Scheme — Amendments C115 and C125.

Horsham Planning Scheme — Amendment C38.

Hume Planning Scheme — Amendment C106.

Loddon Planning Scheme — Amendment C18.

Manningham Planning Scheme — Amendment C77.

Melton Planning Scheme — Amendment C95.

Mornington Peninsula Planning Scheme — Amendments C9 and C114.

Mount Alexander Planning Scheme — Amendment C34.

Moyne Planning Scheme — Amendments C41 and C43.

Northern Grampians Planning Scheme — Amendment C11.

Port Phillip Planning Scheme — Amendment C70.

South Gippsland Planning Scheme — Amendment C26.

Stonnington Planning Scheme — Amendments C80, C88 and C97.

Surf Coast Planning Scheme — Amendments C52 and C58.

Wellington Planning Scheme — Amendments C58 and C63.

Whitehorse Planning Scheme — Amendments C96 and C99.

Whittlesea Planning Scheme — Amendments C119, C122 and C136.

Wodonga Planning Scheme — Amendment C72.

Yarriambiack Planning Scheme — Amendment C8.

Statutory Rules under the following Acts of Parliament:

Infringements Act 2006 — No. 2.

Magistrates' Court Act 1989 — No. 6.

Mineral Resources (Sustainable Development) Act 1990 — No. 3.

Public Transport Competition Act 1995 — No. 5.

Road Safety Act 1986 — No. 7.

Transport Act 1983 — No. 4.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 3.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 6.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 2, 4, 5 and 7.

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

Cemeteries and Crematoria Amendment Act 2009 — Sections 6 and 24 — 1 March 2010 (*Gazette No. G7, 18 February 2010*).

State Taxation Acts Further Amendment Act 2009 — Division 1 of Part 5 and Part 6 — 1 March 2010 (*Gazette No. G7, 18 February 2010*).

## PARLIAMENTARY PRIVILEGE

### Right of reply: Shire of Melton and Cr Renata Cugliari

**The PRESIDENT** — Order! Pursuant to the standing orders of the Legislative Council I present a right of reply from the Shire of Melton and Cr Renata Cugliari to statements made in the Council by Mrs Inga Peulich, MLC, on 12 November 2009.

During my consideration of the application for the right of reply I gave notice of the submission in writing to Mrs Peulich and also consulted with her prior to the right of reply being presented to the Council.

Having considered the application and determined that the right of reply should be incorporated into the parliamentary record, I remind the house that the standing order requires me when considering a submission under the order to not consider or judge the truth of any statements made in the Council or the submission.

In accordance with the standing orders the right of reply is hereby ordered to be printed and incorporated in *Hansard*.

*Reply as follows:*

On 12 November 2009 Mrs Inga Peulich made some substantial allegations which Cr Renata Cugliari personally objects to. As a Melton shire councillor for the last five years, it is her clear view that the local member for Melton, Mr Don Nardella, does not have the stated influence over councillors who are members of the ALP.

The specific allegation against Cr Cugliari in respect of breaches of conflict of interest provisions is upsetting and disappointing as it is totally untrue.

Cr Cugliari's representation of council on the Melbourne Airport Noise Abatement Committee and Calder Highway Improvement Committee has not put her in any situation where she was required to declare a conflict of interest.

In respect of complaints about lack of spending on capital works, the council refers to its response to the Auditor-General in which it clearly indicated that this merely related to the treatment of carry forward expenditure in a year where there were substantial capital works to be undertaken.

This council stands by its record for transparent and open governance, evidence of which is a recent resolution of council in which it established a register of meetings where all councillors are required to identify any discussions held with members of Parliament, their advisers/consultants or any representatives from a commercial entity. This initiative has been applauded by the Victorian Local Governance Association.

**Laid on table.**

**Ordered to be printed.**

### Right of reply: application

**The PRESIDENT** — Order! I would like to make a statement to the house about the Council's practice in relation to the right of reply. It has been suggested to me that a right of reply should be restricted to persons or individuals and should not apply to entities or corporations which claim to have been adversely affected in reputation or injured in occupation or trade or that their privacy has been unreasonably invaded.

Since 2001 nine rights of reply have been approved and presented to the Council. Of those, four have been from non-individuals. The practice of permitting non-individuals to make a submission for a right of reply is based on a ruling by Speaker Kidd in the New Zealand Parliament which concluded that a 'person' included a corporation because a corporation's reputation can be prejudiced by an adverse reference in the house as much as an individual's. Furthermore, the Interpretation of Legislation Act 1984 defines a 'person' as including 'a body politic or corporate as well as an individual'.

## BUSINESS OF THE HOUSE

### General business

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

That:

- (1) precedence be given to the following general business on Wednesday, 24 February 2010:
  - (a) the notice of motion given this day by Mr Barber relating to the delegation of powers by the Minister for Planning;
  - (b) notice of motion 12 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the production of certain documents relating to brown coal;
  - (c) notice of motion 13 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the production of certain documents relating to government advertising;
  - (d) notice of motion 14 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the production of certain documents relating to renewable energy feed-in tariffs;
  - (e) notice of motion 15 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the

production of certain transport ministerial briefing documents;

- (f) notice of motion 16 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the production of certain documents relating to health bodies' financial and audit committees;
  - (g) notice of motion 18 of 2010, standing in the name of Mr D. Davis, demanding the government comply with the Council's resolution relating to the production of certain documents relating to water projects and desalination plant documents;
  - (h) the notice of motion given this day by Mr D. Davis relating to the desalination plant gateway review documents;
  - (i) resumption of debate on order of the day 10 relating to the Frankston bypass;
  - (j) the notice of motion given this day by Mr O'Donohue relating to an independent broadbased anticorruption commission;
  - (k) the notice of motion given this day by Mr Dalla-Riva relating to the failure of the government to listen to Victorian communities; and
  - (l) the notice of motion given this day by Mr Hall relating to the Rock Eisteddfod; and
- (2) this house authorises the President to permit notices of motion, general business, 12 to 16 and 18 of 2010, and the notice of motion given this day by Mr D. Davis relating to the desalination plant gateway review documents, to be moved and debated concurrently.

### Motion agreed to.

## MEMBERS STATEMENTS

### Local government: corruption

**Mrs PEULICH** (South Eastern Metropolitan) — I will make a few remarks on the important sector of local government, a sector I am passionate about. It is worth about \$6 billion or \$7 billion of ratepayers money, it covers 79 councils and thousands of employees and it has an impact on every ratepayer in the state of Victoria.

The sector has unfortunately been maladministered by the Bracks and Brumby Labor governments, and in particular by the current Minister for Local Government, Richard Wynne, who has turned a blind eye to a catalogue of misdemeanours and breaches by local government and failed to take action to protect the sector from disrepute.

As a result of their becoming aware of certain information about a range of councils, many members have raised such matters under the parliamentary privilege of this chamber, firstly because it is our obligation to do so and secondly because there is a need to put in place a system by which these matters can be investigated. I have done that with Melton Shire Council and Monash City Council. Monash still has not been investigated. With Melton, I will be presenting the matters to the municipal inspector.

**An honourable member** interjected.

**Mrs PEULICH** — Brimbank City Council has, and that is a case in point. Without parliamentary privilege, those matters would never have been exposed. We need an anticorruption commission. We need Labor to ban caucusing, to throw it out of its rules. We need a municipal inspectorate which involves public reporting about investigations that are undertaken and their outcomes.

### **Liquor licensing: live music venues**

**Mr BARBER** (Northern Metropolitan) — I would like to welcome the fact that the government has made a move on the issue of licence conditions for live music venues. I understand these conditions have arisen over the last five years and even longer. They are the specific conditions that have led to the death, for the time being, of The Tote as a venue. Worse than that, there are many tiny venues out there and many up-and-coming bands that would like to be able to play a gig, sometimes even just for their friends and family, but who are told by publicans, 'I'm sorry. We can't actually have you here because we need two security guards'. Literally the wording of these conditions is that by the time the guitarist has strummed the first note, if the only person he is playing to is his mum, there would have to be two security guards there to make sure that things did not get out of control.

What the government has announced is a first step, but it is by no means the solution. I look forward to working with live music venues in my area in order to address this issue. I understand there are 600 live music venues that have attracted those conditions, dozens of which are in my area of the inner north. Every single one of them is working under the same conditions.

### **Grampians Produce Group**

**Ms PULFORD** (Western Victoria) — The Grampians Produce Group is a highly active and expanding group of food producers that generally cater to niche markets for food and beverage products. It was

my pleasure to recently meet from the group Jane Seymour from Mount Zero Olives, Judy Barnes from Bagdad Foods Cafe and Deidre Baum from Laharum Grove Olives. The Grampians Produce Group was recently provided with a \$1500 government grant to assist the group to travel to the Age Harvest Picnic at Hanging Rock. Other assistance was provided by local councils, the Grampians Pyrenees Regional Development Board and Grampians Tourism.

During 2009 the group participated in the Put Victoria on Your Table promotion, hosting a luncheon at Buangor for more than 80 diners. The Grampians Produce Group and Grampians winemakers attended the Age Spring Harvest Picnic at Werribee Park last year, with all participants selling out of produce and successfully tapping into new markets. The producers hope to build on this success at future events and chose the theme 'Putting the Grampians on display' for their participation at Hanging Rock.

Congratulations are due to Grampians Produce Group members, who often travel to small markets around the state to showcase their wares. Their products are a great example of innovative regional food production that provides great culinary delights to the community, both in their local area and much further afield.

### **Clearways: extension**

**Mrs COOTE** (Southern Metropolitan) — I condemn the Minister for Roads and Ports, Tim Pallas, and the member for Prahran in the Assembly, Tony Lupton, for their wanton neglect of the residents, traders, small businesses and their constituents over the issues of clearways in the city of Stonnington. I commend the Stonnington City Council, shop traders and residents of Stonnington for their brave and courageous stand in defiance of the secretive, behind-closed-doors decisions made by their uncaring local member and their heartless minister.

In an act of hypocrisy Mr Lupton was reported in the *Stonnington Leader* of 24 February as saying that there should be more transparency in council and that an 'alignment' existed between some councillors and the state opposition. This is from a government member who has blatantly ignored his constituents and conducted the whole clearways campaign in an opaque fashion. For the record, there is not one Liberal member on the Yarra City Council. On the Stonnington City Council there are three acknowledged Liberal councillors, three Independent councillors and three others, where records show that they were supported by Labor in preferences in the elections last year.

Under this uncaring and outrageous policy, the traders of Stonnington will lose in the vicinity of \$6.5 million per year, and the local residents will lose amenity and quality of life. The Liberal Party will scrap the clearways policy when it regains government in November this year. This past week saw Minister Pallas change the parking signs in Stonnington. Given that there is a Supreme Court case pending, why on earth did the minister not wait until the legal process was concluded?

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

### **Disability services: supported accommodation**

**Mr HALL** (Eastern Victoria) — I call on the Premier to respond to claims made on a recent ABC *Four Corners* program that \$25 million which was provided to the state by the federal government last year to provide 70 new supported accommodation places has to date not resulted in a single new place here in Victoria.

Unfortunately the despair of ageing and desperate parents searching to find accommodation for their dependent children, and in many cases dependent adult children, is one repeated all too frequently across the state. Gippsland is but one region that is desperate for additional supported accommodation places both for people with mental illness and for those with disabilities and other special needs.

Recently there was public comment from Gordon Arthur, the chairman of Barrier Breakers, a local community advocacy group, who said that Gippsland has more than 100 fewer beds for people with mental illness than the region had in the decade 1966 to 1976 — a 62 per cent reduction in beds and a 40 per cent increase in population.

I am reminded frequently by my good friend Jean Tops, the chair of Gippsland Carers, that in Gippsland there are about 300 people waiting for supported accommodation, 80 of those urgent and another 80 in the high-need category. We need an explanation of why this \$25 million has not been spent. It is the least Victorians deserve from this Premier.

### **Hume Central Secondary College and Broadmeadows Primary School: facilities**

**Ms MIKAKOS** (Northern Metropolitan) — On 10 February I was pleased to attend, with the Premier and member for Broadmeadows, John Brumby, and the Minister for Education, Bronwyn Pike, the official

opening of stage 1 of the Blair Street campus of Hume Central Secondary College and the Broadmeadows Primary School.

The schools are part of the \$57.4 million Broadmeadows regeneration project, with \$22 million being invested towards the Blair Street campus. This year 7 to 9 campus includes a language centre to provide English language education for new migrants, learning spaces and the school administrative block.

Broadmeadows Primary School students will benefit from new classroom facilities, including specialist science classrooms, a library and resources centre, a music and performing arts space, a wetlands area and a \$1.2 million early years learning centre. This important milestone demonstrates the Brumby government's commitment to ensuring all children receive a quality education.

### **Respect agenda: government initiatives**

**Ms MIKAKOS** — On a similar note I would like to applaud the Brumby government's respect agenda, especially the new Respect in Schools strategy that is being rolled out across schools this year. The program aims to drive a significant culture change amongst young people, promote positive behaviour including values of tolerance, empathy, fairness and respect, and help address assaults and alcohol-related crime.

Young people need to be more mindful of the consequences on others of their behaviour and feel a greater sense of responsibility for their actions. Classrooms are great places for promoting mutual respect amongst our young people. Ultimately parents need to acknowledge that their own behaviour has the biggest bearing on their children's behaviour and that respect needs to begin in the home. As a community we all have a responsibility to set a good example.

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

### **Minister for Children and Early Childhood Development and Minister for Housing: performance**

**Ms LOVELL** (Northern Victoria) — I wish to draw to the attention of the Premier the incompetence of the Minister for Children and Early Childhood Development and the Minister for Housing. On Wednesday, 3 February, the co-located Toolamba Primary School and Toolamba Kindergarten were destroyed by fire. The destruction of the co-located school and kindergarten was reported in the Parliament

on 4 February and received coverage in local papers, the *Herald Sun* and through Australian Associated Press. The regional office also prepared a report which it informs me was sent to the minister's office.

By the end of the week the community was concerned that the kindergarten had not been contacted by the Minister for Children and Early Childhood Development, so on Monday, 8 February, I telephoned the minister's chief of staff, who informed me that the minister and her office were unaware of the fire. The regional office informed me that something had gone wrong with the email, but I later learnt from the community that the excuse given was that an adviser had failed to read the email from the regional office.

Last Wednesday the Minister for Housing issued press releases falsely claiming that the number of families on the public housing waiting list in the Gippsland and Grampians regions had decreased when in fact the number of families waiting to be housed in these regions had increased. This mistake followed the housing minister's embarrassing blunder last November when he published three different sets of data for the September quarter waiting list before he finally got the figures correct. These ministers are both incompetent and should be relieved of their portfolio responsibilities.

### **Hon. T. C. Theophanous: resignation**

**Hon. T. C. THEOPHANOUS** (Northern Metropolitan) — I want to inform the house that it is my intention to retire as a member of Parliament at the end of this week. I will probably make my final speech on Thursday, but I want to make some brief comments now.

I have had the privilege of serving as an elected representative for more than 21 years, and during that time I have been a minister in a range of at times major portfolios. I have been the Leader of the Opposition and held a number of other positions as well. It was not an easy decision to go at this point, but it is the right decision for me and for my family.

When I leave, one of the things I will be doing is taking up some work for the Baker IDI Heart and Diabetes Institute in a voluntary capacity as an ambassador to promote diabetes awareness and programs. I believe when you have been in public life as long as I have you should give something back, and as a type 2 diabetic myself I have learnt to live with and manage my condition, but many people need help. Diabetes is the fastest growing disorder in Australia and is rampant in the north and west of Melbourne where poor diet and obesity are also prevalent. The ethnic communities

need special attention, as do our indigenous populations.

### **Western Highway: Great Western bypass**

**Mr KOCH** (Western Victoria) — I recently had the pleasure of attending a community consultation session between residents and VicRoads to discuss proposals for the Western Highway bypass of the world-renowned winery village of Great Western. The proposals will dramatically improve driver safety on the Western Highway between Ararat and Stawell with the construction of a long-overdue divided road. When the bypass is finally open residents will no longer need to endure the noisy through traffic, and Great Western will return to the peaceful village only older residents can remember. The improvements in traffic flow will be a boon for local businesses.

My congratulations to VicRoads Western Highway project director Ewen Nevett and his team for the approach they have adopted during the Great Western bypass community consultation process. As we have seen in the past, managing infrastructure change in small communities can often be difficult. There is potential for sensitive and unforeseen issues to arise which can complicate the process. The Western Highway project team did not shy away from the community and met with 250 local residents, taking them through the four bypass options, which were met with widespread community support. This is a credit to the planning undertaken by VicRoads when researching bypass routes.

Although some landowners were concerned about how the bypass might affect their properties, Mr Nevett undertook to further discuss these issues with them. Further public consultation is scheduled for midyear, when consolidated options will be put on display for discussion.

### **Bushfires: Black Saturday anniversary**

**Mr ELASMAR** (Northern Metropolitan) — On Friday, 5 February 2010, along with many parliamentary colleagues, I attended a remembrance service at Panton Hill Memorial Park. The purpose of this event was to remember the survivors and bushfire victims of Black Saturday, a tragic event which happened just one year ago in our community.

Members of the Nillumbik Shire Council, the Country Fire Authority, the Victoria Police band and many more from the local community contributed to a moving and unforgettable experience which I know will live in my heart forever. Ordinary men and women told tales of their horrific experiences, but there was also a strong



spirit of hope and redemption. Members of the community were unified in their hopes and aspirations for a new township coming out of the flames of destruction.

There were also unforgettable tales of amazing heroism and enormous sacrifice, each story more inspiring and more harrowing than the last. The Brumby Labor government continues to do all it can to help rebuild the shattered lives, homes and businesses of the people affected by Black Saturday. Meanwhile the prayers of the people of Victoria, including my prayers, go out to every man, woman and child, because their hopes, like my hopes, are for a happy and sustainable future for them.

### **Dennis Family Corporation: 50th anniversary**

**Mr GUY** (Northern Metropolitan) — I would like to record in *Hansard* my best wishes for the 50th anniversary milestone of Bert Dennis in the property and development industry. Bert Dennis is a standout example of hard work and dedication, and together with his wife, Dawn, and four children he has worked hard to build a family business that started 50 years ago.

Today the Dennis Family Corporation is a pillar of the industry in Victoria, and Bert deserves much praise for his commitment and dedication to his work but above all else for his insistence that his family always comes first. Congratulations to Bert Dennis.

### **Minister for Planning: comments**

**Mr GUY** — On another note, in a rambling, highly personal press release on Friday, the Minister for Planning decided he would have a go at the opposition, likening us to real estate agents. The planning minister may think it funny to disparage the reputation and image of Victoria's almost 15 000 real estate agents, but here on the opposition side, we do not. The vast majority of Victoria's real estate agents are hardworking Victorians, not crooks or cheats, so on behalf of Victoria's almost 15 000 real estate agents, who the planning minister said on Friday aim to unfairly drive up prices for first home buyers, I say shame on him. Insulting the people at the coalface of the property industry is not a good start to 2010.

While we are on bad starts, in the same press release the minister welcomed industry groups' support for a speedy resolution to the GAIC (growth areas infrastructure contribution) debate — but no, not his GAIC. The Property Council said via a statement after the planning minister issued his release that at no stage has the industry accepted the draft bill as it stands.

It is no wonder no-one believes this government any more. It is petty, it frequently twists the truth and its press releases contain lies.

### **Inghams Enterprises: Somerville site**

**Mr EIDEH** (Western Metropolitan) — The families of 300 workers at Inghams poultry processing plant received good news last week. Thanks to the Brumby Labor government more than 300 jobs at Inghams, Australia's largest poultry processor, will be saved. The partnership between the government and Inghams will allow the processing plant to be rebuilt at its Somerville site after it was destroyed by fire earlier this year.

This means that more than 300 full-time jobs will be secured immediately. It will also provide employment for a further 170 people along the Mornington Peninsula through contract broiler farms, and Inghams has committed to scaling up after the processing plant is rebuilt within the next 12 months. The government is providing significant financial support to assist in the construction of an advanced water treatment plant which is expected to dramatically cut Inghams' water use, saving 360 megalitres of water each year.

Inghams was established in 1919. Its Somerville plant accounted for about 30 per cent of chickens processed in Victoria and employed 650 people, who were directly impacted on by the fire. This is a positive outcome for all parties involved, and I am especially pleased with the decision to ensure that the plant remains in my electorate. I commend the partnership which has formed between Inghams, the Mornington Peninsula Shire Council, the National Union of Workers and the Brumby Labor government to secure the future sustainability of the Victorian poultry supply chain and more jobs for Victorians.

### **Warrnambool Hospital: radiotherapy treatment**

**Mr VOGELS** (Western Victoria) — On Wednesday, 17 February, together with David Hawker, the federal member for Wannon, and Denis Napthine, the member for South-West Coast in the other place, I attended the launch of Peter's Project, a campaign to bring improved cancer services to south-western Victoria. The project is named in honour of Peter Jellie, who lost his life to cancer. It aims to integrate and develop cancer care services to provide a one-stop shop for patients in south-western Victoria and south-eastern South Australia. The Peter's Project web page says:

The launch is the first step in a long-term plan to create an integrated cancer care centre to bring radiotherapy services, a magnetic resonance imaging machine and other support programs to the region ...

It is being supported by South West Healthcare, St John of God Hospital, Warrnambool, along with other regional hospitals and a committee of community leaders, including Mr Jellie's widow, Vicki.

The aim is to get both federal and state government support for a licence to establish a radiotherapy unit and other services, based at Warrnambool, and there is a great opportunity to integrate these services right now with the upgrade and redevelopment of South West Healthcare. In her latest communication Vicki Jellie says:

The thought of what would be in this cancer centre is yet to be fully defined but initially could accommodate oncologists, palliative care ... and various other support services for people with cancer and their families ... It will hopefully, when built, make provision for radiotherapy to be accommodated within the same site ...

I congratulate Vicki on her drive and energy, which I am positive will produce the outcome required and benefit all in south-western Victoria and the south-east of South Australia.

### Terry Kirby

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to salute a great Liberal stalwart, Terry Kirby. Terry passed away in the early hours of Sunday morning after a long illness. He was aged 88. Terry is survived by his wife of 40 years, Margaret, his son and his two daughters. For us Liberals it will be very hard to imagine meetings, fundraisers and conferences in the future without one of the Liberal Party's most committed and hardworking couples, Terry and Margaret Kirby.

Terry Kirby has made an enormous contribution to the organisational and electoral successes of the Liberal Party since its inception. For party members in the eastern suburbs it would be hard to nominate a party fundraiser or other event that this special couple, Terry and Margaret, did not go out of their way to attend over the decades.

Supporting the Liberal Party and the members of the parliamentary party, both state and federal, was Terry's passion and enduring commitment. He readily passed on his wisdom to generation after generation of Liberal Party members. In many ways the passing of Terry Kirby also closes a chapter in the history of our party. Until Sunday Terry Kirby was the last surviving federal candidate from the 1949 federal election. Terry stood shoulder to shoulder with Sir Robert Menzies, the founder of the Liberal Party.

A great patriot and a captain in the Australian Army, Terry bravely served his country with distinction in the

jungles of Papua New Guinea in World War II and is well known in RSL circles. Known and admired by so many, the passing of Terry Kirby is a great loss and, for me, the loss of a friend, a mentor and a true touchstone.

## PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

### *Second reading*

**Debate resumed from 4 February; motion of Hon. M. P. PAKULA (then Minister for Industry and Trade).**

**Ms HUPPERT** (Southern Metropolitan) — I have pleasure in rising to make a few comments in support of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. The reason I have great pleasure in speaking in favour of this bill is because it is about planning for the future and is an example of a number of pieces of legislation the Brumby government has introduced to Parliament to ensure that the future of Melbourne and surrounding areas is planned in an orderly manner.

The purpose of this bill is to provide for a means of collecting a contribution from owners and developers of land in the growth areas around Melbourne. This contribution will be dedicated towards the provision of infrastructure in those growth areas — that is, the money to be collected from the owners and developers will be used to fund important infrastructure such as public transport, arterial roads, community facilities, parks and waterways.

Many members would remember the suburbs which developed during the 1960s and 1970s on what were then the outskirts of Melbourne. They were developed without infrastructure for the people who moved into those suburbs. The Brumby government is committed to ensuring that this does not occur within the new growth areas. Through initiatives such as those set out in the Victorian transport plan the government will ensure that areas within the expanded urban growth boundary are well serviced. The growth areas infrastructure contribution will ensure that the owners and developers of land in those areas who stand to make a substantial profit from the sale or development of land will make an appropriate contribution towards the cost of providing that infrastructure.

Revenue collected in growth areas through the growth areas infrastructure contribution (GAIC) will be spent

on infrastructure to service those growth areas through the establishment of the Growth Areas Infrastructure Fund and the Building New Communities Fund. The Growth Areas Infrastructure Fund will be used for capital works for state-funded infrastructure in growth areas, acquisition of land for that infrastructure, recurrent costs of new public transport in growth areas and the cost and expense of administering the fund. The Building New Communities Fund will focus on projects which will support economic and community infrastructure in growth areas. It will be administered by the Growth Areas Authority in consultation with local communities.

I do not want to go into the technical specifics of the bill in any great detail; I just want to make a few points about the way this legislation will operate. It provides for the payment of a flat rate on developable land which is brought into the urban growth boundary, payable once on a specified GAIC event. The scheme in reality will be a simple one for most existing landowners in the growth areas. The sale of their land by way of a dutiable transaction — that is, under a contract of sale that leads to a transfer of land — will trigger the liability to pay the growth areas infrastructure contribution. Other dutiable transactions, such as land-rich transactions or subsales, will also trigger payment of the growth areas infrastructure contribution.

