

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 24 February 2010  
(Extract from book 2)**

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

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

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

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

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

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

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Mr DAMIAN DRUM

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Ms Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue <sup>1</sup>	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William <sup>2</sup>	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
			Vogels, Mr John Adrian	Western Victoria	LP

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

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



# CONTENTS

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## WEDNESDAY, 24 FEBRUARY 2010

<i>Police: Neighbourhood Watch</i> .....	496
<i>Responses</i> .....	496

### PETITION

<i>Clearways: extension</i> .....	401
-----------------------------------	-----

PAPERS .....	401
--------------	-----

### MEMBERS STATEMENTS

<i>Drag-racing: venue</i> .....	401
---------------------------------	-----

<i>Environment: container deposit legislation</i> .....	401
---	-----

<i>Clean Up Australia Day: 20th anniversary</i> .....	401
---	-----

<i>Inghams Enterprises: Somerville site</i> .....	402
---	-----

<i>Portland Child and Family Complex</i> .....	402
--	-----

<i>Children's Services Centre, Warrnambool</i> .....	402
--	-----

<i>Western Health: waiting lists</i> .....	402
--	-----

<i>The Dining Room, Croydon</i> .....	403
---------------------------------------	-----

<i>Liberal Party: Altona by-election</i> .....	403
--	-----

<i>Our Lady of Lebanon Church: feast day</i> .....	403
--	-----

<i>Darebin-Northcote Australian Greek</i>	
---	--

<i>Association: festival</i> .....	403
------------------------------------	-----

<i>Bushfires: fuel reduction</i> .....	404
--	-----

<i>Princes Highway: eastern upgrade</i> .....	404
---	-----

### PLANNING INSTRUMENT OF DELEGATION:

PRODUCTION OF DOCUMENTS.....	404
------------------------------	-----

GOVERNMENT: PRODUCTION OF DOCUMENTS .....	405
---	-----

PENINSULA LINK: FUTURE .....	417, 446
------------------------------	----------

### ANTICORRUPTION COMMISSION:

ESTABLISHMENT .....	417, 431
---------------------	----------

### QUESTIONS WITHOUT NOTICE

<i>Desalination plant: unions</i> .....	423, 424
---	----------

<i>Rail: Laverton station</i> .....	424
-------------------------------------	-----

<i>Superannuation: employer contributions</i> .....	425, 426
---	----------

<i>Taxis: government initiatives</i> .....	426
--	-----

<i>Public transport: myki ticketing system</i> .....	426
--	-----

<i>Australian Vinyls: water recycling plant</i> .....	427
---	-----

<i>Portland hospital: helipad</i> .....	427, 428
---	----------

<i>University of Melbourne: life sciences</i>	
---	--

<i>supercomputer</i> .....	428
----------------------------	-----

<i>Bushfires: prevention</i> .....	429
------------------------------------	-----

<i>Schools: Gippsland</i> .....	429
---------------------------------	-----

ABSENCE OF MINISTER.....	424
--------------------------	-----

GOVERNMENT: PERFORMANCE .....	455
-------------------------------	-----

ROCK EISTEDDFOD CHALLENGE: FUNDING.....	488
---	-----

### ADJOURNMENT

<i>General practitioners: rural medical workforce</i>	
---	--

<i>rescue package</i> .....	489
-----------------------------	-----

<i>Liquor licensing: fees</i> .....	490
-------------------------------------	-----

<i>Hospitals: data reporting</i> .....	490
--	-----

<i>Rail: Footscray station</i> .....	491
--------------------------------------	-----

<i>Public transport: myki ticketing system</i> .....	492
--	-----

<i>Mining warden: future</i> .....	492
------------------------------------	-----

<i>VicRoads: agricultural show signage</i> .....	492
--	-----

<i>WorkCover: claim</i> .....	493
-------------------------------	-----

<i>Curlip II: funding</i> .....	493
---------------------------------	-----

<i>Brunswick Special Developmental School:</i>	
--	--

<i>future</i> .....	494
---------------------	-----

<i>Regional and rural Victoria: government fees</i> .....	494
---	-----

<i>Bushfires: Walhalla warnings</i> .....	495
---	-----

<i>Planning: Bonbeach development</i> .....	495
---	-----





## Wednesday, 24 February 2010

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.**

### PETITION

**Following petition presented to house:**

#### Clearways: extension

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposed extension of clearways in Melbourne.

The petitioners therefore request that the proposed extension of clearways in Melbourne be withdrawn and abandoned.

**By Mrs COOTE (Southern Metropolitan)  
(23 signatures).**

**Laid on table.**

### PAPERS

**Laid on table by Acting Clerk:**

Auditor-General —

Report on Management of Concessions by the Department of Human Services, February 2010.

Report on Tendering and Contracting in Local Government, February 2010.

Statutory Rules under the following Acts of Parliament:

Road Safety Act 1986 — No. 9.

Taxation Administration Act 1997 — No. 10.

Transport Accident Act 1986 — No. 8.

