PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 23 June 2010

(Extract from book 10)

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By authority of the Victorian Government Printer

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

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

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

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

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

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Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

[1] Appointed 3 February 2009
[2] Appointed 9 March 2010
[3] Resigned 1 March 2010
[4] Resigned 9 January 2009

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WEDNESDAY, 23 JUNE 2010

Wednesday, 23 June 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

PETITION

Following petition presented to house:

Housing: Ashwood Chadstone Gateway project

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Victorian government's plan to build a seven-storey social housing tower in Ashwood.

We oppose the lack of consultation and call on the Victorian state government to commit to providing the local community with a more thorough consultation process to ensure their rights are considered and their concerns about the appropriateness of this development be taken into account.

The petitioners therefore request that the Victorian government halt all further works on the proposed tower development until further consultation takes place.

By Mr D. DAVIS (Southern Metropolitan) (1016 signatures).

Laid on table.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

Departmental and agency performance and operations: Victorian Bushfire Reconstruction and Recovery Authority

Mr RICH-PHILLIPS (South Eastern Metropolitan) presented report, including appendices.

Laid on table.

Ordered that report be printed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That the Council take note of the report.

This is the latest in a series of reports the committee has prepared as part of its inquiry into departmental and agency performance and operations. The purpose of the terms of reference for this inquiry is to allow the committee to undertake own-motion hearings with agencies as issues arise. Late last year it was the view of the committee that, given that we were approaching the first anniversary of the Black Saturday bushfires, it would be appropriate to take evidence from the Victorian Bushfire Reconstruction and Recovery Authority. Accordingly, in February this year the committee met with the authority and took evidence from the chair, Christine Nixon, and the chief executive, Ben Hubbard, as to the activities the authority has undertaken basically in its first year of operation.

As members of the house would be aware, the authority was established with a budget of roughly $50 million to oversee reconstruction in the bushfire-affected communities. It was the first opportunity the community and the Parliament have had to receive direct feedback from the authority as to the activities it has been undertaking. I encourage members to read the transcript of the hearing with respect to what has been undertaken by the authority in its period of existence and to form their own view as to whether it constitutes value for money.

The committee considered a number of key matters in the hearing, including the relationship between commonwealth and state funding, the reconstruction authority and its relationship to the appeal fund and the fact that its funding is separate from the appeal fund data that is being collected on the actual reconstruction effort, in terms of both reconstruction approvals and actual reconstruction activities, completed dwellings, the authority's role in reconstructing state government infrastructure that was destroyed, such as the Strathewen Primary School, and obstacles to reconstruction that exist because of various changes to the building code. It was very useful for the committee to have that hearing with the reconstruction authority to get a better understanding of the work it has undertaken in its first 12 months of operation.

I take this opportunity to thank Ms Nixon and Mr Hubbard for their appearance and evidence before the committee including their presentation and the subsequent follow-up material that was provided to the committee. This inquiry was undertaken with two substitute members — Mrs Petrovich substituted for Mr Guy and Mr Tee substituted for Mr Viney before Mr Tee became a permanent member replacing Ms Broad.

In conclusion I would like to thank, as always, the committee staff for their work in putting this report together. It adds valuable information to the public store of knowledge about the work that is being undertaken in bushfire reconstruction. I commend it to the house.

Mr BARBER (Northern Metropolitan) — Thank you, Acting President. I am sorry; I meant to say, 'Thank you, President'.

Mr Drum — You know something.

Mr BARBER — I assure you I don't!

Given the amount of media attention and public interest in the process of bushfire reconstruction and recovery, it is surprising this matter and these hearings did not receive more public prominence at the time they were held.

On any number of occasions I have been asked by journalists about the suitability of Ms Christine Nixon to continue in her role. I have answered the same way on each occasion. She and this government should be judged according to the process of recovery that is to be detailed by the VBRRA (Victorian Bushfire Reconstruction and Recovery Authority) in its regular reports and that we sought to scrutinise through that particular hearing. We would all understand and accept that the task of the VBRRA is an extraordinarily difficult one and is in many ways unprecedented in recent Victorian experience. It had to start from nothing. As an agency it had to form itself and commence from a standing start. It had to deal with many individuals who were traumatised and who were experiencing extraordinary personal difficulties. It had to deal across an entire range of governmental functions, and it did, of course, as we all supported, have a considerable budget to do that.

But at the time when we came to consider the work of the VBRRA through this inquiry we had little in the way of publicly available information that would describe the achievements it had delivered to date. If we go back to the days immediately after this tragedy, I remember distinctly seeing the Prime Minister and hearing him say, 'We will rebuild these communities brick by brick by brick', and I remember thinking at the time that bricks were not perhaps going to be the most important measure of the rebuilding and recovery of these communities and those people's lives. As I stand here today I remind members that very few homes have been rebuilt; anyone who experienced the 1983 wildfires — at Cockatoo, for example — would have understood very early in the unfolding of events that it is possible very few people would want to rebuild and return to those communities.

I happened to live in Pakenham for a time during the late 1980s and knew many people through the hills who had experienced the 1983 bushfires. It was quite obvious then that many people would not want to return there, for various reasons that we can only try to understand; so I do not believe the simple rebuilding of houses was ever going to be the major measure of the rebuilding of the lives and communities — although it is something that, of course, we would all like to see.

We would certainly like to see public infrastructure rebuilt as quickly as possible, because that then gives people the option of returning to their communities if they feel that the basic foundations of their community are going to be provided.

The VBRRA report provides in great detail the amount of money the authority has spent and the projects it has been able to deliver, but we do not get a measure of how much recovery is still to be done nor do we get a sense that there is an understanding of an end point, if there ever is one, for recovery from this disaster.

I do not have any great criticism of the VBRRA in that respect to date, because I am sure it had much more pressing tasks to go on with than simply reporting. However, it is my understanding that this organisation was created with a charter that would see it fold in February next year. It is clear that by many of these measures the progress of recovery has not been rapid; it is not anywhere near complete; so there is a question in my mind, if this agency folds in February next year, about how we, as responsible, elected representatives, will be able to track the process of recovery from that point forward.

If we cannot fully understand how much of the recovery task is yet to be done, even with the information available right now, what hope would we have if the VBRRA folded and its various functions were forced back into multiple bureaucracies, where we would have great difficulty tracking them down?

By way of illustration, the VBRRA report tells us that, of all the private fencing that was destroyed in the fires, 83 per cent of those fences have been rebuilt through a program of grants. That is great for the fencing, but for all the other measures of recovery, including those very personal and human measures of recovery, we do not have any sense of what proportion of the task has been done and how much more there is still to do.

We understand that so-called case managers have been provided to many of the victims, but we do not have good measures for how long those people will need that ongoing government support. We know which bits of public infrastructure have been rebuilt, but we were not able to find out through this questioning process what the total amount of damaged infrastructure was, how

much of it has been rebuilt, and how much is still intended to be rebuilt.

As I say, I do not have a particular criticism of the agency up to this point. It was not really the agency's primary goal to report back, but from here on in and particularly if the VBRRA is to be wound up at some point so that recovery from the bushfires becomes a broader, whole-of-government task, I think we, as elected representatives, have a duty to ensure that the promised recovery effort, which we all understand is extraordinarily difficult and may in fact go on for the remainder of some people's lives, is properly accounted for so that all the goodwill that arose immediately after the terrible tragedy of the bushfires will not dissipate.

Mrs PETROVICH (Northern Victoria) — I was fortunate enough to participate in the committee's hearings on the VBRRA (Victorian Bushfire Reconstruction and Recovery Authority) as a substitute for Mr Guy. As many members know, I have a commitment to the recovery process in my electorate, and I was very fortunate to be able to discuss some of the issues that have been coming through my office with Christine Nixon and Ben Hubbard of the VBRRA.

It has been a test for all involved and never so much as for those people who are actually living in those areas or those who have not come back to those areas because their journey in the recovery process has taken a little longer. Maybe some of them will not come back to those areas because of the severity of the trauma that the day that will be remembered as Black Saturday has placed on them and their families.

We need to remember that on that day 700 fires ignited and 33 communities were affected in 26 municipalities. Local government has borne the brunt of many of the consequent issues on a day-to-day basis, particularly in those early days. The most traumatic thing for all of us is that 173 people lost their lives. That is an ongoing and terrible disaster for those communities and families, and it will have an intergenerational effect. We lost 2133 properties and a further 1500 properties were damaged; 8000 head of stock were killed and 430 000 hectares, including 12 500 kilometres of fencing, were burnt.

Nobody would ever say that this process was going to be an easy one for anyone concerned. However, there are issues I and other members of the committee raised on the day which are documented in the report. It is certainly an enlightening read about the processes and ability of VBRRA to deal with the magnitude of this issue.

One of the discussions between Ms Nixon and me was about people's decisions to move back to the area, the speed of recovery, how those communities were rebuilding and the choices people were making. That discussion revolved around everybody recovering at their own pace and in their own time, which I accept. This is an ongoing process, and to my knowledge many people are just now coming back to these areas, and some people are only just registering. We have in some instances seen people looking to re-establish themselves but finding that recovery centres have been closed. Donated articles were stacked up to the rafters in recovery centres, but those people have not been able to access them to assist in their re-establishment. Disappointingly, there does not seem to be any accountability regarding where a lot of that donated material has gone.

Another issue I discussed with Ms Nixon was the issue of building codes and their relevance to the reconstruction. The government had responded very rapidly, and as Ms Nixon admitted — although it did not have anything to do with her — because of changes to the code many of the people who were trying to rebuild could not access the material they needed to comply with those building standards. That has been a significant issue.

One of the other matters raised in the report is the issue of accountability for tracking people who have moved back to the area. It is quite disturbing to see there has been no official record of this. Once again local government has been left with the responsibility for tracking these people and tracking the permits. When I asked Ms Nixon about this her response was that she had no record of how many permits had been issued as a direct result of recovery or if there was a breakdown of figures into such permits versus the normal issuing of permits to people who were moving into the area for other reasons and rebuilding or extending their homes. That is difficult, because we have a social responsibility for these communities. An enormous amount of money was donated by members of the community, and I think they would like to ensure that that money is being expended and that it is going to the people who most need it.

Another issue I find interesting is the fact that there do not seem to be time lines regarding things like school recovery and rebuilding. There is no time line for the rebuilding of Middle Kinglake Primary School. Ms Nixon and I also discussed that issue during the hearings; she did not have a time line for me. I have concerns about that. Anyone managing such a major recovery project, whether they be a site manager at the micro level or a business manager at a much higher

level, should have time lines and strategic approaches on all the issues that are important to the community. That was not evident during those hearings.

From a business recovery perspective, little of that VBRRA money has been directed into re-establishing the business communities in places like Marysville. Many people who have come through my office have quite large and established businesses, and because they do not fit the criteria they have not been able to access any of that money for recovery. There is still money to be acquitted; if there is not that input in those communities, they will not recover. We need to make sure that the social fabric provided by jobs and community is there.

A range of governance issues have been raised with me around the recovery process. One governance issue discussed in the report is the Hazeldene-Flowerdale bushfire recovery process. Hazeldene is a very small community just outside Flowerdale — in fact it probably has more infrastructure than Flowerdale. It has been absorbed into a process which has come about because it was a traumatic time. In many cases the committees were set up as expediently as possible, and action groups and committees were formed with some haste. A lot of people who became involved would probably not have been the natural community leaders, and that has caused conflicts that are very difficult to resolve.

There are also governance issues around such things as the way the Jarara community centre at Hazeldene has been taken over by a particular group and absorbed, and the processes around planning permits, on which there has been no consultation. A bushfire attack level (BAL) assessment of 29, which is considered a safe rating, was issued on the former Jarara community centre site for the new Flowerdale community centre without any building plans being finalised, so there are some process issues.

I understand the difficulties around managing all these issues, but we have a problem. I believe Ms Nixon has been shown, through the royal commission, to be a very hands-off, laissez-faire manager, and in this case things could have been managed a whole lot better. I know people in Kinglake who are still living in caravans. Whilst it is pretty cold where I live, it is even colder in Kinglake; it snows there. We are almost a year and a half on now, so it has been pretty severe for these people.

One of the other issues I would like to raise is the acquittal of the moneys around counselling. When I last checked, there was a significant amount of money still left in that VBRRA pot. Whilst there are counsellors, and they are doing a mighty job, this is an ongoing social issue for these communities. As I said before, it will have an intergenerational impact on communities and individuals. It is a fact that Country Fire Authority counsellors are in very short supply. Many people who fought the fires on the day are not getting counselling in an expedient manner, and there could be more effort regarding that. I want to put that on the record for these communities, and I am using this opportunity to do so.

There is still money in the pot, and it needs to be expended in the areas where it is going to do the most good. The community would be very disappointed to know that VBRRA has picked some winners and some losers in communities. We all know there must be some parameters around distribution, but there is evidence of very great need that has been ignored, and I use this opportunity to highlight that.

I have spoken about governance, which I think we need to understand. The process moves on. We still have sporting facilities that have had temporary villages placed in them, and they will be closed shortly. One of the impacts that has had on young people in some areas is that they have actually had nowhere to play sport. The people who are still there — those kids, young men and women — are having to travel outside their community to play sport. If we are fair dinkum about bringing the affected communities back together again, it is very important that we make sure country communities have their own places.

My final comment is that recovery from the bushfires has been an arduous, difficult and traumatic experience for everyone, and I know that everyone has done the best they can. In no way am I being overtly critical of any individual, because it is an enormous job, but we do need to learn from the experience. We need to have in place appropriate Displans, infrastructure checks, measures and controls around distribution and governance. There need to be some accountabilities. I believe that to have a figurehead who is totally responsible in this case proved to be most impractical. Unfortunately those communities have borne the brunt of that. I commend the report to the house.

Mr TEE (Eastern Metropolitan) — This report is important; it has led to an important discussion and debate. There have been a number of phases as part of the recovery. The first stage was the massive and generous response from Victorians, people around the country and indeed throughout the world. The second phase has been the allocation of that funding and the rebuilding of those communities.

The heart of the report goes to the progress of recovery. It provides us with a snapshot of the rebuild and how it is progressing. The Victorian Bushfire Appeal Fund received some $389 million, which was a massive and very generous response to what was the worst natural disaster in our recent history. The evidence went to how that funding has been allocated. We know that some $251 million of it has already been paid out, so there has been significant progress made in the allocation of the funding and the resulting work, but there has also been an additional $43 million allocated for ongoing community projects.

The work now is about developing the long-term needs program for those unclaimed funds. The evidence was very clear and compelling that, firstly, the community's generosity has been respected in that donors can be assured and confident that the funds have been directed to those most in need. That was the compelling evidence. I suppose the other aspect has been that the pace of the rebuild has been very much driven by local communities, families and individuals, as it should be. I think it is very easy for us to fall into the trap of putting our own values and standards on the progress of any rebuilding. It is very easy for us as members of Parliament to fall into that trap — —

Mr Barber — Speak for yourself!

Mr TEE — I suppose I am suggesting that we need to be cautious before we in our very privileged position impose standards on how many people should have returned or how many houses should have been rebuilt, Mr Barber. It is very important that we allow those communities — those families and those individuals — to drive their recovery. A lot of those people are grieving, a lot of them are undecided and a lot of them make a decision to return and then change their minds. It is important that we provide the support but it is also important that we do not inadvertently judge them for taking their time as part of the rebuild. That is an important consideration for us.

Notwithstanding that reservation, we know that there has been significant progress. More than 1800 building permits have been issued. People are making a decision to return and new businesses are setting up. There has been significant improvement, with significant rebuild. More than 6500 kilometres of fencing have been replaced, more than 400 kilometres of roads have been restored and more than 3000 properties have been cleared. There are still ongoing accommodation support and counselling services. There is still ongoing rebuilding of those key community assets, including community halls and sport and recreation facilities. Notwithstanding the trauma, the resilience in terms of the rebuild has been excellent.

The key challenge, of course, is to not simply vacate the field once there is a perception that the job is done. Again, it was heartening to see that the case management service will operate for another two years. That has been a very successful program in assisting individuals and families to connect with relevant services to get the information they need to make the decisions on what their future holds for them.

There was some considerable evidence about the efforts that Ms Nixon and her team had made to re-establish businesses. We heard some evidence about Ms Nixon and her team opening and operating a service station to provide an important resource for the community. There was some considerable evidence about businesses re-emerging and providing the jobs that are really needed to make sure that we have sustainable communities. That has been encouraging. I think the evidence was that some 400 businesses have accessed the relevant services that provide the information they need.

The other issue I want to touch on briefly is the rebuilding of houses. Again, we need to be cautious because there are new standards that ensure greater protection. It is very easy for individuals who might find it difficult to rebuild to be concerned about these higher standards. We in this chamber need to take a leadership position on this.

The new standards are there for a reason: they are there to save lives, and it is incumbent on us to recognise how important they are. That is not to say that the government and Ms Nixon and her team ought not to play a significant role in providing support, providing information and providing access, but that is really a discussion we should have rather than being critical of these very important new standards.

Again I think the evidence is, and Ms Nixon certainly gave the committee a degree of confidence that it is so, that a considerable amount of work had been done and that that work had been done in a way that was compassionate and sympathetic to the needs of the individuals concerned, who are at very different stages in their personal recovery process. I welcome the report.

Ms BROAD (Northern Victoria) — I also wish to make some remarks on the report on the performance of the Victorian Bushfire Reconstruction and Recovery Authority by the Standing Committee on Finance and Public Administration. I was a member of the

committee for the period this report covers and I also, along with a number of other members in this place, as a member for Northern Victoria represent the region which was most affected by the February 2009 bushfires.

At the outset I acknowledge and thank the representatives of the authority who attended the committee hearing in February this year, some 12 months after the fires, to present evidence and to respond to inquiries from members of the committee. Those representatives were the chair, Ms Christine Nixon, and the CEO, Mr Ben Hubbard, of the authority.

In an earlier contribution from a member of the committee a remark was made about the hands-off style of Ms Christine Nixon. I want to place on the record that, from both the evidence presented to the committee — which is contained in the transcript that is part of this report — and my experience of listening to constituents in Northern Victoria Region, the performance of the chair of the authority could only be described as reflecting the complete opposite of a hands-off approach. In fact it is amazing that the chair of the authority has been able to be in so many places affected by the bushfires to hear firsthand what is happening and to ensure that the authority acts on the matters raised with her and with the authority, which she has done as part of her job as chair of the authority.

It is true to say that I have been critical of other reports of the Standing Committee on Finance and Public Administration for their lack of recommendations. However, in this case I am willing to say that it is appropriate that this report of the standing committee does not contain recommendations, given that we are all currently awaiting the final report of the royal commission. I think it is appropriate that the evidence that was collected by the committee is presented to Parliament and that the matter of recommendations waits until a later time, when I am sure there will be a great deal of scrutiny and consideration of the final report of the royal commission on a whole range of matters.

I also acknowledge the other members of the committee and the staff for their contributions to this report. Members and others who take the time to examine this report will appreciate that the task of the reconstruction authority was always going to be an enormous undertaking, given the scale of the February 2009 bushfires. Those are referred to in the presentation the authority made to the committee. On 7 February alone over 700 fires ignited across Victoria; 173 people lost their lives; 2133 properties were destroyed; more properties damaged; livestock and wild animals were killed; 430 000 hectares were burnt; and thousands of kilometres of fencing was damaged. This was always going to be an enormous undertaking for the authority.

On top of that, the response from Victorians who wished to make a contribution and assist communities and the families affected by the bushfires was of a scale that made the task a massive one for the authority. In the transcript of the committee's hearings there is reference to the massive amount of goods donated — 21 000 pallet loads — in addition to the funds that were contributed. Managing that scale of response was an enormous undertaking in its own right.

The one part of the evidence that I wish to particularly focus on relates to the progress in rebuilding homes and communities. There has been reference to the number of reconstruction building permits and occupancy permits issued; the report lists the number of permits that were issued at the time evidence was given to the committee. I do not propose to go over the actual numbers, but I think it is worth reflecting on the fact that there are people who are still undecided whether to rebuild.

I had occasion as recently as last weekend to have a conversation with a person who is still living in a caravan and who is still undecided about whether they will rebuild or sell up and relocate. Only they can make that decision. Some people, some individuals, some families take longer than others to make that decision, notwithstanding the enormous amount of available assistance and support. Some people are very clear about their decisions, as some were very clear in the weeks immediately following the bushfires, but the fact is that now, in June, some people are still struggling to make that decision. They need to be given as much space as they need so as to make that decision. This is one reason why it is important that resources are still available to support people in that position.

There has been reference to accountability and needing to get on with the expenditure and the commitment of resources as well. Some people and some families are simply not in that position, because of what has happened to them, to get on with it according to somebody else's timetable. That may present a whole range of difficulties for the authority, the state government or the local government, but the fact is that those are the circumstances that the authority and governments face, and we have to be prepared to work through these issues with the people affected for as long as reasonably it takes.

There has also been reference in earlier contributions to the tensions between, on the one hand, process,

consultation and governance issues and, on the other hand, to getting on with rebuilding. I think those remarks simply go to highlighting the tension between those two matters. The fact of the matter is it is not possible to both ensure that people are given the time, space and support they need to be consulted as much as is necessary and deliver reconstruction in all of these communities according to somebody else's preset timetable.

With those remarks, I commend the report to the house, and I thank everyone who made a contribution to it.

Mr HALL (Eastern Victoria) — I do not think any one of us underestimated the enormity of the impact of the January-February 2009 bushfires, nor do I think any of us underestimated the huge task of supporting community and personal recovery after the fires. While the Victorian Bushfire Reconstruction and Recovery Authority was given responsibility to be a lead agency in that recovery process, it was far from the only organisation involved in assisting community and personal recovery, and that should be acknowledged. A lot of organisations, individuals, volunteers and community groups have contributed magnificently to the recovery process, and as I said, we need to acknowledge that.

It was said widely at the time that the recovery would potentially take generations, and that is proving to be the case. Now, almost 18 months after the fires, recovery has only just started in many senses. People are still feeling the impact of the fires and will continue to do so for a very long period of time. I think that prediction that recovery in some instances would take generations is true.

How do you measure recovery? It is probably simplistic to look just at infrastructure restored and houses rebuilt. That is only one aspect of recovery, which is very much an individual thing. As Ms Broad commented, some people are still making decisions about which future path they will take with respect to issues such as where they will live. Some have not made the decision about whether they will rebuild or not. I was not surprised to read an article — I think it was in the weekend newspapers — saying that, comparatively speaking, very few have made the decision to rebuild. Many have taken insurance funds and decided not to use the funds from their insurance policies to rebuild. I suspect some will have made that decision but others would still be deciding.

As I said, it is probably much easier to measure physical recovery. What is far more difficult to measure is personal recovery. Many people will feel the personal impact of these fires for the rest of their lives. That was brought home to me again a fortnight ago here in the Parliament when I met a young lady who had lost four family members in the fires. She is still finalising the estates of her family members, and quite frankly she will live with this for the rest of her life. She will need ongoing support in professional and personal ways for years and years to come.

In terms of personal recovery, therefore, it should be remembered by all of us that the task of recovery is ongoing and that we should not be dropping the ball on this issue. Yes, it is handy to have reports and inquiries, such as those of the committee of which I was a member, looking into this, but let us also consider that when the Victorian Bushfire Reconstruction and Recovery Authority folds — and there will be a day when the authority goes out of existence — there will still be work to be done, and whomever is in government will have some responsibility to ensure that the ongoing necessary support required for personal recovery is still available to those people. Government has a role to play, but equally fellow community and family members and friends also have a continuing role to assist those people affected by this very traumatic event.

Mr KAVANAGH (Western Victoria) — The facts of the bushfires have been repeated today, but the bushfires of February 2009 were the worst in Australia's history, and perhaps they were also the worst natural disaster in Australia's history. The most important question to ask after a bushfire of this scale is how to prevent it happening again in the future, but that was really not the task of the committee in its investigation. Since we held hearings in February a controversy has erupted about the role of Ms Nixon and the appropriateness or suitability of her leading the recovery authority, but it was not our task to consider that either. Our task was to investigate the bushfire reconstruction efforts and assess their success or otherwise and specifically to examine the performance of the Victorian Bushfire Reconstruction and Recovery Authority.

In the course of that investigation we interviewed Ms Christine Nixon, the chair of the authority, and Mr Ben Hubbard, the chief executive officer. There had been complaints from some quarters and frustrations expressed about the slowness of recovery efforts, with, for example, fewer houses rebuilt by February than many people would have expected.

However, in the course of our investigation and interviews it became clear to me that not only was there compassion from the authority and dedication to its task

but also efficiency in the way it was going about it. There was no evidence or hint of ineptitude and no lack of desire to achieve good outcomes and the best outcomes possible for affected people. In particular I was impressed with Ms Nixon and Mr Hubbard's commitment to those who had been severely burned; and I think they should be the highest priority in reconstruction and recovery.

From our interviews it is clear that the authority has done as well as possible in very difficult circumstances. Things can take a lot longer than people might expect. Even with the huge resources which were devoted to reconstruction and recovery, the results are not necessarily anywhere near immediate; they can take years to develop. I pay tribute to Ms Nixon and Mr Hubbard and all those involved with the Victorian Bushfire Reconstruction and Recovery Authority. Although our task was to investigate this government authority, I also pay tribute to all those individual volunteers and private organisations for their generous and heroic contributions to reconstruction and recovery after the bushfires. Their heroism and generosity have done much to allow bushfire reconstruction and recovery to proceed.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's reports on —

Access to Social Housing, June 2010.

Management of Major Rail Projects, June 2010.

Managing the Requirements for Disclosing Private Sector Contracts, June 2010.

Ombudsman — Report on Investigation into the probity of the Kew Residential Services and St Kilda Triangle developments, June 2010.

MEMBERS STATEMENTS

Torquay: secondary college

Mr KOCH (Western Victoria) — On Monday with Martin Dixon, the shadow Minister for Education and member for Nepean in the Assembly, and Michael Crutchfield, the member for South Barwon in the Assembly, I addressed a public meeting in Torquay organised by parents concerned about Torquay and Surf Coast schooling. They were a local group of parents seeking full secondary college education in Torquay. With a population exceeding 14 500 people Torquay remains the only rural city in Victoria where students do not have access to full secondary education within the local community. At the meeting it was evident that people are sick of the spin Michael Crutchfield and the Brumby government continue to give; they take the Torquay community for granted. In July 2009 Martin Dixon launched the coalition's education — —

Mr Leane — On a point of order, Acting President, Mr Koch mentioned the member for South Barwon in a derogatory way. He can only do that through a standing motion.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Can Mr Leane repeat his point of order?

Mr Leane — Acting President, you can only attack a member of the other chamber if it is through a standing motion.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Can Mr Koch define what he said about the member for South Barwon?

Mr KOCH — What I said about the member was that at this particular public meeting I attended it was evident that people are sick of the spin that Mr Crutchfield and the Brumby government continue to give the Torquay community.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! There is no point of order.

Mr KOCH — In July 2009 Martin Dixon launched the coalition's education policy for Torquay. This includes a $20 million commitment to build a full secondary college on a 13-acre greenfield site in Torquay with classes to commence in 2012. The government is pursuing the development of another primary school rather than a new secondary college. This continues to force students to be bussed to Geelong. The provision of full secondary education in Torquay allows students to retain their local identity. Traffic congestion along Grossmans Road will be reduced. Grossmans Road is the home of two primary schools, a kindergarten, a Country Fire Authority station, ambulance services and the Victoria State Emergency Service.

In contrast, the government's solution of expanding education at this location will only add to congestion and daily frustration to all. Growing communities need certainty of complete education — something the local member — —

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

Refugee Week

Mr MURPHY (Northern Metropolitan) — This week our community celebrates Refugee Week, to coincide with World Refugee Day on 20 June.

There are many events being held around Melbourne this week to celebrate the diversity and multiculturalism that exists in our community and recognising that, as we speak and as war and violent conflict rage around the world, people just like us are running for their lives, their families, their dignity and their freedom, often leaving everything behind, and they leave with nothing but their hope, courage and determination. They are refugees.

They are welcome here as members of our community. It is my strong belief that Australia must do more to assist those seeking asylum. In 2009 Australia received 6170 asylum applications, just 1.6 per cent of the 377 160 applications received across 44 industrialised nations.

Of the 44 nations, Australia was ranked 16th overall and was 21st on a per capita basis. The industrialised countries with the largest number of asylum applications in 2009 were the United States with 49 020; France with 41 000; Canada with 33 000; the United Kingdom with 29 000; Germany with 27 000; and Sweden with 24 000.

Any person who seeks to fight for their rights as a human being, as set out by the United Nation's Universal Declaration of Human Rights, and for the rights of their family, are courageous and determined beyond comprehension and are exactly the sort of people we should welcome into our community.

I offer my support and recognition to all members of our community who have had the courage to seek asylum in Australia and who have added so much to the diversity we celebrate and often take for granted.

Australia: republic debate

Mr FINN (Western Metropolitan) — The recent Queen's Birthday holiday provided an opportunity for the more boring members of our community to start flapping their jaws about that hoary old chestnut — the republic. By doing so, the republicans betrayed their pathological hatred of the Royal Family, but did little else. This issue is not about personalities; it is not about Her Majesty Queen Elizabeth, Prince Philip, Prince Charles, Camilla, Diana or even Paul Keating and Malcolm Turnbull, but it is about our system of government and a constitutional monarchy that allows freedom that is the envy of most of the rest of the world.

If our constitutional monarchy were a car, it would be comfortable, it would be economical and it would be reliable. Republicans want us to buy a new vehicle, but they will not tell us what make or model; they will not tell us how much it will cost; and they will not even tell us if it will start or take us to where we need to go. They want us to buy a pig in a poke.

That is just not good enough for Australia and for Australians. If republicans can come up with a better system of government than Australia's constitutional monarchy, then let us see it. Let us hear what they have got. At this point they have not done it because they know, as indeed we all know, that the constitutional monarchy is the best system of government for Australia, because it has made Australia one of the greatest nations on this earth.

Refugee Week

Ms HARTLAND (Western Metropolitan) — Yesterday in Queen's Hall I attended the Melbourne launch of Refugee Week, but I was quite disappointed that I was the only state MP to attend.

Refugee Week is very important for me as I joined the Greens during the events of Tampa, because the Greens were the only party showing genuine compassion and wanting a fair go; they were the only party with the conviction to stand up against John Howard and not use the race card in an election campaign.

Australia is a country of refugees and migrants. Unless you are indigenous, you and your family came to Australia by boat or by plane. It is very disappointing to see Prime Minister Rudd using the race card yet again when he said the federal government will not process applications made by Sri Lankans and Afghanis.

At the launch yesterday we were reminded of the sheer numbers of people who have come to Australia as refugees, displaced persons or migrants, and the role they play in making Australia what it is. We need to find our sense of compassion again; political parties have to stop using the race card and fear as a way of winning elections.

Migrant Information Centre: eastern division

Mr LEANE (Eastern Metropolitan) — Today I want to commend the eastern division of the Migrant Information Centre (MIC), which, in partnership with

the Rotary Club of Mont Albert and Surrey Hills, held a cottage industry program training course for 14 refugees who came from countries such as Burma and also the Sudan. They attended this six-week course, which was supervised by the three members of Rotary who provided information on a range of topics, including market research; ensuring a profit is made through accurate costing and pricing; and also important things as far as tax law, licensing and the best ways to operate a home-based business are concerned.

Guest speakers were invited during the six-week course. Representatives from local government and from the Australian Taxation Office were also invited to speak and participated in the training which could help the participants, I hope, start their own small businesses that will be related to the cottage industry in Melbourne.

I was pleased on Monday night to be able to attend the handing over certificates for the 14 people, and from the feedback I got from them, it was a fantastic program run by MIC.

Buses: Loch

Mr HALL (Eastern Victoria) — Ruth Cashin of the Loch Community Development Association recently wrote to me enclosing a copy of a letter the association wrote to public transport minister, Martin Pakula. It concerns the location of V/Line bus stops in the township of Loch. Ms Cashin and the association argue that recently those bus stops were relocated, but inappropriately, according to the association, and into a position which would impact on a number of the commercial activities and festivals being held in the town.

The request that has been expressed by the association is for the minister to look again at relocating those V/Line bus stops to a more appropriate position in the township. I think their request is a very reasonable one. They have submitted a comprehensive argument, including photographs of where the bus stops should be located, so I am asking, by way of this statement, for the Minister for Public Transport to have a serious look at this. I am supporting the Loch Community Development Association in its efforts to have these bus stops more appropriately located in the township of Loch.

Beechworth Celtic Festival

Ms DARVENIZA (Northern Victoria) — I was very pleased last week whilst in Beechworth to announce a $5000 grant for the 2010 Beechworth Celtic Festival. The $5000 grant is from the government's Country Victoria Events program.

The 16th annual Celtic festival is being held on the weekend of 5–7 November and is going to feature Celtic musicians and artists from around Australia; it is anticipated that up to 8000 people will be attracted to it.

The government understands how important it is to support these local events, because tourist events like these are the lifeblood of many of our towns. They help to inject funds into the local economies and to protect jobs. The Beechworth Celtic Festival attracts people from far and wide to visit regional Victoria, to experience our culture and appreciate our outstanding food and wine and of course our beautiful scenery and wildlife.

Beechworth hosts a fantastic number of events and festivals throughout the year that celebrate first-class food and wine, its breweries and history and that offer opportunities to get involved in a range of outdoor activities. Many visitors who come to Beechworth for these events would stay in the area, giving the local tourist industry an important boost.

Members of the Beechworth Chamber of Commerce are contributing $5000 to this event and the Indigo Shire Council is contributing $1500, all of which will assist with marketing around the event.

I want to congratulate all those who have been involved in getting this event off the ground and encourage all members of this chamber to put this event in their diaries, to go to Beechworth on 5–7 November and take part in the Celtic festival.

Christopher Thompson

Mr TEE (Eastern Metropolitan) — I rise to congratulate Christopher Thompson of the Ringwood Secondary College who received the award for most outstanding literary piece as part of the 2010 Pierre de Coubertin Awards. This is an initiative of the Victorian Olympic Council and the Department of Education and Early Childhood Development and it is named after the founder of the modern Olympic Games.

This year about 140 students from years 10, 11 and 12 and their schools received this prestigious award. To win the award, students must submit an artwork or literary piece related to the theme of 'pride of the nation' and the 2010 Winter Olympic Games. A number of entrants submitted artwork, essays and poetry.

All government and non-government secondary schools are invited to nominate one student from years 10, 11 or 12 for the award each year. The nominee must participate actively in their school's physical education program, have a consistently positive attitude and they must have represented the school in sport. So it is a combination of sports and literary or artistic pursuits, and I congratulate the students.

Rail: Craigieburn maintenance facility

Mr EIDEH (Western Metropolitan) — I commend the Brumby Labor government for taking action to provide residents in my electorate with a more efficient and reliable train service, following the announcement of a new train maintenance facility in Craigieburn. I was delighted to attend the announcement last week in the presence of the Minister for Public Transport, Martin Pakula, and the member for Yuroke in the Assembly, Liz Beattie.

I am pleased to say that this project is part of the $440 million being committed to the improvement of maintenance facilities for Melbourne's 38 new trains under the Victorian transport plan. The new maintenance building, which will be one of the largest in Australia, will be longer than the MCG and include housing for 17 trains, maintenance train roads and a train wash plant. An impressive 120 000-litre rainwater tank will assist in providing water for the train wash plant.

This multimillion-dollar facility will help deliver more reliable services for commuters on the Craigieburn line and ensure Melbourne's train fleet is running at its peak, which is in addition to the 25 extra peak extensions per week which were introduced earlier this month. With work already under way and progressing well, the entire facility is due to be completed by the end of next year; around 60 new jobs will be created throughout the ongoing operation of the facility. Once again, I commend the Brumby Labor government for its commitment to delivering reliable and efficient train services to this rapidly growing suburb in my electorate.

Housing: Ashwood Chadstone Gateway project

Mr D. DAVIS (Southern Metropolitan) — In my members statement today I want to draw attention to the issues in Ashwood with respect to the Gateway project and the government's decision to build a seven-storey high-density tower there. Everyone supports social housing and everyone supports the option of the community to have proper housing, but what the community does not support in this case is forced development without consultation. At the public meeting I attended the other day it was clear that only 6 of a large crowd of about 70 people felt that they had been consulted properly. At another public meeting several weeks ago, of the nearly 80 people in attendance only 5 felt that they had been consulted by the government.

It is clear that seven storeys is simply too much; it is too dense and too high. The number of dwellings in that pocket will change the shape of that area of Ashwood. It is clear that this is part of the government's attempt to increase Melbourne's housing density without community consultation. This is like the government's amendment VC67 proposal that seeks to allow high-density housing as of right along all of the bus, train and tram routes in the city. This is about the shape of Melbourne and its future. It is about whether communities are consulted and have a say. The Labor member for Burwood in the other place, Mr Stensholt, has not stood up for his community on this and that is disgraceful.

CHILD PROTECTION: PRODUCTION OF DOCUMENTS

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

> That in accordance with sessional order 21, there be tabled in the Council by 12 noon on 28 July 2010 a copy of the legal advice to the minister and/or the Department of Human Services regarding fulfilling statutory responsibilities in relation to best interest case plans for children in child protection, which was repeatedly referred to by the Minister for Community Services in the Public Accounts and Estimates Committee hearing on 19 May 2010.

This is an important document. It relates to child protection. It is a document on which the Minister for Community Services herself has put significant weight. It is a document that has been produced with taxpayers money through the efforts of the department and I think it is entirely reasonable that this document in its complete form be in the public domain.

I make the point that the minister did not handle well that hearing of the Public Accounts and Estimates Committee on 19 May this year and she has not handled her portfolio well. The purpose of this production of documents motion is to ensure that these important documents are actually in the public domain. The community, the opposition and the sector have every right to see these documents in full and understand exactly how the government intends to fulfil its statutory obligations in relation to child protection.

The recent reports that have been tabled in this Parliament that have shown the failure of the government to meet its obligations with respect to child protection are, again, a significant wake-up call for the community. The Premier and the Minister for Community Services have been tardy in their response to this. This government has now been in power for 11 years. As I said, the point of this motion is to ensure that these important documents in their complete form are in the public domain. I think this request is entirely reasonable and I seek the support of the house for this production of documents motion.

Mr LEANE (Eastern Metropolitan) — The government has been consistent with respect to production of documents motions such as this one that have been moved by members of the opposition. If the documents that are requested are not cabinet or commercial-in-confidence documents, then the government has no issue in handing over such documents in line with the motions.

I want to touch on this particular motion as it relates to best interest case plans and legal advice around best interest case plans for children under child protection. I imagine most members of this chamber would have dealt with relatives of children who have come under best interest case plans — agreed plans as to how best protect these children's interests — and will understand how emotive this issue can be. A number of stakeholders can be involved in formulating a best interest case plan. It can sometimes involve parents who are estranged from each other. It can involve grandparents and principals of the schools that children go to, because some case plans designate a person or persons as the only ones who can drop children off at and pick them up from school.

As I said at the start, these matters are always emotive. There will usually be relatives of the child who will not agree that the case plan represents the best interests of the child as far as they are concerned. However, these children need to be protected. Their interests need to be at the forefront of decisions regarding these case plans, and eventually some sort of agreement has to be reached in the best interests of the child.

I understand what Mr David Davis is asking for regarding legal advice. I hope that in looking at individual case plans, given the number of such plans we have in the state that are in the best interests of the child, he will be careful not to sensationalise the issue for a political end. This is an emotive issue, as I said, and sometimes a very sad one. It is sad when it comes to the point where a child needs to have a best interest case plan. Having dealt with the Department of Human Services, the ministry and the minister a number of times regarding this area, I honestly believe that the department and the minister have only the best interests of such children at heart. It is sad if the opposition feels it will serve its political ends to go down a path that will show it to be quite grubby.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support this motion. It is an area of some public interest and concern, and it would be fair to say, as I said in a Public Accounts and Estimates Committee hearing, that the government has not done as well as it could have in this area. There have certainly been many warnings for a long time about the problems in this area. I would not support this motion if I thought it was a political exercise in and of itself. I support it because I believe what happens to children in child protection is, as I said, an issue of great public importance and concern.

There was quite a lot of questioning about this issue during the Public Accounts and Estimates Committee's budget process, and people can read this for themselves in the transcripts. It is of concern that it appears that some information that should be public is less than public. I take Mr Leane's point that the minister and the department have the best interests of the child at heart. I do not doubt that that is the case, but there is no point denying or pretending that there have not been ongoing issues in this area and that there have not been a lot of warnings to the government that there are issues and problems.

I am not sure whether the document that has been asked for will be able to be released, given the privacy concerns et cetera that Mr Leane referred to, but if it cannot be, we will certainly be told.

Motion agreed to.

SMART METERS: PRODUCTION OF DOCUMENTS

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

That in accordance with sessional order 21, there be tabled in the Council by 12 noon on Tuesday, 27 July 2010, the following documents relating to the Brumby Labor government's advanced metering infrastructure project, also known as the smart meters project:

(a) all documents relating to all cost-benefit analyses of the project;

(b) all correspondence and instructions, direction, guidelines and similar documents provided to, or received from, the party or parties undertaking any cost-benefit analyses;

(c) all correspondence to or from the Minister for Energy and Resources, his department or agencies, and Victoria's electricity distribution businesses concerning smart meters;

(d) all documents relating to the operation of time-of-use pricing and smart meters, including the government's decision to impose a moratorium on the operation of time-of-use pricing and the government's subsequent decision to determine that time-of-use processing will not be mandatory; and

(e) all documents relating to any proposed communications, education or public awareness campaigns concerning smart meters, including financial documents and invoices.

The chamber debated smart meters at length during the last sitting week. It is clear that the government's smart meter project is in serious trouble. The Public Accounts and Estimates Committee heard the revelation that the process is more than $800 million over budget. There has been a huge and shameful blunder in the introduction of this project, however worthy it may be in broad concept.

The point is these projects have to be implemented properly. They have to be implemented in a cost-effective manner, and they have to be implemented in a way that does not disadvantage the broad community, particularly the vulnerable in our community — pensioners, those on low incomes and those who are vulnerable to significant price increases that result from the insensitive implementation of this project. People are being hit with a charge for the installation of the smart meters, and that lands on their bill directly; but they will also be hit with increased metering costs as things go forward.