In addition, there are two further triggers. There is the issuing of a statement of compliance for a plan of subdivision and the application for a building permit. These are all significant events in the development cycle.

Where the growth areas infrastructure contribution is payable in respect of a dutiable transaction it will be payable by the transferee or the purchaser of that land — that is, by the person who purchases land for the purposes of development. For other growth areas infrastructure contribution events where there is no purchaser as such the landowner at the time the event occurs will be liable for payment of the contribution.

The range of events which trigger payment of the growth areas infrastructure contribution will ensure that land which is subject to some of the most sophisticated arrangements often used by developers, such as joint-venture agreements, will also be subject to the growth areas infrastructure contribution, so the bill does not pose an unreasonable burden on landowners themselves.

When the growth areas infrastructure contribution will be payable will depend on the trigger. If the trigger is a statement of compliance or a transfer of land, it will be

payable within three months. In the case of a building permit application it will be payable prior to the issue of the building permit. This recognises that not all land transactions will immediately lead to development. A purchaser of land can apply to defer payment of the contribution, subject to payment of interest. However, the contribution will be payable if the land is subsequently transferred to a third party or if another trigger such as subdivision or a building permit application occurs. There is also recognition that land may be developed in stages, and that profits may be earned in stages, so that the contribution triggered by a subdivision or building permit occurring in stages can be paid in appropriate stages to go with the stage of development.

In summary, the system established by this bill recognises that Melbourne's population is growing; that there is demand for new land on the outskirts of Melbourne for housing and other purposes; and a recognition that when housing is developed there is a need to provide other infrastructure to service the people living in those new growth areas. It is part of a whole picture that will provide housing choices for Victorians, ensuring that we have the ability to provide affordable housing in areas where people want to live, and at the same time ensuring that there will be infrastructure to service those areas and that the cost of the infrastructure is borne by those making profits from the sale or the development of land in these growth areas. I commend the bill to the house.

**Mr FINN** (Western Metropolitan) — I have said it before, and it is worth repeating: we have one mighty miserable government in Victoria. It is a miserable government in the true sense of the word. It is miserable in that it creates misery. I have spoken to many people over the last couple of years who have stared this growth areas infrastructure contribution (GAIC) down, who have sat in their homes and wondered if they will be able to stay in those homes, wondered what will happen to their nest egg and wondered as the years have passed how they will cope as they age.

If there is ever any proof needed that this government loves a good tax, or any tax for that matter, this is it. The Brumby government is devoted to taxes. I have said it before, and I will say it again: this government's basic policy is tax, tax, tax — and when it has finished taxing, it slaps on another tax! That is what it is attempting to do, but as a result of the actions of the Liberal-National party coalition, in league with some of our colleagues in the upper house, I am delighted that that will not be the case here. Those people who have been living in terror for the past couple of years can rest

easy that this government will not be able to destroy the rest of their lives, and that has to be a very good thing. I often wonder why we have a government that is so committed to taxing. It is because it is committed to spending; it is your classic big spending, big taxing government. That is what it lives for. If you take away its ability to tax and its ability to spend, you take away its reason for existence, and come November this year we might see that happen as well, which is not a bad thing!

The GAIC proposal reminds me of what the government tried to do to community clubs last year. I am sure every member in this chamber would remember when the Brumby government tried to slap a grossly unfair tax on poker machines in community clubs. This action would have forced many clubs out of business; many hardworking voluntary committee members would have thrown away the effort and time they had put into their clubs.

**Mr Viney** interjected.

**Mr FINN** — And those clubs would have gone down the drain, Mr Viney; they would have gone down the drain! This government cared little about that proposal. When I think about the GAIC and what this tax threatens to do to so many people, particularly to people living on the outer fringes of Melbourne, including in the Western Metropolitan Region, I cannot help but compare it with the government's proposed tax on community clubs last year. There would be the same result. There would be total abject misery and suffering caused by a government that thrives on creating misery and suffering for people.

Does this government have any idea at all how much those people have suffered? Does this government have any idea at all how much grief it has created for so many? Does this government care about that at all? The fact that the Minister for Planning, Minister McMadden, has turned his back on the debate indicates what his view of the world is. He does not care. The government does not care, because if it did care, it would not have proposed this bill. If it did care, it would not have created so much misery. It would not have put, in many cases, ageing people in a position where they faced losing the lot.

**The ACTING PRESIDENT (Mr Vogels)** — Order! I ask Mr Finn to withdraw his reference to the minister as 'Minister McMadden' and address the minister by his proper title.

**Mr FINN** — I am happy to do that, but if I were to refer to him in the way that he is referred to in the

electorate, I would be thrown out of the house. They hate him. They know what he is.

**Hon. J. M. Madden** — On a point of order, Acting President, the member is obviously speaking in defiance of your warning, flouting your instructions, and I would expect that the Acting President would suspend him from the chamber for a period of time.

**Mr FINN** — On the point of order, Acting President, I am not sure the minister has the first idea what he is talking about. I certainly do not.

**The ACTING PRESIDENT (Mr Vogels)** — Order! I ask Mr Finn to withdraw his earlier remark.

**Mr FINN** — I am happy to withdraw on the hour every hour, if you like. I go back to the time when the term 'McMansion' was first coined. That was when Mr Madden as the minister showed enormous contempt for some of his constituents, the people of Caroline Springs, because they had the audacity to have big homes — because they had the audacity to use the money they had worked for to buy the homes they wanted. We remember the 'McMansion' remark from the minister. It just goes to show how far back the contempt goes, and this legislation continues it.

Minister Madden has absolute contempt for the people of the outer fringes of Melbourne, particularly for those in the outer western suburbs of Melbourne, when he is supposed to represent them; that is what he is paid to do as a member of this place. He was put in to represent the western suburbs of Melbourne, and this is how he treats them! This is the contempt in which he holds his own constituents. The minister may hold the electorate in contempt, but that is nothing compared with the contempt in which the electorate holds him. If we get the sort of result in November that we got in Altona a couple of weeks ago, these will be his last few months in the Parliament, and that would be a very good thing for Victoria, and it is exactly what he deserves.

The pain and suffering that has been caused by this legislation is a sure sign the Brumby government just does not care. The only thing the Brumby government cares about is being re-elected. I have seen the Premier about the place in recent weeks, and it is written on his face: he does not care about anything except his own job. We heard during question time today the Treasurer talking about the number of jobs that have allegedly been created in Victoria — no doubt installing insulation! He was talking about those jobs, but in reality the only job that matters to a government member is their own; there are no two ways about that.

This bill has nothing to do with infrastructure. This government does not care about infrastructure; we have seen that. If he goes out to the western suburbs, Point Cook, Sanctuary Lakes, Hoppers Crossing, Truganina —

**Mr Guy** — He can't!

**Mr FINN** — He can't, that is right, Mr Guy. Minister Madden cannot go to those places because he does not hang around with those sorts of people. He would not want to mix with those sorts of people. He is much happier in his family compound in the inner suburbs.

For the last decade the outer suburbs have suffered from a complete lack of infrastructure. During the recent Altona by-election campaign I was up very early in the morning — and I do mean very early in the morning — on my way to railway stations to campaign, and it struck me again that so many people have to structure their lives around the lack of infrastructure that we see in the outer west of Melbourne. The West Gate Freeway, for example, is bad enough on an ordinary day, but if you get a slip-up, a prang, somebody making a left turn where they should do a right turn, the whole thing goes to hell in a handcart. You can see the traffic banked back from the West Gate Bridge way back past Point Cook Road and quite often way back past Werribee. This is a fact of life that people in the outer west have to contend with. It is something that this government does not care about. All this government worries about is how it is going to be re-elected, and that is what this legislation is about.

This legislation is about raising the dollars so that the government can make the sorts of promises that it needs to make to get re-elected in November.

**Mr Koch** — That it will not deliver.

**Mr FINN** — Mr Koch, this government never delivers anything. The only thing that this government has delivered in recent times is legislation like this which creates misery and grief for the many people — and they are vulnerable people, too — I have spoken about. I say to the minister and other members of the government that they should not come in here and point the finger at the opposition about this because this is a deeply flawed and deeply appalling piece of legislation, and the government knows that. That is why it would not sit down with the opposition and have meaningful negotiations about how this legislation might be passed. It knows that this legislation is bad; we all know it is. The government knows that. From day one what hope did this legislation have with the opposition when the

government knew that it stank to high heaven, when the government knew that it was a shocker? Why would Minister Madden come in here and expect us to support a piece of legislation that has thousands of people around the outer fringes of Melbourne in total uproar?

I am putting money down that Mr Madden has not been to any public meetings to discuss this.

**Mr Elasmarr** — Do not put much!

**Mr FINN** — I am putting down any amount of money that you like, Mr Elasmarr, that Mr Madden has not gone to the same public meetings that I have been to, that Mr Koch has been to and that Mr Guy has certainly been to; he has probably been to more than his fair share over recent times, I would suggest. They have been public meetings of real people who are suffering real grief and real fear. Minister Madden is not interested in them: they are real people. Real people are not something that this government concerns itself with. We have seen that time and again, and this legislation is, most certainly, the greatest example that we have seen of that to date. And of course we have not finished yet — we have still got until November for the government to come up with something which can rip off the people more, and, given its record to date, you would have to say it probably will.

When it comes to the traditions of Victoria, as long as we have John Brumby as Premier of this state and as long as we have a Labor government in Victoria, Ned Kelly is alive and well. Government members will rob you, they will fleece you, they will take you down for every cent you have got. That is what they exist for, that is what they are on about, and that is why they are here. What they do with it, God only knows. I have been asking about this for 10 years. This government has taxed like no other government. On top of the GST, which is the greatest revenue flow that any state government has ever received in the history of Victoria, it has taxed like there is no tomorrow. Yet we still find ourselves in a situation where we do not have the sort of infrastructure or the things needed for people in the outer west and other parts of Melbourne.

I continue to ask the question: where has the money gone? If Minister Madden wants to get up and explain to the house where the government has spent the billions — and I do mean the billions of dollars; that is with a 'b' — of dollars that have gone into the government coffers, I would be all ears. I am keen to hear where that money has gone.

This sort of legislation just should not be necessary. This sort of proposal should not be on the table; it

should not be up for consideration. If the government were perhaps a bit more careful with our money, if it were not throwing away \$1.3 billion to \$1.4 billion — God knows how much more! — on things like the myki ticketing system, then perhaps this sort of proposal would not be up for consideration, but it is, and it has created enormous fear and enormous pain for so many people.

I am standing here today with two messages. Firstly, as a result of actions of members on this side of the house, the GAIC is dead.

**Mr Guy** — It was never alive.

**Mr FINN** — In the mind of the government it was alive. I am not sure if there is too much life in the mind of the government, but certainly in this situation in the mind of the government GAIC was very much a live proposal. But let me assure you that — as a result of the actions of members on this side of this house — GAIC as of today is dead. It is over. It is finished with. The government will have to come up with something else to rob the people with.

**Mr Guy** — It will.

**Mr FINN** — It will; I am sure it will. It only has seven months, but when it comes to fleecing people, the government is very innovative. There are no two ways about that.

The other message I want to give the people of Victoria is that this legislation, dead as it may be, is a signal to the world. I hope everybody takes note. This legislation is a signal to the world that the Brumby government just does not care. It does not care about hardworking Victorians. It does not care about aged Victorians. It does not care about people who have worked and saved all their lives to look after themselves in their old age. The Brumby government does not care about them. Anybody and everybody can see that this legislation is screaming that message.

I will be very enthusiastically opposing this bill, as will everybody, I understand, on this side of the house. I look forward to the bill being defeated. I hope that, come 27 November this year, everybody in Victoria will remember this bill and will remember that John Brumby just does not care about Victorians.

**Mr SCHEFFER** (Eastern Victoria) — I rise to speak in support of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. It is always a pleasure to follow Mr Finn. It has been a rollercoaster of hyperbolic —

**Mr Finn** — Excuse me; that's not very friendly.

**Mr SCHEFFER** — Hyperbole is not an insult, Mr Finn; hyperbole is a description of your speech. To settle things back down onto the subject at hand, the purpose of this bill is to enable an infrastructure contribution to be raised in relation to land in the growth areas of Melbourne. The contribution applies to those who stand to profit financially from subdividing or developing land that has been brought into the urban growth boundary.

The purpose of the contribution is to provide resources to contribute to the cost of roads, parks and schools needed by families who buy houses and move into these new communities. The context of the introduction of this measure is the massive increase in Melbourne's population and the consequent pressure to expand the urban growth boundary. The other important consideration is that these contributions need to be made up front.

The minister has on more than one occasion shared his experiences of growing up in Airport West and the lack of services he experienced as a young person growing up there. I think I am a bit older than the minister, and I can remember the conditions in which people lived in areas such as Glen Waverley. You would hardly believe it today, but during the 1950s and 60s an area like Glen Waverley was a new development. At that time the streets were unpaved and there was no sewerage. When it rained the streets turned to mud. I can remember women pushing their babies in prams and not being able to get through the sludge.

**Mrs Peulich** — The state budgets were a lot smaller.

**Mr SCHEFFER** — In summer the hot northerlies whipped up clouds of dust. There were no buses. I can remember walking with my mother from what must have been Glen Waverley station along Springvale Road to Waverley Road near to where our friends lived. This is what it looked like when there was no such thing as infrastructure taxes. Admittedly, as Mrs Peulich says, there probably were not the resources in the community, but there are the resources today. We have an obligation. I think everyone accepts the need to build infrastructure in new suburbs as early in the life of the development as possible. The fundamental disagreement in relation to this bill is about who pays and when they pay.

Everyone knows that a landowner whose land is rezoned inside the urban growth boundary can expect the value of that land to increase substantially,

sometimes astronomically. There is no discussion or disagreement about that. The growth areas infrastructure contribution aims to collect a portion of that windfall gain and direct it to the provision of the services that need to be delivered.

The government has said that changes to the urban growth boundary are contingent upon the passage of this bill, because if the revenue is not available for infrastructure in new developments, then it would be irresponsible for the government to go ahead. As I said, the growth areas infrastructure contribution will be used to provide things like public transport, arterial roads, community facilities, parks and necessary environmental improvements in that urban landscape.

The government has consulted on the impact the contribution would have on landowners. I believe we have made considerable efforts to address genuine concerns that have been raised. In June this year the government agreed to change the policy so that cases of personal hardship could be genuinely considered and payment of the contribution could be staged so that payments could be brought into line with staged planning and subdivision approvals. As well, those liable to make the contribution could apply for an exemption due to 'special circumstances'; this could be agreed to subject to the approval of the Governor in Council. Changes were also made that enabled individuals liable to pay the contribution to defer that payment until later in the process. In the light of those public consultations, the government shifted the liability for payment from the seller to the buyer.

A question that has been raised with me concerns the rationale for the difference between the level of the contribution for land rezoned in the 2009–10 period and land brought into the urban growth boundary in the 2005–06 period. The fact is that land brought into the urban growth boundary in 2005–06 attracted a contribution of \$80 000 per hectare and that charge was not indexed. The \$95 000 applying to land that may be brought into the urban growth boundary in 2009–10 represents the original \$80 000 per hectare plus an increase derived from indexation.

Another matter that has been raised in relation to the contribution is whether it will eventually be charged across the state. The government has made it clear that the contribution will apply only to metropolitan Melbourne's growth areas.

Fundamentally this legislation and the growth areas infrastructure contribution that it introduces are about improving the lives of people who do not have big assets, who are working hard to build new lives for

themselves in the new suburbs and who I do not think deserve to have to wait decades for the infrastructure and services that all Victorians these days have a right to expect. These are the people that I represent in suburbs like Pakenham.

It seems to me to be just and reasonable for those who receive windfall profits from a government decision — that is, a community decision — to move the urban growth boundary to return some of those profits to the community through a contribution such as the one proposed in this bill.

I have been disturbed by the strident campaign that has been orchestrated by the opposition and its fellow travellers, such as the rather tastelessly named Taxed Out, that has made it look as though this government is filching money from the poor, the elderly and the vulnerable. Nothing could be further from the truth. Victoria is facing unprecedented economic and population growth. On the basis of a range of indicators, Victoria is doing very well in comparison to other states and other parts of the world. The Brumby government can take considerable credit for this.

The pressure to find the resources to support our growing population and provide the necessary infrastructure is very significant, and this government has the responsibility and the duty to identify new sources of revenue. The growth areas infrastructure contribution is not unreasonable. Those who will become instant millionaires — as I think someone else here called them — have an obligation to the community to step up to their responsibility to their fellow citizens and contribute to achieving a greater level of infrastructure equity.

For those reasons I support this bill and commend it to the house. I have every expectation and hope that it will be passed later today.

**Mrs PEULICH** (South Eastern Metropolitan) — I also join with my colleagues in opposing the concept of the GAIC (growth areas infrastructure contribution) bill because of the differences in the structure of this legislation, and in particular when this big tax is paid. That was identified by Mr Scheffer, and it makes all the difference. But before speaking specifically on the GAIC bill, I just want to say how enraging, disappointing and infuriating this government's management of the planning portfolio has been.

This government has tried every which way to strip the community of due process, of democratic process and of all those things the Bracks and Brumby Labor governments promised they would provide. They

promised that they would listen and act, that they would consult and would make things more democratic and open and transparent. Nothing could be further from the truth.

We saw the Melbourne 2030 plan and all the debacles involved with that. We have seen the government try to reform the residential zones. The consultation occurred under the radar, where basically approvals for four-storey structures were rubber-stamped over the counter without anyone really knowing these reforms were going through.

During parliamentary debate going late into the night the government tried to bring in development assessment committees (DAC), right throughout the state, as well as in the same legislation enabling the minister, with the stroke of a pen, to deem any area a growth area and therefore subject to a development assessment committee. Such committees would comprise two people nominated by the council, ministerial appointments and a ministerial chair. Fortunately we were able to push back and get some improvements to that structure. But nonetheless there are significant concerns about the impact that bypassing the democratic planning processes will have on the shape and nature of our communities, particularly those that have been singled out for high-density development.

Any high-density development has to go through due process, because material detriment is a very low test legally, and anyone who suffers material detriment must have the opportunity of being able to be informed, to object and to exercise their third-party appeal rights in VCAT.

I was just looking through my file. It is a very big file — half a drawer of material — on this subject, and I have brought only half of it here. I thought I would just pepper my remarks with some of the correspondence I have received in relation to a whole range of planning matters and the GAIC. One media release that was put out by save our suburbs condemned the state government for removing council planning powers, calling it unnecessary, undemocratic and open to corruption. This actually goes to the heart of my concerns. It says:

Instead, his —

that is, the minister's —

plan to speed up the granting of permits via development assessment committees ... removes the rights of democratically elected councils by establishing yet another unelected body not subject to review to make planning decisions.

It goes on to say:

The problems presented by the DAC model are exacerbated by the lack of an independent commission against corruption in Victoria, with the very real risk of corruption in unelected panels that would exercise discretion in assessing development applications without any public accountability.

The DAC model was borrowed from other states, but other states that actually have an anticorruption commission so there is less danger of brown paper bag deals with union mates or other mates and of contributors to Progressive Business making very large donations and being able to get their favourite projects through and basically ripping significant profits out of the system without the ordinary punter having any rights whatsoever.

Councils across the board have been very concerned about the way this minister and this government have been progressively stripping away planning controls from local government and local communities. Most recently the fast-tracking of federally funded economic stimulus projects is causing significant concerns about loss of land and loss of amenity. This has been a debacle. Is it any wonder that this chamber passed a motion on a related matter expressing a lack of confidence in the minister and calling on him to resign.

Here we had a minister, probably for the first in this chamber, being basically told that this house had no confidence in him. If he were following Westminster tradition on ministerial responsibility he would be stepping down and leaving that portfolio. Yet we are asked to take a blind leap of faith and accept that everything will be all right and somehow our communities will be looked after. That is not what the community is telling us at all.

In fact recently I received a poem. I will not sing it, because I know that would be against the standing orders and previous determinations of the President, but I will read it. As a former English teacher, I can say it is not a particularly high-quality piece of prose, but I will read it.

**Mr Hall** interjected.

**Mrs PEULICH** — I could rap it. It is called the Great Asset and Infrastructure Con Levy.

**Mr Hall** — You tell us the tune.

**Mrs PEULICH** — It is set to the tune of the *Bossa Nova*, and is also called the Madden Missanoma.

**Mr Jennings** — Has it got a basis on something?



**Mrs PEULICH** — Yes, it is based on something: GAIC — Great Asset and Infrastructure Con Levy.

It goes something like this:

I was in the caucus when GAIC caught our eye  
 Standing with my bro John Brumby looking sly  
 We thought about finance, needing more and more  
 And soon I knew I'd never let the GAIC concept go  
 Blame it on the missanoma with its magic spell  
 Blame it on the missanoma, Labor can milk this swell  
 Oh, it all began with one little thought  
 But soon ended up another big Labor rort  
 Blame it on the missanoma  
 Labor's tax of greed ...

It goes on and on. I will read the chorus:

Do we get our roads?  
 No, no, that's the missanoma  
 Or the train station instead?  
 No, no, the missanoma  
 Now is it a con?  
 Yeah, yeah, the missanoma  
 Labor's tax of greed ...

And it goes on. It is actually quite an interesting little creative piece. I think what it does is emphasise the concern that is out there in the community about how planning has been administered in the state of Victoria in order to facilitate donations to the Labor Party, to facilitate looking after the big players in this particular sector, the housing sector, which is a very important sector, to the detriment of the small people, the ordinary people, whether they are farmers or those in Taxed Out, or those perhaps from around my neck of the woods who have been kicking up a storm over a range of planning issues.

Before I go on, I would just like to quote from the political party annual return for 2006–07 in relation to donations made to the Australian Labor Party. There is a list of donations in schedule 1. I will just pick out a few of those. Australand Holdings Ltd donated \$15 000. Mirvac Projects donated \$50 000. Progressive Business of course runs the cash-for-access events, whether they are dinners or lunches. It was until recently chaired by Philip Staindl; I am not sure who the chair is at the moment. Progressive Business donated \$550 000. This is a progress payment, because Progressive Business is in the money. It is in the game of milking this for what it is worth in order to fund the Labor Party's election campaign. This is all about squeezing the system as much as you can for a political benefit, and bugger Victorian landowners, homeowners and taxpayers! Stockland Development donated \$20 000. Walker Corporation donated \$100 000. The list goes on. I will not read further. I just wanted to give

members a flavour of what is underpinning some of the ideas, the reforms, that this government implements.

An article by Jason Dowling headed 'Lobbyists win Labor's ear' in the *Age* of 20 May 2009 states:

Lobbying firms with close links to the state government have been involved in at least a quarter of the major development projects fast-tracked by the government since February.

Projects such as a massive apartment development on St Kilda Road, the Pentridge Prison redevelopment and plans for the development of the Chirnside Park golf course site have been supported by lobbyist firms Hawker Britton and CPR, both with strong links to the Labor Party.

It goes on and on. As I said, I just want to paint the picture of why it is that Mr Madden and his government is hearing one sector but turning a deaf ear to those who are affected, whose lives have been destroyed or whose properties would be devalued. The carrot that is held out is that if you pay this \$80 000 to \$95 000 up-front, per-hectare levy, the government will be able to give you the infrastructure that you need. Guess what? Governments have been providing the infrastructure forever and a day. This government has been collecting money from the growth corridor without providing the necessary infrastructure. That has really been the hallmark of this government.

Three failed projects that pop into my mind, which local communities keep reminding me about, are the failure to reduplicate Hallam Road, where we have seen a number of fatalities; the failure to build the Lynbrook station, for which an infrastructure levy continues to be collected from new developments; and the failure to build the Cranbourne East bypass. The government is collecting the dough, but it is not giving the infrastructure. Why would anyone believe anything it says?

The government has no credibility, and this minister has no credibility — and the fact that he has been given responsibility for the respect agenda is an absolute insult to Victorians and the Victorian community. It is a pathetic attempt to paper over what has been a trampling of the democratic rights of Victorians for 10 years with another media public relations stunt. That is being seen for what it is: a big hoax, and an insulting one at that. Yes, the government has gone out there and got its Melbourne @ 5 million target, but it has failed to invest the money into the public transport and roads that are needed. Even infill development, even the high-density developments that are being encouraged in inner metropolitan Melbourne, are suffering from a lack of investment in infrastructure, such as level crossing grade separation, multilevel car parking at railway stations and park and ride facilities, to enable people to

actually travel on the trains rather than congest our roads even further.

Now the government is playing catch up. Earlier today in question time we heard the Minister for Public Transport, Mr Pakula, spruik the orbital bus program. In principle it is probably not a bad idea. The thing is that this government gets ideas but fails to execute them and fails to think through and drill down to the detail, which means it often bungles projects. It fails to build many projects, as I have already indicated, and it causes all sorts of havoc. In Dingley Village at the moment the government is planning to reduce an arterial road from two lanes to one by installing a dedicated 24-hour bus lane to carry three buses an hour. The whole of Dingley Village is a system of courts. There is a handful of roads that people use to get in and out of their streets and properties, and the intention of the government and the minister is to actually reduce traffic on the roads by 50 per cent and therefore make it so congested that no-one will be able to get in or out of their streets. The government comes up with the ideas, but it has no idea of their impact on the ordinary people, and it does not care. What is worse is it does not care.

In terms of consultation this legislation has been appalling, and of course we know why: there is more money in not listening. The government goes through the motions; it creates the impression that it is consulting. We saw that with the new residential zones consultation. I have raised that in the Parliament in the past, and there has been lots and lots of media coverage bemoaning the loss of local control of projects that fall under the jurisdiction of this minister. As I said before, VC56 and the fast-tracking of development under the guise of creating jobs is leading in many instances to the destruction of valuable civic assets just to give mates a leg up and help them drain more profit than they otherwise would have had the opportunity to earn.