### MEMBERS STATEMENTS

#### Drag-racing: venue

**Mr DALLA-RIVA** (Eastern Metropolitan) — I was very pleased on Saturday, 20 February, to attend the Australian National Drag Racing Association (ANDRA) public rally, Motorvate Melbourne. Whilst we were very pleased to see 10 000-plus people here yesterday, there were more than 16 500 people at the rally on Saturday calling for the establishment of a purpose-built drag strip in Victoria.

Many would be aware that about five years ago I raised the issue of the need for a professional drag-racing

facility in Victoria. We are the only state that is lacking in this area. New South Wales, Queensland and Western Australia all have purpose-built international standard drag strips. Victoria used to be the drag-racing capital of Australia and is renowned as the sporting capital of Australia. That 16 500 people were at the rally on Saturday is a strong indication of the need for a professional drag-racing facility in Victoria.

I was very pleased to be in a Top Fuel drag car as they fired it up. The 8000-horsepower car was quite awesome, and to lie across a Top Fuel bike was interesting. I thank Gary Miocevich and Tony Thornton from ANDRA very much. It was a great rally all round.

#### Environment: container deposit legislation

**Ms HARTLAND** (Western Metropolitan) — This morning the Boomerang Alliance, Friends of the Earth and environment groups launched their green jobs package on the steps of Parliament House. It was great to be at the rally because I was with a community that wants to make real change. It detailed a range of measures that will create 20 000 jobs. Environment groups have learnt to speak the language that government understands. They use words like ‘jobs’, ‘money’, ‘investment’ and ‘industry support’. Hopefully the government will start to listen to them.

The people on the steps this morning represent the people of Victoria, because an overwhelming majority of Victorians want a returnable deposit on drink bottles, cans and cartons. If you ignore them, you ignore the people of Victoria. If I am re-elected to the Parliament in November, I intend to reintroduce my bill for a 10-cent deposit scheme. Unfortunately Mr Brumby and Mr Baillieu, who were both invited, did not attend the rally this morning.

Government is going to have to deal with the issue sooner or later. If we have the scouts, the guides, local councils, community groups and good old Ian Kiernan on our side, I do not see how we can lose. You cannot beat us, but you can join us. There is still time for the government to change its policy and support a 10-cent deposit on drink bottles, cans and cartons in Victoria or, better still, to support it throughout Australia.

#### Clean Up Australia Day: 20th anniversary

**Mr TEE** (Eastern Metropolitan) — Every year on Clean Up Australia Day thousands of Victorians across the state get their gloves on and clean up their local environment by removing rubbish. This year Clean Up Australia Day is on Sunday, 7 March. It will be the 20th anniversary of this initiative and there will be a

number of events to celebrate. Last year's clean-up saw almost 1600 tonnes of litter collected by volunteers across 1300 sites. In my electorate the clean-up will be conducted at a number of locations, including Box Hill gardens, Ruffey Lake Park in Doncaster, Ringwood Lakes and Croydon wetlands.

Clean up Australia Day has become one of Australia's largest community events because of the enthusiasm of local residents and their pride in their local community. The event is a great way to bring together friends, family and neighbours to do the right thing by the environment and to work together, and I would encourage everyone to participate.

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

**Mr O'DONOHUE** (Eastern Victoria) — The poultry industry on the Mornington Peninsula has recently been put in jeopardy after a fire at the Inghams plant in Somerville. Fortunately Inghams has decided to rebuild as soon as possible — and that is great news — but for growers there are many challenges. I have been contacted by one grower who described the burden of insurance. In an email to me he says:

... more disturbing is my home business which is a small poultry farm in Devon Meadows. On this property and business I have just received an insurance policy for ... six months —

that is, for the first half of this year. He goes on to say that the cost is \$3970, made up of the premium of \$1992 and a fire services levy of \$1193 which, together with taxes and charges, makes up approximately half the actual cost.

The Leader of The Nationals in the other place, Mr Ryan, wrote to the federal Secretary to the Treasury, Ken Henry, asking that the federal government look at the fire services levy as part of its review. We have passed legislation in this place and the government is currently undertaking a review. It is important for the government to come up with a solution to the troubles that people such as my constituent face in paying taxes and charges to keep their businesses viable. We all understand that the Country Fire Authority and other organisations need to be financed, but it is critical that business does not suffer as a result of taxes and charges levied by the government.

### **Portland Child and Family Complex**

**Ms TIERNEY** (Western Victoria) — I wish to advise the house that the Portland Child and Family Complex is on track to be opened. It will provide early childhood services to the Portland community by July.

Last Wednesday the Minister for Children and Early Childhood Development, Maxine Morand, and I toured the \$2.5 million complex, which has been funded by the Victorian, federal and local governments and is in its final stages of completion. When it is finished the facility will be an integrated early childhood service providing kindergarten, playgroups, maternal and child health services, child care and consulting rooms for early childhood specialists and family support agencies.

The Glenelg shire has demonstrated an ongoing commitment to this children's hub and has dedicated considerable time and resources to the planning and facilitation of the project. It is fantastic to see this project nearing completion and to see what can be achieved through government partnerships. Having all of these services at one location is not only convenient for parents, it will make it easier for nurses and other child health specialists to work together, ensuring services are linked.