The government is doing this; it has tried to do it almost by stealth and tried to slip it through. It is going to cause enormous damage in our community, unless the project is taken in hand, modified and put in in a way that will not impact unreasonably or unconscionably on those who are vulnerable, particularly the poor and the old whose incomes in many cases are fixed and which are often seriously inadequate.

The government has not only botched the introduction of this project with massive cost overruns but, as I say, it has also been less than honest about the impact it will have. I know that the Victorian Council of Social Service and a number of the social protection groups are very concerned about the impact of the unsophisticated rollout of smart meters into the community and particularly, as I say, the impact on the vulnerable, the aged and others.

This motion seeks to go further than the community has been able to go in getting to the bottom of the government's implementation of this project. There is, frankly, an $800 million overrun, which is a massive amount of money. We have myki running out of control; we have HealthSMART in the health system now hundreds of millions of dollars over budget and directly hitting onto the budgets of our public hospitals, and ripping money out of care plans and patient care directly to fund botched electronic and IT projects; and now we have these smart meters being rolled out in our electricity grid. Mr Vogels canvassed a lot of this very closely in the last week sitting when he led a motion in this chamber, so I am not going to go over the details of the problems with the smart meter project. They are now becoming very well known.

But what is not well known is how the Minister for Energy and Resources, a particularly incompetent minister, has gone forward and botched the introduction of this project. What is not known is what information was in the government's hands — cost-benefit analyses — at the time it was making these decisions.

Mrs Peulich — Why bother doing that? It is only taxpayers money.

Mr D. DAVIS — Mrs Peulich, the government either has the cost-benefit analyses or it does not. If the government has proceeded without those documents, it would be extraordinary. If it has those documents, the documents at this point as the project is careering into a serious set of problems, they should be in the public domain. Equally the correspondence between the minister and the relevant electricity bodies should be in the public domain. We need to know what Mr Batchelor knew and when he knew it. Ms Pennicuik is a member of the Public Accounts and Estimates Committee and will be familiar with the proceedings on the day the minister in effect let slip the size of the implementation cost, which is far and away above the figure that had been put out publicly before.

This motion seeks to obtain the detail below these public headlines and the documents relating to the operation of time of use and how this will impact. The impact on families and communities has to be studied before these things are just steamrolled out into communities. The government has to get this right. I will be quite clear, there is a legitimate case for a better metering of electricity use, but we need a system where the community understands it; we need a system where it is rolled out and where the impact on the poor and the vulnerable is moderated.

I pay tribute to the work done by the shadow Minister for Consumer Affairs, Michael O'Brien, the member for Malvern in the Assembly, in slowly but surely ferreting out the truth behind the government's smart meter project. Many members will have received letters in the mail in the recent period, and by way of a side note I will put on the record that I was shocked when I got the letter at my house and noted this government's spruiking and advertising — —

Honourable members interjecting.

Mr D. DAVIS — No, I will tell you why, because the letter from Mr Batchelor breaks all the Auditor-General's guidelines on government advertising. This is a spruiking letter and is designed to put the government's case, as the Brumby Labor government, as the letter refers to, again breaches the Auditor-General's guidelines. I make the point that the government is out there spruiking it now with direct mail in people's homes, but the letters are not truthful.

The government puts the positive spin in the letters, but the truth about the impact on people is not being put in those letters. They do not tell pensioners and community groups that the electricity and water costs in this state are and have been skyrocketing. Water costs are going to go through the roof as the desalination plant comes on line. The legacy of this 11-year, long-term Labor government that will be left to Victorians — vulnerable Victorians, weak Victorians, old Victorians and poor Victorians — will be a long-term hit on their standard of living through increased water and electricity charges. That will be the Premier's legacy.

The Premier — initially as Treasurer, then as Premier — is overseeing this smart meter project. He has allowed his incompetent minister — and members will remember who signed off on myki: it was Mr Batchelor, transport minister — to roll out this project. But who sat on the expenditure review committee at the time? The Premier. They were all there and they are all in it.

This smart meter rollout has all the hallmarks of another IT disaster in its implementation. We have seen it with HealthSMART in the last few days as the truth about the impact of HealthSMART on hospital budgets is coming to light. But the Premier is doing it again, with Mr Batchelor's help, in this area. Again I pay tribute to Mr Vogels for leading the chamber in the debate on this issue the other day.

I do not want to say much more. I think the case that these facts, these documents that underpin the government's implementation of this botched project, should be in the public domain is unanswerable.

Mr LEANE (Eastern Metropolitan) — As Mr Viney usually says on a Wednesday — I am trying to channel him — as far as motions requesting documents are concerned, the government is happy to hand over any paperwork requested under these motions unless they are cabinet documents or are commercial in confidence. As far as commercial in confidence goes, I suppose we would all like to live in a state where people from all around the world can tender for important services that get delivered in this state in the knowledge that their tender documents are safe and will not be given to an opposition that goes straight to the third page of the *Age*.

But I want to touch on the issue of smart meters and the debate that we are having here today. I was interested that Mr Davis in a soft fashion just tucked into his contribution that maybe there should be a better way of metering electricity and maybe the opposition is not completely against the intent. I understand why he would actually say that, because the genesis of the rollout of the smart meters came from a Council of Australian Governments meeting a number of years ago, which was led by the former Prime Minister, John Howard, who at the time was a progressive visionary when it comes to the metering of electricity. I understand that perhaps Victorian coalition members are a bit more scared of these new-fashioned gizmos; I think they are a bit scared of technology and of change.

It is a sad day when the Victorian coalition has a less progressive view than the previous Prime Minister, John Howard. I understand how Mr Davis will slip that bit in and say, 'We are not completely against the new metering system'. This is all part of demonising a simple application. When it comes to smart meters: they are not that scary; get on board. There are systems that monitor electrical supply all over the world, and they are actually in this state in certain quarters — —

Mrs Peulich — Yes.

Mr LEANE — Yes, they are, Mrs Peulich; you would be surprised. You probably need to get out a bit more. As far as the railway system goes you can go to a control room and it will show you a display of all the power supplies across the railway system, which are monitored. The beauty of monitoring each individual house is that rather than someone having to make a phone call to say they have lost supply to their house or street, more quickly than you can click your fingers a notification can instead be sent electronically, in milliseconds, to a control room that can flag to the

supplier that they have lost supply, rather than the supplier having to wait to be notified.

If you lose supply to the street and to your house while you are out working or doing some leisure activity for a number of hours, you might come home and realise that the power has been knocked out from the street to your home, your fridge has defrosted and all your food has gone rotten. The beauty of this system is that the power company could receive a flag that tells it to send a serviceman to the street to fix the supply before you even knew the supply to the house had gone. It is not really scary. You would think that would be a pretty good thing. There is also the ability to monitor your electricity supply to change the way you might use energy.

Mrs Peulich interjected.

Mr LEANE — I know you are scared of the new world, Mrs Peulich. You are scared of these newfangled things. They terrify you. I know they are terrifying, but this is the way of the world. I do not know what sort of metering you would like to see in this state, but everything is going to solid state — —

Mr Jennings — Everyone should eat coal.

Mr LEANE — The days of shovelling coal are gone. The motion is a bit contradictory; I am not too sure if the opposition supports the rollout of smart meters or not, but as far as this motion regarding the production of documents goes, the government will take the same stand it has taken every single week when we have had one of these debates about documents.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the motion of Mr Davis, which calls for documents relating to the smart meter project. Mr Leane stood up to tell us that, as usual, the government will support a motion for documents to be tabled in the Council as long as they are not cabinet documents or commercial in confidence. We know a lot of documents might be classified as cabinet documents or commercial-in-confidence documents, although some of them may not necessarily qualify as such in the spirit of or technical use of those terms, so a lot of information that should be available to the public is not available.

I would also say that it has always been our contention that any document that is not a cabinet document or a commercial-in-confidence document but contains information about the rollout of the smart meter project that will be valuable to the community and will change the way electricity is metered in every household in Victoria should be on the websites of the relevant government department so that interested members of the public can see what is going on. The government is always telling us it is open and transparent. I concede that in a lot of cases there is quite a bit of information on departmental websites if people want to have a look, but there is often stuff left off that could easily be put there or be made available to members of the public.

This is an important initiative that is going to be rolled out across Victoria. There have been issues raised, particularly by the Victorian Council of Social Service, in terms of its impact on low-income earners and a range of issues that have already been canvassed in the previous week by my colleague Mr Barber in response to Mr Vogels's motion. I will not repeat all of them; people can go back to that debate if they want to read about them. We will definitely support the motion.

Mr D. DAVIS (Southern Metropolitan) — I thank the chamber for its contributions on this motion. In reply I want to make the very simple point that Mr Leane did not at any point that I noted really grapple with the fact that these smart meter projects are impacting negatively on many people in the community. This is due to the government's processes and its failure to implement, and that is precisely the point that this documents motion is seeking to get to. I know Mr Leane is an electrician by background — an Electrical Trades Union member. I do not know whether there is any — —

Mr Koch — Probably got a conflict.

Mr D. DAVIS — He may well seek to see benefits for groups in the rollout, and there may well be work; there is no doubt about that. But the point is a deeper one. The deeper point is that this set of projects is very important, and unless it is done properly, the impact on the community will be profound. For that reason we are seeking the documents, and I urge the chamber to support the motion.

Motion agreed to.

Mr Viney — On a point of order, Acting President, I was listening to Mr Davis's contribution and in his summing up I believe he impugned the reputation of Mr Leane, who was not in the chamber, by alleging some improper motive in his contribution. I think he should be required to withdraw.

Mrs Peulich — On the point of order, Acting President, I was listening intently, and it was my impression that Mr Davis said that he may have an interest in this, given his close association with the

union movement. I think that is a legitimate point of debate.

Mr D. Davis — On the point of order, I am not sure I can — —

The ACTING PRESIDENT (**Mr Somyurek**) — Order! Before Mr Davis goes on, can he repeat what he actually said during the course of his contribution?

Mr D. Davis — I am not sure that I can repeat every word of what I said. I think it was a 3 or 4-minute contribution.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! Just the bit relating to Mr Leane.

Mr D. Davis — I made the point that Mr Leane in his contribution had not dealt with a number of the issues that had been raised earlier in the debate, about the poor and the old and the impact of smart meters. I think that was a legitimate and serious point. I made the point that he is an electrician, that he is a member of the Electrical Trades Union and that the ETU is a group of people who obviously legitimately are involved in installing smart meters. I made the point that there may well be jobs involved there, and I actually made the point that it was quite appropriate.

Mr Viney — On the point of order, Acting President, my objection is to the fact that Mr Davis suggested that Mr Leane's motive was related to people getting work out of this proposed program, people Mr Leane was associated with through his former work in the Electrical Trades Union. I think that was impugning Mr Leane by suggesting a motive that is quite improper. Mr Davis is suggesting that Mr Leane's motives in contributing to this debate were other than what he said in his contribution and were about people that he was associated with getting work. It is an improper imputation, and he should be required to withdraw.

Mr D. Davis — Further to the point of order, Acting President, I did not impugn Mr Leane. Indeed there were interjections about a conflict of interest, but I actually stepped over those and indicated that on a more serious point Mr Leane and the government — —

Honourable members interjecting.

Mr D. Davis — I actually stepped past that and made the point that I did not agree with that point. I made the point that it was quite legitimate for Mr Leane to speak. I actually made the opposite point, Mr Viney, and I made it quite carefully.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! I have heard enough on the point of order. I deem that Mr Davis has retracted the imputation and so we will move on.

LAW REFORM COMMITTEE

Access by donor-conceived people to information about donors

Ms PENNICUIK (Southern Metropolitan) — I move:

> That this house requires the Law Reform Committee to inquire into, consider, and provide an interim report by September 2010 and a final report by 2011 on —
>
> (a) the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;
>
> (b) the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's ethical guidelines on the use of assisted reproductive technology in clinical practice and research;
>
> (c) any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;
>
> (d) the options for implementing any changes to the current arrangements, including non-legislative options;
>
> (e) the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;
>
> (f) the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the registrar of births, deaths and marriages; and
>
> (g) the possible implications under the Charter of Human Rights and Responsibilities Act 2006.

It is with great pleasure that I move this motion and request that the Legislative Council support my motion to refer these issues to the parliamentary Law Reform Committee. It is worth saying at the outset that today is 23 June and, just by coincidence for the timing of this motion in our parliamentary schedule, it is the 30th birthday of Candice Reed, who was the first person born in Victoria under the IVF (in-vitro fertilisation) program. She was born on 23 June 1980 at the Royal Women's Hospital in Melbourne and was only the third person in the world born as the result of the IVF program.

Since 1980, 85 000 children have been conceived using IVF, and that equates to about one child in every classroom. In 2007, 9842 Australian babies were born as a result of assisted reproductive technology, which accounts for about 3.1 per cent of all births per year. Given that now so many people are conceived using assisted reproductive technology (ART), it is interesting that in an article in the *Weekend Australian* of 19–20 June it is pointed out that Ms Reed, who is now a social worker and lives in New Zealand, is writing to Deputy Prime Minister Julia Gillard to call on her to ensure that issues around assisted reproductive technology be taught in schools under the health and personal development curriculum. As I said, it is a coincidence that I am moving this motion on this particular day.

The reason that I am moving the motion is that in December 2008 the Assisted Reproductive Treatment Bill was passed in this Parliament after a long debate. It was introduced into the Legislative Council in September and it was passed on 4 December. That included many hours of debate by almost every member of the chamber and I think it was around 7 hours in committee, with members going through the clauses of the bill. The purposes of the Assisted Reproductive Treatment Act are to regulate the use of assisted reproductive treatment and artificial insemination procedures; to regulate access to information about treatment procedures carried out under the act; to promote research into the incidence, causes and prevention of infertility; to make provision with respect to surrogacy arrangements; to establish the Victorian Assisted Reproductive Treatment Authority; to provide for the keeping of the central register and the voluntary register by the registrar of births, deaths and marriages; and to repeal the Infertility Treatment Act.

You could say that the aim of the act was to modernise legislation regarding assisted reproductive treatment procedures. However, the act still has some flaws and there are still outstanding issues about it. From my point of view and that of the Greens, those outstanding issues include the police checks provided for by the act, which are not provided for in any other act and which the Greens did not support. There are still some outstanding issues also around surrogacy which need to be looked at. In fact it was foreshadowed that they would be looked at. The other outstanding issue is access by all donor-conceived people to information about their donors and their birth.

During the debate on the Assisted Reproductive Treatment Bill, I moved two amendments that were successful and went some way towards helping to address this situation. One of those was to insert a new section 17B into the act, and the amendment provided:

> … in relation to the birth registration of a child conceived by a treatment procedure, the information held by the registrar of births, deaths and marriages would indicate to a person who is donor conceived who applies for a birth certificate that there is more information available about their birth.

That would flag to a donor-conceived person — and to them alone, not to any other person — that there is more information about their birth available. I also successfully moved an amendment that required:

> … the registrar to keep … for each donor the number of persons born as a result of a treatment procedure or artificial insemination using that —

person's gametes.

At the time I also tried to amend section 59 of the bill to ensure that all donor-conceived persons could have access to information about their donor — who their donor was and information about their donor's background et cetera. Currently under the act those born before 1 July 1988 are not entitled to information about their birth; those born between 1988 and 1997 do have the right to access information if the donor agrees; and persons born after 1997 have the right of access to that information. I was concerned at the time and moved an amendment to remove that discrimination, because we allowed the law to continue discrimination against donor-conceived persons based on the date of their birth, in that if they were born before 1 July 1988 they had no right to any information about their birth. That situation continues today. It is regrettable that we did not address that anomaly and that injustice when we had the chance. In fact the new act allowed that discrimination and injustice to continue.

At the time I said I felt that the continuation of that under section 59 was in contradiction to the principles of the act. The principles of the act state in section 5(a):

> … the welfare and interests of persons born or to be born as a result of treatment procedures are paramount …

'Paramount' means, of course, 'first' — they are the most important principles. To deny donor-conceived people access to information about their donors and their birth is in contradiction to that principle of the act. The guiding principle in section 5(c) states:

> … children born as the result of the use of donated gametes have a right to information about their genetic parents …

That is a guiding principle of the act, and yet the act perpetuates that some people, those born before 1 July 1988, do not have the right to access to that information.

It is worth also reading the result of the Victorian Law Reform Commission inquiry into these issues. Its recommendation 97 states:

> If a person conceived with gametes donated prior to 1 January 1998 wishes to obtain identifying information about the donor and the donor has not registered his or her wishes on a voluntary register:
>
> > the donor-conceived person should contact the agency managing the registers to request that it facilitate an approach to the donor;
> >
> > the agency managing the registers should contact the clinic where the person's mother received treatment (if it can be identified) and ask the clinic to forward a letter from the authority to the donor.

In its report the Victorian Law Reform Commission recommended that access to this information be provided to those born before 1998.

In the long debate on this issue and around the amendment that I put at the time I believe there was quite at lot of support from members of Parliament for this provision to be fixed and amended in the bill as it was at that stage. There was a lot of debate about it. A lot of letters were written to members of Parliament by members of TangledWebs and Vanish and various individual members of the community urging members of Parliament to support my amendment. But it was not supported. At the time the government acknowledged the issue. I quote from *Hansard* — I think I can; it is now more than six months after the debate — which reports that Mr Jennings said:

> A number of people have raised concerns that people conceived using gametes donated before 1998 in Victoria cannot access information about their genetic origins on the same basis as those conceived using gametes donated —

after 1 January 1998:

> There are concerns that this may affect the health and wellbeing of some donor-conceived people.
>
> The government would like to further consider the appropriateness of the current arrangements.
>
> The government proposes to refer issues associated with providing donor-conceived people with more access to information about their genetic origins to the Law Reform Committee of the Parliament.

That was how the government got a lot of people to not support my amendment; it was on the proviso that this issue would be referred to the Law Reform Committee. I was very disappointed with that. At the time I said that the act was going to come into effect, as it did, on 1 January this year, but the government was saying, 'Let it run for a year or two and then we will send it off to the committee and see what the committee comes back with'. That meant that for many more years people who were already — as Mr Jennings said — having their health and welfare affected by not having access to this information were going to be caused more anguish, anxiety and grief.

During my conversations with individuals who were in this situation and with the people who were assisting and supporting them, I gave an undertaking that if the government did not move on this issue before the end of this term of Parliament, I would take the issue up on their behalf. It is important to me that there is some resolution to this issue and that it keeps moving along and does not get stalled — which appears to have been the case because it is now 18 months since the debate on that bill when the government gave that undertaking that the issue would be referred to the Law Reform Committee.

I am sure members would have received some correspondence from Lauren Burns, Myfanwy Cummerford and Kimberley Springfield, who are from the TangledWebs organisation. I have also received — as have other members, I presume — letters in support of the reference to the Law Reform Committee from the Donor Conception Support Group, signed by Caroline Lorbach, and from the organisation Vanish, which I am sure members are familiar with, signed by Denis Muller.

I will be referring to some notes that I have circulated to all members of Parliament following a forum that I hosted in Parliament on 10 June, which was sponsored by Vanish, TangledWebs and the Donor Conception Support Group and at which Lauren Burns and Kimberley Springfield from TangledWebs spoke to the members of Parliament in attendance. There were also some staff of members of Parliament at the forum. We were also addressed by Barbara Burns, who represents the Donor Conception Support Group and is a parent of a donor-conceived child.

I have circulated that information to all members of Parliament, and I am sure they have all looked at it. The forum was very good and made clear to everybody there the issues faced by people who were born before 1 July 1988 and who do not have a legal right to information about their donors. After the forum I actually made the comment to people who asked me, who were unable to attend but sent messages of support, that there was hardly a dry eye in the house. We had people who are personally affected by this issue every day of their lives telling us their stories about how it affects them from the point of view of a parent and of a donor-conceived person themselves. It was very affecting to listen to those stories.

As I said, I have circulated these notes to all members. I will read a little of the personal story of Barbara Burns, who is a parent of two donor-conceived children. She gave a very heart-rending account of what it is like to be a donor-conceived parent and to be faced with the desire to share all information with her children but be unable to do so. She has written, and I am sure members have read this:

> After nearly a quarter of a century of keeping the secret, in 2005 I told my two girls that they were donor conceived. Jane was 24 and Lauren 21. Lauren has just spoken. This means that they were conceived prior to the arbitrary cut off date of 1988, before which they are officially not permitted to know anything about their donor.
>
> I thought about it for a long time before actually getting the courage to speak. A major influence in telling was the fear that they would find out accidentally. I had a horror of them, many years down the track, being involved with their social father's medical treatment and suddenly realising that his blood type or DNA was incompatible with their own … I believe with the discoveries in genetics and medicine this will become a regular scenario and many donor children will be placed in this shocking situation …
>
> The other strong argument for change is that when I was contemplating telling, I was aware that Jane and Lauren were not legally entitled to any information about their donor. It seemed almost a sick joke to have to admit to my children that they were conceived by a stranger whom they would never know anything about. Neither I nor anyone else should ever be placed in this position.

I think that states very clearly why we need to change the law in this regard.

Kimberley Springfield, who is a donor-conceived person, also spoke at the forum. She said:

> I am a donor-conceived adult born in 1984. My older brother Jeff and sister Kylie are also both donor conceived. I came to learn the truth about this early in 2005, at the time I was 21 years old.

She goes on to say that part of the reason for this was that her sister was suffering from some medical issues and so it became an issue for the family. It also came as a shock to her. At first she said she felt betrayed by her parents, but she now understands that her mother had felt there was no point in putting her through this devastation and anguish with no avenue for piecing their lives together. She says:

> After just over three years of silent grieving I thought to myself, 'This isn't fair. This is my life and my history'. Not only does this history belong to me but also to my children and our family.

She talks about the lengths she has gone to to try to find out the information even though she was born prior to 1988, and she still has not been able to find out any information about her donor. She finishes by saying:

> I believe there is an inner desire in every one of us to seek out our roots. Some of us are fortunate enough not to have to search very hard. Donor-conceived people need the basic right to information about their genetic identity. Without it we lay subject to emotional, mental and physical suffering.
>
> And without it we continue to search …

I think it is very brave and very generous of Barbara Burns and Kimberley Springfield to allow that information to be circulated and made public, because it is very personal, but they have taken the decision to speak out because of the ongoing issue that is being caused by this anomaly in the law.

Many members would have received representations from Lauren Burns, who is also with the organisation TangledWebs and has been advocating, since the passing of the Assisted Reproductive Treatment Bill, to have this issue resolved and referred to the Law Reform Committee in the first instance.

In her presentation to the forum on 10 June Lauren succinctly laid out some of the issues. I am going to use her notes to lay those out for the house. Who is actually affected by this anomaly? The donor-conceived people themselves obviously, the descendants of donor-conceived people, the parents of donor-conceived people, donors, and the children of donors are the people who she lists. I would add the friends and the extended family of donors and people who come into contact with them as also being affected. The anomaly in the act casts its effects far and wide.

Lauren makes the point, and I think it is a good one, that there is a conflict with the current government-sponsored Time to Tell campaign, which is being run through the Victorian Assisted Reproductive Treatment Authority (VARTA). It is a public education campaign which tells children about their donor origins, openness and honesty, and how and when to tell. However, that is sending a confused message for people who were born before 1 July 1988.

It is telling the parents of those donor-conceived children, who are young adults now, that there should be openness and honesty but also that it is not possible to have the information to answer those questions that will inevitably follow. That puts parents in a very difficult position, as we heard from the testimony of Barbara Burns.

It is a conflict with natural justice, and I agree it means that some donor-conceived people are more equal than others. I said in the debate in 2008 that it sets up, maintains and perpetuates a discriminatory and unfair

distinction between people based on the year of their birth.

In 1984 the Victorian Parliament made the decision to give all adoptees access to their adoption files because it was in the best interests of the child, and it was unacceptable to create a two-tiered system. That was done in an atmosphere of a previous time where people giving their children up for adoption or adoptive parents were guaranteed privacy or secrecy. However, it was deemed in 1984 that this was definitely not in the best interests of the child and that the right of the child was paramount. The best interests of the child and the right of the child to that information overrode any right to privacy or secrecy that the adults involved in the birth and adoption of that child felt they had.

That is the argument that is being put forward by those who were donor-conceived before 1988, and I support them fully. In my view the right to privacy that may have been afforded to donors 32 years ago is subservient to the right of the child and the best interests of the child. They are not children any more — they are young adults — yet they continue to search for this information. The world has moved on, and the right of the person to knowledge about their genetic background is paramount over the right of a donor to privacy.

Lauren also talked about the very important issue that many of the pre-1988 donor records are unprotected. They can be destroyed at any time; they do not have any legislative status. These records represent the last link for donor-conceived people to their genealogical identity and to important information such as medical history.

I suggest that the Law Reform Committee, if and when it receives this reference from the Legislative Council, should look at this issue with some urgency. The records of some pre-1988 donor-conceived people may already have been lost. We need to move quickly to make sure any existing records are protected in a legislative or administrative way, so that people can gain access to them.

There needs to be some guidance regarding the policies of contacting pre-1988 donors. Some institutions do have a policy regarding contact; for example, the Royal Women's Hospital has a policy of contacting pre-1988 donors, while other institutions, such as Monash IVF, do not. The effect is that donor-conceived people, in addition to being discriminated against based on when they were born, are being discriminated against based on where the donation was made.

It is also worth commenting on findings or outcomes where people have been contacted. For example, as stated in the information I circulated to members, the experiences of the Donor Conception Support Group and the Victorian Assisted Reproductive Treatment Authority show it is a myth that donors donate and then forget; in fact, many of them care about the results of their donations. They wonder what these children are like and whether these children think about them.

It is the experience of VARTA that of the 140 donors registering in the time the authority has been in existence, and the further 43 donors the authority has contacted on behalf of donor offspring, the vast majority of these donors were happy to share information. Many also went on to have communication with, and some even met, their donor offspring. In the experience of VARTA, donors have very similar questions to those asked by donor-conceived people and their parents, including, 'Who am I related to, how many people exist as a result of my donation, how old are they, what gender are they, are they healthy, are they happy, are they loved, do they look like me, are they like me in personality, have they been told about their donor conception, why do they want to contact me and what will they think of me?'.

I remind the house that donors are people too. The experience is that after all this time, many donors who may have donated on the understanding it would remain confidential or private have changed their minds and are open to providing information and indeed meeting with and communicating with their donor-conceived offspring.

I would like to mention certain people who have been working over the last 18 months to bring these outstanding issues to the attention of members of Parliament and to advocate that members of Parliament, the government and others in the community do not forget about them and do not forget the government's undertaking to ensure the issue was resolved — and was not just left as an anomaly in the Assisted Reproductive Treatment Act forever and a day.

I would like to particularly make mention of Lauren Burns, Myfanwy Cummerford, Kimberley Springfield, Pauline and Gordon Ley, Narelle Grech and Romana Rossi, all from the organisation TangledWebs.

I should explain that TangledWebs is an action group challenging donor conception practices in Australia and internationally. It has members in Australia, the UK, the USA and the Netherlands. Members have personal and/or professional experience that relates to donor conception or adoption. It provides an alternative voice

about ART through greater recognition of the complex, lifelong issues that affect people created through donor conception.

TangledWebs advocates for equal rights and protection for all donor-conceived people as defined in the United Nations Convention on the Rights of the Child, and it believes that donor-conception practices throughout the world contravene the rights of children and adults created in these circumstances — where they do not have full access to identifying information.

I would also like to make mention of Barbara Burns, a donor-conceived mother, and Caroline Lorbach, who are members of the Donor Conception Support Group of Australia. I also mention Gary Coles and Denis Muller from the organisation Vanish, and Gerard Drew, who has been supporting particularly the members of TangledWebs in their quest to have this issue resolved.

It is worth mentioning these people, because they are all personally involved and personally affected in an ongoing way by this issue. I mentioned the case of Kimberley Springfield earlier. She has still not been able to find out any information about her donor. Luckily Lauren Burns was able to find information about her donor father through some lucky circumstances. Even though she was born prior to 1988 she was able to contact her treating doctor and through that was able to make contact with her donor father; she now has a relationship with her donor father and her half-sister and brother. That came about through lucky circumstances, but they will not necessarily apply for others born prior to 1988 who are still searching for that information. Also, sadly, because some records may not have been stored in a secure place or may not have been kept as well as they should have been, some of those people may not be able to find all the information they seek.

While I would like to see the relevant legal barrier removed, this motion is about carrying forward the government's undertaking that it would refer the issue to the Law Reform Committee of the Parliament to have a look at any of the legal, practical or other barriers there may be to resolving this issue in the interests of donor-conceived people. It is their interests we need to be looking at in terms of this motion.

I would urge all members of the house to think about the people this issue affects and how it would have a profound effect on their lives if they were not able to access this information and, in the spirit of supporting them and in the spirit of committees looking at very important issues of public concern, to support my motion. I would like to thank those members of this Parliament in this and the other chamber who have emailed or spoken to me in support of the motion. That they have done so is very heartening, and I thank them very much for contacting me in support of this motion to refer the issue to the Law Reform Committee of the Parliament.

Because of the time constraints — because Parliament will be sitting only until the first week of October this year — the motion is worded such that the committee would look at the issues and produce an interim report, which may be in the form of a discussion paper. I hope the committee will not only receive submissions but also hold hearings to allow those people who are affected by this issue to at least have the opportunity to come and speak to the committee about the issues that affect them and about how those issues have affected their lives. The committee would be required to furnish an interim report in September and hopefully continue its work in the new Parliament in 2011.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Stamp duty: first home buyers

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. I refer to the Treasurer's statement that it would cost $2 billion over four years to abolish stamp duty for first home buyers, and I ask: what is the basis of that estimate and who prepared it?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question, and I notice he is being closely watched.

Honourable members interjecting.

Mr LENDERS — I am delighted to face scrutiny at any time. In the house yesterday Mr David Davis, in an amazing transformation of precedent, asked me to comment on opposition policy. As part of that discussion we had an uncosted musing by the shadow Treasurer, trying to be all things to all people and saying to the world, 'I am with you. I believe we should get rid of stamp duty for first home buyers. I am a man of compassion. I am a man of the people. I will support wage increases for low-income workers. I will also support every single government expenditure decision. I will not cut any public service jobs. I will reduce debt. I will increase expenditure. I will balance the budget'.

In that particular environment, where Mr Davis has asked me to comment on opposition policy, a question

clearly comes forward, which is: how is it going to be paid for, and how do we deal with this rather extraordinary and cruel situation where people roam around promising all things to all people while not being accountable? I look forward to Mr Rich-Phillips's supplementary question.

Honourable members interjecting.

Mr LENDERS — I went to the Halls Gap Zoo last week, and it was quieter than this chamber. Nevertheless, about 80 00 citizens of Victoria pay to go to the Halls Gap Zoo; I have yet to hear of anyone who has paid to listen to the opposition in this chamber!

I think I have concluded my answer. There are those who go forward promising all things to all people and the most substantive tax reform, as they would call it, ever. This is particularly the case when you add it to the uncosted assertion that every tax is going to be frozen. They have a fair bit to answer for. When opposition members in this place ask us to comment on opposition policy, I would hope they would have some figures. I look forward to Mr Rich-Phillips's supplementary question.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The substance of the main question related to the advice on which the Treasurer was relying when he came up with his $2 billion figure. I ask the Treasurer: will he confirm whether any resources of the Department of Treasury and Finance were used to calculate that estimate of $2 billion, and if so, will he release that advice publicly?

Mr LENDERS (Treasurer) — At the Halls Gap Zoo the meerkats were looking around for danger at all times; I noticed just then that Mr Rich-Phillips looked over his shoulder.

What I will say to Mr Rich-Phillips on this is quite categorical: there is always data that the State Revenue Office compiles as to where the stamp duty figures come from. In the forward estimates sometimes stamp duty is estimated to be of the order of $4 billion in a year. At other times it has gone down, as it did in the global financial crisis. As Mr Rich-Phillips knows — I suspect Mr Rich-Phillip reads the budget papers, and he probably reads all 1138 pages of them, unlike some who watch him — and I think it is fair to say also — —

Mr Guy interjected.

Mr LENDERS — If the opposition members do not want to listen to my fulsome answer, I am quite happy to sit down. If Mr Guy wants me to answer Mr Rich-Phillips's question, I am happy to do so, but if Mr Guy wishes to interject, I am quite happy to sit down. I have concluded my answer.

Regional and rural Victoria: Ready for Tomorrow

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister advise the house how the Brumby Labor government is working with councils and regional partners to achieve sustainable growth and development in regional Victoria?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Darveniza's interest in these matters particularly because she has a very large rural electorate. I know she is very mindful of many of these issues because many of those communities and many of those regional towns will no doubt benefit from the announcements we made about the regional blueprint. Much of the strong advocacy for this program has come from the likes of Ms Darveniza, who represents her local community so strongly. I compliment her on that.

We have some of the best regional towns probably anywhere in the world, but we want to make sure in the face of growing population and economic development that we maintain the strong character, identity and sustainable way of life which these communities no doubt relish and which make them great places to live, work and raise a family. We have to invest, and when committing to that investment we have to provide services and infrastructure to encourage that growth and economic development. That is predominantly about accommodating that growth but also about complementing the growth of Melbourne with the growth of regional Victoria.

We want to make sure that we accommodate the growth, but that we do that by ensuring that local economies within these communities are better integrated into a broader Victoria and the Australian economy. One of the great success stories in Victoria is that we have a diverse economic footprint as such. With such a diversity of industries and such a diverse and broad economy, in many ways that flexibility of the economy has meant that we survived throughout the course of the global financial crisis — with, of course the great work done by the Treasurer.

The reason that we saw cities around the world go into decline through the global financial crisis was that they were single economy cities. All you have to do is go the Web, go to the news and find out about

Detroit, and it is not hard to see why Detroit went into such decline or has been in decline. It is a single-track economy. I do not want to sound like the Treasurer, but I had to give some context to the answer, because those single-track economies, when they take a battering, take a battering big time. The great strength of the Victorian economy is that it is so diverse. We want to ensure — —

Mr Jennings — We are not Detroit.

Hon. J. M. MADDEN — That is right, we are not Detroit. But we want to make sure that our local economies are better integrated into the broader state, national and international economies so that we continue with prosperity, continue with jobs and continue with growth in the regions.

Part of that is building on the strengths and anticipating the weaknesses in the economic structure, developing a framework around that and implementing that framework into a regional settlement framework and the initiatives that go with it, and also implementing that plan into the state planning policy framework. That is done through a number of measures, particularly with the major bodies and associations and representative groups and governments that are involved in putting together that framework, and then having that framework implemented into the state planning policy framework. Of course we will do that with leadership through our department, but we will also do that by working very closely with local government to make sure that local councils are basically determining what that plan provides for and that they endorse that plan before it is submitted to the state government for approval and before it is implemented in the state planning policy framework. It is important that we are working collaboratively, in concert and in partnership with these local communities.

This is particularly important because among the key drivers of economic activity in the regions are going to be land use planning, precinct planning, urban development and the new growth areas that can accommodate the housing that has been such a success in our regional cities, our towns and our centres. What that will do is ensure that we preserve the lifestyle enjoyed by regional communities, and that will be led by the Department of Planning and Community Development, with $17.2 million invested in this program.

At the end of the day it is not only about sharing the economic prosperity of this state throughout metropolitan Melbourne but also about ensuring that we continue to grow in our regional centres and our regional towns — whether they be smaller centres or bigger towns — and to make sure that we continue the economic prosperity that drives job growth, drives housing growth and ensures that we continue to be the best place to live, work and raise a family.

Regional and rural Victoria: Ready for Tomorrow

Mr HALL (Eastern Victoria) — My question without notice today is directed to the Leader of the Government in his capacity as Treasurer. I refer the Treasurer to his government's $631 million blueprint for regional and rural Victoria. Will the Treasurer confirm that this funding commitment is spread over a five-year time frame, and will he advise the house exactly how much of that funding will be sourced from the Regional Infrastructure Development Fund?

Mr LENDERS (Treasurer) — I thank Mr Hall for his question. I am somewhat confused, to the extent that I read on page 11 of the *Australian Financial Review* yesterday that that great guru of economics, Mr Wells, the member for Scoresby in the Assembly, was pulling the strings and directing Mr David Davis on 47 questions that I would be asked in the committee stage covering all various aspects of the budget. I thought it was a tad disrespectful to the Legislative Council to have a member of the Assembly reported in the *Australian Financial Review* saying what he was going to direct Mr Davis to do. I would have thought, as part of a great strategy from the coalition, that perhaps all these things would have been put through the committee stage tomorrow and Friday in this house. But leaving that aside, I thank Mr Hall for his question.

Mr Hall has clearly not just come from East Gippsland; he has clearly come from the Middle East, because he has been on his road to Damascus. Clearly he is very interested in the Regional Infrastructure Development Fund (RIDF) now, despite having voted against it or 'abstained from voting', as the Leader of The Nationals in the Assembly, Mr Ryan, keeps on saying. Mr Ryan says, 'We are The Nationals. We have a view on the Regional Infrastructure Development Fund'.

Mr Drum is about to bounce to his feet in defence of The Nationals' decision not to support RIDF when they had the chance when the Labor government tried to establish it. What I will say to Mr Hall is this — and I look forward to a discussion with him in the committee stage tomorrow or Friday, whenever the committee stage happens — the Regional Infrastructure Development Fund was established by this government on its second attempt after the Legislative Council would not agree to it on the first attempt.

The Nationals now claim credit for RIDF and go out and talk about it, so Mr Hall's question today is: will we guarantee which year it is in; is it over five years; and how much will come out of RIDF? What I say to Mr Hall is this government has committed now to in excess of $600 million in a regional blueprint. This government has committed to growing regional Victoria. This government has committed to real money going into the regions through a very elaborate blueprint that my colleague the Minister for Regional and Rural Development, Jacinta Allan — —

Mr Finn interjected.

Mr LENDERS — I take up Mr Finn's interjection about spending money. His colleague Mr Koch this morning in a 90-second statement was berating us for not spending enough money on a particular school in his electorate. That is the story from those opposite. In one breath we get berated for not spending enough money. If we look along the bench here, Mr Koch this morning said we are not spending enough money and Mr Rich-Phillips is worried that we are scrutinising the opposition, which wants to slash $2 billion just in cuts to stamp duty, in addition to Mr Wells's other great strokes of genius, which would cost hundreds of millions of dollars a year. So we have this ongoing debate.

I say to Mr Hall that this government has delivered a regional blueprint — some of the projects this financial year, some next financial year and some through the next series of years — that will deliver better capacity on a range of areas in regional Victoria, but not in the same way as the previous government, which Mr Hall was a member of, which described Melbourne as the beating heart of Victoria and regional Victoria as the toenails. That was the previous government that closed the rail line to Mildura, closed the rail line to Ararat, closed the rail line to Maryborough and closed the rail line to Bairnsdale in Mr Hall's own electorate.

This government is rebuilding, and the blueprint is a further commitment over a period of time that regional communities will have certainty for, and it is committing more money.

Honourable members interjecting.

Mr LENDERS — It is amazing — again the cacophony. We actually look after regional Victoria, and I would urge members opposite to go to the Hall Gaps Zoo where the meerkats have more consistency in policy than they do. I look forward to Mr Hall's supplementary question, which I assume will be prefaced by, 'Thank goodness the government is finally investing in regional Victoria, and how can we help?'.

Supplementary question

Mr HALL (Eastern Victoria) — With respect to the Treasurer's suggestion that I should be asking this question in the committee stage of the budget rather than as a question without notice, I think that is an arrogant and perhaps some would suggest a petulant response from the minister. That being said, I ask by way of supplementary, if the regional blueprint is a $631 million project over five years and my reading is correct and $260 million of that will be sourced from the Regional Infrastructure Development Fund, how will the remaining $371 million of funding commitments be sourced and where are they appropriated for in the 2010–11 budget?

Mr LENDERS (Treasurer) — I find it extraordinary that the opposition thinks my response to Mr Hall's earlier question was petulant. On page 11 of the *Australian Financial Review*, in an interview, the shadow Treasurer, Kim Wells has flagged what his lackey — his agent, his servant, Mr David Davis — is going to do on his behalf in this house. On page 11 of the *Australian Financial Review* we have a member of the Legislative Assembly directing what his agents in this house are going to do. This excites Mr Drum.

Mr Drum — On a point of order, President, this is a very specific question, it is a very tight question, and it has nothing to do with the shadow Treasurer.

The PRESIDENT — Order! There is clearly no point of order.

Mr LENDERS — The Leader of The Nationals and his new-found coalition friends opposite described as 'petulant' the government's support of a process of this house. I would have thought the only unusual thing is that a member of the Legislative Assembly would tell the *Australian Financial Review* rather than this house what his people, his loyal supporters in this house, are going to ask in the committee stage of the budget.

Mr Hall's question has two parts. In one part the question is, 'Where is the balance of the regional blueprint that is not part of RIDF coming from in the appropriation?'. I will happily answer that question in the committee stage. I am absolutely confident that if in the committee stage — —

Honourable members interjecting.

Mr LENDERS — Members opposite ask questions and then, in a way that makes the meerkats at the Halls

Gap Zoo look intellectual, they bay and interject. It is like the meerkats seeing a plane flying above and thinking that it is a wedge-tailed eagle. That is how members of the opposition are responding. They are irrationally reacting. I will get right to the point of Mr Hall's question.

Honourable members interjecting.

Mr LENDERS — The meerkat to the left of Mr Hall is a bit excitable again! Mr Hall asked about RIDF first. He talked about funds being taken out of RIDF. I will assist Mr Hall. RIDF was a lapsing program ending on 30 June. The Nationals have been very excited about whether we are going to spend it all.

This is another interesting contradiction. The coalition has an issue with spending money, but there is a message coming from The Nationals to the effect that we should spend money regardless of the program. I am confident that my colleague the Minister for Regional and Rural Development, Ms Allan, will spend it well in regional Victoria before 30 June. However, The Nationals insist you spend regardless of the value of a project. Its members measure your performance on how much you spend.