An example is the support the minister is giving to the building of a seven-storey development in the car park of the Kingston town hall at the back of the arts centre. Not only is it an inappropriate development for social housing, but it will also destroy the viability of the town hall and arts centre and will be yet another debacle. It is not appropriate for social housing and not appropriate at that sort of density.

The lack of consultation on the GAIC was drawn to our attention by the Law Institute of Victoria, amongst many, in a letter to all of us dated 26 May 2009 — I am not sure there has been too much communication thereafter — which says:

The Law Institute of Victoria (LIV) has identified many issues and uncertainties regarding the operation of the GAIC

which are adversely affecting vendors, purchasers, mortgagees and practitioners involved in UGB land transactions. The LIV respectfully submits that these issues must be addressed as a matter of urgency.

On the second page of the letter, it says:

Apart from the Melbourne @ 5 million fact sheet and the GAA information sheet, there is very little information available regarding the GAIC. Efforts have been made by LIV members to obtain clarification from the Growth Areas Authority (GAA) about the GAIC, but the responses provided have not resolved uncertainties or provided any specific guidance on how GAIC issues should be addressed.

Mr Guy also advises that there has been little effort to engage him in negotiations on this matter since the last time we debated it.

In one of the local papers I saw an advertisement taken out by residents; I think it was Mr Scheffer who said that it was somehow organised by the Liberal Party. As far as the Labor Party is concerned, whenever anyone complains they are always a Liberal Party front, and the Liberal Party has always organised it. The community does not have a voice. If there is a Labor government in office, the community has to be happy, it has to be like pigs in the proverbial. If there is a Labor government, it does not matter how badly community members are treated. It is an offence to actually say that, and your party has been saying it all the time about legitimate groups and legitimate organisations.

**The ACTING PRESIDENT (Ms Pulford)** — Order! Mrs Peulich should address her remarks through the Chair.

**Mrs PEULICH** — It has been trying to diminish the protest by suggesting it has somehow been organised by the Liberal Party.

*Honourable members interjecting.*

**Mrs PEULICH** — Yes, they would tear the Minister for Planning and those responsible limb by limb.

**Mr Guy** interjected.

**The ACTING PRESIDENT (Ms Pulford)** — Order! Mr Guy!

**Mrs PEULICH** — Mr Guy, they are very good at putting out press releases and cutting ribbons, but if there is an issue that needs to be resolved, if there is a community to be heard, the Labor Party and members of this government are nowhere to be seen.

The advertisement is headed 'Brumby's Labor government is stealing our homes'. I cannot remember which newspaper it was in; it was sent to me. It says:

From Beveridge in the north, Werribee and Melton in the west —

we have heard a little bit about Melton today —

to Cranbourne in the south-east —

an area that I represent —

thousands of Victorians have recently been notified of the Victorian Labor government's intention to introduce what they are calling a 'growth areas infrastructure contribution' (GAIC) for selected areas around Melbourne.

In effect, this 'contribution' is a \$95 000 per hectare tax on all vacant properties over 1 acre, and all properties over 5 acres with homes when you sell, regardless of the sale price.

Imagine the young couple who are struggling to pay the mortgage on a small property of 6 acres where they have built, or hope to build their dream home and raise a family. One of them loses their job due to the current economic climate and they decide they can no longer afford their dream. What chance would they have of raising enough from the sale of their land in a depressed market to cover what they owe the bank, plus over \$230 000 for the Labor government's share?

Imagine the farmer who has put his blood, sweat and tears into life on the land and is coming to the end of his working life. His plans have always been to sell his 100-acre farm. He's struggled through years of drought to make ends meet and now, out of the blue, he has to pay the government over \$3.8 million for the privilege of selling his property. In the likely event that he doesn't sell, Mr Brumby and Mr Madden will simply pass the \$3.8 million debt (indexed annually) on to his children or widow when he dies. Whatever you do, Mr Farmer, don't get divorced and sell your property as part of the settlement, as they'll take it from you then!

When Victorians elected the Labor government did we give them a mandate to simply take a large portion of our great Australian dream — a home which we have worked hard to get? We need to tell them, NOW, that we will not stand for a government that believes it has a right to introduce legislation such as this. The theft of privately owned property by force is something that we expect to hear of happening in communist or fascist countries, not in the lucky country, our country, Australia!

If you believe that it is unfair for Mr Brumby's duly elected state Labor government to take a large portion of our homes in this manner, please let them know that it will be political suicide for them to proceed with this legislation. Remember there's an election next year!

It is now this year. It ends:

Today, email them, fax them or even just mail this page to them with a note voicing your disapproval at them stealing our homes by stealth.

Your home could be in the next lot that they steal, so tell them now, that it's not acceptable!

These are ordinary folk. They have better things to do. They have mortgages to pay, farms to run, children and grandchildren to raise, and yet they have been forced by this government into becoming community activists.

There have been lots and lots of articles — I will not talk about them at great length — and there have also been some cartoons of Mr Madden. I have one here about Brimbank which depicts Mr Madden waist-deep in muck with a whole bunch of pigs lying around a shed with a sign on the side which reads 'Brimbank council'. Mr Madden says with a bag in his hand, 'Is there a swine flu outbreak in Brimbank? The answer is, 'No ... why do you ask?'. There is a comment at the bottom, which reads, 'Lucky Mr Madden is 7 foot tall or he'd be up to his neck in it'.

This again focuses on the element of corruption in local governments which are Labor-dominated and required under their constitutions to caucus on many issues. There is an enormous relationship between all those factors, and it is called corruption. It is called working the system to milk it for a political benefit. For the Labor Party it has not been about noble policy; it has been about how to leave a legacy for Labor, a political fix, which will not only take it through the next state election but also well into the future. Mr Rudd is into that as well.

I also received a letter from the City of Casey. The Labor Party has been working very hard to try to discredit the City of Casey and bring about an investigation and a dismissal because the City of Casey actually does its job. It advocates for its community and it will not kowtow to the local Labor masters like Mr Donnellan. The letter relates to the City of Casey's submission on proposed changes to the urban growth boundary (UGB), a related issue. It talks about how the council as part of the process put in a substantial submission arguing that the investigation area (IA) under consideration for inclusion in the south-east was not suitable for urban development. The council wanted to keep it as agricultural land in order to grow food, something that perhaps may be important in that community.

The state government subsequently released *Delivering Melbourne's Newest Sustainable Communities* in 2009. According to the council:

This had little regard for council's initial submission and identifies the majority of the IA within the proposed UGB, raising the questions:

Why has the investigation area boundary and revised boundary been drawn without any consultation with local government?

What process was used to determine the investigation area?

Why are the consultation time frames so short?

Council is concerned not just with the procedural inadequacies, lack of collaboration and genuine partnership through the process, but is also disturbed that the proposed UGB has not taken into account ...

Then it lists a number of points, including:

the inclusion of flood-prone land within the proposed UGB and the impact on the Koo Wee Rup flood protection district and internationally protected Ramsar wetland in the Western Port bay;

the inclusion of land with biodiversity values within the proposed UGB without sufficient assessment of these values;

the failure to address existing transport infrastructure capacity constraints that will be further exacerbated by this process;

lack of any substantive road and rail infrastructure for Melbourne's south-east, as has been considered for the north and west investigation areas;

timely delivery of infrastructure for new communities;

loss of valuable drought proof agricultural land and food security for Melbourne's population;

erosion of the Western Port green wedge —

and it goes on.

Here we have lack of consultation, failure to deliver infrastructure and a great big tax that the government is trying to sell as a noble plan to address housing affordability when in fact the government has done little to address these issues.

Mr Guy asked a question today about logical inclusions. There are areas that may merit consideration for logical inclusion, and there are issues that have not been looked at, such as the increase in the cost of construction and the increased propensity of individuals to live solo, possibly on fairly large properties, therefore causing a greater call on housing stock. There are a whole range of issues that have not been considered as part of a comprehensive housing affordability strategy. This government is not about that; it is about bagging the money for its re-election and for its political fix.

With those few words, I am pleased to support Mr Guy's position and the position of the opposition of opposing this very unfair tax. I urge the government to reconsider what it does with this from the point of view of all those who would be negatively impacted if it were introduced.

**Mr EIDEH** (Western Metropolitan) — I rise to speak in support of the Planning and Environment

Amendment (Growth Areas Infrastructure Contribution) Bill. Ever since the former Premier of Victoria, the Honourable Steve Bracks, raised this issue, there has been controversy and misinterpretation of what the government has sought to achieve. Allow me to stress from the outset that the government is not seeking to hurt ordinary homeowners and property owners. We do not seek to stop honest people from making a fair and reasonable profit from the increase in the value of their land-holdings, most especially if they have held them for many years. However, why should the taxpayers of this state — the vast majority of the good and decent people who make Victoria the best state in the nation — be forced to pay out for infrastructure while developers and large corporate enterprises contribute nothing or almost nothing?

As the minister and indeed our Premier have stated, our state is growing at a faster rate than any other state in the nation, and Melbourne will be overtaking Sydney as the most populated city in Australia within a decade or two. We have developed new policies and new guidelines in an earnest endeavour to cope with this growing population. This growth is due in so many ways to the great administration and leadership of Victoria during our term of government.

Local councils are playing a key role as partners with the state government in the growth and development that is attracting and housing an unprecedented population growth. The Victorian government thanks all its local government authorities for their efforts to help grow and improve Victoria and for working with it to achieve a better Victoria for all. We also thank the Rudd federal government for its support.

It is unfair at the least to expect local government, or indeed any level of government, to pay for every aspect of all the infrastructure requirements of our growing population while companies and developers are reaping or have the potential to reap huge profits. We will provide the bulk of the infrastructure requirements, as is the role of the state government, but others must also pay their share. That is only fair, and fairness is a very Australian characteristic. The growth areas infrastructure contribution (GAIC) is all about fairness. As the minister stated in the second-reading speech:

Incorporated into the bill are a range of circumstances where there is no liability to pay a GAIC.

The government designed the contribution with fairness in mind. This bill is about fairness and equity. It is about ensuring that the community is not forced to pay for infrastructure — for roads and footpaths, signs, power supplies, hospitals, public transport and the long

list of other infrastructure items — that the government must provide for these new housing developments.

As the minister clearly outlined in the second-reading speech, Melbourne will need at least 600 000 new homes as its population approaches 5 million people. This growth clearly indicates that the Brumby Labor government is good at what it does — creating the strongest economic growth of any state in Australia; having the lowest crime rate and the greatest level of safety in Australia; having the best industries, art and entertainment in the nation; and leading in every sense of the word so that Victoria's population is growing faster and stronger than any other state in the nation. However, it creates an unfair burden on local and state government when developers do not contribute to the infrastructure that they effectively promise to the people who buy and build their homes on their land.

The bill flows on from Melbourne 2030. It is part of what the Brumby Labor government is doing for the next generation of Victorians. Having said that, I must stress that the government will continue to pay for the bulk of essential infrastructure. What we are asking through the bill is that those who profit pay a small and fair contribution. After all, Australia is famous for its belief in fairness and equity. Our national image is about doing right by our community; our heritage is one of sharing and caring, and being good neighbours. The bill requires developers to act fairly and equitably and not to place additional burdens on the rest of the community by avoiding their own responsibilities as good neighbours. Of course GAIC will not apply in all cases, and the bill clearly sets out exemptions, as outlined in the second-reading speech.

There is no hesitation in my mind when I say this is a fair bill, this is a good bill, this is a bill designed to show that we believe in the principles of equity and fairness that make this nation great. I commend the bill to the house.

**Mr HALL** (Eastern Victoria) — This afternoon I join with my colleagues on this side of the chamber in speaking in opposition to this piece of legislation. In terms of opposing the bill, I do not think I could go and honestly look into the eyes of some of the people I represent in the electorate of Eastern Victoria Region, particularly those in the Berwick and Pakenham corridor area, and say, 'I have done the right thing by you', if I did not oppose this bill this afternoon. There are many people in that area of my electorate, and others, who would be severely impacted upon by this piece of legislation. Therefore, I believe I am doing my job in representing their views in this Parliament by opposing this legislation.

It is true of the Liberal-Nationals coalition that in principle we see there is merit in an infrastructure contribution being made by developers and other property owners. However, the way that has been applied — the timing of it, the level of it, the processes required to consult and reach a consensus view — has been appallingly lacking in process with respect to this piece of legislation.

I might add that the concept of a development contribution is already applied in many instances — through local councils, for example. In some towns throughout Eastern Victoria Region, which I represent, it is a fact that when a development takes place often there are conditions attached to the planning permit which require some form of contribution towards development — sometimes towards infrastructure, sometimes towards other aspects associated with that development. For example, it is not uncommon in some country towns where a development estate has opened up that, as part of the planning permit, certain requirements are placed on that developer. It is not unusual for a developer to be required to provide for green space, to ensure infrastructure such as roads or footpaths is upgraded and even perhaps to make a contribution to a new kindergarten in an area that is being developed. There is sometimes a requirement to provide parking and meet other conditions of planning permits — that is, extra costs which are put on developers — which are done through local councils.

Therefore the concept of making a contribution towards infrastructure directly associated with developments of any sort is a concept that I am prepared to talk about, and I think the opposition is prepared to talk about it. But the big failing of this government — and I believe the prime reason this bill will be defeated this afternoon — is the fact that there has been virtually no meaningful consultation with the public and particularly with opposition parties about trying to find an agreed position on this piece of legislation.

The fact of the matter is that this legislation has been around for some time now. It has been sitting on notice papers in the Parliament — it was here last year and it is here again today — without the government making any genuine effort to consult with the opposition and interested parties to try to find a solution. That is primarily the reason the bill will fail this afternoon. It is a great opportunity lost, as far as I am concerned, in trying to find a way through this complex issue.

I have to take up the challenge posed to me by Mr Scheffer and Mr Eideh, who suggested that this is a fair tax in that it is being applied to those who are described as receiving a windfall gain. If we look at the

issue of fairness first of all, to me fairness means that the same rules should apply to everybody. The fact of the matter is that if you own a big block of land in Toorak, for example, and you decide to subdivide that block of land for the purposes of somebody else purchasing it and developing it for property, you pay no infrastructure contribution. There is no infrastructure contribution levied by the state government towards that particular project.

We pay stamp duty on land transfer. That applies no matter where you are in the state of Victoria. On the issue of fairness, perhaps you could argue that stamp duty on land transactions — although none of us like it — at least is applied uniformly across the state depending on property value. But somebody wanting to subdivide a block of land in Toorak or any other Melbourne suburb does not pay an infrastructure contribution. It could therefore be argued, ‘Why is this infrastructure contribution only charged to those on the outer edge of the proposed urban growth boundary and not on all land subdivisions within the urban growth boundary or right across Victoria?’ I do not think it is a fair tax. I do not think it is fair that only those described as being within the parameters set out in this bill are being levied with this particular infrastructure development tax.

Mr Scheffer said that those people will be receiving a windfall gain. I am not sure — and it has not been proven to me — that there is such a big windfall gain in simply having land proposed to be developed falling within the urban growth boundary. For example, you may have purchased land, may have inherited land, may have owned land or had part of the land passed on to you over a long period of time, and all of those factors are taken into account. The closer you live to Melbourne, the more the value of the land generally tends to increase. So the fact that we are changing the line where the urban growth boundary might be does not necessarily imply that that in itself is going to generate a windfall gain.

If it is, as Mr Scheffer and others have argued, that it is going to generate a windfall gain and that is the reason it is fair to apply an infrastructure development tax, let us see the economic benefit. Let us see a cost analysis. Let us see a financial and economic impact. Let us see the study that actually says there will be a windfall gain because of a line being drawn on a map. No such analysis of economic impact has been undertaken — not to my knowledge anyway. Perhaps if there has been, the government will advise me otherwise, but I see that there has been no economic impact of this legislation and its effects in a multitude of aspects.

What is the impact on the housing industry going to be because of this infrastructure development tax? What is the impact going to be on homebuyers? Is it going to be an extra cost for them? Obviously the tax costs will be passed through the system. Is it going to be an additional \$15 000 for first home buyers when they purchase, or \$2000, \$5000, \$10 000 or \$20 000? I do not know, and I do not think that sort of economic impact evaluation has been undertaken. How can we fairly say this is going to be a fair tax that will only be applied to those receiving windfall gains when there is no evidence that windfall gains are going to be achieved beyond what would have normally been achieved and none of that economic impact work has been undertaken?

I want to challenge some of the government’s suggestions that there has been an adjustment and a movement so that it is not the person initially selling the land who will pay the cost of the up-front tax; rather it will be the developer. But the timing has not changed. No matter who pays it, the government is saying the payment must be made up-front. Whether that is paid by the person who sells the land or the person who purchases the land and then develops it, the government is still asking for an up-front payment, and the effect is simply going to be the same.

The developers, the people who purchase the land for the purposes of development, are still going to be carrying that cost through the whole process and will not be able to pass any of it on until the ultimate stage when the land is subdivided into blocks ready for the retail market, and that can take some time. It can take years in some cases before stages of potential developments reach the retail end, so a very significant cost burden is proposed for developers, who will need to carry it for some years, and that will certainly add to the ultimate cost and affordability of housing.

I want to make one final point in my contribution, and that is my strong opposition to the retrospective nature of this tax. It is very clearly said that this growth areas infrastructure contribution (GAIC) apply to contracts signed post-December 2008, yet I had an issue raised with me by a constituent last year which I took to the minister. Because of the nature of the contracts signed by these people, even though the contract was initially signed prior to December 2008, components and staged payments in that contract would still be subject to the GAIC. When these people originally signed the contract several years ago there was no mention of a development areas infrastructure contribution. The sale price and the terms of the contract were negotiated on the fact that there were not to be any extra costs imposed on the purchaser and an agreed sale price was

reached. Now we find that because subsequent staged payments still have not been made, when they come due they will attract a contribution tax. That is the nature of the retrospectivity in this case: somebody who in good faith and knowledge had reached a sale price will now have this extra cost imposed upon them. That is grossly unfair, and I object very strongly to the retrospective aspect of this legislation.

The final comment I want to make on this tax relates to accountability and the way this tax is going to be expended. When I looked through the second-reading speech in search of some assurance that this infrastructure development contribution is going to be spent wisely, appropriately and in the area in which it is collected I could not find any such assurance. In relation to this point the second-reading speech simply says:

GAIC funds will be fully accounted for and will be paid into the Consolidated Fund. The GAIC funds will be equally directed into two individual trust funds — the Growth Areas Infrastructure Fund and the Building New Communities Fund. The trust funds will be administered by the Department of Planning and Community Development, which will forward the funds to the Growth Areas Authority to administer the individual payments and projects in line with the state government's infrastructure investment priorities.

It is the state government that is going to decide what infrastructure projects will be funded from this and where those infrastructure projects will be. There is absolutely no guarantee that the infrastructure contribution funds collected from, for example, the Berwick–Pakenham corridor will be spent on infrastructure in the Berwick–Pakenham corridor. They could be spent anywhere in the state. They could even be used to fund the operations of some of the agencies involved with this tax. That in itself is of real concern.

I start to worry when money is going to be put into the Consolidated Fund, as this clearly is, because you lose accountability. It is difficult to track tax funds that go into the Consolidated Fund. They disappear quickly, and you are never quite sure whether they come out at the end for the purposes for which they were originally applied. I have some serious concerns that these funds are going to go into the Consolidated Fund and be used for purposes which would otherwise be funded through the normal processes of government.

This is a tax grab, a revenue grab, by the government. It is going to have a serious impact on housing affordability and availability. It is poorly thought out. There has not been the level of consultation that would lead me to a point where I could support it. Unlike some members of the government, I think this is a grossly unfair tax that is going to impact unfairly on

people I represent in Eastern Victoria Region, and that is why I oppose this legislation.

**Mr ATKINSON** (Eastern Metropolitan) — I join with my colleagues and, as I understand it, members of the Greens and Mr Kavanagh in opposing this legislation on this occasion. Mr Hall outlined very well a number of points that I might well have made in my contribution to this debate, but I do not intend to go into great detail covering the same area. Certainly Mr Guy in his presentation of the opposition's position outlined very eloquently the concerns that the Liberal Party has about this legislation. As Mr Hall and Mr Guy have said, the opposition is not averse to a contribution towards some infrastructure development, supporting subdivisions and the growth of new suburbs, but it is very important that any such new contribution be assessed for its impact, sustainability, fairness, workability and contribution in a broader public policy context.

The major issue involved in this, as both Mr Hall and Mr Guy have indicated, and other speakers in this debate have made mention of, is that there has been very little engagement by this government in consultation on this legislative initiative. The government has essentially prosecuted this legislation by press release. Right from the outset this entire new initiative by the government has been a media blitz without any effective consultation. The minister has refused to meet with people who will be affected by the decisions that are implicit in this legislation. The minister has refused to engage in any genuine consultation or discussion with the opposition and, I understand, the other parties to arrive at some sort of understanding of where we might go forward in terms of public policy settings and having legislation that reflects a better outcome for the community and something to which all parties of this Parliament might well put their signatures.

I guess we should not be surprised because, frankly, this minister has shown himself to be the most arrogant minister in what is an arrogant government. Whilst he purports to be affable and throws himself around like a footballer with all the personality and celebrity of his former status in life, the fact is that this minister consistently makes decisions without reference to and overriding the rights of residents in areas that are affected by proposals and without any consideration for local government's interests and concerns about those same matters. This is a minister who governs by whim, who makes decisions and then arrogantly sticks to those decisions despite mounting evidence in many cases that they are wrong and that the premises upon which some

of the legislation he comes forward with are questionable.

It is interesting to note that for many years we have had contributions by developers towards infrastructure and land development. Many years ago I was a member of the Dandenong Valley Authority which was created by government as a specialist authority to collect funds from developers who were interested in creating land subdivisions in the eastern and south-eastern suburbs. The mechanism that was used was for developers to provide funds up-front so that drainage works could be undertaken at an earlier stage than would have been possible had those works been part of a public works agenda. This was simply because of the pressures on government priorities and infrastructure commitments at that time. I am talking particularly about the 1970s and 1980s. The concept of developers contributing to the cost of infrastructure works — in the case of the Dandenong Valley Authority it was particularly to drainage works and other works directly associated with the land subdivision itself — is not new, but this legislation goes a whole lot further.

As Mr Guy has indicated, the opposition is prepared to entertain that sort of debate and to consider whether or not it is appropriate to extend contributions from developers of land in new communities in the urban growth areas as part of a responsible contribution to infrastructure for those communities. But I am not sure whether this legislation does go a whole lot of steps too far. I am not sure whether it will significantly distort the development markets and create significant problems for the government as much as for those people in the communities who see themselves as directly affected at this time.

The reason I point to that distortion factor is that if there are these sorts of imposts on new broadacre land subdivision developments and so forth, then many developers will start to look back at opportunities to develop inner urban areas because they do not attract the same impost. That might be a deliberate government strategy but we do not know because the minister is not particularly good at elaborating on what he means on any issue, and he is especially mischievous on this one. That might be the government's intention because it might well want to try to create more activity in urban development and renewal projects and higher density living in the metropolitan area. The Liberal Party and my personal position is that we are not opposed to that either as long as that development is in appropriate locations and on an appropriate scale. That might well be a good intention. But realistically developments of higher density in the urban metropolitan area also come with

costs to government and costs to the community because many of the drainage schemes that were put in place — the schools, the hospitals, the roads and the transport networks — were not necessarily designed for the sort of population numbers that occur when you redevelop urban areas.

The very argument that is being used about the need to raise funds to create new infrastructure in newer communities also applies in urban areas, but it seems to be overlooked. The thinking seems to be that it really does not matter if we plug another pipe into the sewerage system or into the water system or we run another wire out to the electricity grid because it will all just work. The reality is that there are demands on our urban infrastructure that are overwhelming at this point in time in some areas and are causing serious problems. The water pipes under the Melbourne metropolitan area leak like a sieve. The loss of water from our water pipes is alarming but very little is being done by this government to try to repair those leaks, despite the fact that we are in a very severe drought and that would be one way of addressing part of our water problem. There are parts of the metropolitan area that suffer electricity outages because the system is overloaded. The poor old possum usually cops the blame for those electricity outages, but the reality is that the system is overloaded.

We have problems in other aspects of the performance of our infrastructure as well, and yet this government is probably trying to encourage, and is likely to see, higher density living without any thought about that infrastructure in urban areas. There is a mismatch in terms of the policy objectives of the government and its understanding of how important infrastructure support in communities is.

This government has decided to run out and open up the urban growth boundary of Melbourne to extend the city further. In most cases the people affected by this taxation proposal did not ask for it. I know that over the years there have been people who have been proponents for the sale of their land and changes in zoning that might enable that, but by and large this government has gone a lot further than was asked for by those people who were knocking on the door seeking opportunities to subdivide their land. This government has made some unilateral decisions about where Melbourne might expand. In a number of cases the government has not paid all that much attention to the practicality of infrastructure expansion into those areas.

From my perspective what is interesting is that some of the areas the government is looking at for expansion will have very significantly higher infrastructure



development costs than other areas that might have been included would have had. There is also a very clear intention of the government to ignore what has been a policy in this place for many years. It was believed to be a good policy initiative for this city to maintain the green wedge boundaries because they have a contribution to make to the livability of this city and effective planning for this city.

It was interesting to hear Mr Eideh's comments in this debate — and many government members seem to say the same thing. You would think that Victoria was born only 10 years ago and that everything that has happened in this state that is wonderful is an outcome of this government's activity alone. Of course we could take members opposite back historically to the Cain and Kirner years and demonstrate that there was a time when this state was on its knees, and that was not too long ago.