### **Children's Services Centre, Warrnambool**

**Ms TIERNEY** — The following day we toured the Warrnambool children's hub where the minister opened the Raglan Parade redevelopment centre. This centre will help cater for the growing population of Warrnambool, which is home to more than 2300 children aged under six. At the moment the centre offers parent support groups, playgroups and three-year-old kindergarten, and occasional care will start in the second half of the year.

Integrated early childhood centres form a key part of the Brumby Labor government's commitment to ensuring Victorian children are given the best possible start in life.

### **Western Health: waiting lists**

**Mr D. DAVIS** (Southern Metropolitan) — My matter today concerns the issue of waiting lists in the western region of Melbourne, particularly the Western Health waiting lists. It is clear that there are massive waiting lists at Western Health and that there are many times when hospitals are on bypass and the hospital early warning system is utilised. Last night in this chamber I talked about the hospital early warning system and indicated that the government should declare the statistics on that system rather than keeping them secret, as it does in this state.

It is scandalous that these mini bypasses, or bypasses by another name, are used to fudge the figures to create an artificial result where it looks like there are less declared bypasses than there actually are. Ambulance

diversions are a serious matter for patients, who are often in the back of an ambulance in desperate straits. Ambulances are ricocheting around the suburbs of Melbourne in a desperate search for an emergency department that will open its doors.

The feeble attempts by the Minister for Health, Mr Andrews, to try to indicate that there are not secret waiting lists at Western Health are laughable. There are not-ready-for-care lists, there are hospital-initiated postponements, there are a whole range of lists that are secret and not revealed to the public. Minister Andrews has a lot to answer for; he is in denial about these waiting lists.

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

### **The Dining Room, Croydon**

**Mr LEANE** (Eastern Metropolitan) — I commend yet again another fantastic group of good people doing good things out in the east. Recently I met Mr David Knoop and his son Josh, who head a group of more than 50 fantastic volunteers working on a concept called the Dining Room, which has been around since 2005. Operating from the back of an Anglican church in Croydon, the Dining Room operates every Tuesday night between 6.00 p.m. and 7.00 p.m. and feeds over 100 homeless people from all across the east.

To do justice to the group I would like to explain its operations by quoting from the brochure that was given to me when I met with members of the group the other day.

The Dining Room believes that poverty and homelessness aren't merely the absence of money, property and material things. They lead to a sickening sense of failure, powerlessness, social exclusion, deprivation and poverty of the human spirit.

This is a concept the Dining Room works on, and it does a fantastic job. There are volunteers from a couple of local secondary schools who help serve in the Dining Room. Yet again I am amazed at the good work that good people are prepared to do out in the Eastern Metropolitan Region.

### **Liberal Party: Altona by-election**

**Mr FINN** (Western Metropolitan) — I have spoken before in this house about the roar that is coming from Melbourne's west. We heard a little of that roar on Saturday, 13 February, when the people of the western suburbs started to vent their anger on a government that has treated them so badly. With close to a 13 per cent swing against the Brumby government on what Labor

so arrogantly calls its own turf; it was a message from the people of Altona that they have run out of patience. They were speaking on behalf of all the people of the western suburbs, because the people of the west have had enough. We are sick of being ignored. We are sick of being neglected. We are sick of the blow-ins from out of town who are dumped on us by the Labor Party. The people of the west are now turning on Labor in the way that Labor long ago turned on them.

My congratulations go to Mark Rose, who was an outstanding candidate and would have made a great member of Parliament, but he did not quite get there on this occasion; Andrew Elsbury, who was instrumental in putting the campaign together; and all the Liberals of the western suburbs who should be very proud of the outstanding campaign in the lead-up to the Altona by-election. If it were not for Labor's best friends, the Greens, Mark Rose would now be a member of Parliament. That is a sad fact for the people of the western suburbs. I urge them to hang in there, because I know the best is yet to come.

### **Our Lady of Lebanon Church: feast day**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak about a special event I attended in February this year. I was proud to represent the Premier, the Honourable John Brumby, at a function to celebrate the feast day of Saint Maroun, who was born 1600 years ago. This splendid event was organised under the auspices of Our Lady of Lebanon parish church and Monsignor Joe Takchi. During the evening the Victorian multicultural commissioner, Mr George Lekakis, launched a book called *Living Our Heritage*. The book is about the history of the Maronite Catholic Church in Victoria. The book was well received, and the organisers are to be congratulated on making the night a huge success. The member for Kororoit in the Legislative Assembly, Marlene Kairouz, and I both enjoyed these festivities.

### **Darebin-Northcote Australian Greek Association: festival**

**Mr ELASMAR** — I was also invited to attend a special Greek festival in Northcote this month. The event was organised to celebrate the establishment of the Darebin-Northcote Australian Greek Association 30 years ago. There was folk dancing, marvellous Greek food and games for the children. I was delighted to join in the anniversary celebrations. I thank the organisers for their wonderful efforts in ensuring that everyone had a good time.