Secondly, I say to Mr Hall that this was a lapsing program. RIDF did not exist until this Labor government got it through the Parliament on its second attempt. The opposition dismisses hundreds of millions of dollars as if it is something that is there. This is a program which this government has legislated to bring in to regional Victoria and which those opposite opposed. Mr Hall talks about the rest of the regional blueprint.

In the committee stage I will happily go through this clause by clause, but there are a number of components to it. One is appropriation under the appropriation line for the Department of Treasury and Finance, where a large portion of this blueprint will be funded, as others were funded in 2008. Mr Hall may remember the skills statement, the manufacturing statement and the innovation statement; these are exactly the same. Other portions will come out of the appropriation and out of a number of individual departments, especially the Department of Innovation, Industry and Regional Development. That is where it happens. It is not rocket science. There is nothing new about it.

What I would say to Mr Hall is that we as a government are ecstatic that yet again we have been able to deliver to regional Victoria a blueprint that commits funding to a part of the state that was sadly and probably maliciously neglected by the Liberal-Nationals government of which he was a member. What we are doing is restoring services. What we see now is that jobs are growing in regional Victoria. Population is returning to regional Victoria. Infrastructure is being built in regional Victoria. This government is doing things like buying back the railway line that was flogged off by the Liberal-Nationals government, extending the railway line out to regional communities where it was closed down and extending services which were slashed by those opposite.

We in government are on the side of regional Victoria. We will invest in regional Victoria. We will work with regional Victoria. For us regional Victoria is a critical part of this state. It is not the toenails, as Jeff Kennett described it.

Planning: Coastal Settlements of the Future

Ms TIERNEY (Western Victoria) — My question is to the Minister for Planning, Justin Madden. Could the minister outline to the house the details of the newly announced Coastal Settlements of the Future initiative?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Tierney's interest in these matters. Her extensive region has certainly got quite a number of coastal frontages that are obviously of interest to many people in her community. I know that she has been a very strong advocate for the work and the commitment of this government in coming to deal with the many coastal impact issues we will have to contend with in future years.

We know that rural and regional Victoria is growing substantially. Victoria is a prosperous state, and people are either coming here or staying here in large numbers rather than moving interstate. They are taking up opportunities here. There is no better indication of that than the growth in rural Victoria. It is projected that rural Victoria may grow by an additional 550 000 people by the middle of this century. The trends suggest that a large proportion of that growth is likely to occur in coastal Victoria. We have designated growth nodes in coastal Victoria, and there has been a lot of work in those areas around accommodating growth in the relevant locations. We are conscious that the potential effects of climate change and sea-level rise could have quite a profound impact on many of these communities. We need to bear in mind each of these communities and plan to deal with these matters.

We have previously committed $11 million through the Future Coasts program, and part of our Ready for Tomorrow announcement — a $631 million commitment to provincial Victoria by this

government — has seen $13.6 million committed to the Coastal Settlements of the Future initiative. Basically that initiative is to deal with the specific impacts of climate change on particular coastal communities. We know there are some priority coastal locations that are vulnerable to the impacts of sea-level rise or storm surge, such as the Ninety Mile Beach region, Queenscliff and the Bellarine Peninsula, Lakes Entrance and Port Fairy, just to name a few.

Whilst people highlight the fact that sea level rise is a problem — and maybe it will not rise as much as people think, or it might rise slightly more — the issue is really a combination of the potential for more extreme weather incidents, flooding or inundation and coastal erosion. Putting a number of those variables together, the impacts could be quite profound. I know that members of this chamber who represent regions along the coast are mindful of these substantial and significant issues.

This initiative will be progressed over the next five years in partnership with coastal agencies and local governments in coastal regions. It will see a review of strategic plans, the preparation of adaptation strategies and the implementation of planning controls to support future growth and development, bearing in mind the need for relevant and significant infrastructure to cope with these matters.

The government has again shown its commitment to sharing the opportunity and the prosperity across all Victoria to make sure that Victoria is the best place to live, work and raise a family.

Government contracts: disclosure

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is directed to the Treasurer. I refer the Treasurer to the Auditor-General's report *Managing the Requirements for Disclosing Private Sector Contracts*, which was tabled today. In that report the Auditor-General states — amongst many other adverse findings — that 43 of 144 contracts with a total value of $3 billion were not disclosed as they were required to be. The Auditor-General found that there were 'systemic breakdowns in disclosure and reporting controls that diminish transparency'. He further found that one of the consequences is:

> … that the relevant statements of compliance made by secretaries in their departmental annual reports have not been accurate, raising questions also about the effectiveness of the internal processes they use to support this certification.

I ask the Treasurer: as custodian of the state's finances, when was he first made aware of these systemic breakdowns that pose a serious risk to public confidence in the integrity of Victoria's financial controls?

Mr LENDERS (Treasurer) — I have clearly not read the administrative arrangements well enough, because I have never seen the term 'custodian of the state's finances' used as those opposite use it. Perhaps the opposition has another administrative arrangements document, which would explain why Mr David Davis always gets it wrong, that has this new portfolio called 'custodian of the state's finances'.

Mr Guy — We'll send you a box of tissues.

Mr LENDERS — I would welcome any gift from your side, Mr Guy. Sending a box of tissues over would probably be the most positive contribution you would have made in your parliamentary career.

Mr Koch — Send two.

Mr LENDERS — If Mr Koch wants to send them as well, we could perhaps sell them off and help pay for some of the promises those opposite are making at the moment and fill some of that $1.5 billion or $2 billion a year black hole they are generating, but I think they will need to do more than sell off a few boxes of tissues to do that. They will probably again have to sell off 300 schools — as the former president of the Liberal Party, who is now the Leader of the Opposition, had to do last time — or sack 9000 or 10 000 teachers or nurses to fund those sorts of promises.

The question I got from Mr Dalla-Riva is an interesting one, given that he is not the shadow minister for finance and that these are matters that fall under the portfolio of the minister for finance. In fact financial direction 12A, against which the Auditor-General was measuring these things, was installed by the then Minister for Finance — one I thought was pretty good! — in July 2005. A directive was sent to government departments about how they are to respond to contracting.

The Auditor-General has clearly made observations about contracts under $100 000. He has made comments on contracts under $10 million and about the reporting of contracts. We on this side of the house are obviously interested in what the Auditor-General reports on. That is why we gave him the power to report, that is why we gave him the ability to table his reports in the Parliament and that is why we have given him the resources to do more reporting than has ever been done before.

If we are talking about the Auditor-General, let us not forget for a nanosecond that the reason he is an

independent officer of the Parliament, the reason he has this financial direction to report under, the reason — —

Mrs Peulich interjected.

Mr LENDERS — I will pause on that. Those opposite are a little bit excitable. If we want to talk about financial reporting direction 12A, which the Auditor-General is reporting against, it was this Labor government that put in place those frameworks — the direction, the powers, the finances and the resources — and gave the Auditor-General the ability to report. I might add that when the nobbling of the Auditor-General was passed through the Legislative Assembly, those opposite — including the then members for Tullamarine and Bentleigh — voted for it.

The specific question from Mr Dalla-Riva asked when I became aware. The minister for finance is responsible for financial reporting direction 12A. When I was briefed on the Auditor-General's report that was tabled today I obviously became aware that he had a view on these two matters. I am absolutely confident not only that the chair of the Victorian Government Purchasing Board has written to all government agencies advising them of their obligations but also that the finance minister will do as he always does very well — that is, follow through on these particular matters.

As minister representing the minister for finance, I am confident that he will act promptly on the report, which, as is often the case with the Auditor-General's reports, also contains a lot of very positive comments about what the government has done in this important area of transparency.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the Treasurer for his response. I note that on page 14 of the report — he may wish to read it — the Auditor-General singles out the Department of Treasury and Finance for criticism, so I ask: how can Victorians have any confidence that the Treasurer is fulfilling his obligations to protect Victoria's financial position and taxpayers hard-earned money when he cannot even manage his own department?

Mr LENDERS (Treasurer) — The websites of the Department of Treasury and Finance are absolutely up to date. Those who were casting stones in this place might have a bit of a think about that. What I will say to Mr Dalla-Riva is that I will take it as a serious question, not just another one that Kim Wells, the member for Scoresby in the Assembly, has written for people in this chamber to ask without thinking. I will take it as a serious question from him and take him through what exactly he is asking me and what it means.

The Department of Treasury and Finance, for which I am one of two responsible ministers, presents an annual report to the Parliament. The Department of Treasury and Finance is audited by the Parliament, and the Department of Treasury and Finance is one of the leading-edge central agencies in Australia. I think any objective assessment would confirm that. I am very proud of the Department of Treasury and Finance, and I am very proud of the Department of Treasury and Finance's internal culture of continuous improvement.

If it gets advice from the Auditor-General on how things could be done differently, it does not resist it; it does not fight it. The department actually has a reasoned discussion with the Auditor-General and says, 'You have formed a view on how we can improve our operations. We will engage with you and we will work on it', which is what you would expect people in any mature relationship to do.

I am very proud of the Department of Treasury and Finance. I am proud in particular because if the Auditor-General does have a dialogue on how things can be improved, it will engage with him in a mature fashion on how that can be done. I say that to Mr Dalla-Riva, firstly.

Secondly, Mr Dalla-Riva clearly needs to go to the library, and I can actually lead him across and show him where there is a document called the administrative arrangements. If he wishes to ask to me a question as the minister representing the minister for finance, I am delighted to answer. If he wishes to create titles because he is too lazy or is unable to find or read the administrative arrangements, then that is his call. I suggest that if he has boxes of tissues, perhaps he should pass them to the shadow finance minister, to whom Kim Wells did not give the question.

Landcare: funding

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government is taking action through the recently announced blueprint for regional Victoria to assist communities right across the state to undertake crucial work that improves and protects our important natural assets?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Elasmar for his question and the opportunity yet again to talk about the

Brumby government's commitment to the regional blueprint, Ready for Tomorrow. In fact we are ready for many tomorrows — somewhere between 1500 to 1800 tomorrows — in relation to the $631 million worth of commitment. If anybody in this chamber has any doubt about whether there is budget capacity to deliver within the life of the blueprint, they do not know how to read the financial fortunes of the state — the budget papers — and they will have no capacity to promise anything between now and the election.

If they are not up to actually working out what the budget capacity is to be able to deliver on at least $631 million in the forward estimates period, then they have no hope of identifying promises for the people of Victoria. There is manyfold excess in terms of budget capacity because of the prudent financial management of this state by the Treasurer and the Victorian government, which has enabled us to provide $631 million in the forward estimates period. That is the extraordinary nature of the question, and I am sure the Treasurer will be able to bat that sort of question away from here until Christmas, maybe until 28 November at the very least.

In terms of our part of the blueprint, I am very pleased to be associated with a $9.9 million contribution to the great work that is being undertaken through the prism of Landcare. Landcare is a great community initiative with great community involvement, and it makes a great contribution to land values and catchment management values across the state of Victoria and has done for more than 20 years. Landcare was established here and became a national phenomenon that brought many community members and land-holders together. In fact it was a great partnership between the Victorian Labor government at the time and the rural communities. The Victorian Farmers Federation, in particular, was involved. Heather Mitchell, representing the VFF, and Joan Kirner were the custodians, the bastions, the heroes in relation to establishing Landcare, and it has had a great track record. At the moment there are more than 700 groups and 60 networks throughout the length and breadth of Victoria.

The Landcare program has had some stresses and strains in the last little while due to the rejigging of the commonwealth's Caring for our Country program, which has led to some concern about ongoing levels of funding. What it has meant is that the Victorian government has seized the opportunity to step up with further investments to try to make sure that it maintains and grows that effort of the great Landcare movement in Victoria.

Last week, with my colleague the member for Macedon in the other place, I took the opportunity to visit the Woodend Landcare group and announce funding of $9.9 million in the forward estimates period to take the state contribution to this program to close to $25 million. Through this additional funding we will fund regional coordinator positions; we will fund additional grants that will be provided to local groups beyond the scope of the second generation Landcare grants; and we will also have initiatives to support volunteer efforts within Landcare organisations and add to the armoury of volunteers.

We recognise the great community involvement and the great environmental benefit from this program, and we continue to support it. We will continue to grow this program. We look forward to great results in terms of community strengthening, greater productive capacity of Victorian land and greater catchment protection values. The Victorian government knows how to cost the programs and it knows how to deliver programs in partnership with rural communities, and it will continue to do so through the provision of the additional funds to Landcare.

Planning: development assessment committees

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that none of the first five suburban development assessment committees (DACs) have been established, despite the minister claiming they were urgently needed, and noting the fact that the only DAC-style committee that has been put in place is one for the city of Melbourne that ironically strips power from the minister, I ask: what was the government's rationale for implementing Melbourne as the first DAC-style advisory committee? Was it a reaction to the fact that no-one, not even the government, trusts planning decisions made by the Minister for Planning?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in these matters, because what we see is the opposition spokesperson wanting to basically make out — —

Mr P. Davis — On a point of order, President, I do not wish to anticipate the minister's answer, but he has been on his feet for a second and he is verballing the member who asked the question. The question has been directed; the minister should answer the question, not presume to speak on behalf of the questioner.

The PRESIDENT — Order! There is no point of order, but I remind the house that the minister is not compelled to answer the question in the way that the

questioner would like, as long as the answer is relevant and not overtly offensive. Given that the minister has just started — he is 21 seconds in — I will cut him a little slack and allow him to continue with those guidelines in mind.

Hon. J. M. MADDEN — I welcome Mr Guy's interest in these matters and I welcome Mr Davis's interest in these matters, particularly around development assessment committees. It is interesting that we had an opposition — Mr Guy and other spokespeople from the opposition — trying to make out that the DAC legislation was basically the end of civilisation, or local government, as we know it. They said it would undermine the independence of local government and councils would not be able to make decisions they might want to make because of this process.

I will remind the chamber of how the DAC legislation ended up in the form it has ended up in. This is a very important point given the way the opposition places itself on all planning debate in this chamber. First of all the opposition scares people. Secondly, the opposition makes out that it is standing up — —

Mr D. Davis — On a point of order, President, you made a ruling of sorts earlier — or gave advice to the minister. I would put it to you that the minister is again straying into overt criticism of the opposition by suggesting that it is scaring people, and the minister should stop.

The PRESIDENT — Order! There is no question in my mind that the minister has not overtly criticised the opposition. Whilst there is some criticism, I think at the very most it is mild.

Hon. J. M. MADDEN — Thank you for the guidance, President. As I said, there is a strategy that continues to take place for any planning reforms that come before this place. One is — —

Mr Guy — It is all or nothing, isn't it? Did you negotiate on the DACs? Did you negotiate on GAIC?

Hon. J. M. MADDEN — I take up Mr Guy's unruly interjection.

Mr Guy — All or nothing!

The PRESIDENT — Order! Mr Guy!

Hon. J. M. MADDEN — We have been prepared to negotiate on matters when matters have been voted down in this chamber, because we have been prepared to get to that point. But let me remind Mr Guy that every time we have introduced reforms in this place — as I referred to earlier in order to put it into context — first of all, the opposition scares people about what those reforms might be. I do not think that is an overt criticism; it is basically just putting in context what the opposition has done. Then the opposition blocks those changes as much as it possibly can. Then, in a sense, it tries to rectify the changes in a way that basically renders them very difficult to administer. I make the point very clearly: the opposition not only seeks not to have these things implemented, but when they are implemented it adjusts them in a way that makes them difficult to administer.

I remind Mr Guy about the issues around the City of Melbourne.

Mr Guy interjected.

Hon. J. M. MADDEN — Maybe Mr Guy has had a lot of caffeine this morning, but I know at some stage he will sit still and listen to my answer.

The arrangement with the City of Melbourne to share the decision making was also to acknowledge, as we have acknowledged with the development assessment committee arrangements, that we want local government at the table, in partnership, making decisions. Whilst I have had to make decisions around many projects during the global financial crisis in order to complement the commercial construction industry to make sure that we continued investment and secured jobs, I am not overly enthusiastic about having to intervene in the planning process. I am more enthusiastic about sharing the decision making with local government. Our commitment with the development assessment committee legislation and our announcements around the City of Melbourne and the panel we are setting up with the City of Melbourne are about sharing those decisions.

Similarly, the announcements that we have made and the discussions we have had with local government around wind farm projects have been about sharing those decisions. We note that that stands in stark contrast to the wind farm proposals of the opposition.

Mr Guy — Are we talking about wind farm policies or central Melbourne activities here?

Hon. J. M. MADDEN — It is all about decision making and how those decisions are made. The point I am making here is that the opposition would want to scare local communities but also push back all the decision making into local communities, which would horrify the wind farm industry and also place an

enormous burden on local government in administering those arrangements.

The scaremongering that has taken place over the government's sharing of the decision making has again been shown to be just that — scaremongering. It has also been shown to not necessarily reflect the views of local government. At the end of the day local government has finite resources. It wants to do the best it can.

I suspect — and I am very confident about this — that local governments want to enter into partnerships so that the decision-making processes are shared in a way that ensures that we are all doing the right thing by our local, state and broader communities. A huge economic benefit comes from growth and prosperity, and opportunities are delivered to working families as a result of that partnership and collaboration with local government.

However, we know that the opposition would consistently try to scare those opportunities away — whether it is the wind industry, the commercial building sector or even, as we have seen in recent days, the cottage building industry and the development of houses in the outer fringe. The opposition has been a strong advocate for every opportunity to stall, block and hinder development in this state. I say to the house, to the broader community, to the development community and to homeowners or those wishing to purchase homes in the future, that the opposition cannot be trusted when it comes to promoting opportunity in this state.

Mr Guy — On a point of order, President, we have been very patient. We are now 6 minutes and 40 seconds into the minister's answer. I remind the minister that I asked about the central Melbourne development activities committee. The minister has not once addressed that part of my question.

The PRESIDENT — Order! As I have said on many occasions, members may not like the answers they get. I have no capacity to direct the minister to answer a question in any other way than the way he or she wants to, as long as it is relevant. At the margins it is certainly relevant.

I understand that the minister has finished; is that correct?

Hon. J. M. MADDEN — Yes.

Mr Viney — On a point of order, President, during the minister's answer Mrs Peulich interjected about brown paper bags. I believe she should be required to withdraw.

The PRESIDENT — Order! Did the minister hear the comment?

Hon. J. M. Madden — I was talking, but if that is what Mrs Peulich said, I would like her to withdraw.

Honourable members interjecting.

The PRESIDENT — Order! The reason I asked the minister was that if he had heard it and did not take offence, then that would be the end of the matter. Given that he has not heard it and others have, my view is that the imputation made about brown paper bags is not something that we ought to tolerate. I ask Mrs Peulich to withdraw that comment, if she made it.

Mrs Peulich — President, in deference to your position, I withdraw the comment. Could I, however, point out that the brown paper bag — —

The PRESIDENT — Order! Mrs Peulich knows full well there can be no debate. I thank her for her withdrawal.

Supplementary question

Mr GUY (Northern Metropolitan) — My supplementary question is to the Minister for Planning, obviously. I note that the government rushed through the bill to establish the development assessment committees late last year — as we said before, even sending it to the Dispute Resolution Committee because the minister stated that their establishment was so urgent. I ask if the minister can advise the house when the first suburban DAC will be established, or was the government's claim of urgency at the time simply misleading spin?

Hon. J. M. MADDEN (Minister for Planning) — I think there are a lot of assumptions that Mr Guy makes in his question that are incorrect in a number of ways. One of the things we developed through that process in the Dispute Resolution Committee of the Parliament was to clarify the way these arrangements would come into place. Of course it was and always has been our position that we would like to see these arrangements introduced sooner rather than later. Through the clarification through the Dispute Resolution Committee — —

Honourable members interjecting.

Hon. J. M. MADDEN — I think the interjections and even the question and the tone of the question itself, highlight that members of the opposition does not fully understand what it was it negotiated, nor are they clear on how the planning process operates. What is

particularly important about the DACs is that they are decision-making bodies around the controls that are in place. You need to put the controls in place, but before you put the controls in place you need to have a planning scheme amendment. Before you put the planning scheme amendment in place, you have to designate the boundary of the activity centre. That is not a process that comes about quickly — —

Mr Lenders — Unless you're Rob Maclellan.

Hon. J. M. MADDEN — Yes, unless you are a previous planning minister in previous Liberal governments. In this instance we gave assurances that we would undertake a process where there is consultation, and there has been consultation — wide and broad consultation — in each one of these communities about where the activity centre boundary should be. Once that consultation has taken place, we and the local government can consult on the types of controls that need to be implemented in that activity centre. Once that has been undertaken, we can work with local government to ensure that the formation of that DAC is structured with relevant nominations from the appropriate groups.

This is not a process, as with much of the planning process, that happens overnight. Although the opposition might like things to happen overnight, with planning — —

Mr Guy — You haven't started it; you've had 12 months.

Hon. J. M. MADDEN — I take up Mr Guy's interjection. Mr Guy obviously has not spoken directly with some of these councils, because if he had he would know that we have already put in a substantial amount of work around the designation of the boundaries. We have done a significant amount of work at Doncaster Hill, where the Manningham City Council — and I compliment it — has done a huge amount of work. It is very enthusiastic, having done that body of work, to make sure that that work is crystallised in the formation of a development assessment committee. What Mr Guy shows today is a lack of thorough understanding of the way the steps in the planning process have to come together.

It is interesting that when we make decisions the opposition says we make them too quickly and do not consult and then when we consult broadly and extensively and go through a rigorous process, it says it takes too long. Again it is clear in the tone of the questions that they seek to imply or suggest in those questions that we are taking too long — but at the same time, when decisions are made, they happen too quickly. On one hand we consult for too long and too broadly but on the other hand we do not consult enough.

What I would be interested in is a policy that reflects this sort of divergent view of the opposition. I look forward to the opposition's policy on how to resolve the matters its members have flagged in their questions today about decisions either happening too quickly or being too slow. Maybe like the porridge that the three bears had, they will find something that is just right, but I suspect not. I look forward to the announcement from the opposition, particularly about planning policy in this space, about not only getting the pace of reform right but also getting the decision making right.

We have presented and continue to present to this Parliament reforms in these areas. They are constantly stymied or stifled by the opposition. I look forward to the day when the opposition actually works out that planning is a long-term thing rather than something that happens overnight, its members coming to the party and supporting anything we present to this house on planning reform.

Information and communications technology: government initiatives

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Information and Communication Technology, John Lenders. Can the minister update the house on what the Brumby Labor government is doing to generate sustainable jobs in the ICT (information and communications technology) sector?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Somyurek for his question and his interest in ICT jobs and the policies you need to maintain ICT jobs in a strong and growing sector of our community.

Many in the house and the community may not know the strength of our ICT workforce. At the moment 87 000 Victorians are employed in ICT. In the electorates of every member in this house, in every community, we have a large number of people who are directly employed in the ICT industry. If you want to value it as part of the economy, those 87 000 Victorians generate almost $28 billion in annual revenue and $3 billion a year in exports.

To maintain these jobs in a competitive global environment and to grow them as part of the economy, the Victorian government will always take innovative

action in collaboration with industry. I am really delighted that, in partnership with the Australian Industry Group in particular, we as a government have been able to foster policies that have brought in some new IT clusters, particularly the green IT cluster which was announced this week, comprising the Australian Information Industry Association, Box Hill Institute of TAFE, CSC, KPMG, Prima Consulting and Tradeslot. That cluster is all about organisations getting together across the spectrum to basically work on sustainable IT projects so that their hardware is dealt with appropriately and is sustainable, so that we can, firstly, deliver cleaner IT.

Mr Viney — On a point of order, President, I draw your attention to the disgraceful deliberate ignoring of the minister's response on the critical question of jobs — —

Honourable members interjecting.

Mr Viney — They are rudely turning their backs and talking to one another — —

The PRESIDENT — Order! There is clearly no point of order. I am not aware of any compulsion for anyone to listen to anyone in here — except me, on every occasion.

Honourable members interjecting.

Mr LENDERS — I now understand why Mr Guy was referring to himself in the third person — then he could listen to himself!

I will conclude: world-class ICT generates jobs. We need to stay at the cutting edge in sustainable ICT, and not just for what we do in Victoria but also the intellectual property and the exports we can generate. I am delighted that Victoria has such a strong ICT sector. It provides good jobs and helps make Victoria an even better place to live, work in sustainable industries and raise a family.

Timber industry: Healesville coupes

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change, Mr Jennings. I ask the minister if he is aware that at least one VicForests coupe in the Healesville area planned for logging contains critical habitat for the Leadbeater's possum, specifically the so-called zone 1A habitat, which the action statement under the Flora and Fauna Guarantee Act says must not be logged.

Mr JENNINGS (Minister for Environment and Climate Change) — I am aware, just as obviously Mr Barber is aware, that there are some contentions about this matter being played out in the local Healesville area. As he knows, I am responsible for overseeing compliance with certain codes of practice and with the environmental protections in the area. I am not responsible for the allocation of coupes or the harvesting that is undertaken within those coupes.

Mr Barber interjected.

Mr JENNINGS — No, I am not; he knows that I am not. But I do have an eye for these matters, just as there are citizens in the local community who have an eye for this matter and are doing their best to draw this to VicForests' attention, to my attention and to the attention of the other relevant ministers in this equation.

I have received some advice that the coupe in question is undergoing some scrutiny in terms of whether in fact logging activity may take place sometime later this year or in subsequent years, in accordance with the timber release plan and the appropriate allocation order. I know there is a current review of the appropriateness of that and of what conditions may be placed on the site in question — about whether logging could or should take place. I know VicForests is considering these matters, and I am advised that logging is not imminent in this location.

Supplementary question

Mr BARBER (Northern Metropolitan) — I say to the minister, once the local community reported this to VicForests, it gave the community the now-familiar party line that this area of compliance is not its responsibility but that the Department of Sustainability and Environment must make that decision when it allocates the coupes. There is some inter-agency confusion about responsibility here. To remove that confusion I refer the minister to section 15 of the Sustainable Forests (Timber) Act 2004, which says that an allocation order must include, under (1)(c):

> the conditions to which VicForests is subject in carrying out its functions under the allocation order, including any applicable performance measures and standards.

That is an allocation order that the minister makes. Section 17 allows the minister to amend that order. My supplementary question is: will the minister amend that order to require, as a condition of the allocation order, that no zone 1A forest be logged and, in addition, that it complies fully with all Flora and Fauna Guarantee Act action statements so as to remove any legal doubt as to whose responsibility it is to be compliant in this area?

Mr JENNINGS (Minister for Environment and Climate Change) — I know that Mr Barber is inviting me to make such an announcement and that he suggests that VicForests is inviting me to make such an announcement. Despite both of them perhaps inviting me to make that announcement, I will consider on their merits the appropriateness of my actions and the way in which that should be undertaken.

Rail: Craigieburn maintenance facility

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on the metropolitan train maintenance and stabling investment being made in Melbourne's growing north-west?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Eideh for his question and his interest in this matter. Last week I was out at Craigieburn to inspect the site of the new train maintenance and stabling facility that is being built there. Early works for the maintenance facility footprint have begun, and John Holland will begin the main works in the months ahead.

It is part of the $440 million that is in the Victorian transport plan to increase maintenance and stabling facilities, particularly for our new fleet of 38 X'trapolis trains. When this facility is finished — —

Mr Lenders — Stabling facilities?

Hon. M. P. PAKULA — Stabling and maintenance, and when this new facility is finished it will be one of the largest and most modern train maintenance facilities in the country. It will include 21 train roads and a new train wash plant which will use water from a 120 000-litre rainwater tank taking water from the roof. Construction of the new train wash facility, driver amenities, a power substation and additional stabling roads are all progressing well. The entire facility is due to be completed by the end of next year. The facility will ensure that our train fleet is running at its peak, looks its best and is properly maintained for the services that commuters expect.

The maintenance facility will be 200 metres long and 60 metres wide, and it will house four six-car trains at any one time. That means that across the site in total there will be stabling and maintenance for 25 trains, and 60 new jobs will be created at that facility for the ongoing maintenance of the train rolling stock.

The investment again demonstrates our commitment to building the infrastructure that Melbourne and Victoria need to provide Melburnians with an efficient, reliable and frequent train service. The additional capacity that will be created on the Craigieburn line as a consequence of all those trains being stabled at the end of the line and the new X'trapolis trains continuing to come into service means that we will be able to introduce more services for Craigieburn line customers later this year. That is in addition to the benefits that passengers at Craigieburn and Roxburgh Park have already been experiencing since 6 June this year, when we added the 25 peak extensions to the line.

Mr Eideh and Liz Beattie, the member for Yuroke in the other place, and I were all very interested in inspecting this facility last week. It will bring extensive benefits to the communities on the Craigieburn line, but more importantly a much better maintenance regime for our train fleet as a whole.

Sitting suspended 1.08 p.m. until 2.17 p.m.

LAW REFORM COMMITTEE

Access by donor-conceived people to information about donors

Debate resumed.

Mr TEE (Eastern Metropolitan) — I rise to speak on this very important motion. I suppose the starting point is that our parents are fundamental to who we are and how we see ourselves. They are critical to our very identity as human beings. Many members in this place have received compelling testimony from individuals who have felt a deep sense of loss and sadness because a critical piece of their identity is missing. These individuals feel frustrated and a great deal of anguish and anxiety because they believe the law keeps from them information about who their biological parents are. There is no doubt in my mind that they have a strong and genuine desire to obtain information about their biological parents.

Of course as humans we do not choose the circumstances of our birth; we rely on other people — people who for the most part act with the best of intentions and people who make decisions about us and for us, and those decisions can have a profound effect on our lives.

People conceived from gametes donated prior to 1988 have no access to identifying information about their donor parent. Those conceived from gametes donated between 1988 and 1997 can access or obtain the identity of their donor parent as long as the donor consents to the release of this information; otherwise they are only able to receive non-identifying

information. In contrast, those born after 1988 automatically obtain information about their donor parent when they turn 18. This is because all donors must now consent to the release of that information. The date of birth determines the information that is available to a child when that child turns 18 — in other words, we have an accident in time that means that some individuals but not others have a right to know who their biological parents are. This is an outcome that is arbitrary in the truest sense of the word.

That is not to say that the decision-makers prior to 1998 or indeed now were not acting with the best of intentions. They did what they believed was right at the time. They acted in response to the best information available. However, this motion is not about revisiting the merits or otherwise of those decisions. This motion is dealing with the serious consequences of those decisions. I believe this Parliament has the responsibility to address this issue in a considered manner. Our response should take into account all the competing interests and views. Our response should take into account all the views and expectations of the donors and of their biological children. Our response needs to be informed. This motion covers off on those important issues, so I am very happy to support it. I can indicate that those on this side of the chamber will also be supporting the motion.

I hope the Law Reform Committee can provide Parliament and the community with the advice we need about the way forward. I hope the committee's outcomes can provide a roadmap for Parliament, the community and the government. I am looking forward to a report from the committee which reflects a considered approach but is also a way forward, an approach that is informed by the views of those whose needs, voices and aspirations have been missing up until now from that policy consideration.

This is another significant step in the journey although the step itself is fraught with danger, because many of the records containing identifying information have been lost or destroyed. There is no assessment of what records existed prior to the introduction of a central register in 1988, and it will be a critical function of this committee to obtain the information about the practical issues associated with getting that data. The available records, particularly prior to 1988, may be incomplete, inaccurate or not verifiable. As I said, in many cases there simply are no records. Some donors will have died, while others will have relocated and will not be contactable.

Prior to 1988 there was no consistent process for confirming a donor's identity prior to accepting their donation. There were no minimum standards in terms of the information donors were required to provide with respect to their identity. There was no requirement for clinics and doctors to keep complete records. There is a risk — and this is a matter for the committee to consider — of old and unreliable information making contact difficult. There is the risk that expectations will be raised and that false hope would arise on occasion. As I said, it is an issue that is fraught with danger in terms of the quality and availability of the data.

There are other dangers. Many donors may not want to meet or be involved with their biological children. Today, when a person makes a donation they do it on the basis that they agree to be identified to any children. Prior to 1988 donors donated knowing they would not be identified, knowing that their donation would be anonymous. We have had the experience of the central register contacting donors and finding that some donors have confirmed they wish to remain anonymous. Some have been very clear that they want their identities obscured or removed.

Any review of this issue must have regard to the wishes and experiences of donor-conceived people and their parents as well as the donors and their family members. All of these interests must be carefully weighed up and balanced, and need to be sensibly and fully considered. These issues are the matters that really go to the heart of what we are entrusting to the committee. These are the parameters of the matters that will be addressed and considered.

There are no easy answers nor is there a simple way through. The motion is that the matter be referred to the parliamentary committee because there is no easy answer. If there were a simple way forward, I suspect we would be debating that now. I have considered many options. If I have gone through and thought of the alternatives, but whichever way I have turned, whatever idea or proposal I have seen has always had limitations. I therefore think it is important we are realistic about what we are asking the committee to do. We need to be realistic about what the committee can achieve, and we need to be realistic in the context of there being a great many impediments on this journey. However, that the issues are difficult does not mean we should shy away from them.

While I am cautious about the level of progress we can make, I also want to confirm and acknowledge that this is a significant step. I also want to congratulate all those who, over many years, have campaigned, visited, written and otherwise lobbied to progress this issue; I want to congratulate them for their perseverance, their tenacity and their hard work. Because of that

endeavour, because of those people's efforts, the Parliament and the community will have a look at this issue — at those people's issues — with fresh eyes, and their views and voices will be heard. This is their day — congratulations go to them. I commend the motion to the house.

Mrs PEULICH (South Eastern Metropolitan) — I rise on behalf of the opposition in support of the motion before the house. In response to Mr Tee's comments I say the journey to the outcome is not going to be easy, but people are realistic and, most importantly, hopeful that a systemic injustice which was a product of the times will be redressed in some measure at least, although the goal of a 100 per cent redress that some may hold out for should not be ruled out. We hope we can provide the opportunity for people to complete a journey of self-discovery towards an understanding of their identity by ensuring that they have an opportunity to understand where they came from genetically, particularly so that those who are the products of donor conceptions may move forward and avert the sorts of injustices, hardship and identity confusion experienced in the past.

I commend those who have driven this issue. I staunchly supported the subject of this motion before it came before the chamber. I supported it when we were updating the IVF (in-vitro fertilisation) legislation, which provided greater access to people who are the products of IVF. The amendment that gave them those rights was my amendment, and I pushed for it in the party room. I feel very strongly about this issue for a number of reasons. It is a basic human right to know and, where possible, have the opportunity to understand where you have come from.

As a small child I was raised by my grandparents due to economic necessity. I did not understand at the time that my parents loved me. I did later, as we were able to be reunited, but I remember the cloud of confusion about who I was. I remember seeing my mother in an orchard from a distance and calling out to her, 'Excuse me, lady, who are you?'. It was fortunate that I was able to get to know my mother, to grow up to spend the rest of her life with her, to be loved by her and to love her. Many are less fortunate, and I have known many of them. My mother and grandmother suffered the loss of family members during the war and never had the opportunity of filling in the gaps and resolving the puzzles.

I remember, while studying psychology 101, looking at experiments which involved, for example, the hatching and imprinting of ducklings on the first moving thing they saw. That happens with ducklings; their relationships are very straightforward. Cruel scientists would pull bricks along before the ducklings to see what would happen, and the ducklings would become imprinted on the first moving thing they saw, which in that case were bricks. Human relationships are obviously much more complex. The love of a good family, with blood relatives or otherwise, plays a vital role in determining who we become as adults. The inherent need for identity and knowledge of our biological heritage are driving forces for each and every one of us.

A girl I worked with, who managed my office, was adopted. She was an unhinged girl, though I dearly loved her. She did not gel with her adoptive mother. She got on with her adoptive father like a house on fire, but she could not get on with her mother until she had the opportunity of meeting her biological mother. The relationship with her biological mother still exists and continues, but the girl became much more appreciative of the mother who had raised and nurtured her. In many ways this understanding can fill in the gaps. Our heredity shapes who we are and who we become. Our temperament is predominantly inherited. This is the beginning of our life story. Everyone deserves to know the beginning of their life story. Knowing our history helps us understand who we are.

There is nothing more agonising than identity confusion and the anguish that comes from that. In my view being deprived of this information creates a state of confusion, often referred to in professional literature as genealogical bewilderment. It hinders people, including many I have spoken to, in establishing themselves in society and during the various transitions in their life, especially the transition to adulthood. It impacts on their children and their spouses or partners. The desire to know more about where we have come from is a fundamental one. It can sometimes be as simple as being able to view a photograph of your ancestors and forebears. Obviously many adoptees and offspring of donor conceptions have systemically been denied knowledge of their origins. We have updated some laws applying to other categories of people, including adoptees, but it is now time to modernise and bring up to date the laws applying to donor-conceived people.

An all-party reference is one way of coming to terms with and getting a handle on the way forward. It would be an opportunity to put in place restorative justice. It may not necessarily deliver all the outcomes, but it is an opportunity to do so. I imagine that the ambitious September 2010 reporting date for the interim report may include a list of submitters, a list of the key issues or a discussion paper of some sort. That would be a

good step forward. The final report is due by 2011. The dilemma there is that there is an election between those two dates. I hope there will be continuity of service on that committee. A lack of continuity does not necessarily mean that a report is rendered invalid, but nonetheless I hope there is continuity of service.

I have some reservations about paragraph (g) of the motion which relates to consideration of the implications under the Charter of Human Rights and Responsibilities Act. Clearly that is important, but we know the act is flawed, because the only convention that it excludes is the United Nations Convention on the Rights of the Child.

It is absolutely imperative that we come to this discussion paper, to the reforms, with the perspective of considering the child. That does not mean — and this may disappoint some people in the gallery who are here for this debate — necessarily opening up all of the records in a fully retrospective way, because that in itself can have a devastating impact upon those who have, within the context of the legislative framework, donated sperm or gametes, and for whom the full disclosure may have some unforeseen consequences. But there ought to be the opportunity for people to obtain at least some basic genetic information. There ought to be the opportunity for those who are caught in this web, by perhaps voluntary agreement, to establish contact with their donor parent, and certainly as we move forward there has to be the opportunity routinely for people to gain socially identifying information as well as the genetic knowledge that they deserve.

It may not necessarily be a fully comprehensive system that is going to come back and fulfil everyone's dreams and ambitions, but it is certainly going to be an improvement on what occurs today. I do not know how we have overlooked it for so long. It is an unacceptable system that needs to be reformed. No matter how a person was conceived, people should be entitled to access information about their biological parents for the range of reasons that we have heard — whether it is medical, whether it is related to identity or whether it is related to this almost inexplicable phenomenon where people who are genetically related may be attracted to one another. Sometimes it is actually misinterpreted as a sexual attraction, so we do not want people who are blood related, perhaps a half-sister or a half-brother, engaging in a sexual relationship when knowledge of their origins might have prevented it.

Feelings of rejection and abandonment by birth parents accompany the feelings of grief and loss. We have heard all of that in some very powerful presentations that we have been privileged to listen to and share in during the recent forum. Feelings of loss and rejection were shared, and certainly the people I have spoken to in the past and people who have similarly been caught in a legislative black hole have suffered a sense of damaged self-esteem.

Genetics is where it all begins. Children are who they are from the start and for good reason, and I think it is an abuse of the first order to deny them the chance to eventually understand why they are as they are. It is a lost generation. That is why when we were talking about the artificial reproductive therapies as they apply to single-sex relationships it was very important to ensure that children still retain knowledge of their biological parents. Trees without roots fall over, and I think to deny anyone systemically knowledge of their own biological origins is a crime against humanity. It does not matter under which circumstances it occurs.

Again, the retrospectivity of this particular issue has implications. Some multicultural communities can be very sensitive about these issues. The discussion paper — this all-party reference — will go a long way towards allowing people to air the issues so that we can move forward. I do not believe proposals supporting a retrospective mandatory system and full disclosure of all of the social identifiers will be suggested to us as recommendations. I see a voluntary system as being extremely plausible, but nonetheless I believe everyone should have the right to some basic genetic information irrespective of when they were conceived.

Moving forward, there ought to be a clear sense of rules. In my view there ought to be a mandatory system with full disclosure so that these types of injustices do not occur in the future. I have delight in supporting this motion. I look forward to a report coming back. I think we will have many more debates, but one thing that you can rest assured of is that every person in this chamber wants to improve on the situation that is currently in place. I believe we have all come to the debate genuinely. We acknowledge that injustices have occurred in the past, and it is time for this Parliament and this society to engage in some restorative justice. With those few words, I have great pleasure in supporting the motion.

Ms MIKAKOS (Northern Metropolitan) — I want to speak briefly in support of this motion. I heard on the radio this morning that the first Australian IVF (in-vitro fertilisation) baby has turned 30 today. Since then about 85 000 babies have been born in Australia using IVF, or assisted reproductive technology (ART) as it is known today. This is an important and happy milestone to reflect on the many childless couples whom IVF, or ART, has helped realise the dream of parenthood. But

this morning's story on the radio also made me reflect sadly on how many children are affected by this particular issue, and I am sure that we would not even be able to quantify the numbers.

I find it a source of great sadness that children conceived through IVF before 1 January 1988 are treated differently to children conceived after this date. Children conceived before 1988 are legally denied the right to access information that would identify their donor parent. Sperm donors were assured of anonymity because it was felt at the time that this would encourage donations. Thankfully, that is no longer the case, and yet sperm donations are still being made.

In 1984 the Victorian Parliament passed legislation to give an adoptee access to their adoption file, regardless of previous assurances of anonymity, because this was seen as being in the child's best interests, and I see a lot of very strong parallels here.

Members might recall that when we had the debate on the ART legislation approximately two years ago I expressed some views about this issue in the Parliament and certainly in discussions I had with various ministers at that time. I was assured by the fact that ministers indicated that this issue was going to be looked at at some point in the future, so I am very pleased that we are today looking at what I regard as unfinished business.

In speaking to young people affected by this issue, I have been greatly moved by their anguish at not being able to access this important information. I want to thank the young people to whom I spoke about this issue for sharing their personal stories with me and with other parliamentarians. I would also like to thank the Donor Conception Support Group, TangledWebs and Vanish, Ms Pennicuik for bringing forward this motion, the Minister for Health, Daniel Andrews, the Attorney-General, Rob Hulls, and Mr Brian Tee.