In fact what has happened in this state — the livability and the jobs that are available in this state, and the investment attractiveness of this state — is the product of not just the Bracks and Brumby years but also very much of the Kennett years and the Hamer and Bolte years. It is the product of the contribution of a number of successive governments to the planning and design of this city. From time to time some of us acknowledge, and I lament today, that we do not have the foresight and wisdom of those gentlemen. We look back to those gentlemen who designed this city at the very outset, the Hoddles of this community, the surveyors who set out the streets and the subdivision structures that started this city and were a building block of the very livability that we enjoy today.

This government comes to this house with legislation that has not been analysed and scrutinised by anybody other than perhaps cabinet members and maybe some of the government's bureaucrats. I do not know to what extent they have been the authors of this legislation or whether they have been simply the implementers of government ambition in terms of this legislation, but this bill has not been subject to proper scrutiny. This bill is an absolute classic. I am not sure where the government intends to go with this bill. The government brought in this bill and initially last year was off like a racehorse in wanting to get the bill up. Then it kept deferring debate on the bill because none of the industry groups would come on board and give it the tick. Despite the fact that the government has duced them for 10 years, no industry group was prepared to come across the line on this one. The government was desperate to get somebody across the line because it wanted to justify pushing this legislation through. It was not prepared to engage in any debate

with the opposition parties, and it was not prepared to consult with the people who will be affected; it just wanted the legislation up and running.

I am not entirely surprised by that, because I think this legislation is of much greater import than even my colleagues have said in this debate. This legislation represents a very significant shift in thinking on taxation by state governments. We are seeing a very significant move in that area in this country. At the federal level we have the Henry review, which is yet to report but certainly it seems that significant implications for states and individual taxpayers are likely to arise from that particular report. In this state of Victoria we see an increasing move towards pricing strategies that penalise people and aim to increase taxation by stealth — by incorporating it in water or electricity bills and putting it under labels that would seem to be motherhood statements or apple pie-type palliatives like 'This is for the good of the environment'. Yet those taxes that are included in pricing strategies are simply taxes and an extension of the government's ambition to increase its revenue.

In this bill, too, we have a new tax. This has been described by Mr Guy as a new tax, and it has been pointed out and reinforced by Mr Hall and others that it is a new tax and a very significant one. This government has allowed no analysis of it. As Mr Hall said, we do not know exactly what this bill will do or what the minister even thinks it might do because he has not been prepared to engage in any real debate on what the bill is all about, on what the government's metrics are or what the government's objectives are, for that matter, beyond what has been issued in press releases that are full of spin. The government simply suggests that in fact this bill provides for people who can afford to pay to do so because somehow they will have achieved a windfall profit because their land happens to be included in a zone where it can now be developed.

This is a shift. Certainly there is talk about using residential subdivisions and people buying homes, because they will pay this tax. As I said, we do not know about the distortions that this legislation is likely to bring to the marketplace. I would fathom that one of them might well be that a lot of the smaller developers and subdividers will be forced out of the market because they will not be able to pay up front the sorts of costs that are envisaged by this legislation. They will be forced out of the market and the market will be left to a handful of major players who, to a large extent, already have land banked in this state in an attempt to raise the level of return they can get from that land by holding

onto it and selling it when the market is in a situation where they can get higher prices.

This sort of activity is already happening. With this legislation we are going to play into their hands because, if it goes through, only the big guys are going to be able to play this game. The point is they will only pay for it in the short term; they will put a check on the line to get their borrowing stream out so they can buy this land, lock it up and do their job of subdividing it. This government talks all the time about housing affordability, but the real people who are going to pay for this legislation will be young couples buying their first home; they will pay not just all the costs associated with land today but will now be paying for this as well. Developers will not simply say, 'All right, Mr Government, we agree we are doing very nicely out of our activities and we will pay. This is our contribution to the state of Victoria'. They will pass it on; they must pass it on, so the end consumer will pay for it.

What sort of a distortion is that going to be? What sort of a mockery is that going to make of all the arguments this government puts in terms of housing affordability? On what basis is the government walking away from more than 150 years of providing schools, preschools, roads, trains, train stations and buses to communities, and saying, 'We are not in that business any more unless you are prepared to pay for them or unless you are prepared to make a contribution towards paying for what we used to provide everywhere else historically.'? This is a major shift in government policy, in defining the business it is in and what services it is prepared to provide to a community.

There may well be a distortion in terms of where those facilities are provided and when they are provided. As Mr Hall says there is no guarantee in the legislation that money collected in one area will be spent back in that area in facilities, or any guarantees on a time frame in which that sort of investment might be made. Mr Hall mentioned the south-east growth corridor of Melbourne — although you could also take into account the Altona by-election result the other day. It might well be that people in the western and northern suburbs will be duded again by their Labor representatives and the collection of funds from those areas directed towards the south-eastern suburbs which are more marginal and politically on the edge. Under this legislation we see a complete distortion of development and of service provision in this city simply to achieve political ends. That would be outrageous, but it is a real possibility because there is no constraint in this legislation. If we are to rely on Minister Whim for anything, anything could happen.

This bill proposes a very significant change in taxation. It is legislation that, at the very least, should have gone to the Legislation Committee. It is not intended to go that way because, apart from anything else, it will probably be knocked off at the second-reading stage and is unlikely to undergo that sort of analysis. It failed to have any other previous scrutiny because the minister has not consulted people. As Mr Hall said, 'We do not know what the assumptions or metrics are, what this legislation is likely to do and its likely impact on the marketplace'. I certainly think it could be adverse. The issues raised in this legislation — introducing a new tax and defining a different government attitude to the services and facilities it is prepared to provide to communities — deserve extensive public debate and ought to be subject to a much greater level of consultation than this government has ever been prepared to do when it comes to matters associated with its planning policy and its celebrity footballer minister, a minister who is the most arrogant of an arrogant government.

The legislation deserves to fail. I am sure the debate will continue, and we should bring it on. It is a very important debate. The principles outlined in the legislation are among some of the most important principles going forward that we have seen in any legislation in this place in possibly the last 10 years. This is not a simple or flimsy bill. It is a bill that has significant changes in government directions and in the contract between the government and its communities. This government has tried to bulldoze it through, and that is not on. The legislation deserves to fail.

**Mrs KRONBERG** (Eastern Metropolitan) — As I have been listening to the contributors in this debate — and a lot of detailed accounts and anecdotal pieces have been offered to the chamber — my concern, which was already fairly intense, has intensified. From the outset I wish to say the Liberal-Nationals coalition supports the concept of a growth areas infrastructure contribution, but not at the first point of sale. This is utterly ridiculous. People have approached me in various states of distress and concern; some people have not slept properly for months on end and have lost 10 to 15 kilograms in weight with the sheer worry and burden of this process. People are absolutely dumbfounded that their government, with its caring mantra, has shown great alacrity and greed — a kind of lust — for the \$2 billion it will be able to harvest over the next 20 years.

The government has put the \$229 million in its forward estimates, so it is busting its gut to reap this harvest, and at what cost? The cost of ripping at the fabric of the community, upsetting people who through generations

have held land until the right time. I am moved by the plight of self-funded retirees who are looking to avail themselves of value from land which, as I said, may have been held by many generations. This is a tragic moment in the history of Victoria. I am so pleased and proud of the fact that the coalition has taken a stand, and obviously I am proud of the contribution from the shadow Minister for Planning, Matthew Guy, and how he has laid out the case.

This is a complicated bill, and it is complicated by the smoke and mirror tactics of bringing in a whole new industry of advisers to deal with the complexity. The government has wittingly — or perhaps unwittingly; I will cut it some slack there — imposed an additional cost burden other than the \$95 000 up-front tax on each hectare that gains a supposed windfall from falling into the extended urban growth boundary.

There is one thing I would like to place on the record. While we are looking to safely house and manage the population of this state we need to pay close attention to how we are going to feed that population. I would like to bring forward the concept of food miles, where we analyse the soil we are about to build on and then make a choice. Rather than covering the soil with a building, we could grow something in it to feed our population.

This is a primitive response by the government. There is increasing evidence of the arrogance of the government. The Minister for Planning is missing in action. He has been nowhere to be seen throughout any of the overtures from our shadow Minister for Planning. He has avoided negotiation, and we can see the stark reality of that fact in his not even being present in the chamber to pick up the important information flowing through this debate. He might think the people who are contributing to this debate are offering gratuitous advice, but it is based on fact and real principles and case studies. It beggars belief how this government expects to be elected at the end of this year after imposing such a burden on the people of this state.

Another aspect that concerns me greatly about this greedy harvest of money is that it is going to go into a central pot. One part of it is going to be for a co-contribution pot, but the other one is going to be for state infrastructure, which will be decided pretty much at the whim and fancy of this government. It will depend on where it needs to spend money for pure, raw, brutal political outcomes, irrespective of need. People will be paying up and hoping there are going to be reliable connections to the power grid, drainage to take away flash floods, the provision of parkland and sewerage, roads, guttering, kerbing and safe pathways on which people can push their bikes and

perambulators in their immediate area. However, the government will put the money into a central pot, and its leaders of power will give a dollop here and a dollop there when it suits them. That is obscene. When the people of Victoria realise the rape and pillage of land-holders that lies ahead they will be appalled.

There are plenty of arguments put forward on how the tax will provide a great disincentive to developers because it will lead to delays, cancellations and the scuttling of projects. This legislation must be voted down. The coalition will be voting against this bill, and we encourage other members in this chamber to do so too. We need to make a stand for the good people who trusted this government. This government in its cash grab is, once again, betraying the trust of Victorians. All I can say is: bring on November this year!

**Mr VOGELS** (Western Victoria) — I want to make a small contribution to the debate on this bill. We have been debating the growth areas infrastructure contribution for some time. I can just see the Minister for Planning and other Labor government ministers sitting around and saying, ‘We need a lot more money. We have been in power for about 10 years, coming up to 11 years this year; we are collecting \$40 billion a year, but obviously that is not enough.’ When the government came to office in 1999 it was about \$19 billion; it has gone up to \$40 billion a year, or \$110 million a day. It has to increase its tax take. It needs more money, so it has come up with this idea of charging vendors \$95 000 per hectare up-front if and when they decide to sell their properties. I have heard Mr Guy say that that is about \$230 million over four years, or \$2 billion over 20 years, which has already been factored into the forward estimates. But you can bet your bottom dollar that if this legislation is passed, it will not be \$95 000 for long. If the bill ever passes, that \$95 000 will become \$105 000 and then \$125 000. Instead of \$2 billion over 20 years, it will probably be something like \$5 billion, because once this tax is in it will, no doubt, be changed under the regulations. It will just go up.

One of the earlier speakers — I think it might have been Mr Hall — talked about stamp duty. This growth areas infrastructure contribution is exactly the same. As an ex-councillor at the Corangamite Shire Council, I know it will go into consolidated revenue. Just because it has come from a particular area does not mean it will be spent on a new school or a new road or a new railway station in that area. It will go into consolidated revenue and then go where the government decides it wants to spend the money.

Stamp duty is a good example. I remember when my kids bought an out-paddock. It was about a 200-acre out-paddock located on an unmade road. In the winter you could barely get down that road, and yet when they bought this property the stamp duty was, let us say, \$50 000 or \$60 000 — I cannot remember; it was a long time ago. I would have thought that at least 50 per cent of that stamp duty should stay in the local area in which it was collected. The shire would then have some funds to fix the road so a truck could get down it to get a load of cattle, but all that stamp duty goes straight to Melbourne and into consolidated revenue. It never went into the council's coffers. The same thing will happen with this tax. We will collect it, it will go into consolidated revenue — call it what you like — but it will not be spent where it is needed.

We have heard this state government talk about the South Morang railway station since 1999, but it is still not there. The election is coming up, and the government will put the money where it believes it has the most chance of winning a seat for itself.

The coalition does not oppose a development tax, but it believes it should be levied and paid when a developer starts working in the area. Just because we have extended the urban growth boundary will not mean that a property which is now part of the urban growth boundary will be developed in 10, 15, 20, 30, 40 or 50 years; it might never be developed. That will depend on circumstances into the future. We do not have a problem with a development tax, but we believe it should be levied and paid as the development starts occurring. That would be fair to everybody, and everybody would know what is happening. This government does not listen; it is not a good listener.

I just went outside because I could hear great rock'n'roll music, and I wanted to have a look. There are about 10 000 people objecting and protesting out the front of Parliament today, once again because of a government tax — on this occasion a liquor licensing tax — about which the government did not listen. Because of drunken violence in certain parts of Melbourne the government brought in a doubling or tripling of liquor licence fees across everything.

In country Victoria — the area I represent — the small pubs and clubs are devastated and a lot of them are closing because they cannot afford these new liquor licence fees. Changes were brought in, once again, without thought to the ramifications. It is a tax grab and now the government is reaping the benefits. After 6:30 p.m. when we stop for dinner, I encourage members to go out there and have a rock'n'roll. It is fantastic out there. As I said, there are 10 000 people

and great music. Hopefully they will get the message across to this government that it is a high-taxing government that does not think of the consequences. But I am pleased to say that on this occasion, by the sound of it, this bill will be defeated shortly.

**Ms LOVELL** (Northern Victoria) — I rise to speak on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. Like Mr Vogels, I will just be making a very short contribution tonight. I want to express to the house the concerns that have been raised to me by holders of land in areas on the fringe of Melbourne. This tax was to be originally imposed on the land-holder at the point of sale. It was later moved to a purchaser paying this tax. Even then it still is going to impose a significant impost on the purchaser. For the land-holders in that area the increase in the value of that land will mean that their rates will increase for a significant period of time. Much of this land will not be developed for the next 20 or 30 years. Many of these families have held this land for generations. They have farmed the land and want to continue to farm the land, but they will be taxed off the land through increased rates because of the increased value of their property.

A group of developers and industry representatives wrote to the Premier on 11 November of last year. They were the Australian Property Institute, the Housing Industry Association, the Master Builders Association, the Property Council of Australia and the Urban Development Institute of Australia. Their letter to the Premier states that the growth areas infrastructure contribution (GAIC) would result in:

a decline in the levels of development in the growth areas of Melbourne;

a dramatic reduction in the amount of land available for new housing development;

rising prices with dire effects on housing affordability for Victorians; and therefore

severe consequences for Victoria's current competitiveness and housing advantage over other states.

This is a real concern to me as the shadow Minister for Housing, because I am certainly very aware of the rising cost of housing in this state. Recently the Real Estate Institute of Victoria reported that the median house price for houses sold in Melbourne in December was \$540 500. Houses in Victoria are becoming increasingly unaffordable, particularly for first home buyers. The REIV has also said that if house prices continue to increase at the levels that they have over the past 10 years, then even a house in Broadmeadows will be worth \$1.2 million by 2020. If house prices increase,

buying a house will be even less affordable for the average Victorian.

A new international study called the *Demographia International Housing Affordability Survey* has stated that Melbourne is becoming increasingly unaffordable. It said that more than 50 per cent of households in Victoria suffer housing stress. This means that more than 50 per cent of households are paying more than 30 per cent of their gross household income on maintaining their mortgages or on paying rent. If you are paying more than 30 per cent of your gross household income, it is considered that you are in mortgage stress or in rental stress. More and more Victorians are in this category.

The letter that went to the Premier from the industry associations also stated that this tax would:

... severely impact the development of employment land, job creation and employment opportunities in growth areas. In addition stamp duty and other property revenue will be affected. Industry's experience of similar taxes in other states confirms that land supply will be significantly affected by the GAIC, thus causing skyrocketing land prices.

One of the causes of the problem of increasing house prices and the unaffordability of houses in Victoria has been the restrictive land release policies of this government. The *Demographia* survey confirmed that restrictive and overregulatory land release policies were contributing to the increasing unaffordability of housing in Victoria. The letter also goes on to say:

The peak bodies believe it is wrong for the government to link the expansion of the urban growth boundary to the passing of GAIC legislation. The need for additional land arises from a growing population; a population that needs to be housed.

We know that Australia is short 80 000 properties to house people. We know there is an increasing public housing waiting list in Victoria, with almost 40 000 families on the list because they are unable to get housing in any other way. Melbourne's rental availability for the September quarter was only 1.3 per cent. The private rental market is becoming increasingly tight, and fewer Victorians are able to get into their own homes.

This government has failed on housing over the past 10½ years. It has an incompetent housing minister who cannot even get his facts straight when he puts out a media release or publishes a public housing waiting list. The government promised us a strategy; it was to be called an integrated housing affordability strategy and it was promised in September of 2006. We are now almost 1250 days from the day of that promise, and we still have not seen that strategy. The government has no

idea how to reduce the burden on Victorian households of increased costs due to its poor planning, policies and management of housing in this state. This legislation will cost jobs, it will cost investment and it will impact on recurrent revenues for developers. I would also add that it is completely wrong for the government to link the expansion of the urban growth boundary to the introduction of the GAIC.

This bill should have been split in two. There should have been a lot more consultation by the government not only with the community but also with the opposition. Matthew Guy, our shadow planning minister, has done a tremendous job with the bill. He has been out there consulting with the communities. The Minister for Planning has not consulted with the communities or the developers, and he has not responded to requests from Matthew Guy to consult with the opposition on ways the difficulties with this bill might have been resolved.

It is a poor reflection on this government that it has failed to listen to the community and the developers. It has failed to listen to the opposition, which was willing to work with it to improve this legislation, particularly by separating it so as to enable the passage of the provisions relating to the expansion of the urban growth boundary in a piece of legislation separate from the provisions dealing with the imposition of this new tax — I think it is tax no. 26 from this government in its period in office. Once again, it is just another tax; it is just another revenue-raising exercise by the government. It will not do anything to increase housing affordability. It will cost jobs. It will cost investment, and it will see land-holders taxed off their land.

**Mr KAVANAGH** (Western Victoria) — I would like to note first of all that the debate on the growth areas infrastructure contribution (GAIC) is not beginning tonight in this chamber. Indeed the debate has been going on for quite some time. One of the most memorable times I recall in this house was a response by the Minister for Planning to a question about the GAIC quite some months ago. There are about 10 000 performers outside Parliament House at the moment, but if they had been here some months ago, they would have seen a performance like no other from the Minister for Planning!

The main problem with this bill is that the timing of the GAIC is extremely inappropriate. That is the main problem so far as most of the opposition is concerned, and it is also my concern with the bill. In spite of claims from the government that the non-government parties have been unremittingly negative about the GAIC bill, from my perspective it seems that the non-government

parties have been prepared to negotiate but the government has shown no interest in that.

Over and again both the coalition and I have indicated that we would be prepared to support this bill if the GAIC were to be made payable not at the time of sale, which the bill currently proposes, but at the time of an application for development. To that end I have proposed some amendments which I seek to have circulated.

**Democratic Labor Party amendments circulated by Mr KAVANAGH (Western Victoria) pursuant to standing orders.**

**Mr KAVANAGH** — Although there are 165 of them, the amendments have only two effects. The first is to make the GAIC payable at the time of an application for development, and the second is to set the interest rate on staged payments of the GAIC at the total of the bill rate plus 3 per cent.

I understand that my vote on this occasion is unlikely to be critical, but I would like to express my intention. I will vote for the bill only if the payment of the GAIC is made at the point of application for development — that is, if the amendments pass. However, the problem of timing is not the only problem with this bill. To set a figure of \$95 000 per hectare regardless of the value of the land seems to me to be a mistake. It is unfair because the value of affected land is likely to vary greatly. Rather like our land tax situation at the moment, the proposed GAIC has no relationship to the potential profit of the land involved — that is, even land which may be worth only \$95 000 a hectare is still taxed at that rate. Indeed we could have a 100 per cent tax, in theory at least, which I think is entirely wrong. In my view we should have a constitutional requirement that tax cannot be as high as 50 per cent of profit or income; otherwise people are actually working the majority of their lives for the government.

This figure of \$95 000 a hectare is particularly inappropriate in the case of Western Victoria Region, which of course is my electorate. For example, land at Melton is likely to be worth, on average, much less than land in some other parts of Victoria, so the imposition will be much greater in Melton, and indeed Rockbank, than it is likely to be in the far outer eastern suburbs of Melbourne.

In addition, I am concerned by what Mr Hall regards as a retrospective tax. In general we should avoid retrospective legislation wherever possible. It is occasionally necessary but in general it is a fascist type of measure that should be avoided wherever possible.

**Mrs Petrovich** — Did you say fascist?

**Mr KAVANAGH** — Yes, I said ‘fascist’.

I think Mr Hall explained the objections to retrospective tax very well indeed, so I do not need to speak more about that.

As other speakers have said, the land that would be taxed under this bill represents a nest egg for many people. Indeed some of them have held on to land for decades — generations — in the hope that they would make a gain in the future that might provide for their retirement. It seems even cruel on occasion to just come along and take that from people who have worked so hard for so long for that advantage.

Of course taxes like this will affect home affordability, which is a growing problem in Melbourne and indeed throughout Victoria. Not so long ago one of the great things about Australia was that an ordinary family man might provide for his family and put a roof over their heads — decent accommodation — with the proceeds of an ordinary job. Unfortunately that no longer is the case. Last month it was revealed that because of changes made by the federal cabinet to visa requirements 40 per cent of the best houses in the best suburbs of Melbourne are now being bought by non-residents, in many cases people who have never even been to Melbourne.

Real estate agents, who do not have a very strong interest in opposing this — quite the opposite — tell us that a lot of these people, who are often officials of the Chinese Communist Party, cannot be bothered renting out the properties for what to them is a rather paltry amount of money and they leave the houses locked up, empty, for years on end in the hope of getting a big capital gain at the end. It is absolutely outrageous in my opinion that people who have never even been to Australia are speculating on our homes at the expense of Australian families. I believe that should be changed.

I did consider perhaps giving the government political advice on this bill, but I am sure it knows politics much better than I do so, I suppose, it would be rather impertinent of me to offer it that advice. No doubt the government knows its interests very well indeed. But it does seem to me it is probably creating a problem for itself in the long term, because if this bill continues and this issue is still live at the time of the next state election, there are very many people in the far outer areas of Melbourne who will be extremely upset and concerned, and I do not think that will do Mr Brumby’s government very much good at the polling booths.

In conclusion I just say that if by any chance my amendments were to be accepted, I would vote for the bill. The amendments have the effect of making the GAIC payable at the time of development rather than sale. Otherwise I do not see how I could support the growth areas infrastructure contribution.

**Hon. J. M. MADDEN** (Minister for Planning) — I will not speak for too long. I just want to make a few comments on what has been said or not said about many of these matters that have been included in the debate.

The government has been clear on its position about the opening up, or the readjustment, of the urban growth boundary and, in doing so, providing infrastructure in those new communities and having funds to provide that infrastructure. We have been very clear that any adjustment to the urban growth boundary can only responsibly be undertaken if we know how and who will fund the infrastructure in those areas. We have continually sought a clear position from opposition parties. I thank Mr Kavanagh, although I do not necessarily agree with his position or the amendments he might suggest, for proposing amendments. I recognise that he has a view that is worthy of consideration and worthy of further debate and discussion through the committee process, if the opportunity arises.

I cannot say that the opposition has been clear on its position. There have been no amendments produced by the opposition. The Liberal-Nationals coalition in opposition has not been prepared to suggest amendments. Mr Kavanagh has been prepared to do the work, to undertake consultation, to consider and put in the effort to try to establish what he thought was a viable position that landowners might be able to live with. He has gone to that trouble and that effort. I thank Mr Kavanagh for that, although I might not necessarily agree with him. It is the responsibility of all members of this Parliament to provide alternatives rather than just say no. We have a responsibility to offer alternative views and to do the work that goes with that.

I cannot say that the opposition has done that. All we have got from the opposition is, 'The timing needs to be changed' or 'Why don't you just put a lot charge on at the end?' That is about as much as we have got from the opposition. It is not an acceptable approach for the opposition to try to sell itself as an alternative government if it does not have a particular plan or a view on how infrastructure will be funded and how it will be delivered. I ask the opposition: what is its view on the funding of infrastructure? Is it to have a deficit? I put the question to the opposition: if it were to be

elected at the next election and form the alternative government, how would it fund the infrastructure? How would it deliver the infrastructure, and how would it charge for that infrastructure? The opposition has not made it clear during the debate on this bill, through any suggested or proposed amendments, how that would occur. I recognise that Mr Kavanagh has, and it is a shame he may not get the opportunity to have his amendments tested in this Parliament.

Since we proposed the GAIC the government has made a number of specific changes to our proposals. That has been in recognition of discussions with the community and, in particular, industry. However, as I mentioned, it is not possible to have a one-sided negotiation with the opposition. I know the opposition will say, 'We've got a view'. But what is that view?

**Mr Guy** — Hurry up; you're about to be defeated. Hurry up! Put yourself out of your own agony.

**Hon. J. M. MADDEN** — I put the question to Mr Guy: what is his plan and how does he expect to deliver the infrastructure in the future? It is an important issue for all of Victoria. We have laid our plans on the table, we have declared how we would fund it and we have also proposed this as part of the funding for the \$38 billion critical infrastructure at stake. Today in question time we heard the opposition asking questions about the infrastructure, about when the new rail stations are going to appear. I ask the opposition how it will fund these projects if it is going to defeat this bill here today.

The opposition also puts at risk — and I look towards the Greens political party here in this chamber — the 1500 hectare grassland reserve, because that also hangs in the balance. We would give that reserve protection through this bill, through the funding, through the delivery of changes to the urban growth boundary and through the amendments that we propose and would want to see introduced if this bill were accepted today. However, the opposition and the Greens put that 1500 hectares of grasslands reserve in jeopardy.