### **Bushfires: fuel reduction**

**Mrs PETROVICH** (Northern Victoria) — I would normally applaud an increase in prescribed burning, in particular cool mosaic burning, which should be conducted in autumn, winter and sometimes in spring if conditions are not too hot. The coalition continues to advocate for appropriate cool mosaic burning on our public land. I was incredulous at Mr Jennings's statements last week and again yesterday during question time confirming that the Department of Sustainability and Environment (DSE) would commence burning next week and throughout March.

Members of the communities of Macedon, the Dandenong Ranges and the Otways have every reason to be concerned. Mount Macedon, for example, has not been burnt since Ash Wednesday and has had very little prescribed burning. In fact it has tonnes of forest fuel load and fallen timber. Although we have had rain, just one week of 30-plus days will dry out our forests. When one spark can spell disaster how can we address the issue of logs, which can burn underground for months and flare at any time? DSE has employed its summer crews in anticipation of a fire season with milder conditions. Thankfully they have not been required for firefighting.

Is this all about staffing, funding and budgets? It would seem to be a cheap option for DSE and the minister. The community wants responsible government, proper land management and well-timed and appropriate cool mosaic burning. This government has dropped the ball on public land management and is now playing catch-up at the wrong time of year. This minister and his department heads should resign immediately if this unsafe approach to public land management takes place at the hottest and driest time of the year.

### **Princes Highway: eastern upgrade**

**Mr P. DAVIS** (Eastern Victoria) — 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 for Roads and Ports on 10 March last year and was advised in a response from that minister 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. Indeed 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. SEATS has expressed concern about the poor condition of the highway and said that it has been ignored at the government level despite the increasing traffic flows and a worsening accident rate.

The highway carries up to 3000 vehicles a 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 approximately 80 per cent above the state average, a figure which is staggering. Yet on 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 safer roads and roadsides as the most effective means of reducing accidents. I note from the Australian road assessment program — —

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

## **PLANNING INSTRUMENT OF DELEGATION: PRODUCTION OF DOCUMENTS**

**Mr BARBER** (Northern Metropolitan) — I move:

That, in accordance with sessional order 21, there be tabled in the Council by 12 noon on 9 March 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the instrument of delegation of minister's powers, discretions and functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.

This relates to a previous motion on the production of documents that the Council has dealt with, where we requested from the government a copy of the instrument of delegation the Minister for Planning issues under the Planning and Environment Act.

The reason this particular document is of interest to members of Parliament is that we create the rules around the Planning and Environment Act, we are regularly involved in amending it and we are interested in the way the minister administers that act, particularly

in relation to his increasing propensity to call in proposals and make decisions or make himself the responsible authority for a range of matters under that act. Therefore, I would argue, we are interested in how and when he delegates those powers to more junior persons within his department.

Having received a copy of the instrument of delegation from the government — and we thank it for the timely manner in which it provided that — I believe the house should also be interested in how and when that delegation was actually exercised. The document I am seeking, which is detailed quite clearly in the previous instrument, would simply detail when the various aspects of the instrument of delegation have been exercised and by who. That would give us a better sense of how that act is being administered and on which particular planning decisions the minister has chosen to let the department do the work for him and make the approval without further reference to him. I hope that members of the house will support me in this request for this document.

**Mr D. DAVIS** (Southern Metropolitan) — The opposition will be supporting this motion. It is as sensible as the motion it follows and will provide greater detail. In any event, these are delegations and details that ought to be in the public domain. Under schedule 2 of the Freedom of Information Act it would make sense for this sort of information to simply be available for perusal on the web. The government should have no difficulty in providing it.

**Motion agreed to.**

## GOVERNMENT: PRODUCTION OF DOCUMENTS

**Mr D. DAVIS** (Southern Metropolitan) — I move the following motions standing in my name:

1. That this house —
  - (1) notes the failure of the government to comply fully with the resolution of the Council of 11 November 2009 to table a copy of all documents concerning government consideration for proposals to pipe and export overseas brown coal from the Latrobe Valley;
  - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
  - (3) accordingly censures the Leader of the Government as the representative of the government in the Council for the government's

failure to fully comply with the Council's resolution of 11 November 2009;

- (4) demands that the Leader of the Government comply fully with the resolution of the Council of 11 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
2. That this house —
    - (1) notes the failure of the government to comply fully with the resolution of the Council of 14 October 2009 to table a copy of all documents relating to the Working Victoria and Shine advertising campaigns;
    - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
    - (3) notes that the government has now had 16 weeks in which to 'identify and assess' and produce the relevant documents;
    - (4) accordingly censures the Leader of the Government as the representative of the government in the Council for the government's failure to fully comply with the Council's resolution of 8 December 2009; and
    - (5) demands that the Leader of the Government comply fully with the resolution of the Council of 14 October 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
  3. That this house —
    - (1) notes the continued failure of the government to comply fully with a number of resolutions of the Council in 2009;
    - (2) notes in particular the failure of the government to produce the following —
      - (a) copies of all documents relating to solar feed-in tariffs prepared for departmental officers and/or committees in the Department of Innovation, Industry and Regional Development, the Department of Primary Industries and the Department of Sustainability and Environment and for the Minister for Environment and Climate Change and the Minister for Energy and Resources as ordered by the Council on 11 March 2009 and 16 September 2009;
      - (b) copies of all documents, studies, evaluations and briefing papers produced by the Victorian government or its agents concerning the impact of the commonwealth government's proposed carbon pollution reduction scheme on the Victorian economy held by the departments of premier and cabinet, sustainability and environment and primary industry as ordered by the Council on 1 April 2009 and 11 November 2009;