It may well be that some young people may be disappointed to discover that no records, or inadequate records, have been kept, but I believe even in those terrible circumstances a person conceived in such a way deserves closure. They need and deserve answers.

I do not have any preconceived views about what the final outcome should be in this area, and I do not believe it is my place to put on the record my views on the issue of the extent of access. It is important for there to be an opportunity for the community to express its views on such a sensitive issue, and I think it will be a terrific opportunity for both donor-conceived children and donors to express their views about what the extent of access to information should be before the parliamentary Law Reform Committee. I hope the committee will conduct public hearings and take submissions about these issues, as I am sure it will, as is normally the case in these matters. In that way a range of views can be put about these issues, but I do hope ultimately we will have an outcome where there is parity amongst children who are donor conceived, and that the law will treat them all equally.

A person's identity is a combination of their biological origins and their social circumstances, and I believe it is a very strong human driver to be able to answer the question 'Who am I?'. The voices of those people affected by this issue deserve to be heard.

I want to finish by quoting Ms Kimberley Springfield, who has been affected by this issue. I have obtained her permission to read from part of the extracts of her story that I understand have been previously circulated to other parliamentarians by Ms Pennicuik. I quote:

> … I felt betrayed when the clinic responsible for facilitating my existence refused to help me reclaim my identity…
>
> I could not fathom going through life never knowing where I had come from, my ancestry, my identity. No-one at the clinic seemed to realise just how much this impacted on my life. I felt completely powerless. I spent the next three years trying to ignore the heartbreaking truth that I would never know this part of myself. But I could not ignore it.
>
> I would look at the faces of people around me and wonder, 'Could you be my father, my half-sister, my half-brother, my grandparent?'. I'd search for similarities in their faces but would never know for sure. I know I have family out there somewhere and I mourn the loss of them every day.
>
> ...
>
> After just over three years of silent grieving I thought to myself, 'This isn't fair. This is my life and my history'. Not only does this history belong to me, but also to my children and our family.
>
> ...
>
> Children do not have a say in how they are conceived, and therefore who they are related to. It is for this reason that children created from donor conception these days have their rights protected by law.

She concludes by saying:

> I believe there is an inner desire in every one of us to seek out our roots. Some of us are fortunate enough not to have to search very hard. Donor-conceived people need the basic right to information about their genetic identity, without it we lay subject to emotional, mental and physical suffering.
>
> And without it we continue to search.

I hope that all parties will support this motion today and that we can help these children to end their search.

Mrs COOTE (Southern Metropolitan) — It gives me great pleasure to speak on this motion. I congratulate Ms Pennicuik on bringing it to the attention of the house and on being so thorough in the way she has presented the motion in not only encompassing the legalities of what is involved in this issue but flagging it at a time when we had a debate on another similar issue. I also congratulate her on alerting the whole of the parliamentary organisation to the issues involved here and on having organised a great opportunity for us to meet with donor-conceived people and to hear their poignant stories.

I think it is poignant that we are speaking about this today because today the first of Australia's IVF (in−vitro fertilisation) babies is celebrating her 30th birthday. An article in this morning's *Herald Sun* says:

> Australia's first IVF baby, Candice Reed, celebrates her 30th birthday today.
>
> Since her birth more than 85 000 children have followed in her footsteps.

There is a quote from Ms Reed in the article. She says:

> The best thing about being an IVF baby is knowing that I was loved and wanted well before I was even conceived.

I do not think there is any doubt that people who have been conceived by donors, even if they do not know those donors, know that they are loved and know that they are cared about by the parents who nurtured them, but that is not the issue we are discussing today. There is a loophole in our legislation that has deprived people of the basic right to know and understand where they come from.

For me personally it was very interesting to have a closer look at this motion. We had a very well constructed letter from the chair of Vanish, Dr Denis Muller, in which he stated:

> The discrimination arises from the fact that a significant proportion of donor-conceived people continue to be denied a legal right of access to information that would identify their donor parent, even though that right has been conferred on those whose gametes were donated after 1 January 1998.
>
> This has created three classes of donor-conceived citizens.

These three classes are identified by Dr Muller as follows: donor-conceived people for whom gametes were donated prior to 1 July 1988, who have no access to identifying information about the donor parent; donor-conceived people for whom gametes were donated between 1 July 1988 and 31 December 1997, who are given the identity of their donor parent as long as the donor consents to the release of this information; and donor-conceived people for whom gametes were donated after 1 January 1998, who have an unqualified right to access the identity of their donor parent.

I attended the briefing Ms Pennicuik arranged, and I was touched and overcome by the contributions of the people who were in attendance. I would have to say that Barbara, Lauren and Kimberley alerted me to what exactly is involved here. I had a vague conception of what this might have meant, and I would have to say that I had thought that the donors did not need to be approached, that it did not really matter, that it was a closed episode, that things had changed now and that all was well. Until I listened to those poignant personal accounts it had never really occurred to me what this actually means. I was swayed on the day, and I will be supporting this motion as much as I possibly can, both now and indeed when the legislation is presented to this house.

I believe this motion has been well thought through and very positive arguments have been made by every political party in this chamber; I congratulate all the other speakers on this. I believe the requirements of this motion will be met, that indeed the Law Reform Committee will give its interim report by September this year and that this will go on to have a final report in 2011. For those in this chamber who continue on in the next Parliament, I know we will be vigorously supporting this motion, which will become a bill and hopefully we will be here to see this put into law for the people concerned. I congratulate everybody who has been involved in this, and I will certainly take a keen interest in the legislation ahead and will do my best to make sure it is passed in time.

Ms PENNICUIK (Southern Metropolitan) — I would like to thank Mr Tee, Ms Mikakos, Mrs Coote and Mrs Peulich for speaking in favour of my motion today and thank the chamber for what appears to be its unanimous support for the motion. The support of all parties for a motion like this is what we definitely want to get the outcome we need when we are facing a problem that is having such a profound effect on people's lives. I do not want to go over in any great detail what other speakers have said, except to say that I think every contribution, while a little bit different, added another shade to the story and another interpretation to the issues that are facing us with this motion. However, I will respond briefly to some points that were made by other speakers.

Mr Tee made the point that the people who put in place the laws that have resulted in the situation we now have before us — the three tier system, as Mrs Coote called it — acted with the best of intentions, but we are now

dealing with the serious consequences of those intentions.

I meant to say when I was moving the motion — and I did mention this in the 2008 debate — that I was very young when in-vitro fertilisation treatment started to be used to help childless couples. As Ms Mikakos said, that is a happy story — that childless couples have been able to have children. However, there are some serious consequences to the laws that were put in place then and still remain in place. Unfortunately they still remain in place as a result of the repeal of the Infertility Treatment Act and the Assisted Reproductive Treatment Act 2008. As members would know, I was not happy about those injustices or inequalities remaining in place in the law.

We have the serious consequences of this in front of us. Even though people may have acted with good intentions at the time, they have caused these consequences. I agree with Mr Tee — and that is why I moved the motion — that it is incumbent on the Parliament to address these issues, because they profoundly affect people in the community.

Mr Tee also said, quite rightly, that there are risks that expectations will be raised, people may have false hopes, and many donors may not want to meet or be involved with their donor-conceived offspring. However, we are talking about people who made a donation prior to 1988 — 32 years or more ago. I would assume — and I think the evidence is pointing towards this — that we are talking about people who may have been married once, twice or three times, who may have had other children and who have certainly gone through a lot of life experiences; they are not the same person they were 32 years ago. I agree that there may still be some who would prefer not to have that contact, but I suggest the vast majority would probably agree to that contact, and experience is bearing that out.

Documents may have been lost, records may not have been kept or donors may not want to provide identifying information, and that would be very hurtful to donor-conceived offspring — it would not be the outcome that is their hearts' desire. As Mrs Peulich said, we will not get 100 per cent of what we want. However, what is most hurtful to people who were conceived prior to 1988 is that they do not have the right — that the law prevents them from even trying. That is the most hurtful thing; that is the barrier we need to take away. It is very hurtful that people are being discriminated against under the law. That is what needs to be mended by changing the law in the future.

Mr Tee also said there are obviously some impediments on the journey but the fact that it is difficult does not mean we should not embark upon it, and I agree. It is good that we are now going to be at least embarking on the journey rather than everything still being in a holding pattern or stalemate and not progressing in the interests of donor-conceived people.

As I mentioned, Mrs Peulich talked about restorative justice. When this motion has been passed and referred to the Law Reform Committee, it will provide restorative justice for donor-conceived people who do not currently have access to identifying information, and we all hope it will. She also said it may not open up access to all information.

This is something I meant to touch upon, and I will briefly do so here. Even if donors do not want to have contact with their donor-conceived offspring, in my view there should at least be some requirement for them to offer information about their genetic background, including medical information that may be needed by the donor-conceived person and/or their children or siblings. That is an important issue that was not touched upon.

I appreciate that Ms Mikakos feels very strongly about this issue. She basically started out saying she views it as a great sadness that people born before 1988 still do not have legal access to this information. She made the point that in 1984 we reformed the Adoption Act. That is pertinent because the reforms were made even though prior to that act people had been told there would be privacy and that information would not be revealed. The view was taken that it was in the best interests of children that that information was released to them.

In fact the people born prior to 1988 are the most disadvantaged. People who were adopted out can now get access to this information, and people born between 1988 and 1997 can get access if the donor agrees — the majority of donors have been agreeing, and I think the number of donors who do not agree will become smaller in the future. Then there is the post-1997 cohort whose members have the same rights as adoptees. The people born prior to 1988 are discriminated against under the law. It is very hurtful and wrong, and we need to amend those legislative provisions.

I thank Ms Mikakos for reading out more of Kimberley's quote. I meant to read out more of it, because what she had to say was very powerful, particularly where she felt — and I think this is a very telling part of her story — that whilst she was talking about something that is about her essence, which was

profoundly affecting her life every day, the clinic saw it as a completely bureaucratic exercise and was not taking that on board.

Mrs Coote spoke about a loophole in the law. I think what I really took away from Mrs Coote's contribution was her statement that when she attended the forum, it was the personal stories that swayed her and made her come to the view that not only was she going to support the motion but that she wished to be proactive in the issue. I think that goes to what this is about and why I could not let this issue rest any longer, because 18 months have passed since the 2008 debate on the ART bill and we are talking about real people. Time has passed; 18 months has passed. Realistically it will take another 12 months at least to resolve the issue, given the way the motion has had to be drawn up so that we get an interim a report this year and then something carrying on into the next year. People will have gone through another two and a half years without this right, and it affects their lives every day. What we are talking about here is real people's lives.

Mrs Peulich interjected.

Ms PENNICUIK — As Mrs Peulich says, some of the donors may have passed away in that time. As I have already mentioned, some of the records are not protected. They could have been lost in that time or they could be lost in the time between now and when we resolve this issue.

The committee needs to turn its mind very urgently to the issue of records, particularly in establishing where they are now and making sure they can be safeguarded. Although I know every speaker has talked about the incomplete amount of data, records et cetera that we might be able to find, and some speakers, particularly Mr Tee, have talked about balancing the right of the donor with the donor-conceived and the families, et cetera, we need to bear in mind the very basic right of people to have information about their birth. The committee should aim, in its deliberations, to achieve total equality for all donor-conceived people.

I take the opportunity again to thank members who have contributed to the debate today for their very thoughtful and heartfelt comments. I also thank the many members who have not spoken on this motion but who have spoken to me personally or emailed me in support of the motion, including a large number of members of the lower house who have also followed this issue and feel strongly about it. Once again, I say thank you to the donor-conceived people, their parents, their friends and families, and those from Vanish and TangledWebs and the Donor Conceived Support Group for their hard work as well. I thank everyone and commend the motion to the house.

Motion agreed to.

WATER: BULK ENTITLEMENTS

Mr HALL (Eastern Victoria) — I move:

That pursuant to section 34(3) of the Water Act 1989, the following orders, published in *Government Gazette* No. S36 on 27 January 2010, be disallowed:

(1) Bulk Entitlement (River Murray — Goulburn-Murray Water) Conversion Further Amending Order 2010;

(2) Bulk Entitlement (River Murray — Yarra Valley Water Ltd) Order 2010;

(3) Bulk Entitlement (River Murray — South East Water Ltd) Order 2010;

(4) Bulk Entitlement (River Murray — City West Water Ltd) Order 2010;

(5) Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order 2010;

(6) Bulk Entitlement (Goulburn System — Yarra Valley Water Ltd) Order 2010;

(7) Bulk Entitlement (Goulburn System — South East Water Ltd) Order 2010; and

(8) Bulk Entitlement (Goulburn System — City West Water Ltd) Order 2010.

This lengthy motion seeks to disallow eight bulk entitlement orders, two of which relate to environment bulk entitlements; the other six involve bulk entitlement orders for three Melbourne-based water authorities, water coming in one case from the Eildon-Goulburn Weir and in the other case from the River Murray-Goulburn-Murray Water.

I will not read out each of those in detail because I will be making reference to some of them in my contribution this afternoon, but I think it is worthwhile at the start of this debate to set the history and explain why we are here again today. In fact it is the third time that I have moved a motion similar to the one I have moved today.

It goes back to, first of all, a Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order of 2009 which was published in the *Government Gazette* of 28 May 2009. I moved a disallowance motion for that particular order and as an outcome the Legislative Council voted on 12 August 2009 to disallow that particular order. The government responded within a matter of a couple of weeks by

gazetting a further Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order (No. 2) of 2009. That was published in the *Government Gazette* of 1 September 2009 and was ultimately disallowed by the Legislative Council on 10 March 2009.

It is interesting that in anticipation of the result of that particular notice of motion, the government further gazetted the current eight bulk entitlement amendment orders on 27 January this year, a date which precedes the disallowance motion of the Legislative Council, being 10 March this year. We are here today because each of these bulk entitlement orders is essentially to facilitate the permanent transfer of water for various purposes: some to Melbourne for domestic purposes and the remainder for environment and irrigation purposes.

First of all, I say that what I want to say this afternoon probably needs to be read in conjunction with some of the other comments I have made in the previous two debates on this particular matter, because they are lengthy debates. This could well be a very lengthy debate again today, but I will try to limit my comments to new material that has come to our attention since this matter was last debated in the Legislative Council on 10 March. Nevertheless I will probably mention in passing some of the arguments advanced and explored in more detail during the course of those debates.

As I said, what we have in this motion are eight bulk entitlement orders which were published in the *Government Gazette* of Wednesday, 27 January 2010. In total, those eight bulk entitlement orders cover some 82 pages of gazettal. Some of them are complex in terms of their nature; some of the orders are repetitive because they are similar orders for the three Melbourne water authorities. So there is some repetition in each of the orders. To wade your way through them, so to speak, can be quite a complex process.

Let me perhaps set the scene as to where exactly the Liberal-Nationals coalition stands on this matter. I will indicate what we think is important, why we have been critical in the past and then I will move to the essential objections that we have with these current bulk entitlement orders. The first thing I want to say is that the Liberal-Nationals coalition continues to strongly support measures to upgrade irrigation infrastructure and make water savings in respect of the allocations of irrigation waters. But at the same time we continue to have serious concerns with the veracity with which those water savings are measured. That was an issue I canvassed in some detail in a previous debate and we remain concerned that those projected levels of savings simply are not there, and we are concerned with the way in which those savings are purportedly accounted for.

The second point I want to make is that we remain strong in our belief that it is wrong to be transferring water from the north of the state to Melbourne when there are viable alternatives to supplement Melbourne's water supplies.

I must say we are extremely disappointed that the government has refused to do anything of any great significance in terms of opportunity to capture more stormwater in the Melbourne area, and also to make better and greater use of recycled water. We believe that Melbourne's water needs could be well catered for if there was more effort in that regard. We were strong in our opposition to the fact that this government has used its majority to actually move water from the north of the state — particularly when the north of the state is, using the government's own words, the food bowl of Victoria. That is a valid argument, but food production in the northern part of the state is wholly dependent upon irrigation water. Much of the good produce being produced by farmers in the north of this state would be lost if an opportunity for irrigation was not available to them.

We should certainly be looking to make best use of water; we should absolutely be looking for efficiency gains, but we have an ongoing need to produce food for Victorians, for Australians, for people all over the world, and that should remain a priority. We believe where water issues can be addressed by other means, then food production remains an absolutely critical use of our precious water supplies.

The third point I want to make is that the Liberal-Nationals coalition remains steadfast in its view that this government has seriously misled Victorians in a whole range of ways — some of which I will refer to in my contribution today. Not the least of those is the misleading of Victorians prior to the 2006 election where categorical promises were made to the people of Victoria that water in the north of the state would not be moved south of the Great Dividing Range. Indeed, desalination water was certainly not an option for the government prior to the 2006 election. Beyond that I will refer to particular examples where we believe Victorians have been grossly misled on some matters associated with water.

The fourth point I want to make is that the Liberal-Nationals coalition shares the views of the Auditor-General — that is, the Brumby government has bypassed, or perhaps ignored, every aspect of due and proper process in reaching decisions to proceed with

much of the food bowl modernisation project. Since the last debate we have had a very helpful report from the Auditor-General, which has been made available to the people of Victoria. I will refer to that report, and I would be surprised if other members in this debate do not also refer to that because, as I said, it is a helpful, informative document to advance some of the arguments we have been making.

The fifth point I want to make is that we believe the political needs of this government have been given preference to environmental, social and agricultural outcomes — particularly environmental outcomes, because it has been the environment that has lost out due to the government's political wishes over the transfer of water to Melbourne for what I believe are political purposes. That issue has been canvassed strongly in previous debates, and I will probably make mention of it again today; water that had been set aside for environmental purposes has been pilfered to meet promises to supply water to Melbourne. We think the environment is the loser out of all of this, and that view has been expressed by others in previous debates.

It is also worthwhile mentioning that one of the areas about which Victorians have been badly misled is how these savings are actually going to be achieved. I think the people of Victoria were given the very clear impression that water savings would be achieved by reducing seepage and evaporation, and by better measurements of water. Yet we find that now most of the water savings are to be achieved by closing irrigation channels. That was not a priority; it was barely mentioned when the government embarked on the food bowl modernisation program. We were of the belief that water savings could be achieved by efficiency gains rather than by closing down an irrigation system.

However, despite the incompetence of this government and its political motives for doing as it has done, we from the coalition would not be moving this disallowance motion were it not for two particular provisions in these bulk entitlement orders, to which I now wish to draw the house's attention. In part, they go to the issue of misleading Victorians.

I refer the house to page 3 of the *Government Gazette* of 27 January 2010, where it talks about the Bulk Entitlement (River Murray-Goulburn-Murray Water) Conversion Further Amending Order and what is going to happen with some of those water savings. In particular, I draw the house's attention to item 10, under C part 2 in that bulk entitlement order, where it says:

> Stage 2 of the Northern Victoria Irrigation Renewal Project, of up to 200 GL, must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings.

What is wrong with that? That is a significant variation to what the people of Victoria were actually promised when this food bowl modernisation program was put up. I refer the house's attention to documents from the Northern Victoria Irrigation Renewal Project website where it talks about what is going to happen in stages 1 and 2 of the food bowl modernisation program. I quote from stage 2, where it says:

> The stage 2 investment is subject to a due diligence assessment and delivery of half the gains as additional flows to the Murray River with the other half being returned to irrigators.

We are talking about stage 2 of the food bowl modernisation program. We know what happened with stage 1. That was split three ways — 75, 75, 75: Melbourne, irrigation, environment. We were very clearly told. Here is the evidence, on a government department website. It very clearly says that stage 2 of the projected 200 gigalitres in savings would be equally divided between environmental flows to the Murray River and irrigators. This project was sold to the people of Victoria on that basis. We accepted that. Now we see in these bulk entitlement orders that any of the 200 gigalitres:

> … must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings.

What is the commonwealth of Australia? Therefore all options for use of that water are on the table. It could all be put to environmental purposes or to irrigation purposes. Perhaps it could all be put to industrial purposes or it could all be taken to Melbourne or be sent down to South Australia for their use. We have absolutely no idea. Now we have no guarantees about how the water from the food bowl modernisation project stage 2 is to be distributed.

From day one the understanding or promise was that this was sold on the basis that it was very clear that stage 2 savings would be shared equally between the environment and irrigation. We accepted that. As I said, except for this particular provision we probably would not be moving the disallowance of these bulk entitlement orders. We would have accepted the umpire's decision and those promises that were given when this project was first mooted. This time around, when we are moving that these bulk entitlement orders be disallowed, that is one of the principal objections we raise.

The other objection also relates to restrictions on the use of water. Again I am quoting from one bulk entitlement order for one of the three water authorities in Melbourne. This particular provision is replicated in the other bulk entitlement orders for Melbourne water authorities. It says:

> Restrictions on use of water
>
> Subject to subclauses 10.2 and 10.3, the authority, together with the holders of the bulk entitlements listed in subclause 7.3, may use the available water resources at any time.

That means at any time of the year.

It was a clear understanding and the basis on which this project was actually sold that the water allocated to the Melbourne-based water authorities would be taken at the same time as irrigation water flowed from Eildon to Nagambie. Why? Because that is the most efficient way of taking the water — at the same time as irrigation water is flowing through to Nagambie. It means that you have one significant flow or surge of the river when irrigation water is moved from where it is to be allocated. That increased stream flow between Eildon and Nagambie would also take with it the water that is to be transferred to Melbourne. That is the most efficient way and the way by which there would be the least loss of water. There was an acceptance that the water to Melbourne would be taken only at the same time that irrigation water was being transferred from Eildon to Nagambie. That promise also has been broken with this provision in these bulk entitlement orders.

In respect of the bulk entitlement orders that I am seeking to have the house disallow this afternoon, they are the two principal new objections. I have categorically said that if it were not for those two particular provisions, government members would probably not have this debate on their hands this afternoon. In that respect they have brought it on themselves.

That being said, I cannot let this opportunity slip to also talk about some of the government's incompetence in the way this whole food bowl modernisation project was approved and proceeded with. Just two weeks ago the Auditor-General provided the people of Victoria with a report which makes comments on exactly these matters. I refer the house to the Auditor-General's report *Irrigation Efficiency Programs*. I will mention a couple of things from page 7 through to page 26.

As I said in my summary, this report essentially says that the government has bypassed all due and proper processes in the way it has proceeded with this project. On page 7 the Auditor-General's report states:

> Since the government commenced its modernisation of irrigation and related infrastructure, it is expected it will invest around $2 billion. With such significant investment, robust planning is critical to assure there is a sound case to proceed, that the expected benefits are clear and that the investment is likely to achieve the expected results.
>
> Findings
>
> > None of the four irrigation modernisation projects, or the Sugarloaf pipeline, had undergone a robust assessment of the need to invest in the chosen asset solutions. Non-asset solutions, such as demand management, were not considered.
> >
> > There was inadequate consideration of investment options to meet the identified need. In most cases, the preferred option was the only one considered in the business case.
> >
> > While the Department of Sustainability and Environment and water authorities developed business cases, they lacked the rigour appropriate to the nature and cost of each project.

This government is investing at least $1 billion of Victorian taxpayers money in this project. One would think that if you were going out to spend $1 billion you would look at the best way of doing it. It is absolutely appalling, and it is supported by the comments of the Auditor-General, that this government did not even consider alternatives. It did not even look at the needs analysis, the very basics. This government likes to claim that it always follows proper process. It has been caught out good and proper.

At page 8 the Auditor-General's report refers to the Department of Treasury and Finance (DTF) and the development of what it called its business case development guidelines, which were later called its lifecycle investment guidelines. It set out a process by which any project greater than $5 million needs to be undertaken. The guidelines are:

> assess the business need and likely solutions
>
> consider options for the best solution
>
> develop compelling business cases.

That sounds okay to me. That is a process. The Treasurer is here for the debate this afternoon. Obviously DTF is his department; he would agree with that process. What did the Auditor-General conclude? The report states:

> Planning for irrigation efficiency and related projects, prior to the decision to invest, has been poor and has not met the standards expected of high-risk and high-value projects.

> None of the projects followed the business case development guidelines, which require proposals first to demonstrate a need then assess options to meet that need. Instead, all the projects went straight to business case stage, adopting the preferred option. This was particularly so for the food bowl modernisation project, where the business case was formalised two years after the decision to proceed.

Government members know what they want to do and they are going to do it, no matter what, and so they will manufacture a business case to suit what they want to do. We have seen media reports where the first business case did not stack up; the Premier rejected it and said, 'Go and give me another business case that supports what I want to do'. That is essentially the process that is employed by this government to deliver many of these projects, supposedly to create water savings in northern Victoria. That is why I make what I consider to be a valid claim: that all due and proper processes have been either bypassed or simply ignored by the government.

In terms of the outcomes of all these particular projects, again the Auditor-General makes some comments. In this report he makes comments about three projects: the Central Goulburn 2 project, the Shepparton project and the Macalister project.

I quote a comment about just one of those because this comment is replicated in large part about the three projects. The Auditor-General's report says about the Central Goulburn 1234 project:

> Whether actual outcomes for stage 1 of the Central Goulburn 1234 project, in terms of cost and water savings, have been achieved is unclear. Information about the project status, progress or completion is contained in disparate documents. There were no documents that clearly documented and detailed this information.
>
> Audit analysis is that stage 1 of the Central Goulburn 1234 project was completed in 2006 at a cost of $17.3 million, which was $600 000 less than the project budget. The stage also generated savings of around 5.7 gigalitres. This represents a cost per megalitre saved of $3035.

The key point here is:

> However, there is no evidence that shows the amount of water this stage was intended to save. In addition, there is no independent verification of the accuracy of the water savings.

Again we are asked to simply believe what the government tells us.

Mr Drum — Trust us.

Mr HALL — Trust us. The accuracy of water savings was the subject of much of the debate we had on the previous disallowance motion. We spoke about where there were managers who simply adjusted outfall figures because they believed there were inaccuracies in them. They just arbitrarily adjusted those figures. In the last debate we spoke about people measuring water volumes with dipsticks, for goodness sake, rather than using accurate, reliable methods of measuring water. It is no wonder the Auditor-General came to the conclusions and made the comments he made in his report, and it is no wonder we have serious concerns about the veracity of the water savings figures that the government tells us these projects will yield, so we express those concerns.

I want to touch on the issue of credibility. The Auditor-General's report completely destroyed the government's credibility both on the management and output of many of these projects. In terms of credibility it was certainly not surprising to read some of the articles that appeared in the *Age* and the *Sunday Age* newspapers earlier this month. In the *Age* of 8 June an article under the headline 'Millions "wasted" on farm water' spoke about new water measurement devices worth around $50 000 each being installed at the entrance to farm irrigation outlets when in all likelihood many people who were receiving the $50 000 measuring gates were going to concede and not irrigate in the future.

I mentioned the fact that we were misled. We were not informed right at the start of this debate that much of the water savings were going to be achieved by closing down channels and reducing the irrigation district in the north of the state. I refer to a *Sunday Age* article of 6 June which talks about the numbers in the food bowl modernisation project. It says:

> The numbers — 16 000 farms assessed, 860 kilometres of channels shut down —

That is, 860 kilometres of irrigation channels.

Mr Drum — Half the system.

Mr HALL — As Mr Drum says, about half of the irrigation system in the north is to be shut down. Whether you agree with that or not is almost irrelevant in terms of this government's credibility, because it clearly told us that the water savings would be achieved by reducing seepage in the channels, by better measurement of water flows and by reducing evaporation — that is, the savings would be generated by efficiency measures, not by closing down half of the food bowl in northern Victoria. But that is in fact what this government is doing.

We have some severe criticisms of the way the government has embarked upon this whole project. We think Victorians have been very poorly misled by the government in this. We agree entirely with and were

not surprised by the findings of the Auditor-General with respect to the lack of proper process in what the government has done with the food bowl modernisation and the other projects it has undertaken in the north, supposedly to generate water savings.

In conclusion I go back to the points I made towards the start of my contribution. One is that promises have continued to be broken. We would not be here today if the government could guarantee that the savings in stage 2, the 200 gigalitres, were definitely going to be shared equally between the environment and the irrigators. No such assurance is given to us by these bulk entitlement orders, as I quoted from them. If and when the 200 gigalitres of savings are generated, we have no idea how they will be used. That they will be used after an agreement with the commonwealth government could mean anything. We are not prepared to allow these bulk entitlement orders to proceed without the guarantee, the promise, that was given from day one about the allocation of savings in stage 2. Moreover, we are concerned that the government is continuing to commit to sending water to Melbourne at any time it likes, regardless of whether doing that will result in further avoidable water losses.

I have canvassed by way of background the issues of our being misled by broken promises and the folly of embarking on this in the way the government has. They are the two principal issues that we strongly object to in these bulk entitlement orders. They are the basis on which I have moved this disallowance motion this afternoon. I encourage other members on both sides of the house to take note of the arguments that have been and will be put, because water is a precious commodity. We need to use it wisely, and we need to have guarantees in place. This government purports to represent the best interests of all Victorians, but these bulk entitlement orders are certainly not in our best interests. In fact the government rarely achieves that level of representation.

Mr JENNINGS (Minister for Environment and Climate Change) — I have been listening acutely to the arguments that have been raised by Mr Hall in support of his motion. What he has challenged the government to do is give undertakings that the savings from stage 2 of the northern Victorian irrigation modernisation program will be shared in equal proportion between the irrigating community and the environment. He is seeking that assurance, and he has it. That is a public commitment of the government. It is a public commitment that has been replicated in many instances in public statements, and it is on the Northern Victoria Irrigation Renewal Project (NVIRP) website. It is a contemporary commitment of the Victorian government. If that is what is required, then it is game over.

Mr Hall interjected.

Mr JENNINGS — It is game over. If that is what you require to remove your disallowance, it is over.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Through the Chair, Minister.

Mr JENNINGS — It is over, Acting President. If that is what Mr Hall is after, that is what he has. Unfortunately in terms of Mr Hall's cumulative story-telling in this argument, he may look and sound a million dollars today, but in the spirit of the world cup there is no doubt that he has scored an own goal today, because if his interest is to protect irrigators in the productive use of water entitlements, there is one shortcoming in the application of his motion. It will mean that those irrigators do not have the certainty that these bulk entitlements would give them. In terms of representing the interests of irrigators — that is what he called out for and what he is here for: to represent their interests — the net effect of his disallowance motion will be to disadvantage them, and I will outline to him why.

The nature of these bulk entitlements that Mr Hall and others intend to disallow today are to give effect to commitments of our government to share water savings that come from the northern Victorian irrigation modernisation program in ways that the government has consistently committed to ever since the beginning of this program. The cumulative effect of these bulk entitlements is to give the administrative instrument to allow those water savings to be shared between irrigators, the environment and Melbourne water consumers. The allocations that are provided in the cumulative effect of these orders are, from stage 1 of the work, savings of 75 gigalitres in equal shares to irrigators, the environment and Melbourne water consumers.

The return to Melbourne water consumers is in accordance with the $300 million that has been contributed to the program by those consumers through the instrument of their water bodies. The equality of the shares, the clarity of the shares and the way in which they would be allocated, are outlined within the cumulative effect of the bulk entitlements that Mr Hall and others are seeking to disallow.

The second stage of the program, which has been funded by the commonwealth, subject to agreements between the state of Victoria and the commonwealth, intends to return the 100-gigalitre share each to the

irrigating sector and to the environment. Certainly that has been consistently referred to, given the undertakings by the Victorian government, and it is the nature of the position that I represent on behalf of the government today.

The instruments particularly allow for a return to irrigators who have contributed to the costs of the works program and would therefore be entitled to their share of water savings being returned to them. If it is passed in this place, the effect of this motion will be the loss of that transaction to return those water entitlements to the irrigators who have contributed to the funding mechanisms for this program. That is what will be lost through the cumulative effect of this motion, if the house so resolves.

The reason that will be the case is that, without these bulk entitlement orders in the way that they have been prepared, the ability to quarantine savings that go back to the irrigating community will not be provided for. That portion of savings will then go into a communal pool which will be shared by those irrigators, but it will be shared by the consumptive users along the Murray system.

That is why I say it is an own goal. The government is very concerned that it is an own goal. The government has taken and will continue to take action to try to maximise the degree in which the intended outcomes of these water savings will be attributed. Action has already been undertaken to try to ensure that those water savings themselves are not lost. In March 2010 a temporary qualification of rights was placed by my colleague the Minister for Water to provide for the savings in 2009–10 not being lost. On 10 June — that is, within the last two weeks — —

Mr Drum interjected.

Mr JENNINGS — It does not matter about the language. Your language may sound a million dollars in here — you may sound fantastic; the rhetoric may actually be very flourishing; you may think the evidence that you may bring to bear is very compelling — but it may not be the net effect of the actions in the real world.

On 10 June an agreement was struck between Goulburn-Murray Water and Melbourne Water, and the three retailers, to provide water allocations to Melbourne consumers. An agreement was struck under section 124(7) to provide for the allocation of water that is contained within these bulk entitlement instruments to be provided to those water bodies and to those consumers.

It is the intention of the government to provide through the offices of Goulburn-Murray Water and me, in terms of my obligations for environmental flows and the protections of the environmental bulk entitlement, to reach an agreement under section 124(7), which is available to us to give effect to Melbourne's water and the environment's water being accounted for. But the part of the equation that we cannot immediately account for is the guaranteed ability of Goulburn-Murray Water to reach an agreement with 11 000 water customers within the irrigation system that have contributed to the costs. We are expecting to see the benefit of their investment that has come through their water bills in relation to their share being returned to them.

In fact the cumulative 175 gigalitres that were available to irrigators are not immediately able to be returned directly to those who have contributed to the cost, because in fact it is the intention of some members of this chamber to disallow these instruments, which is the only vehicle with the administrative ability to deliver those savings to those customers.

That is the reason I assert — I have already said it twice; I will say it again — it is an own goal in relation to The Nationals believing it is representing that constituent unit. The Nationals have come to argue for their constituents' rights, but they have been caught short in their ability to provide for that outcome. In fact the government believes that it is through these instruments — —

Mr Drum interjected.

Mr JENNINGS — That is not the nature of the debate about the instruments: the nature of the debate about instruments is in fact what effect they have. The action being pursued by The Nationals and anybody who follows them in relation to this motion will be to achieve that outcome, that those irrigators who have contributed to the costs were expecting to receive their share directly back to them — not to have their allocation going into a communal pool. That was their expectation, and that opportunity will be denied to them.

What this may mean, according to the estimates I have been provided with, is that irrigators in the Goulburn system stand to lose about 20 per cent of their share of the irrigation savings, which equates to around 9000 megalitres a year by 2012–13. It means irrigators in the Murray system will potentially miss out on 54 per cent of their share of water savings, which would increase every year to about 16 000 megalitres a year by 2012–13.

The instruments of the bulk entitlements have been designed to give effect to the government's undertaking to share those annual savings. The cumulative effect of the annual savings after stages 1 and 2 of the investment would be 75 gigalitres to Melbourne water consumers, 175 gigalitres to irrigators and 175 gigalitres to the environment. That is the cumulative effect of the intention of the instruments of the bulk entitlements. The government has committed to giving that opportunity in terms of the proportional share of the allocations and to those shares being independently audited and complied with.

Regarding any other peripheral arguments about whether this project should or should not have gone ahead or whether from various people's vantage points it is not equitable, I can understand why people may keep on prosecuting those arguments for what they think will be their political benefit, but sometimes political action in this place may have an adverse real-world effect on the people we seek to represent, and this may be one of those cases.

I believe the best way to give effect to the undertakings of the government in regard to sharing those water savings across areas of environmental benefit, the irrigating community and consumptive use across Victoria would be best guaranteed by the bulk entitlement orders being approved rather than disallowed by this Parliament. Indeed I have already indicated to the chamber what agreements will be reached, in accordance with the Water Act, to guarantee the availability of those bulk entitlements to Melbourne water consumers and to the environment, but any other residual savings will go into a communal pool, which would include irrigators but not exclusively irrigators, for those who may have contributed to the cost of the project.

That is why the disallowance motion is flawed, given that the intention of its proponents would not be achieved and may adversely impact upon the opportunities of those they seek to represent. Maybe this will be one of the rare occasions where the cumulative effect of my argument is compelling and people drop off, deciding that a better political outcome would probably be achieved by dropping the motion and not disallowing these bulk entitlements. I hope this may be one of those rare occasions where my arguments are successful.

Mr BARBER (Northern Metropolitan) — I share the minister's thesis that moving this motion at this point in time puts The Nationals in a very interesting position, but from my vantage point I have watched the government trying to beat The Nationals at their own game in relation to irrigated agriculture. You can go back over the span of years to look at the Kennett era reforms to water ownership, and from that distance you will see a strictly incremental improvement for any Victorian river. From that perspective I am keen to take every opportunity I can to deal myself into the game if it means an outcome can be delivered that improves the situation of a river, let alone prevents detriment occurring to a river. Right up until recent days, and including through the rollout of this project itself, detriment and benefit have been offered in equal amounts.

The minister was also correct to say that The Nationals spend an inordinate amount of time talking about what might have gone wrong with this project. One of these days even members of the government might be able to sit back and agree with some of that. Certainly the Auditor-General highlighted it better than any of us could have. But at the end of the day, the minister is quite right: it comes down to what the impact will be of this particular motion. I will talk specifically about that. I have obviously had to debate similar motions in the past; at that time I put forward certain arguments in huge detail, particularly in relation to the environmental aspects and the processes we went through with the federal minister over his approval of this project. Frankly because the arguments keep mounting up, every time we come to debate this I am going to have to pare some of my previous arguments down to a fairly short version, but they will be threefold.

One is in relation to the business case, if you like — the economic benefit of this project, which is still live, given that we are now talking about investing an additional $1 billion of taxpayers funds into a further expansion of this project that is now part of the way through. The second is in regard to the environmental issues associated with this project and how those environmental concerns still need to be ameliorated and given a lot more certainty than even irrigators are being offered. The third is my real concern about the legality of the form of this bulk entitlement instrument, which is a worry and is unsettling in the way the government may be attempting to expand its executive power above and beyond what we thought was a fairly cut and dried legal process.

I return to the business case. The proposed economic benefits of this project have been highly contested ever since the project was conceived. The business case has been prosecuted in something of a dialogue of the deaf, at least to the extent that a lot of the information we would have liked to have seen was not available to us. The government, holding any and all information close to its chest, was not prepared to offer it up so that it

could be debated. That dialogue went back and forth for most of the short time I have been in this Parliament, but the Auditor-General had the final word.

Not only have I read the Auditor-General's report, but I attended the briefing he gave, and it was quite devastating — and I do not say that lightly. First of all there was the extraordinary level of difficulty the Auditor-General experienced in trying to get hold of the information he needed to make some judgements. It is in the report. Frankly he was looking all over the place through a multitude of different agencies for something that might have been called the business case, and he was just getting different conceptions of it, which were clearly evolving even over and after the time the project commenced.

Secondly, the Auditor-General told us that in a moment of great need he hauled out powers very rarely needed by the Auditor-General — his coercive powers to swear in witnesses — and he called in the head of the Department of Sustainability and Environment, swore him in and said, 'Right, you're going to answer these questions'. Very rarely does the Auditor-General need to do that with anybody, because his powers are so well known and so encompassing. I was part of initiating a parliamentary inquiry into the business case for water infrastructure, which Mr Drum has been part of, and I now realise we never had a chance of getting information out of the government if the Auditor-General himself had to pull out all the powers at his disposal simply to try to get information.

We were also told in that briefing that after his draft report was first provided to the relevant agencies — the Auditor-General is required by his act to provide that — suddenly a flood of documents arrived from various agencies, saying, 'We did not realise you were going to be negative in your report; here is a whole lot more information that we think benefits our case'. It has just been a quite brutal approach by the government to information suppression from start to finish.

As the questions have been ramped up — all the way through the construction of the north–south pipeline and through the direct action by citizens in opposition — that information management by the government has become even more brutal. It is therefore no surprise that there is a lack of trust on the part of MPs and the community on how their projects are supposed to be running. No doubt irrigators who have received shiny new infrastructure would be happy to have done so, although some of them have expressed puzzlement at how the money is being spent. However, as an exercise in bringing the public into your trust, this was a complete failure.

Notably in relation to questions about the business case, the Auditor-General was prepared to certify that for some smaller aspects of irrigation upgrades, an estimate — and, I gather, delivery of the project — had delivered a positive benefit-cost ratio; it was greater than 1. The smaller irrigation projects that were examined were noted to have delivered a positive benefit-cost ratio. However, the claims made about the broader project, across the whole basin — that there would be these huge benefit-cost ratios up to 2 and greater than 2 — cannot be believed, and the Auditor-General was not accepting them at all.

The proposed broader economic benefits of this project make anyone distrust the business case. However, on the basis of some sort of handshake the federal government has now promised another $1 billion, subject to due diligence. With the information we have here and that the Auditor-General has presented, do we think the second $1 billion would pass due diligence? All I know is that for the past year I have been hearing Penny Wong, the federal water minister, and John Brumby, the Premier, give different versions of that. The federal minister is now arguing that this bulk entitlement must pass before she could hand over that money. From The Nationals' point of view it could be seen that irrigation investment was being put at risk. From our point of view we could be saving the public money if the project's benefits are not high enough to exceed the benefits of other possible uses of $1 billion, including uses within this region. I am sure there are many schools and hospitals that would like to have some of those funds as well.

I do not have contact with the federal minister, and she has not sought contact with me, but I would need to be hearing it from her directly to understand whether the surface pattern we are seeing here — of $1 billion being provided subject to due diligence and subject to water approval — is in fact the case, or whether there is something else going on between state and federal governments. That is the background for my hesitation around the business case for a further expansion of this project, which in any case has been only partly completed.

The Auditor-General was prepared to certify, if that is not too strong a word, about 4 gigalitres of savings. The department claims to have audited around 24 gigalitres, with a promise of a further pipeline of maybe 50 gigalitres. We are still a long way from 225 gigalitres. Every time the minister puts out a press release he refers to his project, which mentions 75 gigalitres. But it is 75 gigalitres for irrigators, 75 gigalitres for the environment and 75 gigalitres for Melbourne. It should be made clear that there are no

75 gigalitres; 75 gigalitres is the theoretical nameplate capacity of this project which the Auditor-General told us was initiated on some back-of-the-envelope calculations done by a group of entrepreneurs. At the moment we are talking about small amounts of water relative to the amounts the government likes to claim.