We have made it clear time and again that it would not be responsible to move the urban growth boundary without there being a way of funding that community infrastructure, infrastructure that those communities need. The issue for the opposition is whether it will fund it or not, how it will be funded and who it will charge for that funding.

I put to the opposition that the only way it could see this funded without going into deficit as a government, should it want to be one, would be to have local

government increase its rate charges. The opposition would expect local government to deliver this infrastructure. I put to the opposition that it would like to see this infrastructure either not delivered or be delivered through increased rate charges at a local government level. That is basically what the opposition is saying through its alternative proposition.

**Mr Drum** — No, not at all.

**Hon. J. M. MADDEN** — Mr Drum says ‘not at all’ time and again. What is the opposition’s proposition, Mr Drum?

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — We have at no time heard the opposition’s proposition. We know that at the end of the day the opposition does not have a proposition for people to consider on its merits. We have seen the opposition defer this bill across the summer, saying, ‘Oh no, we need more time to work through this across the summer’. How much work did the opposition do over the summer on this bill? Where are its amendments? They are not here. Let me just remind the opposition that it had a whole summer to work on amendments, and we have not seen them. We know Mr Kavanagh had his amendments done before summer — he did not have to work on them over summer — but the opposition found the same excuse not to work on them over the summer. Let us ask what impact the opposition’s intransigence will have on housing affordability. It will only put more pressure on Victorian working families, and it will restrict the market’s ability to meet housing demand.

I go back to the question of how the opposition will raise the funds for these projects. It would have to consider rate increases. It would expect communities in these growth areas to fund that new infrastructure, and that would no doubt see the opposition calling for increases in local rates. I am determined, even in the face of the opposition’s intransigence, to ensure that Victoria maintains its competitive advantage as the most affordable city in Australia while creating new communities, not just subdivisions. We know what the opposition stands for. It stands for delivering suburbs, not communities, and new estates without infrastructure, and it stands for burdening families with increased rate charges at a local level.

Alternatively it is saying, ‘Build more houses within the urban growth boundary because we do not want to provide the infrastructure’. It is saying it does not want to provide the infrastructure, full stop. That is it. There is no alternative other than the opposition refusing to

provide the infrastructure. We know that members on the other side have complained about infrastructure provision in the outer suburbs, but today as the opposition casts its vote we now know where it stands. It does not want infrastructure in these new suburbs. That is the bottom line we can read into this. We also know that The Nationals should have thought long and hard about this.

**Mr Drum** — Why?

**Hon. J. M. MADDEN** — I look at Mr Drum and I think a lot of things about him sometimes. On this occasion it is fairly clear that Mr Drum is neglecting regional Victoria when it comes to this. If developers who are going to make money from these sites are not going to pay for the infrastructure, how will it be paid for? Alternatively it will be paid for by the working families or it will be paid for right across the state by communities in regional Victoria subsidising growth in those new suburbs without infrastructure.

I do not think The Nationals have thought enough about how this is going to be funded. I do not think The Nationals have really worked through who they are expecting to pay for this infrastructure. It is obvious to me that The Nationals, alongside the Liberal Party and the Greens, should feel a great sense of guilt. In this place at this time our position is a very sound one. We know how the infrastructure should be funded and delivered. There are no alternative plans other than to increase and pass on the costs to homeowners, ratepayers or those in regional Victoria.

I say to the opposition that when it comes up with a better way to fund the infrastructure, it should come and talk to us about it, but at this point in time to say, ‘Why don’t you just put a lot charge at the end?’ is not a policy position that can be acceptable to Victorians.

Given the orchestrated noise of the opposition, I suspect this bill may well be defeated. That is a great tragedy. On a number of occasions in this place I have referred to my experiences as a young person growing up in a suburb with very little infrastructure. I am sometimes nostalgic about it, but I know the harsh reality of growing up without that infrastructure. Without a funding mechanism it may not and sometimes never arrives. This is the funding mechanism to deliver that. I feel a great sense of sadness today because if this bill is defeated, then those new arrivals who come to this country and settle in the outer suburbs, those young families who settle in the outer suburbs, those working families who toil to pay off their mortgages — all those individuals — will not have the funding for the infrastructure that they sorely deserve. I say to the



opposition parties on all those fronts, ‘Shame on you today’.

**House divided on motion:**

*Ayes, 18*

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

*Noes, 19*

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

*Pair*

Darveniza, Ms	O’Donohue, Mr
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**Motion negatived.**

**TRANSPORT INTEGRATION BILL**

*Second reading*

**Debate resumed from 4 February; motion of Hon. M. P. PAKULA (Minister for Public Transport).**

**Mr KOCH** (Western Victoria) — It is with pleasure that I rise to speak on the Transport Integration Bill 2009. In doing so I openly say that there are 140 pages in the explanatory memorandum of the bill, and any bill needing that type of introduction is going to be in trouble before we start the debate.

The purpose of the bill is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The bill amends the Transport Act 1983, the Marine Act 1988, the Rail Corporations Act 1996, the EastLink Project Act 2004 and certain other unnamed acts. It also repeals the Southern and Eastern Integrated Transport Authority Act 2003. It also sets out that it is for other purposes which are not specified. This is all meant to be consistent with this government’s vision statement for transport. It is with

some concern that we read the vision statement that is incorporated into the bill itself.

The spirit of the bill has merit in that it aligns all Victoria’s transport modes. The proposed new system picks up on the activities of land-based traffic movements by public transport, commercial transport, private sector motor vehicles and even cyclists, while at the same time introducing the management of water transport systems, both commercial and recreational. In doing so it transfers the role of the director of marine safety, to the director, transport safety, and further outlines the powers of this role.

It is a pity the government has used the bill to make so many motherhood statements relating to the proposed legislation. It has tried to dumb down the existing dumbed down bills. From page two of the nine pages of the sloppy second-reading speech we learnt that the much-talked about, unfunded, get-out-of-jail-free Victorian transport plan is going to be delivered for \$38 million, and not the \$38 billion we have been told over recent months.

The government has taken its foot off the pedal and gone to sleep at the wheel. Not even the recent 12 per cent swing against the government in the Altona by-election two weeks ago, achieved by the Liberal Party candidate, Mark Rose, has stirred the Brumby government out of its deep snooze. What a great effort by Mark over only three weeks of campaigning. It saw him gain much credibility, recognition and the confident support of so many who are sick of being the Premier’s forgotten people. Further, the government’s having to go to preferences in Altona is a clear indication of the mood of voters in the western metropolitan suburbs. They are sick of being duded by the Premier’s spin doctors, to put it simply.

We also note that the bill changes the name of V/Line Passenger Corporation to V/Line Corporation to allow for the freight component, instead of it becoming known as V/Line Freight and Passenger Corporation. Many of these changes are consequential and should be noted as such. The bill establishes the role of the Transport Infrastructure Development Agent, who will be primarily responsible for facilitating the delivery of projects not already declared as major transport projects.

The opposition is concerned that bills of this nature continue to be pushed forward by the government, which now appears to be tired and unable to deliver on its earlier legislative proposals. It has run out of plausible, effective and efficient initiatives. We see this bill as simply a waste of taxpayers dollars. The only

reason we are not opposing it is because it makes an attempt to promote the government's much-vaunted transport plan by enshrining it in legislation. We acknowledge that as we become aware of other provisions and possible government initiatives in relation to the transport plan, further amendments are likely to be pursued at a later date.

The Victorian public transport travelling community is at its wits' end in its hope that the Brumby government has the capacity to fix our transport problems. The myki ticketing system has an absolute debacle since day one. This technology has been implemented successfully around the world, and international companies were available to improve our own existing Metcard system — a new system that works on trains, trams and buses. But alas the then Treasurer and now Premier, John Brumby, decided it was necessary to design our own technology at double the cost of that available internationally. If that were not bad enough, we have seen things get even worse. Some \$1.3 billion has been poured into a project that will not work and is unacceptable to the users, even if they can get hold of it.

Fortunately for the commuters of Victoria, the Metcard ticketing system has been renegotiated through to 2012. This system currently has a 98.9 per cent success rate, and its suppliers are likely to gain a government bonus due to its compliance and trouble-free ongoing use right across the metropolitan area. In the last few days the troubled Transport Ticketing Authority's second chief executive officer has been sacked as further confusion plagues this flawed project, which requires further expensive changes to its software.

Greater taxpayer-funded travel is also being considered, as it is now being suggested that zone 2 be scrapped to try to expedite an outcome for myki. At the same time as all these costs keep growing on the myki ticketing system, senior country travellers are denied free travel on Sundays — a privilege metropolitan users currently enjoy.

The Siemens trains fiasco continues, as braking problems remaining unresolved. It is now proposed to use an adhesive product known as sandite in an effort to stop these trains on time when braking is required. I have been advised that the drivers returning to the controls of these trains have indicated that if more braking problems are experienced, Metro Trains Melbourne will indemnify the drivers and individual Siemens trains that are giving those problems will be mothballed indefinitely after being taken out of service.

Lastly, the ongoing battle to get the rollout of the so-called Brumby Express has had problems months after

it was promised. At the unit cost of \$18 million per train, the first of the X'trapolis rolling stock, which was meant to be commissioned monthly from December last year, finally hit the tracks last Friday with little fanfare or joy. As the *Herald Sun* reported:

It could not have been a bumpier and more bungled ride for the first of Melbourne's multimillion-dollar train fleet.

As one customer said, it was rolled out at 4.57 p.m., well after the scheduled starting time of 4.16 p.m. 'Unfortunately nothing has changed'.

None of this is new to country Victorians. As I said in the last sitting week, we have seen V/Line official statistics indicate that trains ran late for 40 consecutive months on the Geelong line, 35 out of 40 months on the Ballarat line, 30 out of 40 months on the Seymour line, 28 out of 40 on the Bendigo line, 23 out of 40 on the Traralgon line and the list goes on, including the Warrnambool, Swan Hill and the Shepparton lines.

Is this bill going to resolve any of the scheduling problems, the ongoing maintenance problems, the myki ticketing debacle or the introduction of new rolling stock? Unfortunately I have to report to the house that it will not. Those who want to use and depend on public transport in Victoria remain at the mercy of this government, which continues to be big on spin but very short on the delivery of promised services.

**Mr BARBER** (Northern Metropolitan) — It is tempting to use the debate on this bill as an opportunity to go into another exposition on everything that is wrong with transport in Victoria, but there has been no shortage of those in the last three years. It is tempting, and it appears Mr Koch can resist everything except for temptation. However, on this occasion I am going to address the bill a bit differently. Since this bill is a serious attempt to build integration into transport planning, I am going to address the bill simply in terms of what it is aiming to do and give my view on whether it is achieving those aims.

The key themes behind the bill are a desire to create an overarching policy objective across the various transport portfolios. It is a bill that is directed towards those various transport bureaucracies and how they will carry out their work. It merges all the existing transport-related entities within a single act and draws in marine transport and, to a very limited extent, aviation. It also aims to integrate transport planning with land use planning.

Non-transport entities such as local councils and other planning authorities, VicUrban, the Growth Areas Authority, water entities that own land and Parks

Victoria are called 'interface' bodies in the bill. They are compelled to consider the decision-making principles set out in part 2 of the bill when their decisions are likely to impact on the transport system, which must be a good thing.

Of particular interest is that the legislation enables VicRoads to declare as priority certain modes of transport on specified parts of the road network. It also states at clause 95 that land may be acquired for the purpose of regenerating native vegetation and creating an offset as a result of damage caused by other road projects. It establishes a transport infrastructure development agent to develop and deliver transport projects such as the Victorian transport plan. No doubt the government will be using its new superpowers under the Major Transport Projects Facilitation Act, which the Greens opposed so strongly, but it seems that this body is to act as a sort of asset-holding exercise. The existing SEITA (Southern and Eastern Integrated Transport Authority) will transform and become the Linking Melbourne Authority, and in all this we are transferring a large swathe of the Transport Act into a new act.

Specifically in terms of the seven key parts of the bill, part 2 has the high-level policy objectives and the vision statement, which obviously includes social and economic inclusion, economic prosperity, environmental sustainability, increased integration of transport with land use planning, safety, health and wellbeing. I should say that in the committee stage of the bill, which we would like to go to briefly, I will be asking a number of questions of the minister, in his exciting new role, about how he anticipates some of these objectives will be achieved, and that is because the bill is in most part an objectives-based bill. It sets out objectives for a number of agencies that have to go ahead and do their work, and there are a few places where the bill specifically requires a person or entity to do a specific thing. With those high-level policy objectives there are obviously decision-making principles, including the precautionary principle and all that good gear we have been talking about for years but still continue to debate the meaning of.

Part 3 establishes a charter that supports the minister in administering the bill, which apparently includes the common goal for each agency to increase the share of transport trips that are taken by what I would call sustainable methods. I would be very keen to see a plan fall out of the Department of Transport where it is demonstrated to a high level of certainty that that is what is going to happen, because it is a bit of a movable feast at the moment, and it has never been possible, from my point of view, to draw a direct link between

each of the government's policies and increased mode share.

In relation to freight, the government recently openly abandoned its commitment to a particular target for freight on rail. It has given that away as a bad joke and is now planning for something quite different. Also in that part we have the general powers of the minister and secretary and provision for the establishment of the transport infrastructure development agent.

Part 4 of the bill requires the bureaucracy to revise the transport plan so that it is consistent with the vision statement and forces each entity to develop an annual corporate plan spanning a three-year forecast. Again, they will be very interesting reading. I am not sure that the three-year decision-making time line is necessarily going to be sufficient, but 3 years would be better than what we have had for most of the last 10.

Part 5 of the bill brings VicRoads and the director of transport under the auspices of the bill. Part 6 creates the capacity for transport corporations to be formed. I do not know what they have to do with public transport, particularly the ownership structure of public transport. The Treasurer got up here this afternoon and said the opposition had flogged off the trains. This government has done it twice, or at least had the chance to take them back, chose not to, flogged them off again and then last December flogged them off again. Part 6 also brings VicTrack and V/Line under the auspices of the legislation. The Linking Melbourne Authority succeeds SEITA, but as far as I was able to find this bill does not include any explicit provisions for transferring finance or assets.

Part 7 of the bill creates the positions of director and chief investigator of transport safety. Their duties will include responsibility for marine safety, taking over that responsibility from the director of marine safety. I do not know if that means we are soon going to be getting some ferries, but I would love to see some of those.

When we looked at the sort of approach that is put forward in the bill we saw some pros and cons. The pros are that in the past certainly the Transport Act 1983 was driven by economic considerations. Now at least for the purpose of the exercise these transport entities must weigh the economic benefits against social and environmental considerations. That joins in with the Department of Sustainability and Environment and the Office of Housing with their triple-bottom-line accounting approaches, and that is something the Greens have supported for a long time.

All projects under the transport plan have to be reassessed according to the vision statement and triple-bottom-line assessment. Sustainability as a transport objective is littered throughout the bill. All transport entities must now seek to increase their share of sustainable modes — that is, public transport, cycling, walking — and that is to be supported. I have to say it is a feature that there was extensive consultation across the state, and according to our view of the 2008 stakeholder feedback summary that feedback appears to have been broadly implemented in this bill, as I say, within the terms of what the bill is trying to achieve. At least, taking the optimistic view, you would say local government has an opportunity to have more of an impact on transport decisions.

#### **Sitting suspended 6.29 p.m. until 8.03 p.m.**

**Mr BARBER** — On the cons side of this bill, clauses 26 and 27 diminish an opportunity to legally appeal a damaging transport decision. That is because those two clauses say that the weight given to the transport system objectives of the bill — those objectives that sound so high-minded — is up to the entity itself in relation to clauses 24 and 25 where the actual decisions are made. There are echoes there of the Major Transport Projects Facilitation Bill under which people are simply required to have regard to various other objectives.

Obviously the other aim of the bill — to integrate transport with land use — depends on how well informed the planning authorities are about their new responsibilities and how the relationship between all of these entities works in practice. The bill itself does not guarantee the sort of coordination between timetables, different transport modes and different transport company operators that we have for so long complained of not having, and on my reading the bill does not necessarily lay out responsibility for each aspect of the transport system. However, as a set of aspirational directions for transport planning it is nevertheless a worthy effort and we obviously support this bill.

There are a number of clauses in the bill that attempt to heighten transparency — for example, clause 120 stipulates that VicTrack must have accurate and accessible data on its land and assets. Clause 110 stipulates that VicRoads has to give a corporate plan to the minister by 31 May each year. Possibly for the first time in history it will have to come out and tell everybody what it is up to. There is also clause 21, which is the overarching transparency clause. I will therefore be pleased when we pass the second reading of the bill to have a brief committee stage where I can

ask the minister for a little bit more clarification about how the government intends to implement this bill. I wish to do so because the bill creates objectives and many of those objectives are open to interpretation. I have some brief questions for the minister so that we can get on the record exactly what the government intends doing about a range of issues as they apply to half a dozen clauses in the bill. The Greens will be supporting this bill.

**Ms HUPPERT** (Southern Metropolitan) — I am pleased to rise to make a few comments in support of the Transport Integration Bill. This is an important piece of legislation, and I am very pleased that both the opposition and the Greens appear to support its aims.

The purpose of the bill is to create a new framework for the provision of an integrated and sustainable transport system for Victoria. It recognises that our transport system is a complex one, comprising a number of different modes: road, rail and various other types of transport. Currently the system is covered by a range of legislation providing a range of decision-making bodies and processes.

This bill establishes an appropriate governance framework for decision making in relation to the transport system, and it does this in a number of ways. One is by providing a clear statement of transport system objectives. Those objectives, which are very worthwhile, include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing. These are important statements. It is important that we have this overarching statement of what the transport system objectives should be. The statement is consistent with the Victorian Competition and Efficiency Commission's 2006 report, which said that one of the problems in our transport system was a lack of overarching objectives. The bill resolves that problem.

The bill provides a clear statement of decision-making principles. It states that the decision must be integrated across all levels of government, include triple-bottom-line assessment and have regard to equity, including most importantly intergenerational equity, acknowledging that transport planning is not just for today but for the future as well. All transport bodies must have regard to those objectives and the decision-making framework. In doing so we have to take into account the transport system user perspective, which is also important for transport planning. Importantly the bill considers risk and stakeholder engagement,

community participation and transparency, which was mentioned by Mr Barber in his contribution.

The bill recognises that the transport system does not operate in isolation. It is one of a series of measures aimed at ensuring a nexus between land use planning and the provision of infrastructure. As the house will be aware, there is also a review of the provisions of the Planning and Environment Act. This is consistent with some of the provisions in legislation such as the Road Management Act.

The bill establishes the concept of interface bodies. Section 3 of the bill lists a number of interface bodies and provides that further bodies can be declared to be interface bodies by legislation or by an order in council. The list of interface bodies includes entities such as local councils, land-holding entities such as VicUrban and Parks Victoria and in some cases water authorities. As members will understand, when a body either owns land or has to make decisions in respect of land in and around both existing and planned transport infrastructure it is important to ensure that there is coordination between the decision-making bodies. When an interface body makes a decision which will significantly impact on the transport system, the bill requires that body to have regard to both the transport system objectives and the decision-making principles set out in the bill.

The first important aim of the bill is to set up a new policy framework for integration and sustainability. The bill also seeks to align transport bodies with the new policy framework in a number of different ways. I will not set out in any great detail what the bill provides, but I will outline a few key points.

The bill clarifies the key central role of the department in setting strategic policy for the portfolio; cuts red tape by streamlining delegations needed for the department to deliver projects; establishes a transport infrastructure development agent to enable the department to effectively and efficiently develop transport projects, including those in the Victorian transport plan; streamlines the process for the transfer of assets between agencies upon completion of projects; drives consistent corporate governance arrangements and integrated corporate planning; and streamlines a number of different agencies involved in the areas of safety regulation.

This is a fairly wide-ranging bill which seeks to restructure the manner in which transport planning occurs in our state. Transport is important infrastructure; it provides many services to people around the state. It is important that transport is planned

in a way that meets the needs of the growing Victorian population. This bill will do a great deal to ensure that the needs of the population are met in the planning process. I commend the bill to the house.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to continue on from Mr Koch on behalf of the opposition, which will not be opposing this bill. As detailed by Ms Huppert, the bill creates an overarching policy framework for transport in Victoria and it establishes a number of policies and objectives in the delivery of transport in Victoria. The bill replaces the Transport Act 1983 and picks up from previous policy statements made by the government. It covers a range of transport bodies in Victoria, such as V/Line, VicTrack, the Linking Melbourne Authority and others.

The issue for the people of Victoria and for the Parliament is that whilst many of these objectives may be worthy and when considered the intent of many of the objectives would be supported, the problem with the bill is that there is no supporting material or requirement to deliver on those objectives. The bill has references to the transport plan and previous policy statements and documents. The legislation and the framework that it creates are one thing; delivering the resources and providing on-the-ground capacity is what is needed to make a difference to people's lives.

Victoria has a transport system close to crisis point, with the failed and bungled myki ticketing system; the failure to deliver new trains for the network as promised repeatedly by the Premier; ever-declining average travel speeds in metropolitan Melbourne, particularly during peak hour; and a ridiculous lack of integration between rail and bus. The last point aggravates commuters and public transport users the most due to the time wasted while waiting for a bus after being on a train or vice versa. It is dead time. Proper timetabling and proper coordination and integration of rail and bus services would make a difference to people's lives. These are the objectives espoused in the bill, but there is nothing which will force delivery of better on-the-ground timetabling, to cite but one example.

In talking about a transport bill I cannot help but make reference to some contributions Mr Viney has made in previous debates about a Meet the Candidates forum in Maffra before the last election. On several previous occasions he has cited this meeting and comments I made as a way to criticise me and the opposition. I made the point at the Meet the Candidates meeting in 2006 that in 1999 the government whilst in opposition promised to deliver fast rail to Gippsland as well as to other regional centres. At the time of the Meet the

Candidates function in late 2006, trains were not operating east of Pakenham. As Mr Viney has pointed out to the house, that was because rail works were being undertaken, but that is a good example of the time it takes for this government to deliver on projects. Seven years after being elected, at the end of its second term, the government was still delivering on that promise, and it was some time later before that project was completed.

In a question to the minister during question time today I put to him that if it takes five or six years for so-called short-term projects to be delivered, how long will it take for medium-term and long-term projects to be delivered and completed. Unfortunately the minister failed to address and respond meaningfully to my question.

It is similar to the example I just cited of Mr Viney's comments. The government seems to have an inability to deliver even relatively small-scale projects in a timely fashion. What the people of Victoria want is the development of infrastructure that keeps up with the growth in the population of Melbourne and the rest of Victoria. Sadly, for all the words in this bill — and many of them are no doubt well intentioned — the reality is that unless we have more competent delivery of infrastructure and services from the government on the ground, the words and rhetoric will not be matched with reality.

Finally, I will make some comments about the transport plan. As I have said previously, the Treasurer likes to respond to requests in adjournment debates for project delivery with commentary about budget bids, but the transport plan is an unfunded plan. It is a plan which in large part is a budget bid to the commonwealth. The commonwealth is spending money at such a rapid rate that goodness knows how much more money will be available for Victorian government projects into the future.

It is time the Treasurer provided to the house and to the people of Victoria the details of how he intends the transport plan and the funding associated with it will be delivered. Making a budget bid to the commonwealth or delaying announcing how projects will be delivered into the future is not good enough. For the plan to be credible and to have currency it is not unreasonable to expect to know where the money will be coming from. To date the government has failed to do that. I reiterate that the opposition will not oppose the bill.

**Mr TEE** (Eastern Metropolitan) — I rise to support the bill. It is another important step in the transformation of our public transport system. In

Victoria the public transport system evolved as a number of independent services — for example, some bus companies were providing overlapping services and there would be no services in other areas. Bus services evolved in a way that did not necessarily align with trams, trains or other bus services. This bill is an important part of a transformation which will see the delivery of integrated bus, tram and train services.

The bill goes further. It delivers under the one piece of legislation an integration of roads, rail, port and marine infrastructure. All the land-based and water-based transport services will be brought together under this one statute. For the first time we will have all the relevant legislation and all the relevant agencies and departments operating under one piece of legislation, which importantly has a number of overriding objectives.

The bill will ensure that the work of the agencies and the legislation that creates those agencies will be focused towards the same objectives — for example, agencies set up under legislation such as the Transport Act, the Rail Corporations Act and the Southern and Eastern Integrated Transport Authority Act are all now moving in the same direction. This will mean that agencies that are scattered across a number of portfolios and legislative instruments will operate under the same set of priorities and charters. This is an important innovation. It will mean that we will have the delivery of services more focused on government objectives and needs.

The bill also comes at an important time. There has been some discussion in the debate about the Victorian transport plan, which is a \$38 billion plan and is the greatest single investment in transport infrastructure in the state's history. This bill will ensure that that investment is focused and coordinated moving forward and also that it aligns with other projects and priorities, including housing and jobs, so that transport is not seen in isolation but as part of a package that brings together the various needs of the community.

Another important aspect of the bill, which is again a new aspect, is in relation to environmental sustainability. There are two parts to that focus. There is an emphasis on ensuring that public transport is efficient and sustainable in terms of vehicles and how that service is delivered; and secondly, if we can reduce the amount of time spent on our roads and in traffic, there will be a saving in terms of the environment and also the time people spend with their families and friends.

Some of the departments and agencies affected by this integrated approach are the interface bodies — land managers such as VicUrban, the Growth Areas Authority and Parks Victoria. They are the agencies that need to work with public transport authorities to ensure an alignment between employment and housing and our transport needs.

This bill is an important development. In summary, it has a two-fold objective: firstly, to ensure a better focus and prioritisation of resources; and secondly, to ensure a long-term strategy around implementation and planning so that Victoria's growing population has the infrastructure it needs. I welcome this bill and urge the house to support it.