- (c) all documents held by the Department of Transport, the Minister for Public Transport, the Minister for Roads and Ports, the Department of Planning and Community Development, the Minister for Local Government, the Department of Premier and Cabinet, and the Premier relating to the Victorian state government's policy of extending clearway times as ordered by the Council on 1 April 2009 and 16 September 2009;
- (d) copies of all documents, studies, evaluations and briefing papers produced by the Victorian government or its agents concerning the impact of the commonwealth government's proposed carbon pollution reduction scheme on the Victorian economy held by the Department of Treasury and Finance as ordered by the Council on 6 May 2009 and 11 November 2009;
- (e) copies of all documents relating to the company Better Place as ordered by the Council on 6 May 2009 and 16 September 2009,
- (f) copies of all documents relating to the review of the alpine resort areas as ordered by the Council on 3 June 2009 and 16 September 2009;
- (g) copies of all documents and communications held by the government in relation to the extension of licence for the number of gaming tables at Crown Casino as ordered by the Council on 24 June 2009 and 16 September 2009; and
- (h) copies of all documents examining the placement of carbon trading institutions and carbon trading institutes in Melbourne or other Victorian locations as ordered by the Council on 29 July 2009 and 16 September 2009;
- (3) notes that the Leader of the Government has already been censured by this house for not complying with the Council's resolutions;
- (4) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
- (5) accordingly, again, censures the Leader of the Government as the representative of the government in the Council for the government's failure to fully comply with the Council's resolutions as listed above; and
- (6) demands that the Leader of the Government comply fully with the resolutions of the Council as listed above and table all related documents by 12 noon on 9 March 2010.
4. That this house —
- (1) notes the refusal of the government to comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 to table transport ministerial briefing documents;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
- (3) rejects the government's claim of executive privilege in relation to the documents not produced and notes with great concern the government's apparent belief that it is not accountable to the Parliament of Victoria;
- (4) notes that the appointment of the new Minister for Public Transport is a good opportunity for the government to reassess its intransigent refusal to release ministerial briefings to the house in accordance with the house's right to demand such documents;
- (5) accordingly censures the Leader of the Government as the representative of the government in the Council for the government's failure to comply fully with the Council's resolutions of 29 October 2008 and 11 March 2009; and
- (6) demands that the Leader of the Government and the newly appointed Minister for Public Transport comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 and lodge the following documents with the Clerk by 12 noon on 9 March 2010 —
- (a) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
- (b) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
- (c) 'EastLink-ConnectEast DRP underwriting agreement — novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
- (d) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
- (e) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
- (f) 'Media interest and progress with grade separation study' (re Springvale Road,

- Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
- (g) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
- (h) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
- (i) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
- (j) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
- (k) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.
5. That this house —
- (1) notes the failure of the government to comply fully with the resolution of the Council of 25 November 2009 to table a copy of all agendas and minutes of the financial and/or audit committees of the hospitals and health services listed in the motion of 25 November 2009;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour, particularly given the serious nature of the financial situation facing Victorian health services as pointed to by the Auditor-General in the *Public Hospitals — Results of the 2008–2009 Financial Audits* report;
- (3) notes that on 8 December 2009 the government said it would be in a position to respond in early 2010 and that the government has now had 10 weeks in which to comply;
- (4) accordingly, censures the Leader of the Government as the representative of the government in the Council for the government's failure to comply fully with the Council's resolution of 25 November 2009; and
- (5) demands that the Leader of the Government urgently comply fully with the resolution of the Council of 25 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
6. That this house —
- (1) notes the failure of the government to comply fully with the resolution of the Council of 12 August 2009 to table a copy of all documents concerning tenders and lobbyists for the desalination plant;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
- (3) notes that, despite the government indicating that it would comply, 25 weeks has now elapsed and the government has failed to honour its commitment;
- (4) accordingly censures the Leader of the Government as the representative of the government in the Council for the government's failure to fully comply with the Council's resolution of 24 June 2009; and
- (5) demands that the Leader of the Government comply fully with the resolution of the Council of 12 August 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
7. That this house —
- (1) notes the failure of the government to comply fully with the resolution of the Council of 24 June 2009 to table a copy of all gateway review documents that relate to the public-private partnership desalination plant project at Wonthaggi/Kilcunda;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
- (3) asks that the government explain why the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council on 11 August 2009 by the Attorney-General would 'be prejudicial to the public interest' or 'reveal the high level confidential deliberative processes of the executive government';
- (4) is of the view that the list of two documents in the table provided by the government is unlikely to be a complete list, given that the project has passed the required gateways, and the Council therefore asks that the government verify that the list is complete and that no documents were omitted and if documents are found to be omitted to provide a full list of documents to the Council;
- (5) accordingly censures the Leader of the Government as the representative of the government in the Council for the government's failure to fully comply with the Council's resolution of 24 June 2009; and
- (6) demands that the Leader of the Government comply fully with the resolution of the Council of 24 June 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

These are all follow-up document motions. A number of these documents have been disputed in this chamber over a period of time. The opposition has been very reasonable and very patient in these matters. Indeed when documents have been requested under previous motions and the government has come back with the required schedules opposition members have looked at those in a generous way and said, 'The reality is that the government has sought not to provide some of these documents. That is reasonable', and we have no longer pursued those documents. But there are other documents where it is very clearly the case that the documents ought to be in the public domain and ought to be in the possession of the house and the community.