That brings me to the environmental case. We have had two debates on this issue. During the first debate I raised my concerns about the possible environmental impact of this issue above and beyond the purported benefits of water for the environment down the line. At the time of my contribution to the second debate I had received information from the proponent in relation to its belated application for federal environmental approval. As I analysed that information, I became even more concerned about the environmental benefits.

I cannot spend time going over all those arguments again. I will precis just a few of them. Firstly, one argument was about the way the proponent selected the matters of national significance where it chose to refer the project on. Even its own experts argued that it probably missed many matters of national significance because of the way it does its initial surveys.

Secondly, there was a concern arising from the conduct of various processes required by the federal Environment Protection and Biodiversity Conservation Act. It is unfortunate that no document was produced, like there is from the Auditor-General, about the environmental audit needed for this project. In that document we saw many of these so-called savings arrive from water leakage which, in many ways, makes its way back into the environment. The government's own expert environmental committee told the government this. The Productivity Commission noted it when it said the savings were not real, or at least were not savings to be quoted in relation to the price per megalitre of water that the government claimed. You can read it in the proponent's documentation which was sent to the federal minister.

It was interesting that the environmental proponent released the environmental impact study at the same time as it released the audit of the savings. In the audit of the savings the proponent said, 'There is a high degree of certainty around all these leaks and these various savings because we know exactly where they go and we know we have captured them'. However, in the environmental impact statement the question was asked, 'Where does this leaking water go; does it go back to the environment?'. The response was, 'We are not really sure where it goes. We think it might get sucked out by other irrigators. It probably does not make it to a river, anyway. In any case we think it probably has very little impact on the environment, particularly in a dry year'. You can actually compare the two data sets and two claims side by side and you can see the government was just putting out the version that suited its own benefit.

When I was a young bloke I would have been very pleased to get the autograph of Peter Garrett, now the federal Minister for Environment Protection, Heritage and the Arts. But, quite seriously, when the federal minister sent me his reasons for the approval of the project, which included his little signature at the bottom of it, it had the opposite effect on me. I wrote to the minister saying that any analysis of this project and its environmental impacts should be done under a climate change scenario.

That climate change scenario for the Goulburn Basin concerning the CSIRO has been completed in a piece of work commissioned by the federal government. The one thing it indicates is that the most unlikely scenario for surface water availability is anything like our previous average. It will be down. We do not know how much it will be down — it could be right down or it could be part-way down — but surface water availability is on its way down. The only meaningful baseline for this project to be compared against is a baseline where surface water availability continues to decline. It should be noted that a greater proportion becomes a benefit for irrigation rather than the environment. That is our baseline scenario against which this project and its impacts should have been compared.

The federal minister required the proponent to do that when he laid out the terms of reference of its impact study. It did not do it; it openly said it did not do it. The minister then said, 'That is okay; here is your approval anyway'. He did not send the proponent back to do it.

On top of the disastrous climate change scenario we are facing regarding the Murray-Goulburn ecosystems, we now have a project that is a continuation of irrigation in a way that is going mean a greater proportion of the available water will go to consumptive use, which, on my calculations, takes away water in some serious quantities before it gives any back. The only consolation prize I got from that entire exercise I devoted myself to over the last year or so was Peter Garrett's autograph.

The government can still fix this by ensuring that the mitigation water — that is, the water it gives back to the environment first — is fully supplied and adequate. If the government had been prepared to talk to me about that above and beyond what I know it has undertaken to

commit to and what the federal minister may ask the government to commit to and if there were some additional compensation to make up for these effects, we would be talking. But the government does not want to do that. It wants to push forward with a political strategy and possibly with some other legal strategies it has up its sleeve.

That brings me to my new concerns about the legality of this instrument itself. This is a bulk entitlement. This is a detailed regulation produced under the provisions of an act — the Water Act. It is just like other regulations. It is a subordinate instrument and therefore it certainly cannot exceed the powers that it is given via its principal act.

Having looked at clause 10.3(ii) of the order, I have a serious question as to whether this clause is valid or ultra vires. In the previous orders that were disallowed by the Council back in August 2009 and March 2010, the equivalent clause read:

> Northern Victoria Irrigation Renewal Project Stage 2 will be shared based on future negotiations with the commonwealth.

So here we are: as Parliament we create the Water Act. We subdelegate the minister's power to move water around in the landscape according to rules that are promulgated, and they are called bulk entitlements. But what this order is doing is further delegating that power in a way that we cannot yet understand because it is subject to another document, which is a document that he is eventually going to sign off on with the federal government, and I think that is one delegation too many.

In an extreme example we would pass a bulk entitlement order that says the minister can do whatever he wants with water. That would be extreme, but it would effectively mean that all the other considerations of the act are now irrelevant because we have written him a note that says, 'You can go and do what you want'.

Since that original disallowance the drafters of this order have picked up their slack a little, so that now at least we have the total quantity of 200 gigalitres stated, and the language used to describe the negotiations has been adjusted. It now reads:

> Stage 2 of the Northern Victoria Irrigation Renewal Project, of up to 200 gigalitres, must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings'.

As we know, that agreement has not yet been signed, so we cannot possibly understand what that means.

That is what is driving The Nationals crazy. They believe that somehow they will be cheated out of their half of the 200 gigalitres. What is worrying me is that the 200 gigalitres might never exist in the first place. If they exist, it will be at great cost compared to the relative cost — cover your ears, Mr Drum — of buying back water, which is certainly something that I would be keen to do if I had a spare billion dollars in my skyrocket. It is what environment groups are calling for. In fact I would argue — and I could get into a serious argument, Mr Drum — that it could be a more efficient and equitable way for irrigators to get a new future. It depends a bit on how deep you expect those rainfall reductions to be.

But the important question here legally is whether in practice these things both mean the same thing. The phrase 'having regard to' is a lot more slippery than 'based on', which was in the original, but that would suit the minister right down to the ground. 'Water distributions based on negotiations' is probably ultra vires, for reasons I will get to, but distributing the water 'having regard to any agreement' allows greater scope to argue that such a delegation of decision-making power is within the minister's discretion.

This house does not need to be convinced of a watertight legal argument there. In any case, an interested person could challenge this instrument in itself. The clear intent of this clause is to put decision-making power in a future agreement that this house will have no power over.

Section 43 of the Water Act outlines what conditions the minister can specify in a bulk entitlement. It is quite a long list, but subsections (a) and (b) specifically state the means by which quantities of water can be referenced against in a bulk entitlement order. It includes either volume alone, level of flow at a particular point, existing storage levels, a volumetric share of the authority's entitlement as a share of system capacity, a share of inflows to the storage and a share of flows or storage between authorities.

Of all these different references to quantities, what it does not include is an ability for the minister to define quantities of water to be distributed according to a future contingent event — something that he and Penny Wong could thrash out in a Canberra bar one night and present it signed, sealed, delivered and done, officially documented — or not, actually, because this does not specify. It could be a handshake agreement.

If we assume that despite the fact that the change in terminology on distribution of water under the bulk entitlement will be determined by the commonwealth

and agreed to by Victoria through negotiation, is this a valid delegation of decision-making power?

The minister's head of power to delegate the Water Act is found in section 306(1). This power covers the whole act, including in part 40 the issuing of an amendment of bulk entitlements. The minister himself does not personally need to do it. The section reads as follows:

> The Minister may delegate, by instrument, to any person or class of persons any power, discretion, function, authority or duty of the Minister under this or any other Act …

Can a 'future contingent event' be classed as any person or class of persons that is capable of exercising a power under the Water Act? It does not look like it to me, and I am not even a lawyer. Maybe that is my advantage: I just read the act and think about what the words mean and look at the other words around them to see if they make sense.

If the powers were vested in Penny Wong or the commonwealth, you might have a chance of making it valid. However, this argument cannot be neatly applied to the rephrased clause in the most recent order that is being debated, because the wording implies that Goulburn-Murray Water must simply have regard to the agreement. They have to pick it up and look at it and then someone can say, 'Yes, I looked at it and thought about it for 3 nanoseconds, and then I went ahead and did what I wanted to do'.

But that gives rise to another problem. In administrative law terms 'having regard to' means they can just turn their minds to it and then choose to do it however they want, much to the chagrin of the commonwealth, I would have thought, if they do not think the contract they signed with the state government is sufficient to uphold their water rights.

I would have thought that that third argument, the ultra vires nature of the instrument, was enough reason for us to delay making this approval in relation to stage 2 and the second billion dollars.

Penny Wong might be sitting up there thinking the same thing; I do not know. The Minister for Water could be well aware of my arguments or he could be ignorant of them or he could have a whole other different view.

Mr Jennings interjected.

Mr BARBER — We are yet to hear exactly what the environment minister would do if he had his druthers. Of course he does not control most of the environmental water. Most of what we would think of as environmental water is generally passing flows, occasionally overflows. Some people have said that 80 per cent of all the water that is out there is benefiting the environment, and that is firmly in the hands of the Minister for Water. In fact, in relation to the Goulburn River he qualified those rights a few seasons back when it looked like irrigation allocations were going to be pretty low.

That had a real impact on the flows of the Goulburn, particularly at the bottom bit before it hits the Murray, where the relevant environmental questions are endangered fish species and some rather deep pools where those species might be able to hang on over summer. With the minister still holding that power to temporarily qualify water, this whole argument becomes a bit irrelevant and this whole exercise we have been going through becomes a moot point, because whatever we sign off or do not sign off on, there is no guarantee to anybody. The Minister for Water can just yank water out of a river whenever he wants to, with very little regard to much else and with no required input from the Minister for Environment and Climate Change. That is a theme that I will be developing a bit further when we get into the debate on the Water Amendment (Victorian Environmental Water Holder) Bill 2010, which is heading our way soon.

The Greens will support this motion. We believe that the environment, being at the back of the queue, has the most to lose out of this exercise, whatever Mr Brumby and Mr Ryan's irrigation farmers might think about it. The environment has been at the back of the queue for a long time. It does not get much out of this exercise, at least where we stand today, and there are other further concerns coming down the line that would need to be addressed before the Greens could extend further discretion to the Minister for Water.

Ms DARVENIZA (Northern Victoria) — I am pleased to make a contribution to this debate. I am speaking against this motion. I have to say I am surprised that this motion has been brought to this chamber by The Nationals, the party whose members say it is all about looking after regional and rural Victoria. In fact at the time of their recent national council I heard on the news the federal Leader of The Nationals claiming that his is the only party that looks after rural Australia. Yet here we have The Nationals introducing a motion to disallow water entitlements. The only people who will be disadvantaged by this motion are the irrigators, who are in fact making a contribution towards the modernisation that is going on in the Goulburn Valley. If this motion gets up, The Nationals are going to disadvantage those irrigators.

Mr Barber does go on a bit. I must admit I find it hard to stay with him. He is prolific and a bit monotonal. In his parting comments he said that the environment has the most to lose with these bulk entitlements and therefore he is not going to support them. Wrong, wrong, wrong! The environment is not the area that has the most to lose. If we were to disallow these bulk entitlements, the irrigators in northern Victoria have the most to lose.

I want to take up a number of points that Mr Hall made in his contribution. He claimed that we are shutting down half of Victoria's irrigated farms because we are shutting down half the channels. We are not closing or halving the infrastructure footprint or the channels, but more than 80 per cent of existing irrigation properties will have easier access to this new backbone. These properties will remain in production and in fact we will have increased and better service levels. Also, they will not be paying to maintain a complex network of channels that we do not need. This system will result in a reduced environmental footprint. There will be less seepage and leakage and there will be less salination and waterlogging, which, as we all know, affects native vegetation, rivers, farmlands and wetlands.

Collectively, the eight amendments that the opposition wants to disallow will ensure that Goulburn-Murray Water sets aside the savings from the Northern Victoria Irrigation Renewal Project specifically to meet two commitments: the annual savings from stage 1 that are to be shared equally between the irrigators, the environment and Melbourne — that is, 75 gigalitres each for the long-term annual average; and the annual savings for the federally funded stage 2 share, which will be shared equally between irrigators and the environment.

We know the coalition is opposed to the north–south pipeline and that it has been opposed to it all along, but to come up with a resolution like this, which will disadvantage irrigators who are going to be protected by these bulk entitlements, seems to be some sort of wayward political point-scoring that it is trying to achieve in this chamber. In fact it will damage irrigators in my electorate and also those irrigators who are constituents of members of the coalition representing the Northern Victoria Region.

The bulk entitlements give Melbourne Water, the metropolitan retailers, the environment and eligible irrigators the legal right to access their share of those savings. That is set out in these bulk entitlements The Nationals want to disallow. Only those irrigators in the Goulburn-Murray irrigation district who have made a financial contribution to the modernisation project through their water bills would be eligible through a bulk entitlement to a share of water. These savings would be independently audited before the distribution is made.

If these bulk entitlements are disallowed, Goulburn-Murray Water is legally required to return all savings to a communal pool that would supply a much broader range of entities than the bulk entitlement allows for. The bulk entitlement ensures that only those people who have paid for it and are part of the system will get their share back. If the bulk entitlements are disallowed, the savings will go back into a communal pool that could be shared far more widely. In fact it could be shared between Sunraysia irrigators, Mildura householders, Bendigo, Ballarat, towns along the Murray River and private diverters outside the irrigation system and irrigation district who have not paid for this upgrade. Even the commonwealth could get a share of the communal pool through the environmental buyback.

Why do The Nationals want to do that? Why are they bringing to this chamber a motion that would allow that to happen? I do not understand it. I cannot understand why they want to pass a motion that will disallow these bulk entitlements, which would see the irrigators' water go back into a pool that can be distributed to users and buyers who have not made a contribution to the upgrade in any way. It does not make any sense to me at all.

Melbourne householders and industry have contributed $300 million to the irrigation modernisation project. They deserve their share of the savings in return for their investment in environmental sustainability and the future of farming in northern Victoria. This has been a shared project between the state government, Melbourne Water and irrigators through the catchment management authority. It is a shared project, with shared funding, and the people and organisations who have put up the funds should get the benefit — a share of the water that is saved. If this disallowance motion is passed, they will not get a share in those water savings.

The government has said all along that its preferred way to deliver the savings to the stakeholders involved in the partnership project is through bulk entitlements. We want to do that because it is the most legally clear and transparent instrument available not only for the benefit of the Parliament but also for the public. We can clearly see what the savings are, how they are going to be distributed and who will get them.

Melbourne and the environment will not be held to ransom by the opposition, which is hell-bent on forcing

through this motion, which will be devastating for northern irrigators. It is all about point-scoring because the opposition does not like the north–south pipeline.

An honourable member interjected.

Ms DARVENIZA — I will take up the interjection that opposition members do not like country Victoria. You would have to ask whether they like and care about the irrigators of northern Victoria. Do they really have the interest of the irrigators at heart and at the forefront of their minds when they come into this place with a motion like this and expect the chamber to support it? I say no, they do not. In fact they have said all along that the food bowl modernisation project — the modernisation of an antiquated, degraded, leaking, seeping, evaporating, overrunning and overflowing system — is a waste of money.

However, it is important that the government and the minister ensure that the environment and Melbourne households that have made a contribution are not held to ransom by the opposition in this way. The minister signed a temporary qualification of rights in March 2010, when the first amending order was disallowed, so that savings from the 2009–10 year were not lost. This qualification of rights ensured that the savings were set aside for supply to the environment, Melbourne and eligible irrigators.

As qualifications can be revoked with the stroke of a pen, a permanent solution was needed, so on 10 June 2010 Goulburn-Murray Water (GMW), Melbourne Water and the three metro retailers executed a supply by agreement to guarantee delivery of Melbourne's share of the modernisation water savings in return for its $300 million investment in the Northern Victoria Irrigation Renewal Project. The agreement was made under section 124(7) of the act, which gives an authority the power to supply water from its work to any person by agreement. Such an agreement can be made without the need for any amendment to the bulk entitlement that is held by GMW because the bulk entitlements already provide for such agreements. Goulburn-Murray Water already has about 200 agreements like this in the Goulburn system.

The agreement clearly sets out the methodology for determining the share of water savings for Melbourne in any given year, with a requirement for all savings to be audited. This agreement cannot be amended unless all the parties agree, so Melbourne's access to its share of the savings is secure, no matter how the chamber votes on this disallowance motion today.

The bulk entitlement amending orders ensure that only irrigators from the Goulburn-Murray irrigation district who have made a financial contribution to the modernisation program through their water bills will get a share of the water. If the bulk entitlements are disallowed, Melbourne's access to its share and the environment's access to its share will be secured through those independent supply agreements. However, this is not a solution that is open to irrigators in the Goulburn-Murray irrigation district.

It is not possible for Goulburn-Murray Water to develop and execute 11 000 individual agreements for modernisation with each and every eligible irrigator in the Goulburn-Murray irrigation district. Instead the irrigators' annual share of the modernisation water savings will go back to a pool until stage 1 is completed in 2012–13. From there it will be allocated to all shareholders. As I said before, that includes a whole range of irrigators in Sunraysia, households in Mildura, Bendigo and Ballarat, numerous towns along the Murray as far up as the Hume Dam, the commonwealth and the environment. A whole range of people will have access to that pool. The only people who will miss out on their full share of water savings will be the irrigators. What the coalition is asking us to do today is vote for a motion that will see Melbourne's water secure and the environment's water secure, but irrigators' entitlements to their share not secure.

We, as a government, have not been prepared to stand by and see the environment's share of the savings have no more security than a simple stroke of a minister's pen. That is what is going to happen if the bulk entitlements are disallowed. Goulburn-Murray Water and the Minister for Environment and Climate Change want to be able to guarantee delivery of those savings from stage 1. In that vein, an agreement will be made under section 124(7) of the act, which will give an authority the power to supply water to any person by agreement. Such agreement can be made again without the need for an amendment to a bulk entitlement.

The agreement is being worked on at the moment. It is something that will be entered into by the Minister for Environment and Climate Change. Again it is not something that can be amended without all parties agreeing to it. A similar agreement is being developed for the commonwealth's share of the modernisation water savings from stage 2 of the food bowl modernisation project, and this will help give the commonwealth some certainty over its entitlement to those savings.

As I said earlier, I do not understand why the coalition would be bringing a motion like this to the Council. I

do not understand why it would want to disadvantage irrigators in northern Victoria. They have an entitlement to the savings that are made, as does Melbourne and as does the environment. As I said, it is a partnership. It is a project that is funded by the government, Melbourne Water and the irrigators, and it is one where the savings we get from modernising this very old irrigation system are shared between those parties. A bulk entitlement is the best legal mechanism. It is the most transparent way of ensuring that all parties get their rightful share of the savings that are made. I do not support this motion, and I urge other members not to support it as well.

Ms LOVELL (Northern Victoria) — I rise to support Mr Hall and this motion that has been brought forward by the Liberal-National coalition today, a motion that stands up for the people of northern Victoria, the vast majority of whom are against the plan to remove water from north of the Great Dividing Range and pipe it to Melbourne.

I have to say that was another extraordinary contribution from Kaye Darveniza. I have said before in this place that every time the two Labor members from northern Victoria stand up and speak on water in this place, I rejoice, because it means they will lose more votes. When Ms Darveniza was on her feet an email came through addressed to her and copied to a number of members of Parliament. I would like to read it to her now so that she knows how people feel about her contribution, people who work — —

Mr Leane — On a point of order, Acting President, I ask Ms Lovell to table the document she is referring to.

Ms LOVELL — I will email it to Hansard. That is fine; I am happy to table it.

The email addressed to Ms Darveniza headed 'About what you are stating in Parliament right now — you are way off' says:

> The environment and irrigators are getting that water at the moment. You want Melbourne to grab it and take away from the environment and irrigators. Shame on you for lying. Read the Auditor-General's report and read the Productivity Commission's report on upgrades et cetera. You are wrong and they are right. Stop lying to Parliament and to all Victorians.
>
> This is totally unacceptable and we in rural Victoria who live and breathe these rivers know that Melbourne putting its mouth into the Goulburn and Murray rivers is taking forever water from the MDB and re-directing it to Melbourne.
>
> What savings, this is about re-directing water to another usage! Melbourne!
>
> Who is political point-scoring, Ms Darveniza? You have no idea of your electorate — none whatsoever. You are completely out of touch. Most irrigators know what this government is doing with our water. You take it out of the system for goodness sake — forever!
>
> Independently audited. What a joke!
>
> Communal pool is fine as it leaves Melbourne out. Look at Adelaide. They are weaning themselves off.
>
> Gads! You need to stop politicising.
>
> In the Sunraysia — sharing? Crap.
>
> They are doing it because your government is lying. See the A-G's report, for goodness sake. We have paid for water — your government has failed to upgrade in the last 100 years!
>
> Melbourne deserves nothing. You have other options. Nothing is 'shared'. It is all about you and Melbourne and votes! It is not shared. We had no say!
>
> Stop lying. Enough already.

It is signed by Maria Riedl.

As I say, they are not my thoughts but the thoughts of one of Ms Darveniza's constituents — the thoughts of many of her constituents, with whom she is totally out of touch.

Mr Viney — On a point of order, Acting President, regarding the extensive quotes that we have just had from Ms Lovell, I think it is a bit of a stretch to say that you can use a quote in order to assert that a member is lying. I find it very difficult to see how on earth it becomes acceptable in parliamentary practice to make that assertion when a member cannot directly make that assertion about another member in this place. I think that should be ruled out of order and Ms Lovell should be required to withdraw.

The ACTING PRESIDENT (**Mr Eideh**) — Order! Ms Lovell cannot make allegations or use a third party to make allegations against a member. I ask her to withdraw.

Ms LOVELL — As you, Acting President, have asked me to withdraw, I will withdraw. But as I said, they were not my — —

Mr Viney — On a point of order, Acting President, no buts, thank you. Surely the withdrawal should be unconditional.

Ms LOVELL — Ms Darveniza tried to claim in her contribution that irrigators were benefiting from channels being closed down and that they would be better off as a result of those channels being closed down. I invite Ms Darveniza, on one of her rare visits to the electorate, on one of her rare visits up to the

irrigation district, to come with me to meet with irrigators who are on the channels that are being closed down.

In fact one irrigator, whom I know personally and have spoken with quite extensively about this, has had his whole farm modernised. As part of the FutureFlow program from Goulburn-Murray Water the channels were modernised and new gates put in. He did everything the government asked of him as part of that modernisation plan. He spent a fortune doing the whole-of-farm plan, laser grading and bringing his farm up to scratch only to now be told that that channel is to be closed down and the modernised infrastructure is to be ripped out and used elsewhere.

The government will go to extraordinary lengths to try to justify this project. The Auditor-General has told us that this project is flawed and that the government did not go through any rigorous testing before it committed to the project. In fact the Auditor-General said that the government breached its own mandatory probity requirements for preparing a business case and that none of the projects he investigated followed the government's business case development guidelines. The Auditor-General has been scathing of many of these projects.

I do not plan to speak for long on this motion, because I have spoken about a previous disallowance motion that we brought before the house. The only thing I wish to say is that there are two elements of this bulk entitlement amendment that we fiercely object to. The first is the clause that says:

> Stage 2 of the Northern Victoria Irrigation Renewal Project, of up to 200 GL, must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings.

We do not know what 'regard to any agreement' may mean. We have no insight into what agreements the government may have with the commonwealth. When the second stage of the food bowl modernisation plan was first mooted, irrigators were told that the savings would be shared 50-50 between irrigators and the environment, but the government will not put that in writing or in this bulk entitlement amendment.

The thing that I object to quite fiercely about this is that this bulk entitlement becomes water law — not what is in a press release, not what has been said before. We all know the government changes its mind, so we want to see, in writing, the commitments that have been given by the government. Why can it not say that stage 2 of the Northern Victoria Irrigation Renewal Project, of up to 200 gigalitres, will be shared 50-50 between irrigators and the environment? Why does it say 'must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings'? We are not privy to the agreements that this government may have with the commonwealth.

Minister Jennings tried to say that if this bulk entitlement amendment was not changed, the government would not be able to give any of the savings to the irrigators and that they would have to enter into individual agreements with up to 11 000 irrigators. The problem with what this government says is that we cannot believe it. I have just spoken about this clause that says the savings 'must be shared having regard to any agreement' rather than that they will be shared 50-50 with the irrigators.

The reason people do not trust the government and the reason they want to see it in writing is that the government changes its mind. We certainly saw this when the government said, prior to the election, that no water from north of the Great Dividing Range would be piped south of the Divide to supply Melbourne.

The people of northern Victoria cannot afford to say, 'It's okay. The government has given a guarantee. We will accept that'. The line 'Trust us, we are from the government' will not convince anyone, because this government changes its mind far too often.

The other clause in the bulk entitlement amendment to which we fiercely object is the one that allows water to be used at any time — or water to be available for Melbourne water retailers at any time — meaning any time of the year outside the irrigation season.

Originally the government said water would be piped through the pipeline only during the irrigation season. Now we see in this bulk entitlement amendment that the water can be taken 365 days of the year. As I have just laid out with regard to the previous clause, people do not trust this government, because government members change what they say from one day to the next. We need to see things written in concrete, so to speak, in a bulk entitlement amendment so people will know that what becomes water law is what will happen. I congratulate Mr Hall on bringing this motion before the house today and encourage members to support it.

Mr DRUM (Northern Victoria) — I want to make a short contribution to the debate on this motion brought forward by Mr Hall, by which we will hopefully disallow eight bulk entitlements from the Murray River, the Goulburn River and what is called the Eildon-Goulburn Weir. Right from the very start this has been one of the most emotive issues in the

Parliament of Victoria over the last number of years. The reason people have become so emotional is that since the start of this program the government has been deceitful in this area. There is a relevant quote:

> … what a tangled web we weave
> When first we practise to deceive!

From the start the government has practised the art of deception by trying to boost the losses so it could then exaggerate the supposed gains or savings. This process has been well and truly exposed by the Auditor-General, who has also exposed the lack of proper government process in his report entitled *Irrigation Efficiency Programs*.

The Minister for Environment and Climate Change has stood in front of us this afternoon and tried to call our bluff. He said, 'If you want a guarantee of 50-50, you've got it'. What we are asking is that the minister give us a guarantee of 50-50 for the second stage of the food bowl modernisation project, which has $1 billion coming from the federal government, in the Victorian *Government Gazette*, instead of what appeared there:

> Stage 2 of the Northern Victoria Irrigation Renewal Project, of up to 200 GL, must be shared having regard to any agreement with the commonwealth of Australia that applies to these savings.

That is very different from a 50-50 split between the environment and the irrigators, which is what we had been led to believe will occur. That is what government members will say in this place, but we know we cannot take them at their word. We want it in writing. If we get it in writing, we will drop this motion to disallow.

The other aspect of all this is the word 'savings'. Whenever you see the word 'savings' associated with this project you know the savings are false. The government has moved in such a deceitful manner to justify this project that whenever we see the word 'savings', which appears in the contentious line I just quoted, we know the savings are not really there to the extent that the government is proclaiming them.

The second area of contention on this project is the ironclad guarantee from the government that it would pump the water from the Goulburn River at Killingworth through to Sugarloaf Reservoir only in the irrigation season. The reason for that ironclad guarantee is that in season the Goulburn River is already flowing at a high level and thousands of gigalitres would not be wasted getting the head of water down the river. The pumping can now be done out of season, and that will manifest itself now. The government has given itself the licence to pump water at any time of the year. Even when the Goulburn River is at a low ebb the government will send down enough to create a head of water and so be able to pump at any time in winter. Having water running down that part of the river out of season will result in the loss of much water from the system.

If the Minister for Environment and Climate Change is listening and wants to come into the chamber, grab the *Government Gazette* and go away to make those two changes in wording, we would be happy to support that.

I will resist taking the opportunity to continue quoting from the Auditor-General's report, one of the most damning reports about any project that this government has attempted to build and carry through. It goes on and on about the misguided attempts by the Premier and the Brumby government to bring this project to fruition. We know it is causing enormous personal embarrassment for the Premier that he is being lambasted in this manner by the Auditor-General. It has really become a noose around the Premier's neck, because he has his fingerprints all over this project. It is becoming his personal myki or Building the Education Revolution mess. It does not matter where he turns, he keeps running into his own promises, which he is then forced to turn away from and break, and his own ironclad guarantees, which he is forced to walk away from.

Here we have two more ironclad guarantees. If we are all able to go back to where we have been all along, to the ironclad guarantees as to how the second $1 billion of savings are likely to be shared and as to pumping the water only in the irrigation season, then we will relinquish our motion to disallow these bulk entitlements.

Mr VINEY (Eastern Victoria) — This feels like deja vu with a twist. I do not know how many times we have to go through this debate. We need to deal with some of the logic and fundamentals behind this and recognise that the opponents of this project use every opportunity — and there is an interesting alliance between the Greens and The Nationals — to object and try to stymie, hinder and obstruct what is one of the best and greatest projects of water conservation the state has seen.

It is quite breathtaking to see the levels to which the opponents of this project have stooped to try to obstruct it. Opposition members remind me of Elastigirl in *The Incredibles*: they twist, they turn, they stretch, they go backwards, they go forwards — they are all over the place. They stretch around to try to find obstructions to this project.

Mr Drum said that the Premier's fingerprints are all over this project. In fact I would say that the government, led by a great Premier doing good things for the state of Victoria, does have its fingerprints all over this project, because it is one that government members are very proud of. It is a project we have absolutely no shame and no concerns about, because it is a project that is delivering water to irrigators, to the environment and to Melbourne. The amount of water that is lost from the northern irrigation system on average in normal years is about 800 gigalitres. Even in a drought, it is 700-odd gigalitres on average.

To put that into context, the amount of water that Melbourne users use every year is 400 gigalitres. More than double the amount of water that Melbourne water users use every year is lost in the northern irrigation district because the system is so old and it uses such old technology. It has systems of open channels and old technology, and the losses each year of water in that system are about double the amount of water used every year.

The irrigators put to the government a proposal that it invest $1 billion in the first stage to upgrade this system to deliver water to the rivers, secure water for irrigators and provide additional water to Melbourne. That is the logic of this project.

I put to members on the other side that they should put up some alternatives. The government has a threefold strategy for water in an environment of climate change and in a long-term drought, including, firstly, to get Victoria's water users to use less water, and secondly, to reuse more water. Those projects are under way. Water users in Melbourne now use about 40 per cent of the water they previously used. Under the reuse strategy we have put in place recycled water systems. We are investing massively in the eastern treatment plant. We have done similar things over in the west of Melbourne.

Part of the strategy is to create some water. There are two ways of creating the water. The first, which is what we are doing, is to create water with a desalination plant. The second is to create water by capturing and using at least some of that water that is currently lost in inefficient, 100-year-old-plus irrigation systems.

The agreement with the irrigators was that that would be shared by Melbourne water users who are paying the vast majority of the cost of the upgrade to the irrigation system. Of the order of $600 million of the $1 billion project is paid for essentially by Melbourne water users in one form or another, either directly through the water authorities or through general revenue. About $600 million of the $1 billion is being paid by people in Melbourne for a project that will deliver water to Melbourne water users but also secure water for irrigators in northern Victoria and provide additional water to our environment.

In the first disallowance motion dealing with bulk water entitlements the Greens put at risk that water to the environment. The minister had to find a way to guarantee that water to the environment because of the appalling decision from the Greens to put that water at risk in the first round of the abolition of bulk water entitlements. What was the potential outcome for the environment of abolishing bulk water entitlements? The potential outcome was that all that water would have gone to the irrigators. This time we are going down a path of disallowing the bulk water entitlements which guarantee water to irrigators.

I do not get the Elastigirl strategy of bending and twisting and turning to obstruct at every possible opportunity what is a good project for Victoria, a project which will secure our water resources. I put to opposition members and to the Greens that if their nonsense that the water savings are not there is true and no water savings are to be had, why on earth are the irrigators putting $100 million into this project? Why would irrigators invest in a project where there will be no savings? If there were no savings to be had, why on earth would all the water authorities put money into it? Why would the government be prepared to invest so much of the money of Victorians into a project if the water savings are not there? It is an absolute and utter nonsense.

Just to add to the Elastigirl — from *The Incredibles* — strategy of the incredible opponents of this great project for Victoria, we had the laughable scenario of The Nationals in the north of Victoria saying that the alternative to the northern irrigation project to secure Melbourne's water was to dam the Mitchell River.

Honourable members interjecting.

Mr VINEY — That is what The Nationals were saying in the north. That was on the websites of people opposed to this project in the north. Now The Nationals are saying, in Elastigirl tradition, that they will not dam the Mitchell. I congratulate Mr Philip Davis, because whenever I have raised this matter he has stood out from the Liberal Party and said, 'No, I am against damming the Mitchell'. Clearly his policy position, which is the same position as the government, has won the day, because now The Nationals have had to concede that perhaps it is not a good idea to dam the Mitchell. According to the front page of the *East Gippsland News*, they are all promoting that protecting

the Mitchell River is their great policy, when up in the north of Victoria they were arguing for damming the Mitchell so they did not have to proceed with the northern irrigation project.

Mr Koch — Who was?

Mr VINEY — It was on websites, Mr Koch, of your people opposing this whole project up there.

Ms Lovell — On a point of order, Acting President, Mr Viney is making claims of things being said in northern Victoria of which he has no proof. I ask him to table the documents he is quoting from.

The ACTING PRESIDENT (**Mr Finn**) — Order! Is Mr Viney quoting from a document?

Mr VINEY — No, I am not quoting from a document; I am just making a reference.

The ACTING PRESIDENT (**Mr Finn**) — Order! There is no point of order.

Mr VINEY — The Nationals have been trying to walk both sides of the street on this issue. Up in northern Victoria they have been trying to say to their constituents, 'We think the alternative is to dam the Mitchell', and in Gippsland they are running around saying, 'No, no, that is not our policy; we do not believe in damming the Mitchell'. They are walking both sides of the street.

I congratulate Philip Davis on taking the stand that he took, along with the government, and saying this should not occur. Of course now people from the media in eastern Victoria are expressing their concern about the policy of The Nationals, because they are all over the shop.

Mr Jennings — Elastic.

Mr VINEY — As I say, they are like Elastigirl from *The Incredibles*. They stretch this way, then they do a big arm stretch that way and a big backflip the other way and a forward somersault another way. That is the position of the opponents to what is one of the best projects the state of Victoria has invested in.

My response to the statement that the government and Mr Brumby, the Premier of this state, have their fingerprints all over this is: absolutely, we have our fingerprints all over this, because it is a great project for the state. It will secure water for the environment and it will secure water for the irrigators of northern Victoria for the important contribution they make to the state and national economy with the delivery of food for not only Victoria but Australia and the world.

In the light of climate change and reduced rainfall it will also help to secure the water supply for Melbourne, along with all the other strategies the government has put in place in Victoria — such as the desalination plant; the increased reuse of water; our strategies with water tanks; our strategies with providing shower roses for people to reduce their water usage; and Target 155. Those strategies will make this state less dependent on supplies of water from rainfall. We must make sure that we stop the wastage and loss of water by not investing in old infrastructure but by putting in place strategies that secure water in this state for now and into the future.

The government will oppose this proposal to disallow bulk water entitlements. We do so because this motion before the house is putting at risk the securing of that water for irrigators. On the one hand I understand that the Greens would not care about irrigators, that the Greens have very little interest in the farming community of the state, that that is not their wont and that that is not what they are here for, but I am staggered by the fact that The Nationals would put at risk the securing of water for farmers and irrigators in the state.

Mr KAVANAGH (Western Victoria) — I am not sure who is Elastigirl and who are the Incredibles. It sounds like some sort of rock band. Perhaps it is a little before my time!

Mr Viney challenged other parties to outline a water policy. I would have to say that other parties in this chamber besides his own do not have a unanimous view on correct water policy. Although the Greens and I agree on many things, we probably disagree pretty strongly on water policy. For my part and the part of the Democratic Labor Party we cannot see what is wrong with the traditional approach to water policy based on dams. I am not quite sure yet what is so terrible about dams.

I recall before the last state election that former Premier Bracks appeared on some very expensive-looking ads that were repeated ad nauseam, saying, 'Dams are not the solution', 'Dams do not produce water; they just take water from one place to another'. This seemed to be part of the successful ALP re-election strategy to spend taxpayers money on advertisements promoting their leader. In terms of the content of that advertisement, what is wrong with dams? They effectively take water from one place to another. They prevent water being put into the ocean, and they store

freshwater in a place where we can use it. There is nothing at all wrong with that. I still cannot see what is wrong with it, even though I am sure my Greens' friends would disagree with me.

I have mentioned before in this house an alternative policy based on representations made to me by two former water ministers of the state of Victoria. I have referred to those representations in some detail. It basically involves putting at least a weir, if not a dam, in the Otways and using Victoria's best water supply and storing that water for use rather than allowing it to flow into Bass Strait. We had a debate here one day, and members suggested that it was somehow advantageous for the water to go into Bass Strait. I still cannot work it out. Why is it advantageous to take pure, wonderful quality drinking water and tip it into the ocean where it becomes unusable and then at the same time spend billion dollars in other parts of the state to take the salt out of the water?

Mr Vogels — And pump it back to Geelong!

Mr KAVANAGH — And pump it back to Geelong, among other places. It is argued that a dam does not create rainfall. But surely two dams that are half full have more water in them than one dam that is half full. Even if dams are not full, they can still be useful. Mr Drum requested from the government guarantees in writing, and that seems to be a reasonable request to me, which, if fulfilled, would guarantee the passage of the bill and prevent this motion from going ahead.

I have said before on this particular issue that I would be guided by what I expect the people of western Victoria would like to see me do. Thinking about it, I am pretty confident that most people in western Victoria would feel quite similarly to those people in northern Victoria. They would like me to vote for Mr Hall's motion, so that is what I intend to do.

Mr HALL (Eastern Victoria) — Wednesdays would not be Wednesdays without the normal contribution — what I would describe as the normal diatribe — from Mr Viney. We had that again today. I thought we were going to miss, but up until 15 minutes ago Mr Viney lived up to expectations and delivered what I have become accustomed to — his normal Wednesday diatribe.

Let me address a couple of points he made. First of all, he suggested that the opposition parties should be putting up alternatives. For Mr Viney's sake, I would put on the record that from day one we have been putting up alternatives. We have been making suggestions about what this government could do to increase security in Melbourne's water supplies. It was I who moved some terms of reference to one of the all-party parliamentary committees to look at ways in which Melbourne's water supply could be supplemented. Mr Viney himself was a member of that committee, and that committee found ways in which water supply for Melbourne could be supplemented without going to expensive operations of building north–south pipelines or building desalination plants. In particular we have said, as verified by the report, that there is a lot of missed opportunity in terms of stormwater harvesting and use of recycled water, which would go a long way towards meeting Melbourne's water needs.

Mr Viney suggested that they were already doing that. I reckon he ought to go back and read his own government's water plan entitled Our Water Our Future. He obviously has not read that, because savings of water and demand reduction was rated fifth and sixth on that water plan. They were not the priorities. The top two priorities were to build the north–south pipeline and to build the desalination plant. All of those other conservation measures, those environmental measures, were right down the bottom of that list. For Mr Viney to come in here today and to rave about the environmental credentials of his party and his government with respect to these issues is misguided, as confirmed by the priority the government placed on those matters in its own water plan.

That being said, I want to go to some of the matters raised by Minister Jennings in his front-line response to this motion on behalf of the government. The minister rightly saw as a key point of my address my saying there needed to be a clarification in these bulk water entitlements that reflected accurately the promises the government had made in the past and, I would add, what the minister repeated today. He said that if I wanted a promise that stage 2 water savings from the food bowl modernisation project would be shared so that 50 per cent would be for the environment and 50 per cent for the irrigators, I had that promise. Game, set and match I think were the words he used. The minister also rightly said there was document after document in which that promise is made. Indeed he is right too; I quoted from just one of them. That is a government website, the Northern Victoria Irrigation Renewal Project website, where that promise is given. It refers to:

> … stage 2 investment … subject to a … diligence assessment and delivery of half the gains as additional flows to the Murray River with … half being returned to irrigators.

There is the promise, and the minister has given the promise again today. Yes, it is in a number of documents, but the one document it is not contained in is the bulk water entitlement orders. This is the legislative instrument, as the minister said himself, that allocates those water entitlements. Why then, on page 3 of those entitlements orders, does it say that the 200 gigalitres expected as savings from stage 2 — and here I quote directly:

> ... must be shared having regard to any agreement with the Commonwealth of Australia that applies to these savings.

The promise is not in these documents. Yes, the minister has given the promise verbally today and it is in other documents, but the legislative instrument which gives us the guarantee of where those savings will be is not explicitly set out in this document, and that is what we strongly object to.

Mr Barber was right to question the legality of this particular provision in terms of its providing for a further delegation of an agreement between the federal minister and the state minister: I think there is validity in the points raised by Mr Barber. It is fine for the minister to come in here and repeat a promise that the stage 2 savings will be shared equally between the environment and the irrigators, but we want a legislative guarantee that that will occur, and that has not been delivered here today.

I also want to make this point: while it is fine for the Victorian state minister to give that guarantee, can we be assured that that guarantee is given on behalf of the federal minister as well? I think not. I am certain that Penny Wong, the federal water minister, would want to have some negotiations in respect of what returns she and her government might expect for their proposed $1 billion investment. I cannot see how the minister can come in here today and give us that guarantee, speaking on behalf of both the Victorian government and the federal government. I do not see how that could occur. The only way it could occur is if there were an explicit statement in these bulk water entitlement orders that said very clearly that half of those stage 2 water savings were for irrigators and half for the environment. That guarantee has not been given.