**Mr GUY** (Northern Metropolitan) — I rise to make some brief comments on the Transport Integration Bill 2009, which is a large 214-page bill that is designed to put the government's latest transport strategy into the form of legislation, no doubt so government members can run around the state doing what they do best — running TV ads or a bit of spin to say, 'Look at what we are doing today'.

You have to forgive members on this side of the house for being a little bit cynical about the government when it comes to strategies and transport, given that we have seen a number of them beforehand. I remember going to a forum back in 2005 — or maybe early 2006 — in Ivanhoe about the newly released Meeting Our Transport Challenges strategy; I think it was called MOTC at the time. It was going to be Labor's big key strategy for the next few years — 10 years, 20 years or whatever it was — for Victoria's public transport system. It talked about things like triplication of the railway to Dandenong. It talked about — wait for it — building the Epping–South Morang railway extension. You would not believe it.

**Mr Koch** — No! Which one?

**Mr GUY** — Which one? Which time? Who knows, Mr Koch.

That strategy talked about a whole range of initiatives, but it was only around for maybe another year and a half or two years. Then there was a change of premiership to John Brumby and of course a change of transport strategy. There was one between that — the Eddington report.

The Eddington report talked about the tunnel at the end of the Eastern Freeway going to CityLink — something that has dropped off. Despite its importance in Eddington's report, commissioned by the government, it has dropped off the radar, no doubt because the

Minister for Education, Bronwyn Pike, had some words to other members of her cabinet — she is the member for Melbourne in the Assembly, or the member for Melbourne probably until November 2010. The government ran away and said, 'Goodness me, this will do huge political damage. We'd better get rid of it'. So much for thinking for the long term about transport in the state; the Labor Party appears to be thinking about November 2010 and the future of one member. That huge transport initiative was dropped off.

As I said, you can forgive us on this side of the house for being a little cynical when we hear the government talking about transport plans. This is a \$38 billion transport plan which has got \$4 billion allocated to it. We sit over here and think to ourselves, 'I wonder where the other \$34 billion is coming from?'. But that has never been a concern of government members. All they have been concerned about is rolling out an arbitrary figure and hoping it spins them through another state election, which no doubt they are going to try and make it do.

It is interesting to note that — wait for it — there is a new Premier of New South Wales and in the last couple of days she has launched another transport plan. It is a \$50 billion transport plan for New South Wales. Goodness knows they need it after a near decade and a half of complete indolence from the Labor Party in government in that state, which we are mirroring down here. It is a \$50 billion transport plan for Sydney, Wollongong and the Central Coast to upgrade the railway and build new transport links. You could almost take the wording from the Victorian transport plan or the Labor Party's south-east Queensland plan launched by the Beattie government and then the Bligh government. It is a common theme for east coast Labor governments to come up with these plans that have bold visions, that go nowhere, that are very rarely implemented and that exist simply to spin the Labor Party through another election.

If members want to know why I am so cynical, I will tell them. As members would be aware — I have talked about it ad nauseam in this chamber, and Mr Barber from the Greens has too, to his credit — the proposed South Morang railway extension is in my electorate. The South Morang railway extension was promised by the Labor Party at the 1999 state election. It was a very big issue in the Assembly seat of Yan Yean. In 1999 Labor promised to build the South Morang rail extension for \$8 million — that is, from Epping to South Morang, a 3-kilometre railway extension. It was not built in the Labor government's first term in office, despite the government promising that it would be, so come the 2002 election it was promised again. Come

the 2006 election, the Labor Party promised it for the third time but with a price tag of \$320 million.

**Mr Koch** — Bit of a rise!

**Mr GUY** — Mr Koch, it is the kind of rise in project costs that could only be experienced under a Labor government. In seven years it went from \$8 million to \$320 million, but it was promised yet again, so the good people in South Morang in my electorate were out there waiting yet again for their railway. It is one of the fastest growing corridors in Australia, particularly in terms of percentage growth. The Whittlesea corridor is growing at a rate similar to that of the northern suburbs of Brisbane. We have got an enormous area, and a major shopping centre, Westfield Plenty Valley, has been built where the station would end. It is a critically important piece of infrastructure. The Whittlesea shire council, to its credit, is saying this is the most important piece of infrastructure for Melbourne's northern suburbs, even ahead of the upgrade of Plenty Road.

The government promised the rail extension yet again in 2006. It featured in the Meeting Our Transport Challenges strategy, it was a Linking Victoria promise and then there was a new Premier — here comes Action Man John Brumby. Watch out, it is Mr Action Man! He came in and said, wait for it, 'We are promising to build the Epping-South Morang railway'. 'I will build it', said Action Man John Brumby, 'I will build your railway. It is going to cost \$560 million'.

We said, 'He is a new Premier. Give the man a bit of stick, see what he can do'. He got the job, he said the price tag had gone from \$8 million to \$320 million to \$560 million in seven and a half years, but he said he was going to build it, okay. The community, myself and others have sat back, and what has Action Man John Brumby done in the nearly three years that he has been Premier? Apart from the fact that the Labor Party has been in office for 11 years, he has been Premier for 3 years, and what has Action Man John Brumby done in 3 years? The line could have been built in three years.

He promised it in his first budget, he promised it in his latest transport plan and he promised it in last year's budget, and Ms Mikakos and other Labor members in the northern suburbs were gloating about it. So it was promised again, for the third time. But do you know what? Not a single dog spike been laid, no bulldozers are on site, nothing has happened, nothing. Nothing has happened with this railway line. It is a 3-kilometre railway extension! I will put it in context.

The Western Australian government, a Labor government I might add, built a rail extension from Perth to Mandurah — 70 kilometres with 12 new stations and concrete sleepers the whole way — for \$1.3 billion. The trains operate at 140 kilometres an hour. If you want competition for rail versus road, you need 140-kilometre-an-hour suburban trains. These are the fastest suburban trains in Australia. The Western Australian government did this for \$1.3 billion over about a five or six-year period, and it is done: it is built, it is open, it is operating, it is running. In the same time the Victorian Labor government has been promising to extend the Epping line by 3 kilometres — for a half a billion dollars — and still nothing has happened!

It is almost comical, except that the good people of South Morang, of Mill Park Lakes, of Epping and of Epping North are sitting around waiting for this 3-kilometre railway extension while in Western Australia they can build 70 kilometres of rail — electrified, double-tracked, with concrete sleepers and 12 new stations — and have it done in the time it takes the Victorian Labor Party to promise and still not lay the first dog spike. No wonder this Action Man John Brumby, the Premier, had a 13 per cent swing against his party in Altona: people can see through the rhetoric, they can see through the spin. Victorians are starting to realise the lies that are fed to them are just that: lies. They are lies; it is spin, it is not real.

Where is the South Morang railway extension? Where are the 3 kilometres of track that are meant to be duplicated and go from Epping to South Morang? The government has said, 'I'm sorry, but the cost has blown out to \$560 million because we have to duplicate from Keon Park to Epping as a result as well'. So 5 kilometres of rail duplication from Keon Park to Epping plus the duplicated track from Epping to South Morang will cost greater than a half a billion dollars, yet in Western Australia for three times that amount you can have a 70-kilometre railway line with 12 new stations. I understand the railway station at the South Morang extension will be paid for in part by Westfield, which owns Plenty Valley Town Centre. What an incompetent government is this current Labor government. What an incompetent Premier is Action Man John Brumby. He is Action Man all right; he is all action on the spin.

We on this side thought former Premier Steve Bracks was good spin. Remember Hollywood Bracks, with his shiny white teeth and the helicopter flying over empty dams and him saying that everything was fine with water?

**Mr Koch** interjected.



**Mr GUY** — I can tell you now, this guy in government at the moment, John Brumby, makes Steve Bracks look like a minor talent when it comes to spin. John Brumby is the biggest King of Spin of the lot. But he will not fool the people of South Morang, of Yan Yean and of Epping North, because there is no railway. It was promised by John Brumby three years ago. In three years plenty of preparatory work has been done. The government owns the land where the railway could and should be and Westfield, which runs the shopping centre at the end of the line, has said it will make a contribution — and the Premier still cannot build 3 kilometres of track. This guy is hopeless! The government is hopeless! That is what people out there are saying: you guys are hopeless. How can the Labor Party not build 3 kilometres of railway extension in 11 years in office?

I find it astounding when compared to other governments — Labor governments — around Australia in the same period of time. I have mentioned Western Australia. I should mention the extensions that are taking place on the Gold Coast line up in Queensland, which have been put in place by a Labor government. I should talk about the new railway line running across the city from Chatswood to Epping in Sydney — all put in place by governments of the political colour of members on the other side. These guys in the Victorian Labor government try to market themselves as the best-performing action Labor government in Australia, yet they are absolutely, catastrophically found wanting when it comes to public transport in Melbourne.

Is it any wonder that Victorians are sick and tired of the lies, the deception and the rhetoric that is coming from this government opposite when it comes to transport? It is very opportune that this Parliament is debating the Transport Integration Bill 2009 because, yet again, we have an opportunity to come to this chamber and talk about how Action Man John Brumby is about action on one thing only when it comes to transport, and that is spin. This guy has achieved nothing in the three years he has been Premier. Between now and the next state election he will achieve nothing except the issuing of more press releases praising himself and engaging his mates to advertise for him. That shows that he is doing nothing but relying on spin for this state, which is not going to serve us well for the next 20 or 30 years and beyond.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to place a few comments on the record, especially in relation to my electorate. Obviously transport is a crucial responsibility and task the government has, and it impacts on the daily lives of

businesses, families and individuals. I would like to concur with Matthew Guy about the purpose of this bill. The fact that this bill has a delayed commencement provision which means it needs to be proclaimed no later than 1 July 2011 clearly exposes its agenda — that is, it will be used for spin and public relations rather than to make a significant difference to transport and provide for the transport needs of Victorians.

The fact that the Labor Party has two ministers for transport — one for public transport and one for roads and ports — has made coordination and integration of services very difficult and challenging. It was particularly challenging when we had the Minister for Roads and Ports from one faction and the Minister for Public Transport from another faction — two warring sides. I am not sure exactly how they would have managed to talk to one another let alone work on a coordinated plan to integrate transport for Victorians, bearing in mind that connectivity is an important element of an effective transport system.

The bill contains 214 pages, which is a lot of paper. I do not know how the triple-bottom-line assessment went with this one, especially when it came to environmental sustainability or one of those elements. Of those 214 pages, 132 are devoted to the explanatory memorandum; the rest are basically provisions of the legislation attempting to bring together into a single framework things that clearly the government has been unable to do structurally because of its allocation of ministerial responsibilities and the internal complexities of the Labor Party.

The shadow Minister for Planning, Matthew Guy, has mentioned that a number of transport statements have been made during the life of this government — five in 10 years. I guess that is crystal clear proof that the first four failed. If you were laying out a vision for the future, it would be the single statement being unrolled and implemented. The Labor government has always been good with words and with plans. It has spent a lot of money on consultants and public relations firms to provide it with spin, but when it comes to implementation and execution it has fallen very badly short. Unfortunately the price is being paid by our communities.

First of all I refer to the policy framework and the objectives. The objectives of the transport system are said to be social and economic inclusion. What the heck does that mean? It all sounds very nice on paper, but when you drill down to the detail you often — excuse the expression — do over one significant segment in order to achieve these lofty and often rose-coloured ideals. A perfect local example is what the government

is doing to Dingley Village at the moment with a misguided plan to reduce the capacity of a designated arterial road, Centre Dandenong Road, through Dingley Village, which is the only shopping centre to have a SmartBus route.

The plan is to reduce the capacity of the arterial road by 50 per cent by installing a dedicated bus lane which is going to take three buses an hour. Even if it took more than three buses an hour, what the government fails to realise is that Dingley Village is a system of courts and that people rely on Centre Dandenong Road to gain ingress and egress to and from their homes. At the moment the traffic is congested. I know because I live there. However, it is lunacy to reduce the capacity by 50 per cent in order to install a dedicated bus lane that carries three buses an hour — and I have received heaps of correspondence from people about the number of passengers they might actually carry.

Government members need to get their butts out of their ivory towers, talk to people and stop stuffing up their lives. They should fix the problem, not make their lives a misery. It is not just about sounding good or just about policy. It is about making a difference to people's lives. There is a meeting on 5 March at the Kingswood Primary School. Government members should get their butts down there. They talk about consultation, and then they take out an ad in a newspaper that is not distributed in the area and wonder why only 40 people turn up to a bus review. When members like the member for Mordialloc in the Assembly, at the expense of a budget, letterboxes a DL letter that arrives a day after the consultation, they wonder why they get it wrong. They should talk to people.

At the moment we are disadvantaged because we do not have public transport. We are heavily reliant on cars. Now the government wants to make the next five years an even greater misery. I say to government members that they should get their heads out of the sand and their bodies out of their ivory towers, get down on the ground and fix the problem. That is an example of the incompetence of those who are in charge of the transport portfolio.

The bill's objectives also talk about economic prosperity, environmental sustainability and integration of transport and land use. That all sounds very nice, but what does it mean when you drill down to the detail? The government is determined to provide for the bikers around town, especially on beautiful scenic roads like Beach Road. Who would not like to ride a bike along Beach Road and enjoy the scenery? However, the plan is to make that happen by banning parking, which clearly the minister is pressing for as he goes from

council to council, using his influence on many of the Labor-dominated councils to ram this through. Residents will be banned from parking along Beach Road. They will have to park on the inner streets, causing parking mayhem for residents who live in those streets. It will force people who use the beach to cross dangerous roads. The number of bikers will grow exponentially.

I am not sure whether this will be the case, but the government might improve the safety of bikers. However, I say to the government that if a pedestrian dies, it will have blood on its hands. Government members should get their heads out of you know what and make sure that what they are doing is providing for people's needs and not imposing some misty-eyed, misguided political and social agenda. They are there to provide a service, not to reshape society into some image or notion conceived in the ivory towers of government departments. What absolute lunacy!

Safety, health and wellbeing, efficiency, coordination and reliability are also objectives of this bill. How are they all measured? It sounds good, but what are the performance indicators? Those in government have spent hundreds of hours developing a plan, but there is no way that anyone can assess them by it.

Other objectives include decision-making principles and principles of equity. I used to be a teacher. I remember when Joan Kirner, guided by misty-eyed socialism, wanted to provide some sort of parity of worth for every subject that people studied. That lasted about 5 minutes. That was probably a significant contribution to the Kirner government being voted out of office. This is not socialism. Not all forms of transport have equity. They may have part equity, and it should be an integrated part that ought to be provided, but it does not necessarily mean equity on the same road at the same time.

Let us just talk about what the government has or has not done for the 10 years that it has been in office. It has wasted in excess of \$4.8 billion through budget blow-outs on projects including the EastLink tollway, totalling \$2175 million; myki smart card, \$856 million; regional fast rail, \$839 million; M1 tollway, or West Gate, \$367 million; the regional rail link, \$300 million; Craigieburn rail, \$124 million; the Springvale Road level crossing project, \$50 million; Southern Cross station, \$32 million; Geelong road, or Princes Freeway, \$30 million; Calder Highway, Kyneton to Faraday, \$13 million; Somerton Road, \$8 million; Bass Highway, \$4 million; and Grovedale railway station, \$2 million.

That money would have paid for a lot of road projects. We would have had our Dingley bypass. Centre Dandenong Road could have been downgraded to a local road rather than an arterial road. We could have managed to get a few grade separations to improve the flow of traffic, say, through the bayside suburbs. Members of the government ought to see the state of Nepean Highway. It is falling apart; it is crumbling. The government has done nothing. It is building population, increasing the density of housing to medium to high density, but it is not providing the infrastructure and it is not providing the improvements to transport.

The local community at Dingley Village is organising a No Bus Lanes campaign, including its own web page, all of which has sprouted in about a few days. Somebody sent me an email, anonymously of course — a coward — about how I want to make Kingston the road capital of Australia. Kingston happens to be home to vast tracts of industry, which creates local jobs, manufactures and produces material for Victorians and earns revenue. If those industries do not have satisfactory roads and do not have an ability to move around in operating their businesses, whether it is their produce or whatever, they will not stay there long.

In fact many of them are relocating along the length of EastLink because the government has botched things in the city of Kingston and has failed to deliver on the promise it made in 1999 to complete the Dingley bypass. It went quiet on that in 2002, then it promised it again in 2006. Every time a little segment of it gets done, out comes the ribbon, with the members for Mordialloc and Carrum in the Assembly, Ms Munt and Ms Lindell, scissors in hand announcing how yet again they have completed the building of the Dingley bypass. No, they have not.

We have had the Dandenong South bypass done, thanks to EastLink. The government has done a little bit of the South Road extension. It has made a mess of Old Dandenong Road by using it as a de facto Dingley bypass. Tip trucks are going in and out, there is rubble, there are accidents, there are kids getting knocked over, and the government is insisting that somehow this is a de facto arterial. The government has now funded the segment from Perry Street to Dandenong South, and that is good, but it has got to finish it. According to the Royal Automobile Club of Victoria, it is the fourth-highest road priority for the region. It is crucial but the government has done nothing to complete it.

The government promised that it would complete the Mornington Peninsula Freeway extension by 2009, and guess what? It is not even in the transport plan. The

Labor Party says anything to get itself elected. In the meantime it is making the lives of Victorian families and industry an absolute misery. It needs to stop the bulldust and get on with the job.

**Mr Finn** — It is a miserable government.

**Mrs PEULICH** — Absolutely. In relation to the duplication of Hallam Road, we had five more deaths and 15 accidents in the first six months of 2009 despite the City of Casey's Hampton Park roads committee, which wants that road duplicated, having made a very significant contribution in pleading with the Brumby government to duplicate it. I suspect that many members of that committee would be card-carrying members of the Labor Party, but nonetheless they are very caring and good people. Of course that road has more traffic than Thompsons Road.

The other day there was a mail-out by Tim Holding, the Minister for Water and Assembly member for Lyndhurst, who no-one can ever get to. His slogan for the next campaign has been devised. It is 'Holding Tim to account'. I tell you what, it is hard, because no-one ever sees him. He wrote a letter about the tragic deaths in Mill Park, but he did not write a letter about the tragic deaths in Hampton Park in his electorate. The government should get on with the job of making a difference. It should fix the problems and stop the spin.

In relation to the Cranbourne bypass, the Cranbourne shopping centre is choking with heavy vehicles and excessive through traffic. The other day we had a transport forum in Cranbourne. There was quite a good representation from Cranbourne, and the Cranbourne Chamber of Commerce is accelerating a campaign in support of the Cranbourne bypass. I know the City of Casey has had that pegged as its no. 1 main road diversion priority, and I think the state government has been called on to build the 1.2-kilometre bypass on land that has already been set aside.

In terms of the Clayton Road level crossing congestion, that crossing is very close to the Monash Medical Centre. Ambulances constantly have huge delays there and are literally having to get around the gates when they are down to get critically ill patients to hospital. There was a very detailed study undertaken by a student of transport which looked at some cheaper options for resolving those issues; I think it is worth having another look at.

There are never-ending works at Thompsons Road which are built and then undone. The problem is that the government does not plan these things very well and does not roll them out in a logical, systematic way.

A perfect example of that was the failure to build the Frankston bypass concurrently with EastLink. The government buggered up Frankston. Twenty-five per cent of the shops in Frankston are vacant because the roads are choked up with traffic. The bypass should have been built concurrently with EastLink and Frankston should have been looked after. The Minister for Housing, Richard Wynne, said recently that Frankston people P him off and I am concerned that perhaps this might be the view of ministers handling other portfolios.

In relation to trains, Casey, Greater Dandenong, Kingston and Frankston commuters will never set foot on the 38 new X'trapolis trains Labor promised would ease the squeeze on the suburban network, because the model can only run on six of the network's 15 electrified lines as it is limited to a speed of 90 kilometres per hour and is therefore unable to run on the most overcrowded lines. On Wednesday, 29 July 2009 the Premier incorrectly claimed in Parliament that Labor's delayed new trains would benefit all commuters on all lines. That was just more spin.

The Brumby government has had \$300 billion and 10 years to provide south-eastern Melbourne's commuters with some improvements in public transport services to match the population growth it is pumping in with its housing policies. It has failed. The decade of neglect, the failure to invest and the lack of trains means that commuters are often stuck on platforms and are often late to work and late home. There was even an example of a fellow having to sleep in a park overnight because he was not sure he would be able to get a connecting train and did not want to lose his job.

There has been a failure to build the promised railway lines at Cranbourne East, Lynbrook and Southland. The government dangled the carrot of Southland. The members for Bentleigh and Mordialloc in the Assembly, Mr Rob Hudson and Ms Janice Munt, said at election time, 'We can build Southland'. Then the transport department did a feasibility study, which it buried on its website, never to be seen again. Suddenly at election time the government says, 'Let's get Southland out again, let's dust that off'. It is really, totally full of it.

**Mr Finn** — They're chockers.

**Mrs PEULICH** — Absolutely.

We had a debate today on attempts to ram through a growth areas infrastructure contribution tax of \$95 000 per hectare of land outside of the urban growth boundary that would somehow generate additional

funds for the infrastructure. I would not trust the government with another penny because it has wasted so much money already. It has wasted a lot of money and has delivered very little.

I have spoken about the buses. Yes, buses are important, but the government should not make people's lives a misery. It should have a look at that Centre Dandenong Road mess and fix it.

The debate about integration is crucial. There are some improvements in the provision of park-and-ride facilities but they are highly inadequate. Clearly there has been a failure to set some objectives, to look at some performance indicators and to have them available for the public to judge. This has meant the government has been able to get away with a lot, having achieved only very little.

I cannot see that this legislation is going to make one iota of difference, apart from the fact that it cost a lot of money to produce and probably involved a lot of hours by bureaucrats and various consultants in putting it together. With those few words, I just hope our transport system does improve ultimately, but I suspect we will have to wait for a Liberal government.

**Mr FINN** (Western Metropolitan) — One has to say that when we consider the state of transport in Victoria in the year 2010, we yearn for the good old days when Alan Brown was the Minister for Public Transport because he was somebody who actually knew his portfolio. He was somebody who cared about his portfolio, knew about transport and knew what the people of Victoria needed in the area of public transport, or indeed private transport.

The same cannot be said under any circumstances about the present government. When we talk about public transport in this state I cannot help but think of the monumental mess-up that was created at Craigieburn. There might not be too many members of the house who are aware of what happened at Craigieburn, so I think it is important that I inform the house of occurrences there.

Prior to the 1999 election — in fact prior to the 1996 election, I think — there was a Labor Party promise to electrify the Broadmeadows line all the way to Craigieburn. The Labor Party regurgitated that promise in 1999, 2002 and 2006, and it got good value for money. It can get value for money because it recycles its promises quite a bit. That is the only way in which you can get value for money from this particular government.

The government finally got around to electrifying the railway line to Craigieburn at a cost of many millions of dollars — all taxpayers money of course. But when it finished the project it realised it had not quite got it right, so it had to start again. It dug up around the railway station and put all sorts of new equipment and new gadgetry in and around there at a cost of many millions of dollars — taxpayers dollars of course. As far as this government is concerned that does not matter. But then the government realised it had stuffed it up again, and so in it went again with the taxpayers dollars. Here we had a situation where something as simple as the electrification of a rail line and the redevelopment of a railway station was blown out of the budgetary park by a government that just cannot seem to get anything right. I cannot understand why. Some things are so simple, so straightforward, but the government still stuffs it up. This government has turned it into an art form.

I use the Craigieburn railway station and the electrification of the line as an example of what this government is capable of doing. Of course we could go into details about many other things. We should talk about myki; we could talk about the \$1.35 billion —

**Mrs Peulich** — Down the gurgler.

**Mr FINN** — It is \$1.35 billion, and counting, down the gurgler, as Mrs Peulich says.

**Mrs Peulich** — Not quite as bad as the pink batts.

**Mr FINN** — Not quite as bad as the pink batts, but let us not get into that, please. It is \$1.35 billion, thank you very much, down the drain, and counting. I have to ask at this point: when is the government actually going to come to the point and say, 'Righto, let's cut our losses'. Is it going to push ahead with this fanciful new myki ticketing system?

**Mrs Peulich** — Inner metro only.

**Mr FINN** — Inner metro only, you have heard?

**Mrs Peulich** — Apparently.

**Mr FINN** — Apparently. Fair enough. Members heard it here first!

When is the government actually going to cut its losses; or are we going to go past the \$2 billion mark or even the \$3 billion mark? Are people's egos going to be bigger than the budgetary blow-out, if that is at all possible? It is extraordinary that any government can claim to have any sense of responsibility and carry on in the way that it does. Just using the myki money, the

money that has been lost to this point, the \$1.35 billion —

**Mrs Peulich** — What could it have paid for?

**Mr FINN** — A very good question, Mrs Peulich, and one that I was just going to pose myself.

**Mrs Peulich** — I thought so.

**Mr FINN** — Yes, you did; you are a mind reader. You should have a towel on your head and a crystal ball, because I was going to ask what that money could be used for. It could be used for a hell of a lot out in my electorate in the western suburbs. There are huge portions of the western suburbs which have extremely poor, even appalling public transport. There are huge sections of the western suburbs where from about midday on a Saturday until about 6 o'clock on a Monday morning there is no public transport at all. We have housing estates in many parts of the western suburbs that are like prisons. Come lunchtime on Saturday the gates are shut and they are opened again at about 6 o'clock on Monday morning when people can once again travel to and from their homes via public transport.

Of course the social problems that situation is creating are quite extraordinary, because there are a lot of young people and a lot of kids on these estates. They want to go out. They want to go to the movies, they want to go to the footy and they want to go to local festivals or whatever may be on. But because of the appalling public transport and the alleged services in these estates, they just cannot get there and they have to find ways of amusing themselves. This is not necessarily what we hope these young people would do because it creates a crime problem, street gangs and so forth, and on it goes.