I think the government has sought to defy the chamber with its approach on these matters. In the case of the brown coal motion — motion 1 — it is clearly a matter of significant public discussion and controversy, and the debate in the community would be informed by greater knowledge of the government's proposals and plans. The government has vacillated on what it will do but the background documents and the analyses which were listed in the earlier motions are ones I believe should be in the public domain. We stand on our digs in saying that the executive should be accountable and the government should provide those documents.

Regarding motion 2, the government's failure to provide details about the Working Victoria and Shine campaigns is concerning. These are major spends of public money on advertisements that are not in the public interest; they are simply party political advertisements.

**Mr Barber** — Aren't they meant to change behaviour?

**Mr D. DAVIS** — They are meant to change voting behaviour, Mr Barber. They are designed to soften up the electorate ahead of the state election this year, and we are seeing an absolute avalanche of government advertising.

It is of great concern that the Working Victoria ads were really designed to position the government rather than the community. We believe these documents ought to be in the public domain, and the government has had a long time — many, many months now — to identify, assess and produce the relevant documents, and it has failed to do so. I had hoped that some of these motions would not be necessary today. I was hopeful there would be an opportunity in the first week of this year, after the Christmas festive break, for the government to do the work that was necessary to bring

forward these documents. Overwhelmingly that has proved not to be the case.

On the solar feed-in tariffs motion, we have debated this issue several times and the chamber has expressed its concern. These documents are still relevant to public debate that is proceeding in the community now, and they should be in the public domain. For that reason I seek that the house again demand that these documents be brought forward by the Leader of the Government pursuant to sessional order 21.

I have again brought to the chamber the motion for the production of public transport documents because we now have a new Minister for Public Transport. He has the opportunity to do what his predecessor failed to do. He has the opportunity to open up and to indicate to the community that he has nothing to hide in these ministerial briefings. The ministerial briefings are matters of significant public interest and the community is entitled to know how the minister is being informed through these sorts of briefings.

**Mr Barber** — Mr Pakula, tear down that information wall.

**Mr D. DAVIS** — That is right; Mr Pakula, tear down that great wall and let the information out. Explain to the community why these decisions were made on key transport issues.

The government sometimes says in this chamber that the opposition is not specific enough with its requests. In this case we go down to the exact document numbers in the government's own indexes. However, that is no longer the excuse. It says it cannot release these briefings. It says it would be difficult for the taxi policy initiatives ministerial briefing note to be made public, or for the metropolitan rail franchising market engagement trip ministerial briefing note to be made public.

How bizarre that is. These are matters of significant public interest. These ministerial briefing notes should be in the public domain. For goodness sake, nobody thinks that public transport in this state is not a matter of public debate and controversy. We have fiascos with the rail, fiascos with sleepers, fiascos with overheads and a fiasco with the ticketing system. We have had a public transport minister resign from the position and a new minister appointed. This is the new minister's opportunity to show that he will apply a different standard, a different approach and put these documents in the public domain.

Motion 5 looks at public hospitals. It looks at the financial position of public hospitals and seeks the



agendas and minutes of the financial and/or audit committees of hospitals and health services around the state. This grew directly out of the Auditor-General's report which made it very clear that many of our hospitals were on a knife edge, were financially stressed and, in some cases, not sustainably viable in the long term. He also made it clear that there needed to be some changes to the way our public health services were run.

Letters of comfort were provided by the Department of Health, or the Department of Human Services at the time, to guarantee the sign-off of those health services by the Auditor-General. In effect the Auditor-General said that this health service has a liquidity problem, that it should not keep trading unless there is a letter of support from the department behind it to guarantee that creditors will be paid into the future. A whole list of those sorts of recommendations can be found in the Auditor-General's report that was tabled in this chamber late last year. It is from that report and the issues surrounding it that this motion has been framed. It is a reasonable motion; it goes to a matter of great public importance about our health services in this state.

Equally the minister should be responsive on this. There is no reason in the world why the minutes and agendas on these matters, which have been released on many occasions under freedom of information legislation, should not quickly be put into the public domain. I know the government has not begun to move on this because I have spoken to senior officials at health services around the state. In a number of cases that I am aware of the government is yet to contact them on this request. The Leader of the Government and the minister have to get off their tails and treat the financial viability of our health services with the seriousness the community expects.