I want to make one further point in respect of all of this. Both Minister Jennings and Mr Viney, and I think Ms Darveniza as well, in their contributions made the statement that these bulk water entitlement orders guaranteed irrigators at least 175 gigalitres of water in savings from various projects, including the food bowl modernisation project. I say to you, Acting President, they deliver no such guarantee whatsoever. In fact the range of potential additions to irrigation water run from zero anywhere through to 275 gigalitres; it is any number in between. I include zero for the following reasons. The government has said the first 225 gigalitres of saving is to be split three ways, with Melbourne getting 75 gigalitres, the environment 75 gigalitres and irrigators 75 gigalitres. However, the key issue is that it is explicitly stated that the first 75 gigalitres of savings will go to Melbourne. If, as Mr Barber and others pointed out in this debate, we cannot get to 225 gigalitres of savings in stage 1 of renewal projects in the north, or if we cannot even get past 75 gigalitres — and we are struggling to get the first 75 gigalitres now; the Auditor-General told us that — then irrigators may get zero, the environment may get zero and the only party to gain may be Melbourne.

Thus even in the first stage of these projects there is no guarantee that irrigators and the environment will get a drop. It is the same with the second stage, with the projected 200 gigalitres of savings through the food bowl modernisation. Even though the government may struggle to get the 200 gigalitres, there is again no guarantee as to where those savings are going to be dispersed. It is to be done through an agreement between the two ministers at state and federal level. There is no guarantee for irrigators in these bulk water entitlement orders — I repeat that there is no guarantee — and what we seek to do in disallowing these orders is to call the government to account.

The government has made promises. We say it should back its promises with a legislative instrument that gives us some certainty. The response from the government did not reassure me whatsoever, and astute readers of this debate today, including the irrigators and the people of northern Victoria, will not be convinced by anything the government has said here this afternoon. We stand up proudly for the irrigators, but we are also standing up for the environment.

I do not think the Greens are the only guardians of the environment. We also believe savings should be shared equally and concurrently between environment and irrigators at the second stage. We have no problems with that whatsoever. This government makes promises but it is not prepared to back them with a legislative guarantee for that to occur. That is why we are moving to disallow these bulk water entitlement orders and why I encourage all members of the house to support this motion.

House divided on motion:

Ayes, 20

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

Noes, 18

Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Elasmar, Mr	Pulford, Ms
Huppert, Ms	Scheffer, Mr
Jennings, Mr	Smith, Mr
Leane, Mr	Somyurek, Mr
Lenders, Mr	Tee, Mr (*Teller*)
Madden, Mr	Tierney, Ms (*Teller*)
Mikakos, Ms	Viney, Mr

Pair

Atkinson, Mr	Eideh, Mr

Motion agreed to.

SELECT COMMITTEE ON PLANNING PROVISIONS

Establishment

Mr BARBER (Northern Metropolitan) — I move:

That —

(1) a select committee of seven members be appointed to inquire into amendment VC67 to the Victoria planning provisions.

(2) the committee will consist of three members from the government party nominated by the Leader of the Government, three members from the Liberal-Nationals coalition nominated by the Leader of the Opposition and one member from the Australian Greens nominated by the Australian Greens Whip.

(3) the members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 25 June 2010.

(4) the first meeting of the committee must be held no later than 4.00 p.m. on Monday, 5 July 2010.

(5) the committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

(6) four members of the committee will constitute a quorum of the committee.

(7) the chair of the committee will be a non-government member and the deputy chair will be a government member.

(8) the committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

(9) the committee may commission persons to investigate and report to the committee on any aspects of its inquiry.

(10) the committee will present its final report to the Council no later than 30 September 2010.

(11) the presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions.

(12) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council, will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

This motion proposes a brief and time-limited parliamentary inquiry into this quite momentous amendment that has been put forward in this house. It is now in its second incarnation. I base my argument for this proposition on the basis that I do not believe most members of this house, no matter how diligent they are, can have fully grasped the impacts of this particular amendment yet. It simply becomes a vote on another motion for us, but behind it there are hundreds of pages of changes to the text of planning schemes which reference hundreds of maps that implement those changes. Behind that there is no doubt there are thousands of pages of material produced for the consideration of the government's new direction for Melbourne.

That new direction that they put under the title of 'Melbourne @ 5 Million', or occasionally and quite insultingly to me, 'Delivering Melbourne's newest sustainable communities', has some quite momentous implications, when you think about where we are right now. Right now we are making a decision about how our economy and society is to function as we move on a downward trajectory of CO_2 emissions, yet if you follow this plan, I will argue, you are building into our long-term future in Melbourne a city that is dependent on fossil fuels — and that really in every other way represents business as usual for Melbourne, indicating clearly that the government does not have much of a vision for Melbourne beyond taking what has been happening in the last 10 years and extrapolating out for another 30 and further.

I missed my chance yesterday to debate the contents of amendment VC67 because there is some question about

its orderliness or its legality in the way both the government introduced it and Mr Guy sought to amend it, and we have not yet heard back on that. I have my own views. I do not know how long it will be, but in the interim I am still asking members to consider the establishment of a select committee into this proposal by the government.

When he introduced the amendment yesterday, the minister briefly talked about some of its features, and he noted that it involved the protection of grasslands. He noted that if we were to amend it, we would be unpicking a comprehensive package. He claimed that a regional rail link would not be able to go ahead if we did not vote for it, and he talked about the urgency, despite the original documents being delivered in June 2009, from the government's own studies.

He did not claim, but I have heard it around the place, that perhaps those who are holders of large land portfolios were hoping to get the urban growth boundary moved past them before 30 June, so that they can all do a revaluation of their property holdings in time for the annual reporting season.

Someone's paper profit is not in any way my concern. It is what this amendment actually does. Rather than talk about what I think the amendment does and risk straying into the debate of whether or not we should approve it, I will simply talk about what I believe are the uncertainties that require further consideration before we, as MPs, would tick off on it.

The minister claimed that this amendment protects grasslands, and Ms Mikakos is just itching for her turn to get up and talk about how the Greens would be selling out grasslands if we vote for this amendment. She is, as usual, briefed on her page of attack lines against the Greens, but I do not think she is so briefed on what this amendment actually does. She may have read a report produced as background to this amendment, but I doubt it. In fact, President, I would bet you $1000 that she has not read the document called a Strategic Impact Assessment Report for Environment Protection and Biodiversity Conservation Act 1999, because if she had and she got as far as appendix 3, she would see where the government asked Ascelin Gordon and Bill Langford from RMIT University to model the impact of the government's proposal against a base case for grassland protection, and what she would see in that final chart on the second last page is that even under the government's program, the extent of native grassland quality continues to decline, and they are putting this up for federal environment minister Peter Garrett's approval.

Peter Garrett's requirement under the act, and since the case of *Brown v. Forestry Tasmania*, is to actually protect grasslands — and 'protect' means protect. As the learned justice in that case said, 'protect' does not mean let it get more endangered than it already is until it is nearly critical and then try and save it. It means protect and enhance and recover the viability of that ecosystem, and this document says that this will not happen under the government's plan.

Until members have had a chance to read and absorb the material in this proposal — and this is only one of the documents that has formed the strategic assessment — and until they have had the opportunity to grasp the meaning of this graph and its modelled scenarios at the end, and until perhaps we have had the chance to call in Messrs Gordon and Langford and ask them about what this material means, I do not believe we should be signing off on a planning scheme amendment.

We should be doing some further inquiry. Leaving that aside, in case anyone is in any doubt, the amendment itself does not actually protect grasslands. The amendment authorises the destruction of grasslands and then signals the government's intention, through a public acquisition overlay, to perhaps buy some grasslands down the track.

This is not an amendment to create a new national park. It simply signals, through a planning instrument, the government's intention to buy some grasslands later. There will not be any national park sign going up and Ms Mikakos will not be invited to launch a national park because this does not protect a grassland in a national park. It simply says the government intends to buy some land with grasslands on it.

At the same time, of course, the government intends to destroy some grassland through various bits of transport infrastructure and obviously through the expansion of the urban growth boundary. If I vote for the expansion of the urban growth boundary, that part of it is done, and the housing starts to roll out, but I cannot force the government to buy that land or a future government to buy that land or take measures to recover that grassland.

Part of the other mechanism of protection is what are called these prescriptions in relation to various species that are endangered by virtue of the fact that they inhabit grasslands, and grasslands have been dramatically reduced.

Another one of the stories doing the rounds is that a group of developers is thinking of getting together and mounting a court case against the protection of these

species. I would welcome the court case because we need further elaboration of what environmental protection and biodiversity conservation has to do, but at the risk of them actually winning their court case, it means that the package I am asked to sign on to here does not actually deliver its promise.

There are many more detailed reports as to the strategic impact in relation to the necessary ecosystem protections that I have read. I do not know how many other members have read them, but many of the details of the agreement between the state and the federal Minister for Environment Protection, Heritage and the Arts, Peter Garrett, are either not available or not yet clearly integrated into this plan. I understood that work was being undertaken, but when I compare VC67 to VC55 I find very little change in that area.

We do not know much about the plan for the Donnybrook road-rail interchange. It is a bit of a unicorn at the moment. If we were to vote for this amendment, we would see an overlay, an easement or a freeway that goes past a particular parcel of land up in the headwaters of Merri Creek. Nobody knows exactly why the freeway goes there or who picked that spot. What we do know is that in advance or around about the same time that the government was choosing its route, a developer was buying up various parcels of land. That fact was run in the *Weekly Times* over a couple of weeks.

That developer made increasingly high offers for particular pieces of land in an attempt to consolidate a parcel, which — blow me down! — when we look at the detail of the amendment, we see that it just happens to have an on-ramp coming onto this new freeway. It is possible that the developer knew what the department was doing or it was possible that the department was interested in his parcel of land. We do not know which way the coincidence went, but I want to know about that before I vote on this amendment. We need to know from VicRoads why they picked this particular site and about the government's relationship to this particular developer in his parcel of acquisitions.

To make things even more confusing for members, when the Minister for Roads and Ports was asked about this concurrence of events, he said, 'Actually that proposal is a bit on the never-never at the moment. It is a medium-term priority. We are not really sure anything is going to happen there'. Interestingly the government's submission, which I only just obtained under FOI after a 12-month fight, in which the government sought funding from Infrastructure Australia, tells us that the project is shovel ready and is a piece of nationally important infrastructure it really wants to see funding for.

In May 2008 the developer consolidated his holdings. In June 2008 VicRoads chose its route and published it. In December 2008, at the same time the project appeared in the Victorian transport plan, the Victorian government ran off to the federal government and said, 'Please fund this $340 million project'. Last month it all went cold, but yesterday we were invited to vote on an amendment that effectively re-routes a freeway to that site. I am deeply confused, and I want to know more.

Yesterday the Minister for Public Transport made a claim that the regional rail link would not go ahead if he did not get this parliamentary ratification. First of all, the regional rail link is going ahead. Planning, design and other works are proceeding apace, and secondly, the amendment that he requires does not require this parliamentary ratification. He could bring it out as a planning scheme amendment in the *Government Gazette* tomorrow if he wanted to. The fact is that he is not quite ready. He is still working out where this train is going to go. The latest version is that it is going to run over the top of a half-built community facility. The locals are asking questions about that. We need the opportunity to scrutinise that project a little more.

In broader terms we need to understand exactly what that rail line and other Victorian transport plan projects, where they are funded, are going to do as part of this amendment. To put it in simple terms that Mr Finn might grasp — how many cars am I going to need to own if I am to live in Tarneit in 2050? If the answer is a lot, then this amendment may not be something that the Liberal Party can support.

In relation to that outer Melbourne ring-road — or the outer outer ring-road — there are real doubts as to what it is meant to serve. Right now we do not know the route of that road, because some key maps are missing off the material that the department put on its website. This actually makes it into the bottom of Mrs Petrovich's electorate. She may be interested to know that one of her constituents approached me about the proposed VC67 outer Melbourne ring-road; I think I may have sent him in Mrs Petrovich's direction! When he checked the list of maps he could not find the one for his property. I have here the map from one side and a map from the other side; it shows the freeway pointing in the general vicinity of his property but there is no map there. If we were to have taken that vote yesterday, his property would have a freeway easement over the top of it. That is just not good enough.

I do not know much about the Liberal philosophy, but private property rights are perhaps more important to them than to some other parties, and this is a pretty big grab for land across numerous properties. Yet when we ask when this road is likely to be built or when building will commence, we do not know whether that is next week, next month, next year or in the never-never. It is simply an instrument going over people's property to create a future easement for an outer outer ring-road when Melbourne's population reaches 5 million or more.

We have to ask ourselves whether it is worth creating that disruption, that cloud, if you like, over the future of those people — which has very real meaning when it comes to an application for a planning permit — when we are not entirely sure what the outer outer road is for.

We also have some inkling, but in my view we need to hear more, about the response of local government. Local government made submissions; in some cases they argued against the proposals of the state government. New proposals came out that were identical or in some cases even worse from the point of view of the argument made by those councillors. I am referring to the Casey City Council and the Cardinia Shire Council. The Casey City Council initially argued for no expansion to the urban growth boundary in its area. It received a new version from the government that showed even more expansion. It then submitted a counterproposal suggesting that there could be some expansion.

This brings us into the electorate of Mr Philip Davis, Mr O'Donohue and Mr Hall, where the highly important market gardens of the Casey-Cardinia area — I learnt this from the government's document — are twice as big as the Werribee green wedge market gardens, which have their own protection, as measured in farm-door sales. The land capability study for that area, which is one of the voluminous documents behind this amendment, even seemed to question why the government is building across those market gardens. When you look at the proposal for a north-eastern freeway link across the Yarra River, you see that part of the argument for that is that there is a wholesale fruit and vegetable market in the north and market gardens in the south, and we need to get the fruit and vegies from one place to the other, yet this amendment would concrete over those very gardens.

The minister is right when he says it is a comprehensive package, but it is comprehensively insane. It is a burning-fossil-fuels-forever package with goods and services and humans passing each other on freeways as the coals travel to Newcastle and back again every day. It is all completely road based, unless you go for details on the rail project, but they are not forthcoming. As I have said throughout this entire process of debate on this amendment and this direction, I have been making freedom of information requests for material from the state government, but it was only at 5.00 p.m. last Friday that this material containing basic information about proposals that we would be endorsing if we voted for this amendment — I am talking about the Victorian transport plan proposals — was couriered to my house.

That is a basic precis of why I would want to do more homework on this if I were an ordinary member of this chamber. I have done a bit on the papers, if you like, by reading material that the government has provided that represents the strategic justification for the amendment. However, a normal step in a planning scheme amendment — even a little one — is that a panel hears submissions from interested parties, examines the material itself and considers whether it adds up. This is far and away the biggest planning scheme amendment we have ever seen, dealing with around 40 000 hectares of land, a proportion of which is being zoned for the urban growth zone for residential and other purposes. I do not think I can be any clearer: it is an absolute whopper. If the government had had its way, we would have debated the amendment for a few hours yesterday and then voted on it, setting a very different long-term direction for the city than I think would be supported by most citizens.

Government members and other members interested in this question should remember that when Melbourne @ 5 Million was released there was an incredible level of debate about whether that could really be the future direction for our city. There were not many citizens who seemed to think that a never-ending sprawl was the right direction. If they understood anything about Melbourne 2030, they would have thought it was in the opposite direction. It disappoints me that here in Melbourne the future of our city is still a matter of the whim of the planning minister of the day, rather than it being so clearly understood and embedded in our political culture that it is virtually bipartisan, where changes come after bipartisan involvement and long community debate, not from our being whiplashed from urban consolidation to expansion, to public transport, to mega freeways, to enhancing the productivity of the inner city, to jobs in residential areas, to sending all that stuff out somewhere where land is cheaper, to the sorts of bills and debates that Ms Pennicuik went into yesterday regarding the future of the ports.

The minister is right in one thing: it is a comprehensive package, but it is comprehensively weird. It does not seem to fit with community values or the community's emerging understanding of the change in direction we are seeking here in Melbourne. We might not get to that level of awareness with this select committee, but we would be able to question the government on its assumptions, which are deeply embedded in all this paperwork, and for that reason I believe we need a select committee.

There may be some argument from the point of view of delay. I have set a particular reporting date in my motion. If that is the only concern that members have, and they believe a select committee can be created and do its work in a shorter period, then I would be happy to hear any proposals for an alternative reporting date. I have simply chosen the first possible date for the creation of the committee and a later date, three or so months down the track, for the committee to report so that we still have the opportunity to put up the amendment for a vote in the life of this Parliament, if that is what the government wants to do. If that is a significant blocker for anybody, they should say so and we could look at amending those key dates. I will now yield to other speakers.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to make a contribution to this debate. The government will be opposing this motion. We believe it is completely unwarranted given that amendment VC67 largely reflects the content of former amendment VC55, which was tabled in the Parliament in November 2009 and has now lapsed. I recall at least two occasions when Mr Barber spoke at some length on amendment VC55 during the course of the debate on the growth area infrastructure contribution legislation. It is interesting that Mr Barber has now come into the house and indicated that there was a lack of opportunity to make a contribution to debate on this issue yesterday. He has had a number of opportunities so far, and he would have had an opportunity yesterday as well.

Mr Barber interjected.

Ms MIKAKOS — In relation to the issue that Mr Barber has raised about environmental outcomes, I say yes, I was intending to come to that issue. It is very disappointing that the Greens political party is seeking to delay and jeopardise a number of important environmental benefits that will flow from this planning scheme amendment.

Apart from a range of other things, the amendment will seek to achieve enhanced protection of 15 000 hectares of nationally threatened basalt grasslands and two permanently protected new grassland reserves west of Melton and Werribee. It would also seek to provide for enhanced protection of a further 6000 hectares inside the proposed expanded urban growth boundary for rural conservation purposes, which would help us protect Victoria's most endangered native flora and fauna for future generations. It would seek to provide for a new conservation and community program for protecting native vegetation within the Victorian volcanic plain bioregion, which is one of the most depleted in the state, including grasslands within the Werribee Plains hinterland. It would also seek to enhance protection of 12 000 hectares of nationally threatened grassy woodland in a new woodland reserve.

In relation to the issue that Mr Barber raised about other opportunities, I remind him that the strategic impact assessment that was released in June of last year provided an opportunity for people to make submissions. I am sure the Greens party did not make a submission to that process, but perhaps Mr Barber can correct me if I am wrong about that fact. I do not believe Mr Barber is being honest when he says that there are uncertainties around this planning scheme amendment. I remind him that the government offered the Greens party a briefing on this amendment, but it was the only party that chose not to take up that offer. Yet he has come here tonight and said that there is a range of uncertainties around this planning scheme amendment. I think it is important Mr Barber is honest in this debate and indicates to the house whether there are any circumstances in which the Greens political party would support this planning scheme amendment. He made it very clear in his contributions, both tonight and on previous occasions, that the Greens party fundamentally opposes the extension of the urban growth boundary.

The issue of delay is an absolutely critical issue. As I said, the consultation that has already occurred for the previous amendment, VC55, is one that Mr Barber has completely neglected to take into consideration. I note that the Outer Suburban/Interface Services and Development Committee held an inquiry into the impact of the state government's decision to change the urban growth boundary last year. Its report was tabled in November 2009. So a parliamentary committee has already inquired into this matter, and I understand that the Greens party was represented on the committee.

In addition, the Standing Committee on Public Finance and Administration last year held an inquiry into the performance and operations of the Growth Areas Authority. The Minister for Planning, Mr Madden, appeared before the committee at the time and Mr Barber took the opportunity to ask a number of

questions regarding former amendment VC55, which the minister responded to. The committee tabled its report in March of this year, but surprisingly the report contained no findings or recommendations, only transcripts of evidence. In fact a second parliamentary committee, of which Mr Barber is a member, took evidence regarding these proposals but chose not to take them any further.

We have Mr Barber on the record as having said that the select committee would give councils, land-holder groups and developers the chance to put forward their views on some changes that relate to Melbourne's future. As well as the two parliamentary committees that I have already referred to which have looked into this matter, amendment VC67 was also subject to extensive public consultation. Members should recall that the government's intention to expand the urban growth boundary was announced when Melbourne @5 Million was released on 2 December 2008. There was an initial public submissions process from December 2008 to February 2009, and around 300 submissions were received. In June 2009 the draft boundary was released for consultation as part of the Delivering Melbourne's Newest Sustainable Communities package of projects, which also included the transport and biodiversity initiatives. A further public submissions process was then undertaken, supported by eight public information sessions, a dedicated website and hotline, as well as a directly addressed letter to affected land-holders, and I understand that approximately 15 000 letters were sent out at that point. Approximately 2000 submissions were received in response.

When the government tabled amendment VC55 in November 2009 it also produced two supporting documents, a short easy-to-read summary of the amendment and a report detailing how the government had responded to the issues raised during the public submissions process. All this documentation is available online, and I understand that the documents and the website have been updated since the tabling of amendment VC67. In addition, all the submissions are publicly available on the department's website. The government has already undertaken an extensive and transparent consultation process, which has been open to all interested parties to participate in. It was this extensive process that informed the minister's approval of amendment VC67.

Ms Pennicuik interjected.

Ms MIKAKOS — Ms Pennicuik has clearly not been listening. Mr Barber's motion also has the committee reporting no later than 30 September 2010. He knows full well that amendment VC67 needs to be ratified by both houses within 10 sitting days of it being presented to the Parliament. It is extremely likely that by the time this proposed committee reports, the amendment will have lapsed. This means that the committee could be presenting a report to Parliament on something that no longer exists, but we know that this is Mr Barber's intention; he wants to kill this off.

This proposal from Mr Barber is not, as he asserts, about giving interested parties an opportunity to put their views about VC67. As I said earlier, there has been extensive opportunity for people to have their say. This is a blatantly political exercise designed to try to block the proposed expansion of the urban growth boundary, because the Greens party does not support it. A third parliamentary inquiry will not change the Greens' position on this matter. The Greens party members know it and they should not try to pretend otherwise. Mr Barber wants to create ongoing uncertainty for land-holders, developers and the wider community purely for his own political purposes. Members of the Greens regularly come into this house and espouse their commitment to the processes of Parliament. This motion from Mr Barber is a cynical manipulation of these processes, demonstrating that he and the Greens party are happy to manipulate the process of the Parliament when it suits their political agenda.

Acting President, it was only a few weeks ago that you were twitting about the Liberal Party misusing the estimates hearings and stating that the value of the whole process has been undermined. But now the Greens party wants to set up a select committee with a single and predetermined goal of blocking the government from implementing its planning policies. It is sneaky, cynical behaviour from the Greens party, and we believe that all members of the house should be opposing the creation of a select committee.

The lead speaker for the opposition, Mr Guy, commenced his contribution yesterday on the debate around the ratification of the amendment. I am yet to hear his contribution in respect of this particular debate and the creation of a select committee. But Mr Guy would be well aware that when it comes to planning scheme amendments, you either vote for or against them. You cannot cherry pick the bits that you like. I remind Mr Guy, as the minister did yesterday, that he is on record in *Hansard* as saying on numerous occasions that he opposes turning the Legislative Council into the responsible authority, yet yesterday this is exactly what he sought to do. I look forward to hearing shortly what he has to say about this proposed select committee, so I

reserve my judgement in relation to the opposition's position on these issues.

But I think the opposition also needs to be reminded that any delaying tactics on the part of establishing this select committee would be a delay that many people in the community would be extremely concerned about. We feel that there has been ample opportunity for the community to have their say about these issues, and we look forward to the planning scheme amendment being ratified at the earliest opportunity. With those words, the government will be opposing the establishment of a select committee.

Mr GUY (Northern Metropolitan) — It is a pleasure to speak on Mr Barber's motion to establish a committee to inquire into amendment VC67 of the Victoria planning provisions. As we know, there has been a debate of considerable passion in this chamber over the last 24 hours — in fact, it is one that has aroused a significant amount of interest. It has been quite interesting to see some of the positioning, if you like, of those opposite in relation to amendment VC67 — what it actually proposes, the points of concern that have been raised, and indeed where this amendment would leave Melbourne in the future.

In beginning my contribution I would like to make some points and indeed share some of the concerns I have on the amendment. I do not wish to pre-empt anything that was discussed yesterday by way of the substantive debate on amendment VC67. It is obvious that the Council is receiving advice on the ability of the amendment that I moved to the motion to pass VC67.

I have raised significant concerns with two points of the VC67 amendment — namely, E6 and clause 12. Over the last 24 hours it has been amazing to discover how few people, particularly on the government side, are aware of what is contained in clause 12 and what it means for Melbourne — Melbourne's future, Melbourne's urban character, Melbourne's livability — because at the end of the day, what we are discussing here is the issue of livability. Livability is what drives this side of the house when it comes to planning.

The amendment to clause 12 seeks to create Sydney in Melbourne. It is, in effect, an import of the Wran Labor government's planning strategies in Sydney in the 1980s — that is, to create a city that is grossly unlivable and jam-packed full of people. It will destroy urban character — as the Wran government did to places like Strathfield, Burwood and Auburn and also some of the beautiful streetscapes that existed in that city right up to the 1980s when they were replaced with an urban streetscape that has no character and bears no semblance to the city that Sydney once was.

The amendments to VC67's clause 12 will fundamentally change Melbourne, and many of Melbourne's inner to middle suburbs, forever. In my view it will not change them for the better. What we will see is large swathes of urban land being changed for higher density development — a development that has lesser, if you like, architectural significance compared to what has been created — and developments that, while higher, will not preserve the built form of Melbourne, which so many of us value. While Sydney has the topography of a beautiful city, and Brisbane may have the weather, Melbourne's built form is its best asset, and we view clause 12 of planning scheme amendment VC67 as an assault on many parts of Melbourne's built form.

Can I say from the outset, though, that the coalition has not said it opposes the densification of certain areas of Melbourne; we have not said that at all. I note that in the adjournment debate yesterday the Minister for Planning came into the chamber and said that we have opposed it, as if the coalition somehow had this fierce objection to any construction that is not a single dwelling on a quarter-acre block. That is just not true at all; it is completely untrue.

In fact many times I have stood in this chamber and talked about the concern I have for places like Docklands, with its 2 and 3-storey townhouses, when it should be a safety valve for high density development like Vancouver, which has suburbs with 20–30 storey apartment buildings. These are centres for population absorption.

This is something that we should be following in places like Docklands, Southbank, E-gate and other areas so far unidentified by this government that are close to the city — areas like Fishermans Bend. These areas could be the centre for urban renewal projects — projects that can house high-density populations in areas that are close to the city, that require limited upgrading of the public transport system and that can manage sustained urban change with a minimum of fuss to existing residents.

While we look at establishing a committee to inquire into amendment VC67 as Mr Barber has proposed, the most important thing is to consider what proposed clause 12 of VC67 will do to many parts of Melbourne. That vision of higher density, which I say again has its place in certain parts of Melbourne, does not have a place as the one-size-fits-all policy that this government seeks to implement across metropolitan Melbourne.

That is what we are dealing with today with the proposed clause 12: a one-size-fits-all planning policy for the metropolitan area that would decimate many parts of the existing built-up area, irrespective of urban character and community wishes, and simply serving the state government's desire to put higher density development at any cost in any part of Melbourne.

I said before and I say again: the best part of Melbourne is our built form. We have to do everything outside the areas where large population numbers can be absorbed to maintain and preserve our built form. We will not do that with the proposed amendments to clause 12 of amendment VC67 which are before the chamber and into which the committee that Mr Barber has proposed establishing would inquire. What we will do, as I said before, is largely destroy many areas of Melbourne that fall outside activities areas but happen to lie along roads where an orbital or other bus route exists.

Part of my concern with the proposed clause 12 amendments is that why the 513 Bell Street orbital bus route from Eltham to Glenroy via Northland would not have higher density development. Why would areas in parts of Eltham — on Main Road, Bridge Street, Sherbourne Road, Para Road and Grimshaw Street — or in Henry Street, Greensborough, all of which are main residential streets that accommodate bus routes, somehow be immune from higher density development the likes of which these suburbs have never had before? The answer is that with the proposed amended clause 12 in VC67 they would not. In fact there would be a green light for gross urban change in residential streets outside activities areas and outside the nodes where we are looking at allowing higher population density near transport hubs such as rail. In those areas there would be sustained urban change and higher density development.

In my view that is a negative step for Melbourne. It would not be just in the north-east area of Melbourne. This amendment would have a profound impact right across the city. I say again to members opposite that there is a reason for members on this side of the house having huge concerns with proposed clause 12, not just for the sake of it, as was being put forward yesterday by the Minister for Planning. We have huge concerns with proposed clause 12 because while we support in principle the expansion of the urban growth boundary — we have made it very clear to the government on many occasions that we do not oppose it — we have a serious problem with allowing carte blanche a high-density, one-size-fits-all development in any part of Melbourne without respecting urban character.

I fail to understand how members opposite could seriously and sincerely advocate that style of urban change. I find it absolutely astounding that members opposite would treat their electorates with such disregard.

Mr Finn — Contempt.

Mr GUY — Absolute contempt, Mr Finn. Maybe this more than anything is a wake-up call and an indication of the real thoughts of members of the Australian Labor Party who are elected: they have so little regard for the urban character and built design of their electorates that they would be happy to allow something like this unamended proposed clause 12 to be passed by this chamber at all costs. The government is hell-bent on destroying Melbourne and turning it into something like Sydney. Those opposite may have loved former New South Wales Premier Neville Wran and thought he was a hero of sorts, but we have a unique city in Melbourne that I do not wish to see turned into a version of Sydney.

I turn to make a couple of comments on the urban growth boundary. I find it in many ways quite distressing that the future of the urban growth boundary in Victoria, which the Liberals-Nationals have said we support in principle and thus we will not oppose the government's move to expand it, has come down to this level of politicisation, if you like. This is a product of Labor's Melbourne 2030 policy. Here we are yet again talking in the Parliament of Victoria about urban growth boundary change in a manner that the Labor Party has sought to politicise and with which it has sought to play a game of wedge politics that is clearly backfiring.

Ms Mikakos interjected.

Mr GUY — It is not backfiring for the sake of Ms Mikakos's political gains; it will backfire on people such as first home buyers, because the Labor Party chooses to politicise the urban growth boundary expansion. The urban growth boundary has a chance to move this week: 36 of the 40 members of this chamber have said we do not oppose it. The only thing standing against the urban growth boundary's expansion is the government's politicisation of what should be a very straightforward issue. What was straightforward in 2003 and in 2005 — —

Mr Lenders — Just show us the note.

Mr GUY — If you can read it, you can have a look. What was the case in 2003 and 2005 is not the case in 2010. That is profoundly disappointing. I say again that this issue should not be politicised. This is an issue that

should be debated properly and sincerely and be gone through simply and straightforwardly unto itself. That will not be the case, because the government has chosen to politicise this situation. That is a disgrace and a reflection upon the government of the day. Government members really do not care about growth areas for Melbourne or any of the substantive points to do with planning. They are more focused on politicising these issues rather than finding real solutions for the people of Victoria who want to move to the outer suburbs of Melbourne and live in new housing developments.

We have a planning minister who last night came into this house and read scripted speeches about the future of Melbourne, which he apparently believes in so passionately. I find that quite bizarre. If anyone genuinely believes in their policy objectives and what should be the case for the future direction of planning in this state, they should be able to come in here and say with passion, 'This is the direction we want to take the state of Victoria and the greater area of Melbourne'. That is not the case, because the government has chosen to politicise this motion. As I said from the outset, we have real concerns with VC67 and proposed clause 12. Members should not be debating things such as the urban growth boundary in an overly political manner. They should be resolved without tacking onto the urban growth boundary five or six other points.

A number of months ago the government signed a clear memorandum of understanding with industry. The government said to industry that it would provide a ratification motion in this chamber that would precipitate the increase of land supply in the greater Melbourne area via changes to the urban growth boundary (UGB). It mentioned absolutely nothing about any of the other six points put forward in the major provisions of VC67.

This point was never articulated to industry, never articulated to councils and never articulated to communities. The government has put all this in as a one-size-fits-all attempt to wedge other parties to support points which in my view should not be linked to a growth areas boundary expansion. The government has foolishly tried to play politics with Melbourne's future. At the end of the day the only people who will be worse off will be those who try to buy homes on the edge of Melbourne.

By the time of the next state election the government will have had 11 years in office — 11 years to look at expanding the urban growth boundary area of Melbourne; 11 years to get down to the business of providing certainty.

The government talks about certainty. What is certainty in the outer urban market? Certainty is providing a framework where everyone knows up-front, in advance, what is going to be moved in this chamber. It is not about playing political games with the UGB. It is not about coming into this chamber at 2 minutes to midnight and saying, 'We are going to slip in extra parts in clause 12 in order to destroy existing suburbs', because the government wants to get in policy objectives that have nothing to do with the expansion of the urban growth boundary. It is about locking in the singular position of the urban growth boundary, which is what this government should be doing.

That is not what it has been doing. In fact what we have before us in VC67 is a motion which, in my view, is absolutely unacceptable and which this chamber should look at with a thorough mind.

Sitting suspended 6:29 p.m. until 8.03 p.m.

Mr GUY — On a night when we learn of the possible premature political death of one of the worst prime ministers in Australian history, we also should be looking at the political death of one of the worst amendments to the Victorian planning provisions in Victoria's history.

I want to restate what I was mentioning before we adjourned for the dinner break — that is, the Liberal and Nationals coalition does not oppose the extension of Melbourne's urban growth boundary. I say that with all sincerity and with an open hand to the government: the coalition parties do not oppose the expansion of Melbourne's urban growth boundary, as proposed. We have made that point very clear to the government.

We have stated for some time — not in the last couple of weeks, not in the last couple of days or hours but for a long time — that if the government chose to expand the boundaries in a fair and reasonable manner, then we would support it. I say very clearly that it remains our will, our intention and our hope that the government would not seek to politicise any amendment to do so but would extend Melbourne's land supply in a fair and reasonable manner.

The coalition parties also have serious concerns in particular with the clause 12 amendments to this part of the VC67 amendment. We have considerable problems with turning Melbourne into Sydney, if you like, which is what we believe this amendment is certainly the start of and will certainly do to our city — to take what has been a bipartisan arrangement for many decades of a livable, urban area in Melbourne, to begin the process of wrecking that and turning Melbourne into the

unlivable metropolis of Sydney would be, from our point of view, completely unacceptable and something that we cannot support. We have stated over a long time that we have issues with the clause 12 provision of what was amendment VC55 and is now VC67, and we restate that: we have serious concerns with that.

We also acknowledge that there is advice yet to come to this Parliament in relation to amendments I have moved about possible amendments to the VC67 amendment. That has yet to be received by the Presiding Officer and communicated to this chamber. As a consequence, the coalition believes that at this point in time the best thing for us to do would be to support Mr Barber's motion for a reference to examine the proposition in greater detail, although I understand my colleague Mr David Davis will move some amendments in relation to the timing, particularly in relation to any reports before the time-out provisions that exist for the growth boundary amendment. Mr Davis will make some comments on that in his contribution later.

In conclusion I simply say we have a proposition before this Parliament which we believe has elements that should be supported and elements that should be removed. We have made that position clear for some time. Mr Barber's motion is one which we believe may provide some clarity to some of the unknown points that exist within this amendment. We believe there may be a process for us to examine this in a shorter period of time and that can provide us with some clarity in the interim as to what the chamber can and cannot do.

Mr SCHEFFER (Eastern Victoria) — I disagree with Mr Guy. I think the best thing we could do now is to reject this motion. When we look at the motion we see that it consists of 12 parts and that only one of those parts, part 1, refers to the task of the proposed select committee — that is, to inquire into amendment VC67 to the Victoria planning provisions. That is all. Essentially Mr Barber's motion asks the Parliament to conduct an open-ended inquiry into amendment VC67. I have great difficulty in agreeing to a motion which calls for the establishment of a select committee to look into a matter but which provides no detail whatsoever on what exactly the issues are that the committee should be looking into.

Earlier in the day Mr Barber spoke to his motion and indicated some of the issues he has with amendment VC67, but I think it is incumbent on him — it is incumbent on the mover of any motion in this chamber — to specify in the motion itself what the terms of reference are. This is usual, and it is appropriate that the terms of reference be included in the motion itself. Apart from anything else, select committees cost money, and the house has the right to know whether the establishment of this particular select committee is a good use of resources.

Mr Barber should take a leaf out of Ms Pennicuik's book and learn something from the way she prepared and developed her reference to the Law Reform Committee, which was debated earlier in the day. She was meticulous, and every section of that motion gave very clear direction to the Law Reform Committee. When that committee sits to deliberate on her resolution it will know precisely what this house expects of it, which is not so with Mr Barber's motion today.

I guess the implication of Mr Barber's motion, coming as it does in the middle of a wider debate on the VC67 planning amendment, is that there are further matters that members of this house need to know about so that they can make a decision on the amendment itself. This is surprising. By any measure the preparation for this amendment has been exhaustive and rigorous. The minister indicated on radio 774 this morning that something like 2000 submissions had been received and considered in the development of what is a far-reaching amendment that will have an impact on Victorians and Melburnians for generations to come.

The amendment has been developed through a rigorous policy and strategic development process underpinned by high-level technical analysis and planning advice. I know the opposition's rhetoric often attempts to paint as paper shuffling the development process we talk about on this side of the chamber, but planning amendments of the complexity of VC67 are massive and simply cannot be undertaken and achieved without the kind of extensive preparatory work and consultation we have seen in this exercise. It is nonsense not to recognise the importance of this planning work.

The government announced its intention to expand the urban growth boundary in late 2008, at the time the strategic planning document *Melbourne @ 5 Million* was released. A public submission process commenced shortly after this, and by June 2009 the draft boundary was released for further and more detailed consultation on transport and biodiversity issues. My advice is that during that phase eight public information sessions were held and that there was a website and hotline as well as a postal mail facility for affected landowners.

In addition to the 2000 submissions that I have already mentioned, some 1500 hard copy letters were also received and processed as part of that consultation process. All the detailed documentation relating to amendment VC67 and its predecessor, VC55, were and

are still available online, as are all the submissions received. Yet all this is dismissed by implication in Mr Barber's motion for the establishment of a select committee to inquire into this important amendment. It is as though nothing is known, as though no documents are available, as though no-one was consulted, as though no technical work was done. The motion itself really needs to specify what Mr Barber wishes the select committee to investigate and report to the house on. This is one reason — one important, compelling reason — for which the motion should be rejected.

There is another, more sinister reason why the motion being put this evening — —

Mr Barber — We could use scary music in this bit.

Mr SCHEFFER — Yep! It should be rejected because it acts to delay the amendment and to frustrate the government's plan — —

Mr D. Davis interjected.

Mr SCHEFFER — We have just been through that, Mr Davis. Mr Davis has not listened to a single word I have said. I have just been through an entire process explaining this clearly, demonstrably and incontrovertibly, and still at the very end of all that it is as though all my words have fallen on deaf ears. Mr Davis says we still need to consult, so the select committee is going to be the real consultative body. That is fantastic news! It just shows the impoverishment of the position being put by those opposite.

The Parliament's ratification of the amendment is vital for Melbourne's future housing affordability, which is in part dependent upon the expansion of the urban growth boundary. The government is focused on land use. It is focused on the delivery of transport services and on the environment so that new infrastructure and essential services can be delivered to new communities as they develop. There has been a lot of talk in this house about the importance of making sure that communities are not as they were in the 1950s and 1960s where houses were built and then there was a wait, a slow creep and the delayed introduction of the infrastructure they needed. We are saying to people now moving into new communities that they deserve and have a right to expect a level of infrastructure that exists when they move in.

In his contribution before the dinner break Mr Guy had a good deal to say about the changes to clause 12 of the amendment, and I think he portrayed his party's lack of policy direction. His remarks were no more than scaremongering against sensible planning, and they do no credit to someone of Mr Guy's undoubted capacity. The minor changes the government proposes to clause 12 give a statutory planning effect to the government's policy as stated in the *Melbourne @ 5 Million* document and in a number of iterations of the previous document, *Melbourne 2030*. The change encourages higher medium-density development into areas that are already well served by public transport and other services and facilities. The policy makes complete sense. It is an idea that has been around for a while. Now its day has come. It responds in a very strong way to Melbourne's population and housing accommodation challenges.

It is critical that we manage our population and household growth by making sure as much as possible it occurs where infrastructure already exists that can cater for it. It is important to understand that the change to clause 12 should be considered alongside a broad suite of existing policies in the scheme such as the protection of neighbourhood character, heritage sites and landscapes values. We need to remember that local councils under this scheme and process continue to consider and implement these larger framework policies through their own planning schemes and strategic planning processes and policies. Any suggestion by the opposition that these changes will somehow force councils and the Victorian Civil and Administrative Tribunal to approve higher-density developments demonstrates a fundamental misunderstanding of the operation of the planing system.

When I step back and look at this, it seems to me the Greens are against both expanding the urban growth boundary and greater density in appropriate locations. Where exactly do they think that urban consolidation should occur? Where exactly do they think people who want to buy in medium-density areas should live? Increasingly the Greens remind me of Groucho Marx's character in *Horse Feathers* who thinks, 'Whatever it is, I am against it'. I ask Liberal members of the house: if they do not support higher-density housing being built in areas already well served by infrastructure such as public transport, then where would they locate it? There is a resounding silence in relation to that issue.

The other matter Mr Guy drew attention to before the dinner break related to the E6 corridor. The planning for this corridor is being undertaken in the context of the expansion of Melbourne from Epping through to north of Beveridge, which includes a major intermodal freight terminal. The transport needs of this large-scale urban development are likely to be substantially greater than what was considered in earlier analyses of transport needs and land use planning. VicRoads has

developed some high-level travel demand forecasts to estimate future arterial road network requirements. That work takes into account future land use and anticipated population growth.

The high-level assessment showed that the existing road network in the Epping area would not be enough to handle the anticipated future travel demand, even if existing roads and freeways were widened. So over time the transport corridor will need to be constructed as a freeway to address this increased travel demand. These are strategies that will address the major challenges we face. A lot of work has been undertaken as part of that development process.

The public, interest groups and stakeholders have contributed to the debate, and the government has responded to many views and adjusted plans where appropriate. We have to ask what more could another inquiry into this matter tell the Parliament and the public that is not already known? I sometimes think the opposition and the Greens are not so interested in finding out what a committee of inquiry is asked to discover. A result, a finding or a recommendation is of minimal and little interest compared to the political effect of calling for an inquiry and conducting a public hearing. I guess the thrill is the public attention that stands to be gained when the non-government parties in this chamber call for an inquiry. The mere act of calling for an inquiry in this place can be construed as condemning the party or the person who the inquiry is aimed at. The device gives the opposition and the Greens no credit at all.