We have a problem which needs to be addressed but is not in any way, shape or form being addressed by this government. Places like Point Cook, Truganina and Caroline Springs are in desperate need of better public transport, but you would never, ever see this government providing it. All you get from the government in a place like Caroline Springs, for example, is abuse from Minister Madden. That is all he has done.

**Mrs Peulich** — The Minister for the Respect Agenda.

**Mr FINN** — The Minister for the Respect Agenda indeed! What a joke, making him Minister for the Respect Agenda. That is like making me minister for soccer. It is absolutely ludicrous.

Of course it is frustrating to hear and to see members of this government talk about their love of the western suburbs when we know that the only word that is used in reference to the western suburbs as far as they are concerned is neglect. That is the big word, 'neglect'. They are very happy to build new subdivisions. They are very happy to put suburbs in place. You just have to look at the Altona electorate which voted during the by-election a couple of weeks ago. Half the people who voted at the recent by-election were not even there when the 2006 election took place. They did not yet live there. Housing estates at places like Point Cook were not there. Shopping centres and schools were just not there two years ago.

I have to say that the public transport is not there either to a very large degree, yet the government will take the stamp duty attached to land sales. The Treasurer is sitting on the other side of the chamber. He will rub his hands together with glee. He will very cheerfully grab the homeowners and hold them up by their feet and shake them until every coin drops from their pockets. He will take their money and he will put it away and keep it. But do you reckon he will spend it on the people he has taken it from? Not on your nelly. That is not going to happen. You will not find any minister from this government doing that sort of thing. That is just not on as far as they are concerned.

I could talk about the Laverton railway station. Earlier today we heard the Minister for Public Transport talking about the new development at the Laverton station, but the government even stuffed that up.

The Laverton station used to have the most magnificent ramp and people who were running late for a train could belt down there at a great rate of knots, and 9 times out of 10 — and I have witnessed this myself — they could almost leap onto the train as the doors were flung open. This ramp has been replaced; it is no more.

**Mr Koch** interjected.

**Mr FINN** — Steps — that is exactly right, Mr Koch. Apart from the effect it has on people with disabilities, watching people run for the train now has an added element of danger, to say the least. Watching people run for the train is almost a blood sport at Laverton, because they can no longer get their speed up as they are heading down the ramp for the train. The ramp is not there anymore so people have to negotiate the stairs, which are very steep. I have seen a number of people fall as they have tried to do what they have always done, but that is something the government will have to negotiate. I am relatively confident that in times

to come there will probably be legal suits brought against the government on behalf of those injured on the stairs at Laverton station. I suggest to the government that it might like to do a Craigieburn — to go in there with taxpayers money and fix that problem before the lawyers get their greedy mitts on it.

Public transport is obviously a major issue in the western suburbs, but it is not just public transport that is an issue. As I have pointed out in this house time and again, traffic congestion is a major issue not just on major roads but on a lot of roads in and around the western suburbs. The closer you get to the city, the worse the congestion is, but it has to be said that around Hoppers Crossing, for example, the congestion at peak hour is horrific — and that is way out of town. Of course the biggest problem we have in the western suburbs is a thing called the West Gate Freeway. What we need in the western suburbs is — —

**Mrs Peulich** — Fairy lights.

**Mr FINN** — We do not need fairy lights. Mr Pallas, the Minister for Roads and Ports, has given us fairy lights and a couple of flags, and I presume pretty soon he is going to go down the rows of cars — —

**An honourable member** — Icy poles.

**Mr FINN** — No, he will go to the rows and rows of cars queued up in peak hour every morning with popcorn — perhaps it will be caramel popcorn — just to keep people happy.

What the western suburbs need more than anything else regarding transport is a second Yarra crossing. At the moment reinforcement work is being carried out on the West Gate Bridge. I am informed, and I believe reliably so, that the building of a second Yarra crossing would in fact be cheaper than the reinforcement work that is currently being carried out on the West Gate Bridge. Where is the sense in that? If you could get a second Yarra crossing for less than the cost of the reinforcement work on the bridge, why would you not do that? I cannot understand or explain it; I can only put it down to the mystery that is the Minister for Roads and Ports in this state. He had a pretty good start, but he is slipping in a fairly big way.

We have a major problem with the West Gate Freeway and the West Gate Bridge. Anyone who is a regular user of the West Gate would know that it is frequently blocked, as I said in this house earlier today, and traffic is frequently banked back well towards Geelong. This is not just an issue for the western suburbs of Melbourne but for Geelong, for people in western Victoria and particularly for Ballarat, because a lot of

people from Ballarat travel to Melbourne via the Deer Park bypass — thanks to the great legacy the Howard federal government left the people of the western suburbs — and onto the West Gate and become stuck there.

It is a major problem for the great majority of the west of Victoria, not just the western suburbs. However, as always, the government just does not seem to care. It does not want to do anything about it; it does not want to know anything about it. The Brumby government just does not care. It could not care less.

I turn to the Tullamarine interchange. A couple of years ago it was heralded as the greatest thing Melbourne has seen since the last Richmond Football Club premiership. It was a marvellous thing that would solve all the problems of people travelling into the city from the north-west. I travel from the north-west pretty much on a daily basis, and I can say it has not worked. There is still congestion, and it is pretty bad. It is appalling at times. It is almost as if that interchange work — and it cost a lot of money — did not happen at all. You have to wonder what the government's plan is with regard to transport.

**Mrs Peulich** interjected.

**Mr FINN** — I am sure there will be a lot more, Mrs Peulich, before the government is finished. You have to wonder what its priorities are and what its logic is. There does not seem to be a great deal at all.

The problem is that when it comes to transport, as I said earlier, the name of the game for the Brumby Labor government is 'neglect'. It is a big word that looms over the western suburbs of Melbourne like a beacon — neglect. Labor just does not want to know what is going on in the western suburbs. It is neglectful of these suburbs in the extreme. I know that when the people of the western suburbs go to vote on 27 November, just as they did two weeks ago in Altona, they will remember that when it comes to the western suburbs Labor just does not care.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr BARBER** (Northern Metropolitan) — Clause 1 sets out the policy framework that drives this whole

bill. It outlines social and economic inclusion and environmental sustainability as central to the vision. Other portions of the bill then go on to flesh that out. I am interested in the relationship between those general principles being created in this bill and the somewhat more specific criteria set out by Infrastructure Australia (IA). I am seeking the minister's view as to whether he sees the criteria of Infrastructure Australia as fully nesting with the criteria that the government is setting in this legislation, because clearly we would not want to go through the sort of planning and integration exercises we are going through with this bill and find out that Infrastructure Australia had a different set of criteria and that perhaps the work had to be done again for its purposes. Is it the minister's view that this bill fits quite neatly with the objectives of Infrastructure Australia?

**Hon. M. P. PAKULA** (Minister for Public Transport) — It is difficult for me to answer that question to the extent that Mr Barber is effectively seeking that I give the chamber an opinion about the nature of the considerations that Infrastructure Australia will apply to its deliberations. Whilst I have views about that, and whilst I have some basis for an appreciation of the types of considerations that Infrastructure Australia will apply when determining what projects to give priority to, I do not think I can properly account for all of the considerations that Infrastructure Australia and, through it, the commonwealth government will apply to projects that they choose to support or not support.

As I am sure the member would appreciate, there would be factors in Infrastructure Australia's considerations that go beyond either the confines of the state of Victoria or, more generally, necessarily the sorts of considerations that the Victorian government and transport agencies would apply in their considerations. It is a bit difficult for me to speculate on all of the considerations that Infrastructure Australia might apply.

**Mr BARBER** (Northern Metropolitan) — I did not know it was a matter of speculation about what IA is trying to achieve. It has been through a similar process in many ways. It has published its criteria, it has sought submissions on its criteria and state governments have been directly involved in that entire process. Of course I am not seeking an assurance that anything that passes the Victorian provisions will automatically be snapped up by IA; I am simply looking for a broad indication that perhaps the government had considered the existing IA framework when it drew up this set of directions and criteria.

**Hon. M. P. PAKULA** (Minister for Public Transport) — Mr Barber — —

**The DEPUTY PRESIDENT** — Order! Let me decide who speaks first.

**Hon. M. P. PAKULA** — Sorry, Deputy President.

**The DEPUTY PRESIDENT** — Order! Mr Barber, to continue.

**Mr BARBER** (Northern Metropolitan) — I am happy for the minister to respond now that I have fleshed out the line of inquiry I was making.

**Hon. M. P. PAKULA** (Minister for Public Transport) — I was going to say yes. I did not understand that to be the nature of the question, but yes, of course we have.

**Mr BARBER** (Northern Metropolitan) — I am glad to hear it. To ask a similar question the other way, the Victorian government has identified a number of priority projects that it has put to IA, and they are all in the Victorian transport plan (VTP). The VTP is being integrated in this bill as well. We have got the Melbourne metro package, the West Gate alternative and truck action package, the national ports and rail connections package, the regional development package — all those roads out in the south-west bringing the woodchips to port and all that sort of thing — and there is the Melbourne orbital package, which is about so-called ‘missing links’ around freeways. Since those projects have already been promoted — and in many, if not all, cases are seeking or have obtained IA funding — does the minister believe those projects would fit neatly within the criteria that are being set up with this bill, or will any of those projects have to be re-examined in light of what we are passing here today?

**Hon. M. P. PAKULA** (Minister for Public Transport) — Clearly I believe they do. The transport plan was designed as an integrated plan, and the bill is designed to give legislative grunt to an integrated plan. If we did not anticipate or believe that those projects in an overall sense provided the sort of integration that this bill contemplates, they would not have formed part of the plan. I think the short answer to Mr Barber’s question is yes.

**Clause agreed to; clauses 2 to 11 agreed to.**

#### Clause 12

**Mr BARBER** (Northern Metropolitan) — This is the integration clause. Given that we have many private

bus companies and we also have two train and one tram operator companies, can the minister tell me how in practice they are brought into the vision in this coordination clause? How are they meant to fit in? What is their place in the bill more broadly, if there are other clauses where they are perhaps in operation?

**Hon. M. P. PAKULA** (Minister for Public Transport) — The nature of the clause is that the director of public transport, who contracts with the bus companies and as a consequence of that has significant input into their operations, is required to take clause 12 into consideration as part of his or her — ‘his’ in the current case — administration of that relationship with the bus companies.

**Clause agreed to; clauses 13 to 20 agreed to.**

#### Clause 21

**Mr BARBER** (Northern Metropolitan) — Clause 21 is the principle of transparency clause and states:

The principle of transparency means members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding of transport issues and the process by which decisions in relation to the transport system are made.

My question for the minister is: in relation to the latter part, ‘the process by which decisions in relation to the transport system are made’, is it going to encompass hard data such as cost-benefit analyses and risk assessments on why particular transport projects are chosen and others are rejected?

**Hon. M. P. PAKULA** (Minister for Public Transport) — There is a requirement to apply the triple-bottom-line framework. I do not want to verbal Mr Barber, but if what he is driving at is whether or not we will alter our pre-existing commitment to maintaining commercial-in-confidence application to various matters, then the answer is no. As I and other members of this chamber have said in this place on many occasions, commercial in confidence is a genuine consideration and the probity of live tenders is a genuine consideration and will continue to be.

**Mr BARBER** (Northern Metropolitan) — Under clause 77, for example, there is a requirement to make risk assessments in relation to rail safety projects. Subclause 77(2) states:

The Director of Public Transport, before undertaking or funding a relevant rail safety project the subject of a rail safety recommendation, must —



- (a) conduct or cause to be conducted a cost-benefit analysis of the relevant rail safety project ...

It is obvious that that is part of the process by which decisions in relation to the transport system are made, so I am asking whether the principle described in clause 21 would suggest that such cost-benefit analyses on rail safety would be made available to the public.

**Hon. M. P. PAKULA** (Minister for Public Transport) — The standards which we have sought to apply to these matters in the past would be the standards that would apply. Mr Barber’s reference to clause 77 may not be particularly germane, but cost-benefit analyses that are done may be made public subject to other requirements that I have made reference to not just today but otherwise. To the extent that there were commercial-in-confidence or probity considerations that would prevent that from occurring, then they would prevent that from occurring, and when there were no considerations that would prevent it from occurring, then it would not be prevented from occurring.

**Mr BARBER** (Northern Metropolitan) — We are establishing a principle of transparency here. The clause says that members of the public should have access to reliable and relevant information and that it should facilitate not only access to information about transport issues but also an understanding of ‘the process by which decisions in relation to the transport system are made’. The minister is now telling me that there are other considerations; commercial in confidence is one, and there may be others. You have to wonder what this principle is really worth. People other than me have been more harsh when it comes to this bill. I have been prepared to work on the basis that the government is setting itself a new tone, a new culture and a new direction here. If I were to express the question the other way round, the minister has not yet been able to explain to me why this clause would change anything from the current status quo. Unless he has a further response on that, I am happy to move on to clause 28.

**Hon. M. P. PAKULA** (Minister for Public Transport) — I respond only to this extent: clause 21 provides a framework which has to be taken into consideration. When you look at the development of this legislation you see there was enormous consultation. If you look at our track record, if you look at public transport reliability provisions, if you look at a huge suite of information that is made public, you will see that that is something that occurs now. However, I suppose the point I am making is that sometimes there are other considerations, like value for money for the taxpayer and the probity of a tender process, which may

in certain circumstances trump the principle of transparency.

**Clause agreed to; clauses 22 to 27 agreed to.**

**Clause 28**

**Mr BARBER** (Northern Metropolitan) — Clause 28, referring to the entire part, part 2 of the bill, including the clauses we were just discussing, says:

The Parliament does not intend by this Part to create in any person any legal right or to give rise to any civil cause of action.

My question to the minister is: if I already have a legal right or a cause of civil action — such as, for example, the Freedom of Information Act — is it the intention of the government that this whole part, including the bit about transparency, would provide guidance in the way the FOI act would be interpreted in relation to transport matters covered under this bill?

**Hon. M. P. PAKULA** (Minister for Public Transport) — The effect of clause 28 is that this part of the bill does not create legal rights. It is the Transport Integration Bill, not the Freedom of Information Act, and rights under the Freedom of Information Act are contained within that act, not within this legislation. Clause 28 contains a relatively straightforward provision which simply says that there are no legal rights or courses of action created by this part, so I suspect that the simple answer to Mr Barber’s question is no.

**Mr BARBER** (Northern Metropolitan) — Here is the thing: when you read the Freedom of Information Act, when you make an FOI claim or when you have that FOI claim adjudicated there is a public interest test. It is a very loose test which quite simply allows for an exemption from release of the material if it would not be in the public interest to do so.

Who gets to make that decision? It is a tribunal member. Strangely, if a piece of information is not able to be released because of any other claim of exemption, including the public interest exemption, there is then this thing called the public interest override. Theoretically you could say it is not in the public interest to release certain information, but then there is the public interest override which says that despite all the different exemptions listed in the act it is possible that it is just in the public interest to release it.

You do not need to go much further than cases such as *Hulls v. Victorian Casino and Gaming Authority* or *Thwaites v. Department of Health and Community Services* to see how the tribunal may have judged those

things. It has made judgements that where there is a necessity to clear the air there is a public interest in releasing certain information.

In the Thwaites case the tribunal decided that it was in the public interest for the public to know whether proper processes had been followed when money was being spent. Therefore I do not think it is such a huge leap to say that with a bill such as this relating to transport planning and integration and containing all of these high-minded principles — and one of those, a big fat principle, is transparency — a tribunal member might look at this bill and say, ‘Here I am as a tribunal member with not a lot of guidance as to what is in the public interest but over there is a piece of legislation where the government has laid out its intentions’.

In some cases specific actions are being taken under this bill. VicRoads has to produce a corporate plan. I might be making an FOI request on that corporate plan which for some reason might be refused and then the tribunal member might want to refer to this legislation. I did not think that was a ridiculous proposition but the minister’s response so far is, ‘Sorry, Mr Barber, it is a big fat ‘no’. Nothing in this bill would ever guide a tribunal member as to what represents the public interest for the release of information in that particular context.

**Hon. M. P. PAKULA** (Minister for Public Transport) — I draw Mr Barber’s attention to, for instance, clause 24(1). I hesitate to do this because I know that every answer creates another question, but I will do it anyway. Clause 24(1) says:

A transport body must have regard to the transport system objectives in exercising its powers and performing its functions under any transport legislation.

Subsequent paragraphs in that clause go on to say, ‘a transport body’. This provision is not designed — clause 28 is designed to assert this more clearly — to either create rights under FOI legislation or indeed to guide the tribunal under FOI legislation. That would be properly done within the FOI act. I do not assert that Mr Barber’s proposition is ridiculous, but I think I have provided him with a reasonably clear answer.

**Clause agreed to; clauses 29 to 62 agreed to.**

#### **Clause 63**

**Mr BARBER** (Northern Metropolitan) — I just want a quick clarification. I am wondering if projects already within the transport plan, possibly including Peninsula Link, will have to be immediately reviewed under part 2 of this bill once it becomes law.

**Hon. M. P. PAKULA** (Minister for Public Transport) — No.

**Mr BARBER** (Northern Metropolitan) — If the transport plan is not reviewed and parts of a project are inconsistent with any elements of the vision statement or any of the transport system objectives or decision-making principles, will any implementation of the old transport plan be judicially reviewable?

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — No.

**Clause agreed to.**

#### **Clause 64**

**Mr BARBER** (Northern Metropolitan) — Am I right in saying that under clause 64, which relates to the corporate plans of the department — it must prepare a plan and submit it to the minister, and there are a whole range of requirements the department must comply with — there is no requirement for that corporate plan to be released to the public?

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — There is no requirement in clause 64 that the plan be released to the public, but it is on the Department of Transport website now.

**Clause agreed to; clauses 65 to 86 agreed to.**

#### **Clause 87**

**Mr BARBER** (Northern Metropolitan) — As the minister would be aware, discussions are already going on about transport mode priorities on roads; they have already started to be discussed by various interested parties. Can the minister tell me how the mode priorities created in this clause will be implemented in practice? Are we expecting a ministerial recommendation to VicRoads? Is this a unilateral power exercised by VicRoads or would it be done through some sort of ministerial regulations after they have been recommended by VicRoads? Where does the accountability lie to initiate it, decide it and make it happen?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I am advised that the Transport Legislation Miscellaneous Amendments Act 2009 legislated for all this. Those powers have been legislated for and reside with VicRoads.

**Clause agreed to; clauses 88 to 109 agreed to.**

**Clause 110**

**Mr BARBER** (Northern Metropolitan) — I refer the minister to subclause (6):

The corporate plan, or any part of the corporate plan, must not be published or made available except for the purposes of this Part without the prior approval of the Roads Corporation and the Minister.

When it comes to the corporate plan of the Roads Corporation, it is a bit different from the earlier discussion we had about the corporate plan. The bill did not really say how it was to be published or when. Here it specifically says it cannot be published without the prior approval of the Roads Corporation and the minister. Is that right, that it is different? Earlier the minister said there was no implication that it would be published, but you can see it; it is on the website. I am seeking the same interpretation here. Does this mean we expect as a matter of course that that thing will be published, because it is now saying that you need two people's permission before you can publish it?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I suppose the second question is slightly different from the first. The first question asked me whether what was in subclause (6) was in subclause (6). Yes, it is. If the import of the question, though, is: will in fact the corporate plan be published notwithstanding clause 110(6), it is also on the VicRoads website. I have a copy here, and Mr Barber can have it.

**Mr BARBER** (Northern Metropolitan) — It is nice that the minister is releasing it now. That may just be a matter of his policy. What this subclause says is that that thing cannot be released without the prior approval of the Roads Corporation and the minister. Any person who did so without those formal approvals would actually be in breach of this clause. That would appear to interact also with the FOI act, in the sense that if under the FOI act I ask for a specific document, being this corporate plan, this subclause says that that plan cannot be released under the FOI act without approval of the minister. I do not know how many other bits of statute there might be out there that refer to specific documents and say they cannot be released without ministerial permission, but is the minister not really setting up a conflict here between the FOI act and this act?

**Hon. M. P. PAKULA** (Minister for Public Transport) — There are a couple of things. Firstly, I think it is fair to say that under section 38 of the FOI act, as I am advised, this provision would have to be contemplated. Secondly, I am now advised that, whilst this document is a VicRoads strategic corporate

directions document, it is not exactly the same as the corporate plan — and Mr Barber can have it.

**Mr BARBER** (Northern Metropolitan) — I think the minister just said that under the FOI act this would have to be contemplated. Unlike the earlier discussion we had, which was about the principle of transparency not meaning anything to a Victorian Civil and Administrative Tribunal application under FOI, did the minister say that under the FOI act this particular provision would have to be contemplated? This could be a quite novel clause. If it were to operate that way, unlike any other situation, the minister would have to actually personally examine a document before it was released under FOI. Normally the minister plays no role in the administration of the FOI act. It is the rarest of circumstances where a minister would personally be making the decision as to what documents were to be released. In principle, on the reading of the act, it is actually none of the minister's business whether a document is even being requested, much less to form any view on whether a document should be released under FOI. It sounds like, unless the minister is rushing back with just a tiny bit of clarification for me, the VicRoads corporate plan is unique in that it will be the minister who will get to make the decision as to whether it is the sort of document that should be released under FOI. I am hoping the minister will provide some clarification and that I am overstating this in some way.

**Hon. M. P. PAKULA** (Minister for Public Transport) — The advice I have is that it is not in fact unique, that there are provisions across the statute book, if you like, which contemplate documents not being the subject of release and that section 38 of the Freedom of Information Act requires that any such provision in any act has to be taken into consideration.

**Clause agreed to; clauses 111 to 136 agreed to.**

**Clause 137**

**Mr BARBER** (Northern Metropolitan) — We have had a number of high-level objectives put into this act. When we get down to creating in clause 137 the specific body known as the Linking Melbourne Authority it is kind of getting some extra objects. Apart from the one you would expect it to have, which is to facilitate the development and delivery of projects — that is why we are creating it — it also has the requirement in proposed section 137(2)(b) which is:

to ensure that any Road Transport-Related Project supports a sustainable Victoria by —

- (i) providing walking and cycling infrastructure for transport;
- (ii) seeking to improve the environmental performance and minimise the adverse environmental impacts of the Road Transport-Related Project ...

If that is not already the entire overarching objective of the bill — which I think we know it is — what does this add, and can the minister tell me in what way he anticipates these clauses will assist to minimise the impact of road projects?

**Hon. M. P. PAKULA** (Minister for Public Transport) — The purpose of the provision is to flesh out and particularise what is in other senses a more overarching theme of the bill. For example, proposed section 137(2)(b) would ensure that the authority delivering Peninsula Link would have to take into account walking and cycling infrastructure as part of its overall remit. It is a provision which puts flesh on the bones of what is in a more general sense an overarching obligation to consider transport integration. It specifies in a more particular sense some of the considerations that need to be applied to that.

**Mr BARBER** (Northern Metropolitan) — Does that mean Peninsula Link will now have to be relooked at in relation to this criteria?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I do not know what Mr Barber means by ‘relooked at’, but it does not mean that the project gets rescoped, if that is what Mr Barber is suggesting.

**Clause agreed to; clauses 138 to 206 agreed to; schedules 1 to 6 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. M. P. PAKULA** (Minister for Public Transport) — I move:

That the bill be now read a third time.

I thank members of this house for their contributions to the debate.

**Motion agreed to.**

**Read third time.**

## ADJOURNMENT

**Hon. M. P. PAKULA** (Minister for Public Transport) — I move:

That the house do now adjourn.

### **Bendigo Senior Secondary College: redevelopment**

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Education. The matter concerns not only me but is one the Liberal candidate for the Assembly seat of Bendigo East, Michael Langdon, has asked me to raise on his behalf regarding the progress of Bendigo Senior Secondary College’s third unfunded master plan. The master plan was due to be finalised before Christmas but is yet to be completed. My request, and the request of Michael Langdon, is for the minister to fast-track the master plan and to ensure that there is an allocation of funding in the 2010–11 state budget so works can commence at Bendigo Senior Secondary College in the 2010–11 financial year.

Labor has totally ignored Bendigo Senior Secondary College for the past 11 years, leaving students to study in portables and other classrooms that are in desperate need of maintenance and refurbishment. During those 11 years two master plans for redevelopment of the school have been produced, but both remain unfunded. They have gathered dust in the principal’s office while they waited for the Premier to allocate funding that has never come. A third master plan is now being developed but, like the first two master plans produced under Labor, the school’s third master plan has not been backed with any funding or a time line for its completion.

Bendigo Senior Secondary College, which serves a student population of about 1800 students, has 25 portable classrooms, some of which date back to the 1950s. Labor has a backlog of unfunded promises to the college, including a 2001 promise by the Bracks government of \$1.5 million to replace the portable classrooms and its 2005 promise of \$4 million to allow the school to expand into the neighbouring Bendigo jail, which has been decommissioned. Bendigo Senior Secondary College has been waiting 10 years for funding for new classrooms and almost 5 years for funding to expand into the old Bendigo jail but Labor has delivered nothing but two dusty, unfunded master plans. The Bendigo community will be extremely disappointed if this third master plan is not backed with funding in this year’s budget and there is no clear time line for the delivery of works.

Labor is in its 11th year in government, and both local members, the Minister for Regional and Rural Development, Jacinta Allan, and the Minister for Police and Emergency Services, Bob Cameron, have been there for the entire 11 years. The community also has a right to question why Jacinta Allan and Bob Cameron have not supported the allocation of funding to upgrade Bendigo Senior Secondary College. Something is very wrong in Victoria when the government promises funds to a school so that it can improve its facilities and services for students but fails to honour those commitments.