Motion 6 concerns tenderers and lobbyists connected with the desalination plant. I have to say that there is real concern in the community on this matter. The way the desalination plant bid and tender were conducted has been a matter of significant debate. The involvement of certain key Labor figures associated with Progressive Business has been a key matter. In my view the government should produce the documents that have been sought concerning the tender and the involvement of lobbyists in that tender, the series of meetings that were held and what appears to have been the significant involvement of Mr Philip Staindl in that process.

I know this might be a sensitive matter for this government; I know it might touch on the political involvement of senior Labor-linked figures in

government tendering and procurement, and I know that is a matter of significant public controversy. I have to say that that is all the more reason why the government should demonstrate a high standard of openness and accountability, and it has not done that.

The motion is a very reasonable one. It says the government should comply with a resolution of this chamber. It was a motion which, I might add, was not opposed by the government at the time. It is a long time since that motion was passed, and the government should move forthwith to comply.

On the matter of the gateway documents on the desalination plant, as people will know, with these large procurements that involve private enterprise in this way there are a series of steps or gateways at which checking and other matters take place. The government responded on this resolution, and it said there were two documents — just two. It said there were two documents for several gateways. As Mr Jennings will well know, there were more than two gateways, but the government has said there are simply two documents. I stand to be convinced of that. I do not believe there were just two documents in that whole series of steps. If that is really the truth, I am asking the government to go back and check and then come forward and make it clear that there are only two documents. More than two gateways, but just two documents — I do not believe it, and I do not think the community believes it, and for that reason I am pushing this matter further.

**Mr VINEY** (Eastern Victoria) — Here we are: it is not a Wednesday without a debate about documents and without some thundering from the Leader of the Opposition about them. But let us just put this into context. Here we are today having a cognate debate on eight different motions — I am corrected, seven motions — calling on the government to produce documents and extending times in relation to documents. I have not had time to go through each of the motions to determine the number of documents that have been provided, but as I have detailed in the house before, the government has provided hundreds and hundreds if not thousands of pages of documents in response to the requests of the opposition and the Greens in this chamber for various documents.

**Mr D. Davis** — Not in the case of some of these, you haven't.

**Mr VINEY** — Mr Davis seems to think that the most significant role of the Legislative Council of the Victorian Parliament is now about demanding documents, because that is what we spend substantial amounts of time on a Wednesday debating in this

chamber. Mr Davis indicated in debate that we have not provided documents yet. We did not oppose, I think he said, or we might have even supported, the original request for documents. As he well knows, what we have said is that we have no objection to the house making requests for documents. I have repeatedly said that in this chamber. We might not agree about the powers that exist and so on — we have had those debates before — but we have accepted the right of the house to actually call for the tabling of documents.

If Mr Davis would like a different approach from the government whereby in order to satisfy his demands and debate we oppose every request for documents, then we will give that a thought, but that is not the view of government members. Our view is that if the house requests documents, we will consider the presentation of the documents. In accordance with the advice that we have tabled before the house — that is, the legal advice that we have about executive privilege and commercial in confidence and other matters that I have detailed in these debates before — those considerations will be given. What I say to the house —

**Mr Barber** — Do you think commercial in confidence was in the House of Commons in 1856?

**Mr VINEY** — We have had that debate, Mr Barber. We have detailed the difference between the Victorian constitution and the New South Wales constitution. What we are saying is that we will consider the request for documents and where appropriate they will be presented. I think I would be right in saying — certainly it has been the government's intention — that for every request for documents a response is given to the house via the Attorney-General in relation to every requested document. That does not mean that the documents will be provided, because the government, in accordance with its advice, is prepared to table only documents that do not breach the principles of executive privilege and commercial in confidence that we have detailed in the house before.

We have detailed these matters ad nauseam and I do not see that there is an enormous point in going through it all again. I do take issue with the fact that Mr Davis in debate seems to suggest that because we allowed a motion calling for documents to be presented to pass the house in accordance with the agreement that we have put before the house previously, that somehow obligates the government to present documents. That is just a nonsense. Every time there has been a request for documents, we actually allowed it to pass with no division, as I think we did in relation to the first request from Mr Barber on his motion that was debated in the house just a little while ago, because we have no

objection to anyone making a request for documents; that is fine. What we say is that that request will be considered in accordance with the principles and, if it is appropriate, the documents will be presented. If it is not appropriate, they will not be.

Obviously opposition members are attempting here to set up a process of censure. We have had the experience of opposition members actually taking the extraordinary action of denying the voters of Southern Metropolitan Region the right to have their representative, in Mr Lenders, in the house by suspending him from the house on one occasion. These are very extreme measures that I think opposition members ought to consider very carefully in their approach to this.

We think there are means by which members can seek documents: through freedom of information, through simply picking up the phone and asking the minister if they can have a look at something or through writing to the minister. Ultimately of course there is the option of the house doing this — making a formal request — but in our view that does not oblige the government to produce all documents that are requested.

It is an important principle of executive government and parliamentary democracy that the executive is able to operate and receive advice without fear of that advice being compromised, if you like, by public servants concerned that their advice to ministers might become public, particularly when it relates to deliberations of the cabinet. These are important principles that we will uphold, and I must say that these are important principles that the Leader of the Government has always said that he will uphold. As we have said here before, he has sworn an oath of office to uphold those principles. That is what will be carried out and business will be conducted in accordance with that oath.