The amendments to the planning provisions contained in VC67 have been rigorously developed, and I believe they will make a positive difference to Melbourne; it is certainly time to proceed. I think Mr Barber's motion does very little that will benefit Victoria and the people of Melbourne, so I reject the motion and I ask members to vote it down.

Mrs PEULICH (South Eastern Metropolitan) — I rise in support of Mr Barber's motion, which includes the establishment of a select committee of seven members to be appointed to inquire into the VC67 amendment to the Victorian planning provision, and I do so because the community would expect us to do so. The community is very passionate about this issue. Probably there is no topic they are more passionate about than land use and planning — whether they are in inner metropolitan Melbourne, in suburbia or in the growth corridor and the interface councils. Members of the government, including Mr Scheffer, think that corresponding with 2000 people and placing things online or having some direct mail with, supposedly, those affected landowners is sufficient consultation.

My community for one would say that the consultation has been flawed and often ignored, that the urban growth boundaries proposed by the government are not getting the details right and that there are enormous concerns about the 2010 plans for the densification of Melbourne in the established suburbs along the principal public transport network. I downloaded the route off the net, and there is certainly a lot of red, including through suburbs such as the Dingley Village, which I am sure this chamber has heard me say a lot about. So the principal public transport network includes, of course, anywhere that is on a train line or anywhere that is on the tram line. There are no trams in my electorate, but there are certainly lots of buses and, in particular, orbital buses.

I am not convinced that the residents of Bentleigh, Mordialloc, Carrum and Frankston want to live in a six-storey corridor along a public transport route without the community being made aware of it, being consulted on it and having some input. I think it is highly appropriate that the Parliament and its elected members, as representatives of the community, provide some opportunities to scrutinise the plans, especially after 11 years and the planning mess that this minister and preceding ministers have made of planning and land use. To expect to truncate this debate and push these plans through as a result of a flawed motion yesterday, and then again by opposing the motion today — principally governed by the need to expand the urban growth boundary and create more GAIC-able property and therefore money — I think is something that would really raise enormous concerns amongst people out in the community, most of whom would not be aware of what is going through Parliament as part of this VC67 amendment.

Planning under Labor has been like spilling a jigsaw puzzle out on the floor without really having a full appreciation of what the whole picture is. It is a moving feast. We have had DACs (development assessment committees) and all sorts of plans coming through here. As to residential zones, we have had councils developing precinct structure plans. This has been rendered useless, and with many of them there is an ongoing process of review at the local government level. Clearly there has been totally inadequate consultation with local government on this matter, and the community would be furious about that.

If the government chose to make this an election issue, it would get an almighty thumping. I would welcome the opportunity to be able to campaign on whether or

not to make the suburbs in those key seats six-storey-high suburbs along the transport routes. To suggest that it is appropriate for Parliament to rubber-stamp this amendment is just absolutely ludicrous. This is not Rome under Julius Caesar. The government may think, because it has got control and power, that it can behave like Julius Caesar, but it cannot, and anyone who wants to get a growth areas infrastructure contribution (GAIC) flavour of this Julius Caesar-type legislation can download from the Web the minister's explanation of the reasons for his decision to use the power of intervention. That is in relation to amendments to VC67. He says that no person other than the minister has proposed or requested this intervention. He goes on to say that he has decided to exercise his discretion to exempt himself from all the requirements of sections 17, 18 and 19 of the act and the regulation in respect of amendment VC67 to the Victorian planning provision and all planning schemes in Victoria.

The minister goes on to say, in the background notes, that in May 2008 planning for all of Melbourne was released. This was the Victorian government's response to the audit of Melbourne 2030, which was conducted by an independent audit expert. He says that they are the objectives. The particular ones of enormous concern to me are the plans for the densification of Melbourne.

As Mr Guy said, we are not opposed to increased density. There are a lot of shopping strips with shop-top living. Some of them are empty and some of them have not been renewed at all; they look dilapidated. It is highly appropriate that those be renewed, that perhaps we go three-storey. Three-storey in shopping strips with a couple of stories of shop-top living and nice apartments or even affordable housing is appropriate. For example, currently the City of Kingston has the Moorabbin structure precinct plan up for discussion. I will not comment on the substance of the plan, but there is an opportunity to provide lots of shop-top living — in particular for students who are attending the local TAFE. Many of those students come from regional Victoria and other parts, yet none of that has been included.

There is an enormous opportunity to increase densification without raising the shackles of the community; without going to six-storeys high along all principal transport routes — for example, through Dingley Village. If members opposite know the depth of passion and concern about planning matters in the community — and I am sure that they are aware of it, which is the reason they do not want to debate it at length — and suggest there has been adequate consultation, I refer them to a matter that was drawn to my attention today about a Mr Allan McKenzie, whose property is in the Bulla area. Apparently he had not been informed at all, and if this had gone through, his land would have been subject to an acquisition overlay for a freeway.

I am also aware, for example, of the objections of the City of Casey in relation to not getting the urban growth boundary right. As Mr Guy has indicated, we are not averse to revisiting that; we have to get it right.

In a string of correspondence from the City of Casey to the minister, who has obviously ignored it, objections has been lodged to plans to destroy the best agricultural land which has brought people into the urban growth boundary and made it GAIC-able. It says in one of its letters, which is dated 3 December 2009, that at its meeting on 17 November 2009 it considered a report on the changes to the urban growth boundary and in particular the approval of amendment VC55, which is the predecessor to the amendment we are discussing. The council attached a copy of the report to that letter.

The council further resolved to express disappointment at the approved form of amendment VC55. The City of Casey considered that the changes proposed by the amendment had gone beyond the worst possible scenario for Casey's agricultural land. The council also said that when it presented its amended view on 10 September 2009, the change effectively spelt the end of any significant agricultural industry. This outcome commits the city's character to be a predominantly urbanised form. Council also resolved to seek an explanation as to why its concerns were not listened to. It expressed that it was looking forward to the minister's response on this matter.

There has not been an adequate response. This opportunity is one to get the detail right and these plans right. Clearly some consultation may have occurred, but it has not been effective; it certainly has not been comprehensive, and clearly many out there do not know precisely the contents of VC67.

With those few words, my community would expect that this type of transformation of their urban landscape and of the movement of the urban growth boundary be not done in a slapdash way and not truncated.

This government has had 11 years to get it right. It has had 11 years to lay before Victorians a comprehensive plan — a blueprint, dare I say — that integrates land use and transport use and allows for greater and affordable housing, but it has failed to do that. Now at the 11th hour, through some clever trickery, yesterday the government brought in an omnibus, multipurpose

motion, abusing the forms of the house, insisting that a reasoned amendment could not be moved, even though it was an omnibus motion that brought together multiple purposes, not a single purpose.

The government is just involved in the old trickery. It wants to trick this chamber, it wants to use wedge politics and it wants to trick Victorians. I, for one, am pleased to be able to stand up for those people I have been elected to represent. I look forward to there being an opportunity for the proposed select committee to do more detailed work to make sure that when we actually pass this amendment we get it right.

Ms HUPPERT (Southern Metropolitan) — I rise to speak in opposition to the motion standing in Mr Barber's name. The purpose of this motion is to establish a select committee to inquire into amendment VC67 to the Victoria planning provisions. The purpose of amendment VC67 is to update our planning schemes to enable us to properly manage Melbourne's growth, to provide affordable new homes while at the same time providing the necessary infrastructure, jobs and community services for the residents of those homes.

This amendment will bring approximately 43 600 hectares of land within the urban growth boundary, including 24 500 hectares of developable land, which will provide land for at least 13 400 new homes. This amendment will significantly increase the supply of land for new homes to provide housing for Melbourne's growing population.

This government is proud that it has created an environment which encourages economic growth, which has meant that fewer people want to leave Victoria and more people want to move here. This in turn has led to an increase in demand for housing land. It is simple economics: if supply does not keep pace with demand, prices will rise. This amendment is about ensuring that ordinary Victorians, mums and dads, can afford the great Australian dream, the dream of owning their own home.

This government is committed to maintaining housing affordability by measures such as increasing the supply of land and also the very successful first home owner grant, which is targeted at new home owners. This amendment also updates the state planning policies to implement Melbourne @ 5 Million, enabling development in existing suburbs to be directed to areas closest to infrastructure, services and jobs. This is about livability. It is about directing greater density housing to areas to which it is most suited and giving certainty to those people living in other areas that they will not be subject to greater density that we have all heard about. There are examples of municipalities around Melbourne that have structure plans for housing that are very popular because they provide people with certainty about where the greater density housing will be located.

Listening to some of the previous contributions made both this afternoon and this evening, one would think amendment VC67 is something that has been sprung on the community out of a vacuum and that therefore there is justification for launching an inquiry. This is far from the truth. The government announced its intention to expand the urban growth boundary and also deal with greater density housing in existing suburbs when it released Melbourne @ 5 Million on 2 December 2008, some years ago. This announcement was followed by a public consultation, during which around 300 submissions were received between December 2008 and February 2009. In June 2009 the draft boundaries were released for consultation and further public submissions were sought; approximately 2000 submissions were received.

Mr Lenders — That would have required the opposition reading them.

Ms HUPPERT — Taking up the point of Mr Lenders, opposition members are not known for reading things in great detail, so I am not surprised that they think there has not been consultation. There has been an information campaign, which included public information sessions that the opposition probably did not bother to attend — —

Mr Lenders — Mr David Davis was reading the *Australian Financial Review* that day.

Ms HUPPERT — That makes sense. The information campaign also included a website, a phone hotline and a direct mail campaign to affected landowners. People have known since June 2009 about these proposals. In addition to this public process, there has been — yes, wait for it — not one but two parliamentary committees which have previously looked into the question of the expansion of Melbourne.

Mr Lenders — They did not provide any cartoon books for Mr David Davis's benefit.

Ms HUPPERT — That is probably true. The Outer Suburban/Interface Services and Development Committee held an inquiry into the impact of the state government's decision to change the urban growth Boundary, which reported to this Parliament in November 2009. As I said, there was not one but two parliamentary committees that have looked into the question of the expansion of Melbourne. The Standing Committee on Finance and Public Administration held

an inquiry into the performance and operations of the Growth Areas Authority, which reported to this house in March this year.

Clearly there has been no shortage of opportunities for members of the community to have their say regarding the matters dealt with in the amendment, nor has there been a shortage of opportunities for members of Parliament to inquire into these matters, including Mr Barber, who is a member of the Standing Committee on Finance and Public Administration. I suppose what he is doing today is admitting that one inquiry did not achieve anything so he has to repeat himself. Having regard to this history it is clear that Mr Barber is not interested in inquiring into these matters further, but the committee proposed by this motion is a blatant political exercise designed to try and block the proposed expansion of the urban growth boundary and the update of the Victoria planning provisions.

Mr D. Davis — On a point of order, Acting President, it is very clear that the member is slavishly reading her speech. It is not a matter of form in the house for a member to slavishly read from a prepared text.

The ACTING PRESIDENT (**Mr Leane**) — Order! I have been listening to Ms Huppert and throughout her contribution she has made eye contact with me many times, which would have made it very hard for her to read.

Ms HUPPERT — As I have said, this is clearly a political exercise designed to delay this very important amendment to Victoria's planning provisions. The planning provisions play a very important role in providing certainty to the people of Victoria about where development will be occurring, certainty about the supply of housing land on the outskirts of Melbourne and certainty about the location of medium-density housing in the more established suburbs. Those of us, like me, who live in the more established suburbs are keen to have the certainty that is provided by the proposed Victoria planning provisions.

I say it again: what we are seeing today is purely a delaying tactic. All it will succeed in doing is increasing the cost of housing land in Victoria; that is all it will do. This government is about affordable housing supply. This government, through its policies — economic, planning and transport — wants to provide houses where people want to live, which are serviced by transport and social infrastructure. What we get from the members opposite is nothing but political delaying tactics. We do not get any solutions to Melbourne's population growth — not one solution has come from members opposite.

How will we house the people who want to live in this great state of ours? In the 12 months to 30 June 2009, Victoria's population grew by over 2 per cent — one of the highest growth rates amongst the states in this country. What are we going to do to house these people? We need to open up land for housing on the outskirts of Melbourne, provide services for this land and increase density in selected areas in the established suburbs. That is what the amendment to the Victoria planning provisions proposes to do. For this reason I urge all members to vote against this motion.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution on Mr Barber's motion to establish a select committee of seven members to inquire into amendment VC67.

Mr Lenders — On a point of order, Acting President, I draw your attention to the fact that since he rose to his feet the Leader of the Opposition has been reading every word from a piece of paper, and I ask you to direct him to stop slavishly reading.

The ACTING PRESIDENT (**Mr Leane**) — Order! It is hard for me to gauge whether the Treasurer is correct given that it is only 10 seconds since Mr Davis stood up. There is no point of order.

Mr D. DAVIS — Thank you for that ruling, Acting President, on such a frivolous point of order.

This motion of Mr Barber's seeks to establish an inquiry into amendment VC67 to the Victoria planning provisions. The motion is very sensible, because there has not been sufficient public consultation on these matters, despite the long list that Mr Scheffer and Ms Huppert sought to put on the public record. Essentially what they forgot is that the community has not been engaged. Labor Party members have not understood that the future of Melbourne is about the shape of our city and the involvement and ownership the people have of the shape of the city.

As Mr Guy and Mrs Peulich have said, the reality is that we support sensible adjustment to the urban growth boundary, but we do not support a number of the matters that have been thrown into amendment VC67. The amendment to clause 12, as has been pointed out, will fundamentally reshape Melbourne, leading to a densification that is not supported by the community.

Ms Huppert ought to think carefully about Southern Metropolitan Region, as should Mr Lenders, and they ought to think about whether they want to live in a

densified city that has not been planned in a sensible way and does not have in place the supports, the planning infrastructure or the community infrastructure — whether it be schools or the whole range of infrastructure behind this approach. The community does not want this sort of thing foisted upon it.

I make it clear today that the opposition intends to support the motion of Mr Barber, but it will also seek to move an amendment to it. I move:

> In paragraph (10), after "The committee will present" insert "an interim report by 10 August 2010 and".

Essentially it requests an interim report within the 10-day time period for the ratification, which would give the select committee the opportunity to swiftly inquire into the relevant matters. It is an important opportunity to provide a further round of genuine consultation rather than the sham consultation we have seen repeatedly from this Minister for Planning, whether it be regarding the Hotel Windsor or a whole range of other schemes.

What we will do is make a sensible and modest amendment to Mr Barber's motion and seek to have the committee do its work in that time period with a short, sharp round of consultations and public hearings.

Ms Huppert represents Boroondara, Whitehorse and Monash — —

Mr Lenders — She represents them better than you do.

Mr D. DAVIS — I have to say, Mr Lenders, you represent the same area, and I do not think anyone would know you wherever you went in that region.

Honourable members interjecting.

Mr D. DAVIS — Half the state executive is what she got. She is one of two members who were not elected into this place. At least she is better than the previous one — —

Ms Tierney — On a point of order, Acting President, the member is not addressing the issue at all and is making comments directed towards the — —

Honourable members interjecting.

Mr D. DAVIS — I was responding to interjections, Acting President.

The ACTING PRESIDENT (**Mr Leane**) — Order! I ask Mr Davis to get back to the motion.

Mr D. DAVIS — I would be pleased to. What is required here is a sensible approach that enables sufficient consultation and opportunity for the community across the city to understand that VC67 is not simply about the urban growth boundary but is about much more. This is about proper and fair planning processes. It is about planning processes that do not intend to shackle a whole series of matters together in a way that is simply undemocratic. I think this is a very important and reasonable step. I urge the chamber to support this step.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak briefly on amendment VC67. I think it is worth just taking a few minutes to think about and be reminded of the context in which this amendment occurs. In Victoria we are in a unique position, where we are seeing on a daily basis massive growth in our economy and also massive growth in the number of people who are moving to live in Melbourne. We are seeing massive numbers; we are seeing over 1200 people a week moving into Melbourne. We put that down to the fact that Victoria is very livable; it is very safe — —

Mr Finn interjected.

Mr TEE — As we know, Mr Finn, it now has the lowest crime rates in the country, thanks no doubt to our excellent police commissioners.

Mr Finn interjected.

The ACTING PRESIDENT (**Mr Leane**) — Order! Mr Finn!

Mr TEE — There is no doubt that we are living in a state that is growing economically, it is growing in terms of numbers, it is the engine room of the country in terms of employment, and we need to put in place the structures to manage that growth. It is a sign of our success; it is a sign of the environment that Melbourne operates in, but it is also very much the key to our future.

While we need to be careful about managing that growth, realistically we also cannot live without it. That growth is what will sustain Victoria into the future, so it is an important part. As we move towards an ageing population, it is about ensuring that we have the next generation of taxpayers to make sure that the ageing population has the taxpayers to maintain the facilities that are needed, particularly in hospitals.

We have that balance; we now have to make sure that we secure for families the lifestyle aspirations today. We cannot simply have a situation where those families

arrive in Victoria but there is no planning framework for them, that there is no management to make sure we have an alignment with employment, housing, transport, shops and local communities.

That planning infrastructure is critical in terms of making Melbourne attractive. It is critical because we are in a global market that is competing for skills, and we want to make sure that Melbourne is the most livable city so we can have the best and the brightest from Melbourne, staying in Melbourne or aspiring to come to Melbourne to make a contribution to our state to keep that investment going.

We need to maintain the investment and the focus, and that is about safeguarding future housing now; it is about making sure we are planning for the next 5, 10, 15 and indeed 20 years. That is really the vision that is amendment VC67.

Mr Barber interjected.

Mr TEE — That vision, I suppose, is the next layer on top of which we have Melbourne @ 5 Million, which was released in December 2008. What that did was provide the impetus and focus for departments to burrow down, as it were, Mr Barber. You start off with the infrastructure, with the big picture in terms of Melbourne @ 5 Million, and then you ask, 'How does that work? How does that translate over the next 20 years? How do you fill in those gaps to make sure you have that planning?' and that is where amendment VC67 comes in.

Where does it fit in? That is how it fits in. It is the next layer of planning as we go through. Of course it also fits something which is close to my heart: it is also about making sure we align planning in terms of housing with public transport. I suppose that is the important part of VC67: the alignment with the Victorian transport plan. My area, of course, is the public transport part of it.

Honourable members interjecting.

Mr TEE — There is a component of federal funding but, as members know, through the budget there has been significant funding in this year alone to deliver components of it. So, yes, we anticipate that the federal government will contribute, and it has, but we are also continuing to deliver on that plan with a significant budget allocation this year — and it will continue to be so.

Honourable members interjecting.

Mr TEE — Again I think the important part is that when you look at what is needed in terms of housing over the next 20 years — I will not be distracted by Mr Barber — the prediction is that we will need an extra 600 000 new homes to accommodate that growth.

When we think about that housing, we want to make sure it is targeted — to use Mr Barber's word — towards housing in the sense that it is affordable but also that it caters for the demands and the changing nature of our society and the changing nature of people's needs. For example, in the eastern suburbs in my electorate, where we have an ageing population which is relatively older than the rest of the state, where we have communities that were set up 40 and 50 years ago, a lot of the people are now getting older and reaching retirement age. A lot of those couples, the empty nesters, do not want to leave their local communities. They do not want to move out of the areas in which they have their shops, in which their families live and in which their friends live. They need to have alternative housing options available.

Mr Barber interjected.

Mr TEE — Mr Barber might be flippant about people's choices. Some of them do want to move, but we also know that most do not want to move. Most want to stay, or at least have the option to stay, and that is all we are saying: give them the option.

Mr Barber — What is the plan for that?

Mr TEE — The plan for that in the eastern suburbs is to establish activity centres, areas like Doncaster Hill — my very favourite Doncaster Hill — which is well serviced with a large number of buses. It is well serviced with a large number of low-floor buses which are disability compliant and very accessible for people of any age. The point about Doncaster Hill is that it is broadly accepted by the community. It has been identified by the local council as an area where medium and high-rise development are both appropriate and suitable. It is a great example of what happens when you have a government plan, a government vision and a council working with the government to deliver on those flats. I take the opportunity to invite Mr Barber to come and have a look at how those flats are being developed and built. I would be more than happy to take him via, I suspect, the Doncaster park-and-ride, which is a great bus service — —

Mr Barber — No, I will just take the bus all the way.

Mr TEE — Mr Barber can take a bus all the way. The challenge for us is to find more opportunities like

Doncaster Hill. The challenge for us is to find more space for housing for young families, or others who want to live in the suburbs, and this amendment is about getting that balance right. It is about making sure that we utilise existing transport corridors. It is about making sure that we align housing with employment corridors. It is about making sure we have the infrastructure in our growth areas — in the Casey, Cardinia, Melton, Caroline Springs, Hume, Mitchell, Whittlesea and Windermere areas. It is about making sure that that infrastructure is in place and it is about making sure that we learn — —

An honourable member interjected.

Mr TEE — No, it is about making sure that we learn the lessons, I suppose, of the Kennett era where there was this anything-goes mentality. Streetscapes were changed because there was no capacity for local councils or residents to have a say. Houses were knocked down and you would have three or four flats replacing them, which again destroyed the streetscape and the character. This is exactly the sort of outcome that we do not want. It is only through proper planning and working with councils that you ensure that that outcome does not occur.

Nor do you want to have dormitory suburbs where there are no schools, transport, shops or employment. It is about making sure that you have got that planning right. It is about making sure that you manage that growth in a sustainable way, that you use the existing infrastructure, the trains, the transport, the shops, as nodes from which you can get services and access to services for residents.

When we talk about the growth areas, when we talk about the new suburbs, we need to make sure that there is funding. We need to make sure, as a government, that there is a responsible funding mechanism to ensure that we do not have dormitory suburbs, that we build around employment rather than building around unemployment, that we build around jobs and the transport network. That is where the other part of the overlay, the other part of the structure — the growth areas infrastructure contribution — provided that vital mechanism for funding of that essential infrastructure.

The next step in the plan is amendment VC67. What we are doing today and throughout this week is seeking parliamentary ratification of VC67. That is one of the most significant city-shaping initiatives of a generation. It is an important initiative. It is a considered initiative. It is consistent, as I have said, with our Victorian transport plan, and it makes sure that we have that competitive advantage in terms of affordable housing. There is a lot at stake, but it is not as if this has been something which has been, as it were, dropped. It is part of important infrastructure. It is part of a number of steps that this government has taken.

Amendment VC67 is about updating our planning policies. It is about new planning scheme provisions for councils, including Brimbank, Casey, Hume, Greater Geelong, Melton, Mitchell, Whittlesea and Wyndham. It is about our new urban growth boundary — a boundary that will provide certainty and confidence for the next 20 years. It is about a vision for the future, which is important when people and developers are considering Melbourne. It is about making sure — —

Mr Barber — Who is for it? Who is against it?

Mr TEE — Families are for it. People who want to have affordable housing are for it, Mr Barber. This is about that and — —

Mr Lenders — You have got to get outside zone 1, Mr Tee, to find those people.

Mr TEE — That is right. I think it is worth reflecting on the size of the growth and the land that will be available for those families. What is at stake here is some 43 000 hectares of land that will be brought inside Melbourne's urban growth boundary.

This will result in an extension of some 24 000 hectares of developable land. What is at stake is land on which to build at least 134 000 new homes for Victorian families. Also at stake is making sure that those homes are focused around employment and the environment — making sure that we protect the natural creeks, the quarries and the other non-developable land. It is about getting that balance right, but, as I said, for working families what is at stake here is affordable housing.

I think it is worth noting also that another part about this is the alignments for the major transport initiatives, which are the regional rail link and the outer metropolitan E6 transport corridor projects. In terms of the rail link from West Werribee to Deer Park, the focus is making sure that we get a better service, a capacity for more frequent and more reliable rail services in Melbourne's west, where the country trains reach the metropolitan network.

As we continue to expand our rail services, what we need to do is unclog, as it were, some of those existing metropolitan rail services. We cannot get more trains and therefore more commuters to use our trains without increasing our capacity. One of the most effective ways of doing that now is to remove regional trains from our

city network. That is a critical part of what we have here — making sure that we have the regional rail link, which is part of this package.

Mr Barber interjected.

Mr TEE — Mr Barber asks about the number of services. What I am saying is that the number of services is determined in part by the capacity. What we need to do is create greater capacity, and the way to create greater capacity is to get those regional trains off the city network. That is what amendment VC67 is all about. The outer metropolitan ring-road or E6 transport corridor is again about looking forward and planning for the future. We know there will be increases in the volume of freight and in people moving around outer metropolitan Melbourne and Victoria over the next decades. That is why we need to plan to have that space.

That does not mean that construction will start overnight. In fact it is not intended that construction will start until 2020. It goes back to the importance of making sure that we have a plan in place.

Another important component of what is before the chamber is the 15 000 hectares of native grasslands in Melbourne's west that will be protected, and the additional 6000 hectares which will be zoned for rural conservation purposes inside the urban growth boundary. They will be of critical importance as we try to protect for future generations the most endangered native flora and fauna. It is worth remembering that less than 5 per cent of Victoria's original grasslands still remain. This is about taking action to preserve those remaining grasslands.

This is very much an integrated and important package. You cannot take out one component of it without affecting the others. That is in part what is being proposed. The package has had a long gestation period — it has been a long time coming — and has been through a number of steps, which I have outlined, before it has come to this house. People on the other side have been flippant about this, but it has been subject to extensive consultation. It has been part of some 2000 submissions — not all of which I have read, before Mr Barber asks. There has been a very considered process.

In light of all that, to now suggest that we simply refer the proposed amendment to a committee which will report back in September is an insult. It is offensive and of great concern. In doing that, we will just be throwing into jeopardy all that work, including the consultation, and in a sense trying to second-guess it and come up with a different model.

I suppose what is most concerning about Mr Barber's motion is that it is a very bland motion in the sense that there is no substance to it. It is full of procedure and form, but lacks any substance. There is no suggestion of any concern; there is no justification of the proposed process. It is simply about us at this stage not being able to debate the process and the outcome in the house. Therefore we will tick it and flick it off to a committee. That is very much a lazy approach, when there is no backing or any substance to the proposal. I am very concerned that is what is intended and that is where we might end up with this. I urge the house to oppose the motion.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Tee's comments on this motion. It will be no surprise to the chamber to hear me make the point that many members have made — that is, that members should not support the motion moved by other parties in this chamber. In particular, the issues raised by Mr Guy and Mr Barber again highlight the fact that we are in a similar place to where we have been in relation to planning matters on a number of occasions over the course of the past couple of years.

I have mentioned on a number of occasions that we have an opposition whose members at face value say, 'We think planning is important. We think public transport is important. We think planning for those is important. We think an integrated delivery of transport and settlement and housing patterns is particularly relevant and critical'. There is no stronger advocate for an integrated transport strategy and a housing and settlement strategy than The Greens.

Opposition members call for these things but then when they are delivered not only are they not enthusiastic about progressing them but they fall into what can often happen in this chamber — that is, paralysis by analysis. Basically that is trawling through the details to find reasons to not accommodate or not accept something, to the point where at the end you deliver nothing. That is reflected in the position of the Greens and the Liberal-Nationals coalition on many fronts in terms of the planning process. This motion is just another abuse of process in many ways. It is a way of stalling, pontificating and in a sense again just delaying the implementation of these things.

We are all conscious — I, as the planning minister, am conscious — that you cannot necessarily make everybody happy when it comes to decisions that come with planning. But the important thing is you still have

to deliver what is needed and what is necessary, to take on board what the sensitivities of the community are, and try to do justice to those by delivering the best result not only for the immediate community but more importantly for the communities of the future.

Mr Finn interjected earlier; he has children. A number of us in this place have children. At some stage they will want to leave home in some shape or form and will probably want to settle in their own dwelling.

Mr Finn — A McMansion, perhaps, in Caroline Springs.

Hon. J. M. MADDEN — And I take up Mr Finn's interjections.

Mr Finn — As you should; you are the one who is bagging your own constituents. You are attacking the people of Tarneit and Caroline Springs. You are a disgrace!

Hon. J. M. MADDEN — I am happy to take up Mr Finn's interjections for as long as he wants to interject. I say to Mr Finn that the issue here is that I have put on record that I believe houses were too big. But what he did not appreciate at the time — —

Mr Finn — Except your own, of course — your mansion, your compound in Essendon. That is fine, that's all right, isn't it? There is nothing wrong with that.

Hon. J. M. MADDEN — I am happy to say that I live in a very big house too, but my house is full of people, Mr Finn. What we do have is large houses.

Ms Pulford — Name them, Minister.

Hon. J. M. MADDEN — Name my children, or — —?

Honourable members interjecting.

Hon. J. M. MADDEN — The issue here is that what we were seeing from the development community was a standard model of large houses for everybody. One of the critical components of Melbourne 2030 and the clauses that are not supported by the opposition — and which is one of the measures I would have thought the Greens would be eager to see implemented — is that they deliver additional dwellings along transport corridors in strategic locations, like the central activity districts and principal activity centres that we have nominated in Melbourne @ 5 Million or Melbourne 2030.

What is important, and I say it time and time again and the opposition and the Greens fail to recognise it, is this: even if you are a no-population-growth party and you do not want the population to grow, which seems to be where the Greens are with the broader planning debate — they do not want to see any growth, particularly no population growth — what is important is that even if there is no population growth, I say to Mr Barber, what we have is an ageing community. That ageing community is living longer, that is why they are ageing, but more importantly, more people are living alone.

I know Mr Barber is a great advocate of reading detailed documents and analysing and scrutinising them. But I would suggest to him that before he pontificates on the motion before the house dealing with amendment VC67, he go back to the *Victoria in Future 2008* document and look at it in some detail.

Mr Barber interjected.

Hon. J. M. MADDEN — He should read that in some detail, because that was part of the basis of the policy position. He can read every other year afterwards.

Mr Barber interjected.

Hon. J. M. MADDEN — It is not going to change it dramatically.

Mr Barber interjected.

Hon. J. M. MADDEN — Good. The shame is that it has not really informed you on what our policy position is all about.

One of the most important issues is the recognition of the change in the population age group cohorts that occur, basically over the next 30 years, and how those cohorts move through the population. It is an important chart; it is a fairly simple one, but it is one we see often when it comes to demographics. That again indicates that we have an ageing population.

What we know about an ageing population is that as the population ages, often they tend to live, even if they do not want to, on their own. It is not what has often been the traditional model in other generations, where elderly parents live at home — the nonna or papa, the grandparent — with their own family. That used to be the norm once; it is probably not the norm any longer. The issue is that those individuals need to have smaller dwellings, particularly if they want to scale down their dwelling.

Mr Barber — Are you saying flats are full of old people?

Hon. J. M. MADDEN — No, I am not saying that at all. My situation with my own family is that as my mother — and I would anticipate it for myself — got older and wanted to scale down from the family dwelling, she did so; she sold the family home. We moved into our own home, and she moved into a smaller property. When she went to the next world, the person who chose to buy the unit was not an elderly person but a younger person who wanted to move into the area. That younger person could not afford a large dwelling or a house to renovate, because a lot of them had been renovated. So that younger person chose to buy a unit when they moved out of their own family home.

What the opposition and the Greens political party have failed and continue to fail to acknowledge is that housing affordability is based very much on the supply of dwellings in any particular given area. No doubt the increase in the dwelling price in inner city Melbourne is related to the amount of stock, the amount of supply in that area. So if you can put additional dwellings into former industrial sites in strategic locations, if you can increase supply and particularly the diversity of the housing stock, you are going to complement — —

Mr Barber — South Brunswick would be a good place for that?

Hon. J. M. MADDEN — I am saying right across the inner suburban area, in the former industrial sites. What is important here, I say to Mr Barber, is that by holding up this process — —

Mr Barber interjected.

Hon. J. M. MADDEN — By holding up that process tonight the opposition is not only holding up the adjustments to the urban growth boundary and the ability to put policy through the relevant amendment but it is basically accelerating the price of dwellings right across Melbourne.

That does not necessarily happen overnight, but it does happen. You stall the process, you delay the process, and that feeds into the sequencing of the delivery of either new dwellings in strategic locations in the inner city or in the outer suburban areas that we are talking about as growth areas; then there is the need to adjust the urban growth boundary.

More importantly, where the most affordable properties are in the outer suburbs, if you reduce the known supply of land by not bringing on board the additional land that we need, given the population projections going forward, in a sense you are assisting the inflation rate of the price that people will pay as they compete for a limited stock, particularly in the next 4, 5 or 6 years. But if you bring that supply on, there is the ability to bring more housing into the market. In its own right that allows people not to get trampled in the rush, as it were, on various fronts. It allows people to know that there is a land supply out there and that they have an opportunity, and that opportunity will present itself over some years.

Given that Melbourne's track record remains as being the most affordable capital for new housing on the eastern seaboard. Of the large main cities on the coast of Australia, the important component is that is what we are offering by making these technical adjustments. But we are not only doing that; we are also delivering and committing to the infrastructure that needs to go with it.

Mr Barber has members of his party who represent the western suburbs, Mr Finn represents the western suburbs, and I represent the western suburbs. One of the things that Mr Finn often yells out across the chamber in various forms is, 'Not enough has been done for the west'. That is his position.

This is one of the great opportunities to do enormous things for the west. Looking at a map of Melbourne, what we have traditionally seen over many years is a pattern where people tend not to move too far from the area where their families have established themselves. If you grew up in the eastern suburbs, you tended to stay on that side of the city. But over time we met our geographical boundary of the Dandenongs, so the expansion towards the Dandenongs was contained. That growth progressed into the south-east, and people settled in the south-east. Traditionally people did not move across to the other side of town. If you were born in the west or the north-west, you tended to settle there, but the numbers were not so great.

If we look at the map of the city as it currently exists, what we see in a sense is a lopsided city, where growth has gone as far east as it can and basically almost as far south-east as it physically can go as well, because there are geographic limits related to the wetlands down around Hastings and the environmental issues in relation to the Ramsar wetlands. We have what is known technically, I think, as the Koo Wee Rup swamp, so the land becomes too damp and cannot be used any further, other than some of the areas we have identified in Melbourne @ 5 Million in those areas to the south-east around Clyde.

If we are going to expand the suburban footprint of Melbourne, it means we are left with the north and the west. I know people are keen to get a house and are keen to promote housing development, but one of the great attributes which often fails to be recognised is the economic activity that has not taken place in the west. There is now an opportunity for that to happen. The lack of prosperity generally in the west around economic circumstances, either lack of jobs or the lack of economic activity, has been because people have not necessarily wished to settle there or to change those cultural traditions of moving from the east or the south-east to the western suburbs. We are now seeing people decide to purchase in the west rather than purchase in the south-east. There is a continuous pattern of people purchasing homes on the other side of the Yarra for the first time.

It is important to note as you provide for that housing growth, as you provide for the jobs and the industry that go with that, as you build in the infrastructure, it is one of the best ways you can contribute to economic opportunity and prosperity for those in the western suburbs of Melbourne. However, here we have the Greens political party, which I am sure would make out that it has the interests of those in the west at heart, wanting not only to delay the opportunity for people to buy affordable housing and for that housing to remain affordable but also to undermine the prospect of economic development, continued opportunity and employment and jobs in the west of Melbourne.

For that reason alone I would have thought that members of the Greens political party would have been as enthusiastic as ever to get to that space, to make those things happen, but no, they fall into the same old trap of decrying everything, of stalling things, of paralysis by analysis and then not being prepared to deliver something. The Greens are prepared to be the armchair critics on everything and to continue to be the armchair critics, but they are not prepared to endorse something or to have a plan that delivers opportunity and prosperity, particularly for those in the west but also for those in the north.

Mr Barber interjected.

Hon. J. M. MADDEN — Mr Barber yelled out a comment about Brunswick, and no doubt if he is as concerned about what goes on in the north and about the decline of old industries in the north, then he would also appreciate that the available opportunities — or lack thereof — and the number of jobs in the north are linked with the economic activity that goes with what the government is proposing in its amendment. There will be a substantial injection of money not only in the road infrastructure over time, and a commitment to that, but also in rail infrastructure to complement and improve the metropolitan rail services from the west, the rail operation of V/Line and the regional fast rail from the regional centres. To complement that and deliver, as I have said many times — —

Ms Hartland interjected.

Hon. J. M. MADDEN — Ms Hartland is out of her place. We are committed to delivering that. However, the Liberal-Nationals coalition wants to cherry pick and pull this apart. I believe this is the biggest commitment to integrated housing, transport infrastructure and native vegetation protection from any government in the history of this state. That is what the opposition parties have called for, but when it comes to supporting it, they do nothing but criticise. It is not direct criticism, because they cannot be seen to be doing that, so they say, 'Let us analyse it again. Let us take it to a committee. Let us postpone its delivery'. I suspect they will want to make adjustments to any amendment that is proposed. As Mr Guy would already know, once you seek to adjust an amendment, you kill it, because the proposition for a planning scheme amendment before the house is — —

Mr Barber — Take it or leave it!

Hon. J. M. MADDEN — It is a yes-or-no proposition; exactly right. It is a take-it or leave-it proposition; it is a yes-or-no proposition. As soon as you look to do anything to it, you poison it, you kill it, you corrupt it and you destroy it.

Mr Finn — You'd know all about that!

Hon. J. M. MADDEN — I take up Mr Finn's interjection. I am happy to take up his interjections for as long as he wants to interject. What Mr Barber and Mr Finn do not fully understand is that what they are asked to do with a planning scheme amendment is to ratify it — not to dissect it, not to reinvent it and not to make any adjustments.

Mr Finn interjected.

Hon. J. M. MADDEN — Mr Finn and Mr Barber might like to think they are the planning authority in this place, but they are not the planning authority. The legislation and the controls do not make them the planning authority for this. Nor will Mr Finn and Mr Barber ever be the planning authority for the likes of this amendment. The only person who can be the authority in this instance is whoever is the nominated planning minister.

Mr Finn interjected.

Hon. J. M. MADDEN — I did say, Mr Finn, it would never be you!

Mr Finn — Stranger things have happened. If you're a minister, God knows anyone can be!

Hon. J. M. MADDEN — I am happy to take up your interjections — —

The ACTING PRESIDENT (**Ms Huppert**) — Order! The interjections are getting a little unruly at the moment. Could we have some order? I suggest the minister address his comments through the Chair.

Hon. J. M. MADDEN — The issue here is whilst members of the opposition and the Greens political party might wish to be the planning authority when it comes to this amendment, let me remind them wholeheartedly they are not the planning authority for this amendment. They only have one choice: to ratify it. If they choose to do anything else, they poison it. If they kill it off, it will never return. It may be a different proposition, but it will not be the same planning scheme amendment. Here we have a planning scheme amendment that really delivers on Melbourne @ 5 Million, yet these parties are not prepared to support it.

Melbourne @ 5 Million was released in December 2008 alongside the Victorian transport plan. I would have thought that the Greens political party in particular would have been supportive of it, because it seeks to enhance the delivery and diversity of dwellings along strategic locations, particularly alongside transport connections. I would have thought the Liberal-Nationals coalition in opposition would have been supportive of the notion of providing more housing on the urban fringe, particularly at an affordable price, and supportive of the opportunity and prosperity that delivers. But no, in cahoots — unusual bed partners — these parties are a coalition of the unwilling. They are unwilling to deliver on this amendment, which is a footprint plan for the next 20 years for Melbourne and which needs to be delivered sooner rather than later for all the reasons I have put to this chamber. This amendment is not going to be supported by the Greens political party or the Liberal-National parties in coalition in opposition.

This is just the same formula and the same course of action we have seen these parties take time and again when it comes to any significant planning reform in this place. These parties will not put their propositions or give us their plan, policy or ideas, because, I suspect, there are very few. However, they are critics — armchair critics. That is one of the easiest things in the world to do: be an armchair critic. At the end of the day it is those who put their necks out; it is those who stick their necks out — —

Mr Finn — Not all of us have media advisers we can listen to.

Hon. J. M. MADDEN — I take up your interjection, Mr Finn.

Mr Finn — Or electorate officers.

Hon. J. M. MADDEN — It is those who stick their necks out, although I must say I find it hard to see you ever being able to stick your neck out, metaphorically and literally, Mr Finn!

Of those who would be prepared to stick their necks out, we might know what they were able to do and what their proposition was, but at this point in time there is no proposition from any of those political parties. What worries me is that given the vacuum and the vacuous comments that come from the opposition, and despite the continued rhetoric we hear from Mr Guy and the pretence and patronising technical analysis by Mr Barber on all these matters, time and again we do not see an alternative proposition put to this chamber or even put to the people of this state. If there was an alternative proposition, a policy, we could debate it; we could argue about it. Maybe those parties could put it to this chamber on one of the opposition business days. But no, it is not there. It is not there for public discussion.

I will tell you why I suspect that is the case. Melbourne @ 5 Million did not just come out of nowhere; it did not come out of thin air. It is leading practice. People come from around the world to find out about what makes Melbourne livable. We are one of the world's most livable cities, one of the world's most prosperous cities, one of the cities with the most diverse economies that can survive a global financial crisis and not take hits as other cities around the world have done. We are one of the most prosperous jurisdictions in the Western world during the time of a global financial crisis. As I said, people come from all over the world, and time and again I meet those people, and they are genuinely interested in what it is we do well in this state.

What we do well and have always done well in this state — and there is a reputation that goes back to the early establishment of Melbourne and the establishment of Hoddle's grid — is plan. And because we plan our transport system well, as we do our road system, parks, settlement patterns and housing, as well as the

affordability of our housing, we have a great, livable city. There are some cities in the world where people are dislocated and rarely venture into the city centre if they live in the suburbs, and sometimes there are people in city centres who rarely visit the suburbs.

If members all used a zone 1 public transport ticket to get around their political constituencies, they would never know what happened or what was going on in the suburbs, the great lives people have in the suburbs, the great opportunities and the great bonds they have in those suburbs. They have those for different reasons. Many people in those new suburbs have children going to new schools at the same time. People fundraise together, join sports clubs and volunteer together. They do all those great things together that bond communities, but that is not what the Greens think is trendy; they do not think its groovy. They are patronising. They do not want to see families grow up in the suburbs or kids riding bicycles along the streets and skipping stones or catching frogs in creeks, which you can do in the suburbs. No, they want kids drinking those little coffees — —

Ms Mikakos — Babycinos.