The Bendigo community is sick and tired of Labor's empty promises. It is time the Brumby government put some funding behind the plans for Bendigo Senior Secondary College. The community knows that if left unfunded, this third master plan will not provide for a redevelopment of the college, just as they know Labor has not provided enough funding to build a new hospital in Bendigo.

My request and that of Michael Langdon is that the minister fast-track the master plan to ensure there is an allocation of funding in the 2010–11 state budget so works can commence at Bendigo Senior Secondary College in the 2010–11 financial year.

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

### **Technical and further education: Auslan course funding**

**Mr HALL** (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Skills and Workforce Participation. It is about the TAFE fees for a diploma in Auslan, which is Australian sign language. My constituents Belinda and Tim Paulet live in Toongabbie. Their eldest daughter has just turned three. At the age of 21 months she was diagnosed with a profound hearing loss. The last 12 months or more has been hectic for the family, with a schedule of visits to the hospital, specialist medical practitioners, allied health staff and the like.

To communicate with their daughter Belinda and Tim need to learn Auslan, which is the recognised signing language. The only available provider is the local TAFE institute, where they are able to study for a diploma in Auslan. This is a two-year, full-time diploma course, and the cost of that program is \$1600 for the two years. The cost for both parents to undertake that course is \$3200 — that is, if they qualify for a government-subsidised place. As it turns out, because Belinda and Tim both have degrees, even though they

are practising farmers at this stage and are not using their degree qualifications, under the government's supposed skills reforms they are not eligible for a government-subsidised place to do this diploma certificate. The cost for them to do this two-year course is \$2700 each per year or a total of \$10 800 — that is how much it is going to cost Belinda and Tim to learn how to communicate with their profoundly deaf daughter.

I had advised them to apply for an exemption to the full-fee-place cost, but there is no guarantee that they will get an exemption. They will have to apply for that, and it will be determined at the institute level. Even so, if they are successful in getting an exemption from the full cost of the fees, it is still going to cost them \$3200. That is significant, especially on top of the costs they pay for speech therapy and the like.

If you are an immigrant and you do not know English in this country, you get free access to English courses. If you look at page 33 of the *Welcome to Early Childhood Services* document published by the department, you see it says the department will provide you with an opportunity to acquire the skills needed to assist young children with disabilities.

My request to the minister is to look at waiving these fees completely and provide the funds so these people can study the diploma of Auslan and communicate with their profoundly deaf daughter.

### **Henty Highway: upgrade**

**Mr KOCH** (Western Victoria) — The issue I raise is for the Minister for Roads and Ports and relates to the continued failing structure of the Henty Highway. A decade of neglect has demonstrated that neither the Labor government nor VicRoads is serious about making the hard decisions required to fix the fractured highways scattered throughout western Victoria.

Sections of the Henty Highway have long been recognised by locals as being in an unsafe condition and in urgent need of repair. In particular, sections of the highway between Hamilton and Branxholme and Branxholme and Condah are littered with potholes, corrugations, flaking edges and surface tracking. Sealing works performed last summer have already deteriorated. Temporary patches along the highway continue to flake and break away, creating more potholes around the original fracture. Every attempt made by the Brumby government to repair this important road corridor has been a temporary, half-hearted solution, designed to give the impression the government is doing something positive.

VicRoads has resorted to using signs denoting road hazards and suggesting advisory speed limits over 12 months of the year. This is totally unacceptable for a major transport corridor that is used to move large volumes of freight and mineral sand to the port of Portland. This is a well-recognised government attitude to major roads in western Victoria. Temporary quick-fix solutions have also been imposed on the Glenelg Highway between the Muntham Hill and Edenhope Road intersection west of Hamilton and along the Princes Highway between Warrnambool and Port Fairy. Likewise, both these highways are in need of a significant upgrade.

VicRoads's south-western regional director, Robin Miles, has recognised that heavy vehicles, including B-doubles, will continue to use the Henty Highway with increasing frequency, yet VicRoads has allocated just \$1.5 million to fix this troubled section of road.

The inadequacies of the government's road funding to rural Victoria is demonstrated when compared to other road improvement projects. Mount Duneed Road, just south of Geelong, is not a major highway but it recently received a \$3 million allocation of funding for an unscheduled 3-kilometre upgrade and an unbudgeted allocation of \$20 million has been allocated for the installation of fairy lights along the West Gate Bridge.

The Henty Highway is in need of a major overhaul, not cut and paste solutions that will need further attention in the short term. This is yet another example of the ongoing disregard shown to road users in western Victoria that continues to threaten their safety.

My request is for the minister to abandon the current policy of short-term rehabilitation of the Henty Highway and other important state highways in western Victoria. It is critical to raise the road standards in rural Victoria to a level that offers a safe pavement surface. Funds should be made available to VicRoads for a complete reconstruction of at least 20 kilometres of the Henty Highway south of Hamilton immediately.

### **Medical treatment: legislative reform**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Attorney-General, Mr Hulls. The *Age* has run a series of articles about people taking illegal, lethal veterinary drugs in order to end their suffering of terminal illness. We have no way of knowing who is selling these drugs and whether there is any other medical or palliative care option that would assist those patients to live or meet their death with dignity. My private members bill for dying with dignity would have brought these issues into the clear

light under our laws. It would have also provided a series of safety nets and diversions to make sure that anyone who could have been assisted by medical treatment or palliative care would have found that help.

The government provides funding for palliative care and, of course, this is a worthwhile and valid use of resources. However, regardless of how much money we spend on palliative care, there are those it cannot help. One in 10 late-stage cancer patients experiences suffering that cannot be relieved by palliative care. Even organisations that do not support dying with dignity legislation acknowledge that not all people can be helped at the end of life, but there is no provision in the law to assist those people who are forced to endure end-of-life torture.

If patients are thinking about seeking assistance to die, they cannot lawfully discuss that option with their doctor. Instead the practice of assisting people to die is going on underground. There is no review of the ethics and practices of these activities. It is time for the Law Reform Commission to examine the law relating to end of life treatment and care, including community attitudes. Eighty-five per cent of the community believes that a person suffering intolerably and without relief from a terminal illness or the advanced stage of an incurable illness should have the right to seek and obtain medical assistance to die peacefully. That includes 3 out of 4 Catholics, 4 out of 5 Anglicans and 9 out of 10 of people who do not observe a faith.

My request to the Attorney-General is that he refer the Medical Treatment Act 1988 to the Victorian Law Reform Commission to make recommendations for legislative reform with full community consultation.

### **Security guards: training**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Police and Emergency Services. It relates to recent changes made through the licensing services division in respect of the training of security guards before they are allowed to undertake their required duties. Some of the duties they undertake include being static guards, patrolling and crowd control.

It appears that the government, through the minister's office, has undertaken a review through the licensing services division. In mid-2009 there was a review into the terms of the length of the course. Previously it was a 10-day course. The review was done. There was a meeting at the old Crowne Plaza in October; I understand about 150 people attended. The major training providers — which sometimes happen to be

security companies — were initially told it would now be a six-week course and there would be an alteration to the training notes and the assessment notes. It is interesting to note that at that stage there was no discussion of people who were on student visas being excluded from the process. That did come back and the division changed it to a 16-day training course.

The feedback from the trainers is that this seems to be a nonsensical period of time, because obviously 16 business days means that you have to run the course for three weeks and in the fourth week you can only run it for one day. There are suggestions that the face-to-face meeting could perhaps be brought back to 15 days, so that the course operators could run the courses in 15-day blocks, which would make it easier. The one additional day seems to impose a significant problem. Other concerns of the trainers include that they keep asking for consistent assessment tools for the program.

Clearly this review has been undertaken to remove the cowboys from the industry but also to bring in consistency across training programs for security guards in Victoria. Everything has taken effect from 1 January, and there are three things that have really come out that have been put to me. Firstly, the set of standard notes — the training and assessment tools — that should be provided by the licensing services division to security training providers is lacking. Secondly, there needs to be an explanation of why student visa-holders have been excluded from the process. Anyone with a student visa is now excluded from being a crowd controller or a security guard, and there seems to be no reason for that. Lastly, they need to reduce the number of required days of training.

The action I seek is for the police minister to urgently review the impact of these changes within six months of their implementation, which occurred this year.

### Police: Ballarat

**Mr VOGELS** (Western Victoria) — I wish to raise a matter for the Minister for Police and Emergency Services, Bob Cameron. It concerns the ongoing issue of police shortages in the Ballarat region. The Police Association has been telling us for a number of years that Ballarat is understaffed by 98 officers — no wonder crime statistics are skyrocketing. For example, the police crime statistics show a 6.5 per cent jump in total crime for Ballarat between October 2008 and September 2009. There was a 37.5 per cent jump in robbery, a 10.5 per cent increase in property damage and a 25 per cent rise in motor vehicle thefts. Despite these figures, it seems the local Labor members for Ballarat East and Ballarat West in the Assembly, Geoff

Howard and Karen Overington, are oblivious to these facts.

The Ballarat *Courier* of Saturday, 20 February, stated under the headline ‘No problem’:

Ballarat East MLA Geoff Howard has dismissed claims the city has a police shortage.

Mr Howard yesterday told the *Courier* that antisocial behaviour was ‘not directly a policing issue’ and that instead it was up to ‘the community’ to respond to such problems.

‘No, I don’t accept there’s a shortage (of police)’, he said.

...

His comments angered the Police Association secretary Greg Davies, who said they were ‘like a line from *The Castle* ... tell him he’s dreaming’.

Mr Davies said Ballarat had 105 officers on general duties when he worked here 10 years ago. ‘Now there’s 62’.

The association believes another 98 members are needed in Ballarat to bring policing in the city up to an efficient standard.

These comments clearly are a sign that this Labor government has lost touch because it has been in office too long. When local members refuse to acknowledge what the local community is telling them, it is time for a change. Simply moving D24 operations to the purpose-built central Emergency Services Telecommunications Authority at Mount Helen would immediately free up 10 officers for patrol on the beat.

The action I seek from the minister is to ensure that Ballarat region has the police numbers and resources to make Ballarat and district a safer place to live, work and raise a family — to pinch an overused slogan regularly heard in this house from Labor members. It is clearly a hollow slogan as far as Ballarat policing is concerned.

### Women: workforce opportunities

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Women’s Affairs, Maxine Morand. Before I go into my request I would like to read something to the chamber. It is from a Commonwealth of Australia minute paper from the director of the world trade commissioners and is dated 13 March 1963. The title of the minute paper raises the question ‘Women trade commissioners?’. The paper goes on to give the reasons it was considered to be very difficult to have women as trade commissioners. It states:

It is much easier to find difficulties, some of which spring to mind are:

...

... It is extremely doubtful if a woman could, year after year, under a variety of conditions, stand the fairly severe strains and stresses, mentally and physically, which are part of the life of a trade commissioner;

... A man normally has his household run efficiently by his wife, who also looks after much of the entertaining. A woman trade commissioner would have all this on top of her normal work;

... If we engaged single graduates as trainees, most of them would probably marry within five years;

...

... A spinster lady can, and very often does, turn into something of a battleaxe with the passing years. A man usually mellows —

this is debatable —

... A woman would take the place of a man and preclude us from giving practical experience to one male officer. She could marry at any time and be lost to us. She could not be regarded as a long-term investment in the same sense as we regard a man.

You can imagine my horror at reading this and then seeing a *Herald Sun* article by Sue Dunlevy on 10 February this year — with a very interesting picture of a woman on her knees scrubbing the floor — which had a headline of ‘Post-war women had easier time joining workforce’ and said that today wives are ‘shunned’. This article talks about a report that was commissioned by the National Foundation for Australian Women. The report, *Barriers to Women’s Employment, Women and the Recession Project*, has some very worrying findings. The article says:

Married women cannot get full access to government help finding a job under a system that offers them fewer rights than they had in the 1950s, a new report says.

A study into the barriers women face entering the workforce has found the new privatised government employment services offer them advice only on the local job market ...

Although this is a federal issue, the action I seek is that, as a matter of urgency, the minister ensure that no Victorian woman will be disadvantaged by the inadequate federal government commonwealth employment service program where women do not get the full suite of job services available to people on welfare.

### **VicRoads: online trailer registration**

**Mr O’DONOHUE** (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Roads and Ports. It relates to the VicRoads website. I have been approached by a representative of a

Melbourne-based engineering company that customises and builds, among other things, truck trailers. For some time companies and truck dealers have been able to register new or customised trailers online via the VicRoads website. There are obvious advantages with this process: it saves postage, the drawing of cheques and other administrative time; it also clarifies exactly the time at which a trailer is legally able to hit the road.

Unfortunately the VicRoads website has not been able to process what are known as A-trailers since July 2009. This followed an increase in the cost of registering A-trailers. Originally dealers were advised that the website would be fixed in two months. However, recently they have been advised that the problem will not be fixed until next year, 2011, after a new website is launched. Whilst on its face this is a relatively straightforward and small issue, for those who register large numbers of these trailers it adds to business time and costs and reduces efficiency, as well as raising a potential issue of liability as to when a trailer is legally able to be on the road. It seems ridiculous that it would take over a year to address what would appear to be a small problem with the VicRoads website. Therefore the action I seek from the minister is that he examine this issue and do all that is necessary to fix the problem with the website so that dealers can register A-trailers online as soon as possible.

### **Centre Dandenong Road, Dingley: bus lane**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the Minister for Roads and Ports, Mr Pallas, and it is in relation to the matter I spoke about earlier this evening.

**Mr Finn** — He’s in conversation with Noel Ashby as we speak.

**Mrs PEULICH** — Is that right?

It is in relation to the government’s plan to install 24-hour dedicated bus lanes through the centre of Dingley Village — that is, down Centre Dandenong Road. I undertook a survey, and although I distributed only 1500 letters by letterbox I received a phenomenal response from hundreds of residents, all bar a handful — of about three or four, I think — vehemently opposing it because it would make their life a misery. They have organised a public meeting on 5 March at Kingswood Primary School, and I would like to invite Minister Pallas to attend, or perhaps he could delegate that to the Minister for Public Transport, Mr Pakula. The reason for that is that we do not seem to be getting too much traction with VicRoads, whose regional director said that of course he would be supporting bus



lanes as his job is to carry out government direction. Minister Pallas himself has said yes to bus lanes and explained it is a part of his grand plan.

However, after being contacted by local residents the member for Mordialloc in the other place, Ms Munt, said she had not heard of the bus lanes before but only became aware of the matter after she was contacted. Unfortunately that does not quite match up with a press release the Minister for Roads and Ports issued on 9 September 2009, several months earlier, which recounts a visit by the minister:

Roads and Ports Minister Tim Pallas was joined in Aspendale Gardens today by member for Carrum Jenny Lindell and member for Mordialloc Janice Munt to announce the road safety measures, which include upgrades to busy Wells Road.

Further on the press release states:

This funding will deliver safety improvements to Wells Road including shoulder sealing and guardrails, new bus lanes on Centre Dandenong Road in Dingley Village, and reduced speed limits along the Chelsea shopping strip precinct on Nepean Highway.

Further down it says:

The bus lanes on Centre Dandenong Road will run from Howard Road to Lower Dandenong Road, Dingley Village, with works expected to start in November.

On the one hand the member for Mordialloc is happy to be part of a public relations stunt and exercise, but on the other, when there is a genuine issue and concern about the impact of these things, she pretends not to know anything about it and blames the Kingston council for mucking up the consultation, even though it was her DL letter that went out the day after the bus review was conducted. I raised that in Parliament at the time. On behalf of the No Bus Lanes residents I invite Minister Pallas to attend the public meeting at Kingswood Primary School on 5 March at 6.30 p.m. for a 7 o'clock start, so that he can make a decision to end this lunacy.

### **University of Melbourne: faculty of the VCA and music**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for the Arts and relates to the composition of the committee reviewing the faculty of the VCA and music (VCAM). The review committee was established by the University of Melbourne to review submissions to its discussion paper *Defining the Future for the VCA and Music at the University of Melbourne* which was launched on 10 November 2009. More than 200 submissions have been received from students, staff,

graduates, former arts ministers and the wider community. The committee's final report and its recommendations will be submitted to the vice-chancellor and the dean of VCAM who will present the recommendations affecting the former Victorian College of the Arts to the VCA integration committee prior to submission to the University of Melbourne Council. Any curriculum changes will undergo further consultation within the faculty followed by approval through the university's normal governance processes, including the academic board and council. It is meant to be an independent committee and process.

However, the review committee is made up of the independent chair, a representative of the vice-chancellor, a representative of the VCAM advisory board, one representative from each campus, four heads of VCAM schools, one of whom is the deputy dean, a professional staff representative, one undergraduate and one postgraduate student representative, an outside academic representative and one community representative. No-one could describe this composition as being truly independent of the VCAM or University of Melbourne. The committee seems to be composed of too many people from within the VCAM, some with stated positions on the very issues in question and too few truly independent members with expertise and interest in the performing arts but who are not directly involved with VCAM. It is particularly disappointing to see no VCA alumni or arts industry representation on the committee. Only two out of the seven staff and student representatives on the committee are elected by their peers, despite numerous requests to the dean, vice-chancellor and the independent chair of the review committee for direct election of the staff and student members and public assurances from the dean that she would consider it.

The fate of the former VCA and the former University of Melbourne faculty of music is too important to be entrusted solely to the largely private deliberations of a committee, which does not have a majority of independent members, which does not represent a broad constituency of the performing arts community and on which the staff and student representatives are not all elected by their peers. My request to the minister is that he call on the University of Melbourne to revisit the composition of the review committee to ensure that the majority of its members are independent of VCAM and the University of Melbourne, that all staff and students are elected by the current staff and student body from a selection of volunteer candidates, that alumni and the performing arts industry are represented and that the processes of the review committee are open and transparent.

### **Varroa mite: control**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Agriculture. Anyone who is involved in agricultural or horticultural activities should be concerned about the very real threat of the varroa mite, which also poses a threat to our apiarists and honey industry. I raise this issue to highlight to the federal and state Labor governments the importance of proper quarantine and adequate funding into research and prevention as Australia is currently the only continent free of the varroa mite. Many of us remember the losses to the equestrian industry and the shutdown of activity which that industry suffered and is still recovering from as a result of equine influenza. The varroa mite affects European honeybees and causes deformities and a shortened bee lifespan which drastically affects the effective pollination of crops.

In a society which has become removed from the production of its own food and has little thought for where produce comes from, how it is made and the processes of nature which are required to produce clean, green, home-grown product, I would like to highlight the importance of the humble honey bee in the production of our foodstuffs. These include horticultural plants, wine, fodder for our stock, fruit and vegetables, flowers, cereal crops and of course honey. Victorian primary production faces potential losses if there is a breach of our quarantine, not to mention the impact on food production for both humans and stock.

The action I seek is that the Minister for Agriculture, Mr Helper, address the concerns about the lack of funding for CSIRO research being conducted by Dr Anderson and his team, and that he provide a report on the current status of the quarantine and protection of our honey bee industry in Victoria.

### **Seniors: home and community care**

**Mr FINN** (Western Metropolitan) — I am not sure whether the matter I wish to raise on the adjournment tonight should be addressed to the Minister for Health, Mr Andrews, or the Minister for Community Services who is also the Minister for Senior Victorians, Ms Neville. I will direct it to Minister Neville and ask that if it ought be addressed to Minister Andrews, that it be redirected to him. It concerns a phone call I received from a constituent telling me about his 90-year-old mother, who is recovering from a fall, is blind in one eye and is vision impaired in her other eye. She receives the Hume City Council service for cleaning and for shopping. The cleaning service is 1½ hours per week and the shopping service is a fortnightly service. Due to funding cuts by the Department of Human

Services the Hume City Council has needed to cut back the cleaning service to a fortnightly basis.

This woman's vision impairment means that she cannot see hazards in her home that require cleaning, such as food scraps, which can obviously be very dangerous to any of us, but certainly would be dangerous to someone who is 90 years of age. The cleaning service also forms an important part of the social interaction of my constituent's mother, as she lives independently and alone. Additionally, the cleaning staff assist his mother by picking up perishables such as bread and milk for her if necessary.

I have to say I was appalled and deeply distressed to hear that the support for a 90-year-old lady, who lives in my electorate and has various disabilities, has been subject to cuts. I ask the minister to provide the necessary funding to allow the elderly to live the remaining years of their lives in safety and dignity. It is the very least we can do as a civilised society. It is not fair or reasonable in any way for people of this lady's age to have to worry about funding cuts such as those she has been subject to. It concerns me enormously.

The funding cuts are obviously not just confined to the Hume City Council, they are widespread. I know the workers of the Hume City Council have been very upset by these cuts and have expressed a desire for those services to be restored. Given there are more and more elderly people with us in the community, I ask that the minister provide the necessary funding for the services to which I have referred.

### **Bushfires: community consultation**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change. The Department of Sustainability and Environment (DSE) convened a round table consultation on land and bushfire issues with stakeholder groups on 17 November last year. It was entitled 'Sharing the Dilemmas'. I am advised a follow-up round table will be held on Wednesday next week, 2 March.

The general understanding from the DSE publications is that this consultative process, as it is called, is designed to involve communities more closely in decision making about planning for bushfire outbreaks, principally, it would seem, through fuel reduction burning. There is reference to it leading to a trial, with input from key stakeholders representing primary industries, community and environmental groups, which would then lead to the formation of a permanent Victorian bushfire round table. I am advised that these

key stakeholders include the fire authorities, Parks Victoria, organisations representing farmers, the forest and tourism industries, even the wine industry, environmental groups such as the Victorian National Parks Association and Victorian Lands Alliance, and the state's Aboriginal community. There are also representatives from bird observer groups and the Asthma Foundation.

However, there are a couple of notable omissions from the invitations to the round table — organisations representing people with considerable expertise in mitigating the risk of fire and the damage from fires. These obvious stakeholders are the Mountain Cattlemen's Association of Victoria and the East Gippsland Wildfire Taskforce. They are amazed at having been overlooked, and contend that the oversight may have been deliberate because they have been vocal in advocating practical measures to address the state's fire risk. These two organisations are able to offer a great deal of on-the-ground knowledge of fires and fire prevention, particularly in the high-risk forested and alpine areas. I therefore ask that the minister act immediately, in time for next week's round table, to include the two organisations in the key stakeholder line-up.

### Hospitals: early warning system

**Mr D. DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Health, and it concerns the issue of hospital early warning system status and the reporting of hospital early warning incidents, or occasions, as hospital emergency departments go on to the hospital early warning system.

The community is reasonably familiar with the concept of ambulance bypass, where an ambulance is refused access to the emergency department of a public hospital and is sent to a nearby emergency department — or in some cases a more distant emergency department — that is available and open to take that particular patient from that ambulance. In the December quarter of 2002 the government introduced a system called the hospital early warning system. There was a dramatic drop in the number of officially recorded bypasses, but there were of course hundreds of occasions of hospital early warning systems being activated.

Let me explain to the house and to the minister what the hospital early warning system is. A beep goes out to the ambulance that indicates a hospital is facing difficulties and that the ambulance should go somewhere else. The house will understand that to the patient sitting in the back of the ambulance the distinction between a bypass

that is officially described and a hospital early warning system occasion may be semantic since they are in desperate need of access to a public hospital while the ambulance they are in is diverted and sent to another suburb or a distant place.

The issue here is that the government does not report hospital early warning system data. That is held secretly in the hospitals and is very difficult to extricate. As we have worked our way around a series of FOIs on public hospitals run by the minister and the department trying to get hospital early warning system data and thereby get a much better understanding of the actual numbers of ambulance diversions, we have discovered the scale of those diversions and the impact on particular patients and ambulances as they occur. For example, the Alfred hospital in November was on the early warning system 5 per cent of the time, the Monash Medical Centre 11.3 per cent of the time and Frankston Hospital 7.2 per cent of the time.

What I seek from the minister is a policy change whereby he will release this data as part of the *Your Hospitals* report and make it available to members of the public so they can honestly assess the number of ambulance diversions.

### Responses

**Hon. J. M. MADDEN** (Minister for Planning) — I have a total of 27 written responses to adjournment matters raised from 11 March to 10 December 2009.

Wendy Lovell raised the matter of funding for Bendigo Senior Secondary College, and I will refer that to the Minister for Education.

Peter Hall raised the matter of parents seeking to obtain a diploma in Auslan, and I will refer it to the Minister for Skills and Workforce Participation.

David Koch raised the matter of the Henty Highway upgrade, which I will refer to the Minister for Roads and Ports.

Colleen Hartland raised the matter of illegal veterinary drugs, and I will refer that to the Attorney-General.

Richard Dalla-Riva raised the matter of security guard training, which I will refer to the Minister for Police and Emergency Services.

John Vogels raised the matter of policing levels in Ballarat, and I will refer that to the Minister for Police and Emergency Services.

Andrea Coote raised the matter of women's trade commissions, and I will refer that to the Minister for Women's Affairs.

Edward O'Donohue raised the matter of a customised trailer registration website, and I will refer that to the Minister for Roads and Ports.

Inga Peulich raised the matter of the Dingley Village bus lane, which I will refer to the Minister for Roads and Ports.

Sue Pennicuik raised the matter of the VCAM review committee, and I will refer that to the Minister for the Arts.

Donna Petrovich raised the matter of varroa mites, and I will refer that to the Minister for Agriculture.

Bernie Finn raised the matter of cleaning and shopping service provision in the Hume area that would appear to be funded by the Department of Human Services, and I will refer that matter to the Minister for Community Services.

Philip Davis raised the matter of fuel reduction round tables, which I will refer to the Minister for Environment and Climate Change.

David Davis raised the matter of the hospital early warning system, and I will refer that to the Minister for Health.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.37 p.m.**