Hon. J. M. MADDEN — Yes, babycinos. The Greens want kids crammed into some cafe drinking babycinos. There is nothing wrong with that. I have done that with my kids. It is a great thing, but I do not think we should prescribe it for everybody. I say to Mr Barber that if he were to recommend that in amendment VC67, somehow I do not think it would ever eventuate.

We have a city of great diversity. Sometimes we think that is about cultural diversity. It is, but it is not just about ethnic cultural diversity. It is about the diversity of people, housing types, job types, household formations, partnerships and all those things that make for a different, vibrant city. We are not all the same. If we were all the same and we all wore black skivvies and horn-rimmed glasses and hung out together, there would be no entertainment and no fun. We would all be very dull, like some people we know.

If the opposition parties, the Greens and the Liberal-National party coalition, were truly serious about prosperity and opportunity, were genuine about the diversity of cultures and choice and were accommodating, promoting and genuinely getting behind that, they would support VC67. They would not get out the microscope and their lab coat and sit over it and look for the highly technical planning detail, because that has been delivered by the technicians who know this stuff backwards. Most importantly — —

Mr Guy — That is why you are a terrible minister, because of that comment alone. You rely on boffins to tell you how to run your ministry. You cannot even do the job yourself. You are so stupid, you cannot do the job yourself.

Hon. J. M. MADDEN — I take up Mr Guy's — —

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

Ms Pulford — On a point of order, Acting President, the member's reference to the minister as being stupid is unparliamentary.

Mr Guy interjected.

The ACTING PRESIDENT (**Ms Huppert**) — Order! I ask Mr Guy to withdraw that comment.

Mr Guy — I withdraw.

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Huppert**) — Order! I ask members to keep the interjections to a dull roar.

Hon. J. M. MADDEN — I am happy to take up Mr Guy's interjection. Mr Guy would criticise me for taking technical advice on these matters.

Mr Guy — No, I criticise you for not showing any leadership. You let others lead you; you do not lead them. You are the minister. It is your job.

Hon. J. M. MADDEN — I take up Mr Guy's interjection.

Mr Guy — Take it up, the whole lot! It is your job.

Hon. J. M. MADDEN — I take up your interjection, Mr Guy. I have a faint suspicion that at this time of night the caffeine that Mr Guy has been consuming during the day has somehow still not worn off. Mr Guy is strongly interjecting about the technical implications of what we are putting before the chamber. After extensive legal and technical advice and a laborious compilation of very significant strategies and documents over a long period of time — —

Mr Guy interjected.

Hon. J. M. MADDEN — But Mr Guy comes into this chamber with an amendment that cannot be delivered. Mr Guy knows that.

Mr Guy interjected.

Hon. J. M. MADDEN — With your proposition yesterday, you know, Mr Guy, this is why you are — —

Mr Guy — You talk about skivvies and Renault-driving latte sippers. They are the ones leading you, buddy. You are the one who is too gutless to take them on.

The ACTING PRESIDENT (**Ms Huppert**) — Order! We have had enough from Mr Guy. We will let the minister continue his contribution.

Hon. J. M. MADDEN — I take up Mr Guy's interjection. I was trying to take up the first one, let alone the second, third and fourth. I will get to each of them if he wants to list them for me.

The ACTING PRESIDENT (**Ms Huppert**) — Order! The minister should keep to the point.

Hon. J. M. MADDEN — In terms of the interjection from Mr Guy that relates to the technical issues around this amendment, I suspect, based on Mr Guy's proposition yesterday in relation to these matters concerning VC67, he will be shown to be technically indisposed when it comes to the recommendations he has used. Mr Guy has omitted maps and misaligned his references. He has even proposed amendments that he knows will kill this proposition stone dead. At the end of the day, planning scheme amendment VC67 cannot be adjusted. It is a proposition that comes before this house to be ratified. It is either accepted or it is not. Trying to move any alternative, whether the amendment be referred to a committee for consideration or amended through any other mechanism or process, will kill this amendment stone dead; it will stop it in its tracks. The technical implications of that are that you cannot amend it in this place. It has to be taken away for any matter, in any shape or form, to be considered; advice has to be given; and then it has to be recompiled and resubmitted to this Parliament.

More importantly — and this is the point that Mr Guy failed to recognise yesterday — when an amendment like VC67 is presented to two chambers, being the Assembly and the Council, at the same time, anything you do to it in this place which is not parallel to what is being done in the other place in any shape or form kills it stone dead, because amendment VC67 cannot be discernibly different in each place.

Mr Guy should well know, and his party should well know, that what he proposed yesterday, what he proposed today and what the Greens political party proposed today are just cloaked and camouflaged ways of disguising how to kill an amendment stone dead. He wants to poison it so that it is killed absolutely. Mr Guy might want to portray that as something different. He might want to portray that as something that is about improving the city in some way or improving the shape of Melbourne. I express concern about the way he wants to cherry-pick bits and pieces without knowing the parameters of the technical implications of what he is doing when he makes such substantial deletions and has no awareness of the impact that has on other parts of the amendment.

In the same way I find it incredibly surprising that the Greens would want to have this amendment referred off to a committee to explain the weird and wonderful things, I think was their term, about what is in this amendment, when my understanding is they were offered a briefing. Those briefings can be as substantial as a member wants and they can be as detailed as a member wants, but they were declined by the Greens political party because MPs did not take up the offer.

Here we have a Greens political party that chooses not to be briefed on this amendment, that does not ask any technical questions of the professionals who know this amendment back to front and that does not have any issues presented to it to help it understand the amendment better. The Greens members choose not to do any of that in any sense. Yet they come into this chamber and ask for it to be referred to a committee so that they can undertake further consultation when this has been in motion for more than 18 months and more than 2000 submissions have been made in relation to the propositions put before us.

We have this coalition of the unwilling — the opposition parties in this chamber — doing all it can to stymie this amendment before the end of the financial year, which of course will have a whole range of implications for a whole lot of people. The other element is to stymie it just before the four-week break of this Parliament. What that means is the opposition parties poison this amendment. They kill it in its tracks stone dead and then expect something to return within a month in some shape or form that delivers on their logic.

Mr Tee interjected.

Hon. J. M. MADDEN — That is exactly right. Mr Tee said by interjection, 'What does this do for development centres?'. I will tell you what it does. One of the great employers in this state is the cottage housing construction industry. When you drive through the suburbs you can almost see a suburb spring up overnight, and basically that is because the

subcontractors are delivering each unit of housing in such a fast time frame and so many people are employed in this industry that suburbs do literally go up overnight. That is a great employer.

The certainty that comes from delivering on this amendment results in having those building jobs locked up in the long term. Unfortunately that does not seem to be a priority of the opposition parties who want to basically kill this amendment stone dead. They want to kill it off, but they do not want to kill it off straight away. They want to kill it off slowly. In a sense they want to kill it off — —

Hon. M. P. Pakula interjected.

Hon. J. M. MADDEN — And sneakily. They want to kill it off and, probably through a scare campaign, make out that there will be changes in the future similar to what they have done with other planning reforms that have come before this Parliament. They want to see a bit of scaremongering out there in the community, pretend that they are consulting on the basis of that scare campaign, and then make out that they want to put propositions to change this again in some shape or form, despite knowing that this is a highly technical resolution of many layers of issues that basically gives certainty to the construction industry, the jobs that come with it and housing development in this state over the long term, and in particular that it also delivers on this government's transport plans.

We can clearly see in this chamber the hypocrisy of the opposition parties. They make out that they are concerned about the transport system, but they do not care about the elements of this amendment relating to the acquisition of land for the regional rail link. They do not want the government to have the ability to provide a rail connector which takes traffic off the western suburbs lines that come into the city, to free up capacity on those lines, to improve the capacity on the regional rail lines and give more certainty so that people from the regions are not sitting on the edge of Melbourne waiting for the rail system to clear before they can make their way into the heart of the city.

We have crocodile tears from the opposition parties, who make out that they are interested in these things and that they want to improve these things. When it comes to the punch, when they have to step up to the plate, when they have to put their money where their mouth is, the opposition parties are not there. They are doing exactly the opposite.

It is important to note that all of these other issues are integrated. It is no wonder that the regional blueprint that was announced recently has built on the growth of the regions. Much of that growth, it has to be acknowledged, is complementary to having our regional centres linked to Melbourne for the first time through a regional rail link — regional fast rail, in a sense — and also dual-lane carriageways from Melbourne, so that those dual-lane carriageways now go to Geelong, Bendigo, Ballarat and Traralgon for the first time in entirety. That is why we are seeing the regions flourish, because of the work we did some years ago in this space and having it come together now. If you do not act on these things now, you just delay them and push them out, and we know that is what the opposition parties want to see. They would like to see these things pushed out for many years so that these things do not happen.

I would just make the point, too, that of course the Liberal-Nationals coalition in opposition would like to think they do great things for the regions. The Nationals would like to think that its members do great things for the regions, but if you look at the track record of The Nationals when it comes to the regions, all that party has done is hold back regional development for almost a century in this country. Members of The Nationals would like to make out that they were doing the regions a favour and providing them with services, but all they have ever done, as we see them still do today, is form a partnership with the Tories in this place, the conservatives. Again, that coalition of conservatives means that basically they are not prepared to stump up for those who really need some solid representation, those working families in the regions but also those working families in metropolitan areas.

So the common theme here, if people have not already recognised it, is really economic vandalism proposed by the Greens political party and the Liberals and The Nationals in coalition. They will camouflage that economic vandalism by saying something like, 'We don't want a road here' or 'We don't want it there', or 'We don't want a house here' or 'We don't want a house there'. It is the same old story. We have members of the opposition who scream out for public housing. They say there is not enough of it. They say there are people living in cars or people living in caravans. They scream out about public housing, but as soon as we want to put up a public housing development, who is the first to scream out, 'No, we can't have that here'? It is the opposition parties. They say, 'We can't have too much public housing', but they then say, 'We can't have public housing in my backyard'. Again, it just shows the consistent hypocrisy of the conservative parties in this place. The conservative parties in this place have two things wrong with them — —

An honourable member — Only two?

Hon. J. M. MADDEN — This sums them both up. The conservative parties in this place have two things wrong with them, and it is basically their face; that is what it is.

Honourable members interjecting.

Hon. J. M. MADDEN — That is exactly right. Boom, boom! Whether it is planning policy, transport policy — —

Mr Finn interjected.

Hon. J. M. MADDEN — Mr Finn would not stick his neck out. We know that. Whether it is transport policy or housing policy or any policy, for that matter, when it comes to stepping up to the plate and committing to a policy that delivers for working families, whether it is across regional Victoria, metropolitan Melbourne or any other location across the state, nobody can count on the opposition parties in this place to really stand up and deliver when it counts. This amendment is the physical manifestation of what needs to be done to deliver prosperity and opportunity in this state. The physical manifestation of the conservative parties in this place is to not support the amendment and to delay it in a coalition of the unwilling with the Greens.

I have to say, as we come close to the hour this is one of the greatest examples of what the Greens and the conservative parties are prepared to do to undermine essential services, jobs, housing and transport in this state. They are prepared to undermine those things with their economic vandalism in not supporting this amendment after it has been through more than 18 months of delivery, years of policy development and 200 submissions, and it is world best practice. That is not enough. Of course, it is never enough for the opposition because the opposition is not sure what it wants.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Anticorruption commission: establishment

Mr DALLA-RIVA (Eastern Metropolitan) — My adjournment matter this evening is for the Premier, and it relates to some ongoing problems that have been reported to me by Pauline and Clive Carter, who are happy to be mentioned on the record in this adjournment matter. Pauline and Clive have a company called Clive Carter Motorcycles which is based in Ferntree Gully. These matters extend back to 1991 when Clive Carter and his son were accused of and subsequently charged by police from the local area with the assault of the owner of a nearby motorcycle shop.

The matter was dealt with in the Magistrates Court, then the County Court on appeal. It then moved to the Supreme Court, was remitted back to the County Court and then back down to the Box Hill court, where the convictions were upheld. I understand this was a bitter process that went on for close to three years, from the initial charge to the final hearing. The finding was delivered in November 1993.

Only one month later, in December that same year, a search warrant was executed on the Carters' shop premises, where allegations of arson, theft, criminal damage and incitement to damage were laid by the same local police. The Carters believed at the time that this was retribution for pursuing the earlier matter. On the information of the Carters, this matter was dealt with for nearly two and a half years and went to trial. They were subsequently found not guilty on 15 March 1996.

What is very concerning is what happened after Clive Carter was found not guilty. In December 1996, just nine months after his acquittal, an application was made by the Department of Justice to have the Carters' licensed motor car trader licence removed. This matter was heard in 1997, and again a bitter process followed, with the local police being involved. This matter was resolved in February 1998.

In April 1998 the Carter home was set alight in what was believed to have been an arson attack, although it was understood the local police were not keen to pursue the matter. The Carters, at this stage, believe they were being threatened and decided to lay low for a period. They have been pursuing some form of justice for that whole period. It appears that they have been subject to a process that could be characterised as intimidation or like activity. As a former policeman, I am not naive enough to believe this kind of thing does not occur.

From the outset the Carters have presented to me as hardworking people who, for whatever reason, appear to have upset a group of people, following which retribution has been swift and harsh. My understanding is that a series of coincidental events occurred in a sequential manner leading to the formation of a view that the Carters have been persecuted. It all seems very

odd, but as a former detective I have been able to put together the pieces of the puzzle.

The action I seek is for the Premier to prevent others like the Carters suffering the wrath of those hell-bent on damage by implementing a Victorian integrity and anticorruption commission so that matters such as I have revealed tonight may be investigated properly, fully and finally.

Buses: route 504

Mr BARBER (Northern Metropolitan) — My matter is for the Minister for Public Transport, Mr Pakula. I am glad to see him here tonight.

It relates to the 504 Moonee Ponds–Clifton Hill bus, which connects the Broadmeadows line, where trains run every 10 minutes, to the Clifton Hill station, where trains run every 10 minutes, via the Upfield line at Jewell station, where trains run every 20 minutes. The bus itself runs every 30 minutes. It is therefore logical that there is no way for that bus to be coordinated with the train services, and in fact that is the case. We observe that missed connections are anything from minus 2 minutes — where you get off the train to see the bus leaving — to 12 minutes. Effectively there are random connections. Clearly what I am seeking is for the bus to be upgraded, in the initial stages to a 20-minute frequency, so that it can possibly be timetabled to coordinate with the major train stations it connects.

Further though, this bus line was proposed in *Meeting Our Transport Challenges* as a blue orbital route and was to go up Punt Road and across Brunswick Street. In fact in *Meeting Our Transport Challenges* it was said that works will commence in 2010–11. That promise was then unpromised when the Victorian transport plan came out and the inner orbital was removed. As the minister will know, orbital SmartBuses can carry up to 30 000 passengers a week. This leg, which runs only six days a week, carries about 2300 passengers a week, whereas parallel bus routes to the north carry about 13 000 people a week. In fact five-day-a-week routes are generally declining, while the number of seven-day-a-week routes is actually increasing. This bus route has had a 5 per cent decline in patronage. The answer is to upgrade it, not to downgrade it.

Additionally, I point out to the minister that there are about 11 000 workers in Brunswick — and this relates to the thesis Minister Madden was putting forward a few minutes ago. About 3000 of those workers are locals, but 4500 of them come from the neighbouring municipalities of Moonee Valley, Hume, Brimbank, Darebin, Banyule and Whittlesea. Being neighbours, you would think perhaps they use a lot of public transport, but in fact the mode share of workers who commute from those municipalities into Brunswick is only 3 per cent, which is a third of the rate across the city as a whole. That indicates how poor public transport cross-travel is, even within the inner north.

For that reason I ask that the bus service be upgraded to a 20-minute frequency and, as far as possible, be coordinated with the timetables of the train stations that it services, and also that the minister reinstate the promise he made for an inner city blue orbital SmartBus service to address the problems we are having with traffic and localised commuting in our area.

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

Kindergartens: federal policy

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Children and Early Childhood Development and regards Labor's policy to increase kindergarten hours by 2013 from 10 hours of kindergarten per week to 15 hours per week for children in the year leading up to the year when they start school. My request of the minister is that she stand up for Victoria by ensuring that the federal government provides adequate funding for the expansion of existing kindergartens and the construction of new facilities so that community groups and local government are not burdened with the cost of implementing federal Labor policy, and also that she establish a more reasonable transitional time line for the implementation of this policy.

The announcement of the extension of kindergarten hours, which was made by Prime Minister Kevin Rudd, then opposition leader, in the lead-up to the 2007 federal election and cheered on by Premier Brumby and the Minister for Children and Early Childhood Development, Maxine Morand, was more about politics than policy.

A paper released last week by the Municipal Association of Victoria revealed that Labor's policy was announced without any consideration of the capacity of early childhood services to deliver the additional kindergarten hours. The MAV estimates that each metropolitan council area will require $14 million to renovate existing facilities and build new centres, while each rural and regional council area will need an extra $3.6 million. The recent local government

capacity reports that informed the MAV's paper revealed massive staffing shortfalls and concerns that the extra hours will increase the cost of kindergarten fees for parents, pushing the cost of kindergarten out of reach for some families and putting extra pressure on community-run kindergartens to raise funds.

The City of Greater Bendigo has estimated it will have a shortfall of almost 388 kindergarten places by 2013, while the City of Glen Eira in Melbourne's east will require an additional 285 four-year-old kindergarten places by 2013. The councils fear that without significant investment from both the Rudd and Brumby governments and changes to service delivery a significant number of four-year-old children will not be able to access kindergarten in the year before they start school.

Labor has arrogantly imposed this policy on local councils and communities, which are worried they will not be able to increase kindergarten hours without significant investment in infrastructure, an increase in parental fees and the sacrifice of other important early childhood programs, such as three-year-old kindergarten, fun groups and playgroups.

To announce an extension of hours within a fine time line without first having established the ability for the sector to cope was irresponsible and typical of both the Rudd and Brumby governments. As these additional costs have been brought about by a change to Labor Party policy, John Brumby and Kevin Rudd should ensure that councils and communities are not left to bear the cost and should establish more reasonable transitional time lines for the implementation of this policy.

My request of the minister is that she stand up for Victoria by ensuring that the federal government provides adequate funding for the expansion of existing kindergartens and construction of new facilities so that community groups and local government are not burdened with the cost of implementing federal Labor policy, and also that she — —

Hon. M. P. Pakula — On a point of order, President, I seek your ruling on whether the action Ms Lovell seeks, which is that the minister stand up for Victoria by ensuring that the federal government fund, in this case, kindergarten places for four-year-olds — but it could be anything! — is an appropriate action in accordance with the standing orders for adjournment debates.

Ms LOVELL — On the point of order, President, I did not only ask that; I also asked the minister to establish more reasonable transitional time lines for the implementation of this policy, and the minister has agreed to this as part of a Council of Australian Governments process.

The PRESIDENT — Order! I am satisfied that Ms Lovell has complied with the guidelines insofar as she asked for that particular action as well as other actions.

Consumer Affairs: telephone scam

Ms DARVENIZA (Northern Victoria) — The matter I raise for the attention of the Minister for Consumer Affairs concerns a consumer scam that has been occurring in regional Victoria and metropolitan areas. Scammers are cold-calling householders, claiming that they have detected some sort of virus in their computers and offering to remotely access their computers to clear up the virus. Consumers are being asked to pay for this service — I understand it is something like $300 — by providing their credit card details.

The scammers appear to simply be taking consumers' money and providing no service or proof that there is a virus infecting their computers. In scams like this where scammers telephone householders and tell them that their computers have a virus and require immediate repair to protect and restore information, the scammers cannot possibly know that there is a virus in a computer if they do not have the computer itself. They could not detect a virus, let alone repair the computer or get rid of the virus. This is really just taking advantage of vulnerable people.

The specific action I seek from the minister is that he ensure that either he or his department takes appropriate action to warn people about these scammers, particularly people from regional Victoria and vulnerable people like the elderly, so they are able to protect themselves against potential fraud. A lot of elderly people are using computers, and many courses are being held to encourage elderly people to master computers.

I know there are many ways, including community magazines and newsletters, that people are able to get information about consumer affairs and about scams like this, and about people who they are able to contact if something like this should occur. I ask the minister to make this information available and alert people in regional Victoria by whatever means he or his department thinks is the best way to get the message out there so people are able to protect themselves.

Consumer affairs: telemarketing

Mr KOCH (Western Victoria) — My issue is also for the Minister for Consumer Affairs, Tony Robinson, and relates to misleading and deceptive practices used by professional telemarketers assisting service clubs to raise funds throughout western Victoria. My office has received many complaints from constituents relating to possible breaches of the Fundraising Act 1998 by telemarketers who are unfairly coercing donations from individuals and businesses.

The behaviour of these telemarketers includes: one, not disclosing that a mere 20 per cent of moneys collected will eventually reach charities and a whopping 80 per cent of donations will be used to cover the expenses and profit of the organisers; two, claiming to be members of the service clubs rather than professional salespeople who receive payment in commission on sales; three, deliberately providing misleading and inaccurate tax advice to donors by claiming donations made to purchase tickets are tax deductible; and four, claiming the money donated will be used to purchase tickets to children's entertainment and distributed to disadvantaged beneficiaries. This is often not the case.

While I acknowledge worthy community organisations and service clubs may have gone down this path unconsciously, the result of the actions of these telemarketers is that well-meaning and charitable people are being mislead. One constituent has complained to Consumer Affairs Victoria (CAV) about these breaches and has received a response that noted there is no contravention of the act when fundraisers wish to fill seats that have not been able to be distributed to disadvantaged beneficiaries, ensuring that the event does not run at a loss. Surely this statement indicates there is a loophole that is being abused by unscrupulous and deceptive operators, and it needs to be addressed.

These current practices create the impression that the real purpose of the ticket sales is to maximise the profit to the production company and to a lesser degree the commercial telemarketer, and to provide a small pay-off to the obliging service club. This matter has been brought to the attention of the CAV on many occasions, but unfortunately the government has seen fit not to close this loophole and allows this ongoing misrepresentation to continue. The reluctance of CAV to address these issues is somewhat perplexing. The community expects CAV to fulfil its responsibility to protect charitable Victorians from being misled. Unfortunately ineffective enforcement by this government is encouraging these deceptive practices to continue at a cost to good-hearted people in their support of community service clubs.

My request is for the minister to review the behaviour of telemarketers who intentionally direct the majority of funds they raise away from worthy causes and explain to the charitable people of western Victoria why an agency under the minister's direction continues to allow them to be deliberately misled by professional fundraisers.

Princes Highway: eastern upgrade

Mr P. DAVIS (Eastern Victoria) — My matter is for the attention of the Minister for Roads and Ports. I raise again the issue of the dangerous and deteriorating condition of the Princes Highway between Bairnsdale and the New South Wales border, with particular emphasis on its poor condition east of Orbost. I referred this to the minister on 10 March last year and was advised in his response that a study was looking into further safety works on the highway, but it contained no commitment to any safety works and made no mention of timing. I continue to receive complaints about the condition of the Princes Highway heading towards the border, and I am well aware of it from my own experience.

The South East Australian Transport Strategy group has identified a priority need for reconstruction, realignment and widening of sections of the highway between Orbost and Cann River, and the construction of overtaking lanes to improve safety. The SEATS group has expressed concern at the poor condition of the highway and that it has been ignored at government level despite increasing traffic flows and a worsening accident rate.

The highway carries up to 3000 vehicles per day, of which up to a quarter are trucks carrying timber, vegetables, gas and gas products, and milk. It is an important tourism link on the south-east coast. This section of the highway, according to SEATS, has an accident rate of approximately 80 per cent above the state average — a figure which I find staggering. Yet along the 180 or so kilometres between Orbost and Eden there are just 4.5 kilometres of overtaking lanes.

For governments it is a matter of out of sight, out of mind. It is a pertinent reminder that the national road safety strategy, to which Victoria is committed, has identified having safer roads and roadsides as the most effective means of reducing accidents. I gather from the Australian road assessment program that the highway east from Sale is not even included in the national road

network, which is an appalling shortcoming and one the Victorian government has done nothing to rectify.

I therefore ask that the minister act to initiate a major program to upgrade the safety of the highway to the east of Orbost as a priority, and that he negotiate with the commonwealth to have it included in the national road network.

Regional and rural Victoria: infrastructure development

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Regional and Rural Development, Jacinta Allan, and it concerns the announcement by the government last week of its intention to relocate some 400 public servants from Melbourne to rural and regional Victoria. I am a member of the parliamentary Rural and Regional Committee and know from the committee's inquiry into regional centres of the future that there is no doubt that it makes sense to try to attract more Victorians to move to the regions. During the inquiry the committee also heard evidence about the lack of housing, infrastructure, water availability, health services, public transport, educational facilities and broadband connections — to name just some of the issues raised. Those issues will need to be addressed before we can accommodate more people.

Ballarat is a good example. It desperately wants to grow, with the mayor, Judy Verlin, expressing the hope that the population will grow from 90 000 to 220 000 by 2025. In my region, Geelong, Warrnambool, Portland, Horsham, Hamilton, Colac, Maryborough, Stawell, Ararat and many other towns would all love to grow. However, to achieve these outcomes it will take more than the $631 million five-year blueprint announced by the government last week. If you break that down, it equates to $126 million a year. This pitiful amount of funding for the region equals one day's worth of government revenue out of a full year's collection of approximately $45 billion — for example, one day for country Victoria in a calendar year.

The Committee for Ballarat, with whom I met recently, has emphasised the importance for all levels of government to understand that investment is needed to ensure that jobs can be created and unemployment levels remain acceptable. Without real investment we put further upward pressure on housing prices due to the lack of housing being built. Rental properties are not available, leading to homelessness, with 994 families in Ballarat on the waiting list for housing. Presently there are around 4000 people struggling with unemployment in Ballarat, with unemployment at 8.1 per cent in parts of the city. Ballarat suffers a chronic shortage of police for the city's population, and its water infrastructure is not adequate.

The Labor government has been in power for nearly 11 years and could have addressed many of these issues with the $300 billion it has collected from hardworking taxpayers. The action I seek from the Minister for Regional and Rural Development is that she advise what modelling the government has done on the impact on housing affordability, home property values, housing availability, rental availability and required public infrastructure upgrades in Ballarat to relocate hundreds of public servants to Ballarat. What modelling has the government done on the additional educational, health and police resources needed in Ballarat to cope with the additional public sector workers and their families who are to be relocated by the government? It concerns me that local government will be forced to pick up the infrastructure costs of an artificially growing population, and that is the ratepayers of the city of Ballarat.

Emergency services: crisis assessment and early response

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Police and Emergency Services. I would like to remind the chamber that mental illness is a major issue throughout our community. Often people with a mental illness get into a difficult situation involving violence and they become a threat to both themselves and to the community. This leaves the police and the community in a vulnerable position, and often police are called out to investigate extremely difficult mental health issues.

That is why it was very pleasing to see the introduction of a pilot program called the police, ambulance and crisis assessment team early response, known as PACER. It was introduced for a one-year trial in areas including Glen Eira, Kingston and Bayside. This trial finishes in August. The problem is that the Minister for Police and Emergency Services has decided not to go ahead with this particular program, which is a great pity for everyone. As I have said before, people with a mental illness often cause huge distress to themselves and also to the people around them, and the police are not always adequately trained to deal with them in the most appropriate way. The program involves a psychologist attending mental health incidents with the police to provide an on-the-spot assessment, which I think is a very commendable thing to do. Police officers estimate that in the 10 months that PACER has been running they have been freed up for more than 2000 hours.

It was Liberal Party policy to increase the number of police to 1600. The Labor Party has copied yet another policy of ours. It is proposing to put additional police out there too. This is a very real example of how we can put more police back onto the beat to make certain that we have better outcomes for people with mental illnesses, that the police are freed up and that the most appropriate health officials will be able to assist people with a mental illness in a crisis situation. The action I seek is for the minister, as a matter of urgency and sensitivity, not just to reinstate the PACER program as a pilot program but to develop it into the future so that the community, the police and those people with a mental illness feel secure that incidents are dealt with with the compassion and understanding that is needed.

Mordialloc Creek: dredging

Mrs PEULICH (South Eastern Metropolitan) — I just got an SMS message to say Mr Rudd has gone. I do not know whether that is accurate or whether it is just wishful thinking; it has not been confirmed.

I would like to raise a matter for the Minister for Environment and Climate Change, and in doing so I would like to quote from *Hansard* of 3 May 2001 from the Legislative Assembly. A matter was raised by the member for Carrum in the Assembly, Jenny Lindell, and she asked the then Minister for Environment and Conservation to:

> take action to ensure that the depth of the water at the entrance of Mordialloc Creek is maintained to allow for safe boating activities.

She went on to say:

> The longstanding practice has been for dredging to be carried out on an annual basis at the entrance of Mordialloc Creek, but I have received reports from local boating enthusiasts that the entrance is not maintaining its depth and that difficulties are being faced by boat operators as they enter the creek.

This continues to be an issue some 10 years later. There was an article in the local *Chelsea, Mordialloc, Mentone Independent,* which I understand might be coming to a close soon, entitled 'Creek stink' by Mike Morris. Congratulations, Mike, on an illustrious career. The article states:

> Mordialloc Creek users have banded together to demand Kingston council and the state government fix the creek's longstanding problems.
>
> Top of the list is dredging of the heavily silted creek, which they say has not happened …

It goes on to outline the problems that they face. A number of groups have been affected, including Allnutt Boat Hire and Allnutt Marine, Blue's Boat House, Mordialloc Motor Yacht, Yachting Victoria, Mordialloc Boating and Angling Club, Mordialloc Sailing Club and Mordialloc Sea Scouts. Apparently there are a range of problems. While the council has a Mordialloc structure plan in place it does not actually address the issues of Mordialloc Creek itself. Mordialloc Creek is actually the border between the Assembly seats of Carrum and Mordialloc.

Unfortunately neither member appears to have addressed this problem in 10 years. Certainly the annual dredging has not occurred, so I am calling on the minister to ensure that what used to be annual dredging does occur and that Kingston council is appropriately funded in order to make sure that the waterway remains safe for boat users.

This matter was brought to my attention not only by locals but also by two very good candidates for the Liberal Party — the candidate for Mordialloc, Lorraine Wreford, and the candidate for Carrum, deputy mayor Donna Bauer. These issues need to be addressed promptly. They are very dangerous issues. For 10 years neither the member for Carrum nor the member for Mordialloc has done anything in order to make sure that dredging occurs on a regular basis; 10 years later there are still very serious problems. Nothing has been done, and they should hang their heads in shame.

Breast cancer: study

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Health, Daniel Andrews. A new study from Sri Lanka just published in the *Journal of Cancer Epidemiology* has found up to a 3.42 per cent higher risk for women who have had abortions compared with those who have kept their babies and breastfed them over a long period. The study by De Silva, M. et al is entitled 'Prolonged breastfeeding reduces risk of breast cancer in Sri Lankan women — a case-control study', *Journal of Cancer Epidemiology*, 2010, 34(3), pages 267–73. I ask the minister to seek expert advice on this and other studies and, if warranted by the evidence, issue appropriate warnings to women about the abortion-breast cancer link.

Dandenong: transport manufacturing

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. It relates to more than a dozen representations that I have received from manufacturing workers in the transport sector in Dandenong who have been working on the V/Locity train manufacture and who have had, in some

instances, more than 22 years experience in transportation manufacturing. They come from areas as diverse as Frankston, Keysborough, Endeavour Hills and Berwick. They have written to me because they are keen to ensure that they benefit from the work that will be undertaken with respect to the new tram contract for Melbourne.

The commonwealth Department of Employment, Education and Workplace Relations has recently released a new employment profile of Dandenong, which has highlighted the particularly low participation rate there as well as the higher welfare dependency at a lower than average age for the area. As the minister would know from his previous experience as the industry minister, there has been a strong skill base in manufacturing workers in the greater Dandenong area. Indeed greater Dandenong has suffered from the loss of a number of manufacturing jobs over an extended period of time. These workers in transportation manufacturing in Dandenong have contacted me to argue the case for some of the work associated with the new tram manufacturing contract to come to Dandenong.

I would of course be the first to acknowledge that value for money and compliance with tender specifications are paramount in the government's decision to award the tender for the tram manufacture. I urge the minister to ensure that the unique circumstances that exist in greater Dandenong — its history of manufacturing and its loss of manufacturing jobs, as well as the availability of an enthusiastic and skilled workforce in manufacturing — are given considerable weight when the government evaluates the tenders for the new Melbourne tram contract.

Bushfires: Flowerdale and Hazeldene

Mrs PETROVICH (Northern Victoria) — My matter is for the Premier, and it concerns the rebuilding of community assets in the Hazeldene and Flowerdale communities. The Black Saturday bushfires destroyed almost 300 homes in Hazeldene and 5 in Flowerdale, about two-thirds of the homes in these communities. Several Hazeldene residents have contacted me expressing concern on behalf of bushfire victims in the area about the establishment and operation of the Flowerdale Recovery Committee. They believe that Hazeldene is truly the forgotten town in the Black Saturday Bushfires. I quote from their website:

> The Hazeldene Community Action Group was formed with the aim of allowing the people of Hazeldene to have a voice in the recovery process, post-bushfires, something which has been denied them, thus far, and continues to be denied them.

They have indicated that a large number of community members were denied the opportunity to be involved in the voting process when the Flowerdale Recovery Committee was elected in 2009 and feel that the committee does not adequately represent the entire community.

The Jarara community centre in Hazeldene was destroyed on Black Saturday. On 25 May 2009 Rob Croxford, then the acting chief executive of Murrindindi Shire Council (MSC), attended a meeting with the Jarara committee of management and indicated that the council would rebuild the centre, but not on the current land parcel due to the location's high fire danger. The council's 2009–10 budget released in October 2009 clearly indicates that the council intended using the $464 000 insurance moneys to rebuild the centre as a priority project. Instead an Australian government Department of Education, Employment and Workplace Relations (DEEWR) jobs fund grant was secured to rebuild a community centre on the existing land. The centre was renamed the Flowerdale community house, and the existing Jarara community centre management was stripped of its delegation in order for the newly formed Flowerdale Community House Inc. to obtain the Jarara community centre site. The project was given a bushfire attack levels designation of BAL-29, which is considered safe, without any building plans being finalised. A specific lease arrangement for the land was set up to circumvent the need for community consultation regarding its proposed use.

The community was then told that the centre would be a hub for community, health and education. However, in May this year an announcement was made that Green Cross would use the Flowerdale community centre to build a sustainable building centre in the Flowerdale valley, a shopfront servicing all 78 bushfire-affected communities. The Green Cross website refers to the community centre as 'Flowerdale's new Green Building Resource Centre'. It would appear that due diligence has not been undertaken by DEEWR or the MSC in relation to the grant application for the Flowerdale community house.

The action I seek is that the Premier obtain a report from the Victorian Bushfire Reconstruction and Recovery Authority on the issues of probity, process and allocation of funding around the Flowerdale Recovery Committee.

Ombudsman: investigation into the probity of the Kew Residential Services and St Kilda Triangle developments

Mr D. DAVIS (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Industry and Trade. It concerns a report tabled today entitled *Ombudsman Investigation into the Probity of the Kew Residential Services and the St Kilda Triangle Development.* A number of extraordinary comments in this report, particularly about Major Projects Victoria, have been brought to my attention. At page 54 the Ombudsman says:

> I consider that it is inappropriate for persons working in Major Projects Victoria to hold shares in property development or related industry companies. At the very least, such shareholdings must be disclosed.

He goes on to say:

> In addition, it is clear that officers and contractors from Major Projects Victoria liaise and socialise regularly with other industry players.

He goes on further to reveal that:

> Some individuals within Major Projects Victoria are not public servants, but are engaged directly, or through intermediary companies, as independent contractors.

He particularly singles out Mr Sweeney, the executive director of Major Projects Victoria. For those in this chamber who were not members of the Select Committee on Public Land Development, I note that we never got to meet with Mr Sweeney. He refused to meet with the committee, and a number of issues surround that.

Mr Sweeney had a series of contracts which paid above the public service standard salaries. In 2006 he worked for BP Australia while on a contract with Major Projects Victoria. The Ombudsman has made a number of points about this approach of having outside employment while being paid as an officer in the public service. The Ombudsman says:

> … it is inappropriate for an executive director employed by the Victorian public service to have outside employment, particularly without prior approval.

There is a legitimate interest here that the Ombudsman has pointed to. Certainly the arrangements involved in running Major Projects Victoria need to be beyond reproach. They need to be clear and there need to be probity arrangements in place. I will perhaps bring to the attention of the chamber at another point some of the questions in the Ombudsman's report about probity matters.

What I seek from the Minister for Industry and Trade is a review to be conducted very quickly of the arrangements at Major Projects Victoria to ensure that there are no other similar arrangements and that proper arrangements are put in place so that when officers of the public service are discharging major obligations and responsibilities they do not have conflicting or cross-current interests that lead to either some arrangements that are unsatisfactory or the perception that arrangements are unsatisfactory. I ask him to seek that review quickly.

Hon. M. P. Pakula — On a point of order, President, I found Mr Davis's contribution interesting, but I am confused. He spent 3 minutes talking about Major Projects Victoria and at both the commencement and conclusion of his contribution he indicated that he sought action in regard to the matter from the Minister for Industry and Trade. I find that confusing because the Minister for Major Projects is of course the minister responsible for Major Projects Victoria.

Mr D. Davis — I seek a correction of that.

The PRESIDENT — And Mr Davis is addressing it to the appropriate minister?

Mr D. Davis — Indeed.

Responses

Hon. M. P. PAKULA (Minister for Public Transport) — Mr Dalla-Riva raised a matter for the Premier in regard to a constituent of his, a Mr Carter, and various incidents that have occurred which have affected Mr Carter and particularly his place of business. The request was that the Premier introduce a Victorian integrity and anticorruption commission. I can advise the house that the Premier has indeed provided a commitment on the public record to do just that. In that regard I consider the matter for the Premier disposed of.

Mr Barber raised a matter for my attention seeking an upgrade to the frequency of the 504 Moonee Ponds to Clifton Hill bus. I will provide him with a response to that matter in due course. He also raised a matter about the blue orbital SmartBus. As he indicated, the blue orbital was a feature of Meeting Our Transport Challenges but was superseded by other things in the Victorian transport plan. If he would like a formal response to that matter, I am happy to provide it to him.

Ms Lovell raised a matter for the Minister for Children and Early Childhood Development about the increase in kindergarten hours by 2013 from 10 to 15 hours for the last preschool year of kindergarten, and she seeks

that the minister implement better transitional time lines in regard to that. I will convey that to the Minister for Children and Early Childhood Development.

Ms Darveniza raised a matter for the Minister for Consumer Affairs seeking that he ensure that his department take action to warn elderly people in regional Victoria about fraudulent behaviour by cold callers, particularly in regard to a scam about a non-existent computer virus. I will convey that to the Minister for Consumer Affairs.

Mr Koch also raised a matter for the Minister for Consumer Affairs in regard to the misleading and deceptive practice of telemarketers working on behalf of service clubs throughout regional Victoria. He seeks a review of the behaviour of those telemarketers. I will convey that to the Minister for Consumer Affairs.

Mr Philip Davis raised a matter for the Minister for Roads and Ports in regard to seeking a major program to upgrade the Princes Highway between Bairnsdale and the Victoria-New South Wales border. I will convey that to the Minister for Roads and Ports.

Mr Vogels raised a matter for the Minister for Regional and Rural Development in regard to the announcement of a number of public service jobs moving to regional Victoria, particularly the Ballarat region. I would point out to him that there was also an announcement last week of 600 additional jobs in Ballarat. He seeks advice from the Minister for Regional and Rural Development about what modelling is being done on housing prices and other infrastructure resources and what modelling has been done to assess the impact of the relocation of jobs to regional Victoria on those resources. I point out that that would also be the case in regard to any other jobs that move to the regions, which I would have thought was a good thing. I will convey that to the Minister for Regional and Rural Development.

Mrs Coote raised a matter for the Minister for Police and Emergency Services seeking that he reinstate the police, ambulance and crisis assessment team early response program, known as PACER, and increase it as we move into the future. I will convey that to the Minister for Police and Emergency Services.

Mrs Peulich raised a matter for the Minister for Environment and Climate Change seeking to ensure that there is regular dredging of the Mordialloc Creek. I will convey that to the Minister for Environment and Climate Change.

Mr Kavanagh raised a matter for the Minister for Health, specifically that he have his department look into a study by De Silva, M., et al into the reduction in the risk of breast cancer as a consequence of prolonged breastfeeding. He seeks that the minister conduct some investigation into the research that has been done. I will convey that to the minister.

Mr Rich-Phillips raised a matter for me in regard to the tender for the new tram procurement. He raised the proper aspirations that workers in the Dandenong region have for more manufacturing jobs in that region, particularly in regard to Bombardier, which as he points out is both a current manufacturer of V/Locity trains and one of the short-listed tenderers for the tram procurement.

I believe Mr Rich-Phillips would be aware of two things: firstly, that there is a proper tender process in place, with all the appropriate probity considerations. I can nevertheless provide him with this level of comfort. When I was the Minister for Industry and Trade I was responsible for a strategic significance declaration being made over this tram procurement such that the procurement would need to have a minimum of 25 per cent local manufacturing content. That requirement is being applied to both the short-listed tenderers, Bombardier and Alstom. Mr Rich-Phillips can be assured that as a consequence of that declaration under the Victorian industry participation plan the considerations he referred to in his adjournment matter will be considered under the local content provisions. I consider that that matter is now disposed of as well.

Mrs Petrovich raised a matter for the Premier seeking that he obtain a report from the Victorian Bushfire Recovery and Reconstruction Authority on the probity of the Flowerdale Recovery Committee.

Mr David Davis raised a matter ultimately for the Minister for Major Projects seeking that he conduct a review into arrangements at Major Projects Victoria.

There is one written response to the adjournment debate matter raised by Mr Vogels on 9 March 2010.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.44 p.m.