In relation to the specific motions, we note that motion 1 requests the Council to simply extend the deadline. I think motions 2 and 3 request the same thing — a further extension to 9 March. Does motion 4 extend? There are so many motions here. Motion 4 does not appear to do anything, according to the words here. It just notes that the government has not delivered certain documents. It does not do anything. It does not extend the date.

**Mr D. Davis** — No, it gives the minister an opportunity.

**Mr VINEY** — It does not do anything, Mr Davis. It is really a waste of paper. When I look at it now, I recognise that it is actually a waste of the paper it is

printed on. I feel sorry for the tree that had to contribute its life to a piece of nonsense like that. Motion 5 also extends the date to 9 March, as do motions 6 and 7.

We will not oppose any of those, particularly the one that does nothing — I am more than happy to have a motion in here that does nothing — but I give notice right now that at the next step in this process, when the opposition seeks to censure the Leader of the Government for continuing to uphold his responsibilities as Leader of the Government, we will certainly oppose those motions vigorously. I would think that the government has a pretty good record in terms of its openness and accountability.

**Mr D. Davis** — Nonsense.

**Mr VINEY** — Mr Davis, you might say nonsense, but you sat mute when the Auditor-General was nobbled by the government that you were a member of during the Kennett period. You and your colleagues sat mute during that period, Mr Davis.

**The PRESIDENT** — Order! There is a censure motion.

**Mr VINEY** — I apologise. I am just being alerted to the fact that there is a censure motion. Can the Clerk advise me which one it is out of the seven motions before us? I am told the second; it also extends the date. That is why I did not want a cognate debate. On advice, that very much changes the nature of this debate.

I find it interesting that we have motions that extend dates and at the same time censure the Leader of the Government. Moving five pages of motions censuring the Leader of the Government and dealing with them as a cognate debate is taking a fairly ordinary approach to this. I will have to take some advice from the Leader of the Government. I will go through the motions in detail, but when we come to vote on them, any motion that censures the Leader of the Government will be opposed. It is interesting that we are dealing with a mixed set of motions extending times and censuring the Leader of the Government as a cognate debate. It says something about the mixed and extraordinary approach the opposition is taking to these matters about the production of documents.

To be censured and lectured to by members of the opposition about openness and accountability is a bit rich, because as I was saying a moment ago, when the opposition was last in government it moved to nobble the Auditor-General — to diminish the office of the Auditor-General — and this is the government that restored the powers of the Auditor-General and made the Auditor-General an independent officer of the

Parliament, as we did in relation to the Ombudsman. This is the government that reintroduced freedom of information legislation so that people could have access to documents. It was the Kennett government that closed down the freedom of information system in Victoria. Mr David Davis and any colleagues on his side of the chamber who were here in that period certainly sat mute on those attempts to diminish the openness and accountability of government in Victoria. I think Mr Gordon Rich-Phillips was there at the time — although he might have been elected in 1999 — and Mr Philip Davis was there. The numbers are starting to get a bit thin.

When we come to the votes, and between now and when the votes are held on each individual motion, we will oppose any motion among the seven we are debating right now that censures the Leader of the Government, and we will not oppose any motion that simply extends the deadline. It is fairly ordinary that we have taken a cognate debate approach to this when there are censure motions before us.

**Mr BARBER** (Northern Metropolitan) — The Greens will support these motions. I think Mr Viney, having gone a little wider than the contents of the motions, has given me licence to pick up on the issue that he has chosen to bring to debate — that is, the powers of the Auditor-General. In my view the government has been working to nobble the Auditor-General by its continuous use of public-private partnerships to the extent that billions of dollars worth of public assets or liabilities have been moved off the balance sheet to a place where the Auditor-General is not in a position to specifically audit them. Here I refer to the desalination plant, the EastLink freeway, the Spencer Street Station Authority, the Southern Cross Station Authority and even the Melbourne Convention Centre.

There is an increasingly large question mark over the veracity of the accounts of the state of Victoria. Assets that may one day return to the Victorian public are not able to be properly accounted for, because there is no proper accounting standard for how these things would be treated in a public accounting sense.

I note also that if this were to be fixed, it would have to be fixed via amendments to the Audit Act. In the statement of government intentions released earlier this year there was a statement of intention not to legislate to expand the powers of the Auditor-General. It was unusual for the government to go out of its way to tell us in its statement of intentions that a particular piece of legislation would not be amended in the remaining life of this Parliament to address inadequacies the Auditor-

General himself has pointed out in relation to his own act. It seems to me that the government is quite happy for the public-private partnership domain to go on expanding and expanding — and who knows what the government is planning to bring up next — while it is in no great hurry to expand the Auditor-General's powers to oversight these quite crucial bits of infrastructure that are of significant financial relevance.

I just need to pick up on the point Mr Viney wanted to bring into the debate. If he wants to debate the powers of the Auditor-General and who is willing to increase those powers versus who is working to diminish those powers, he would do well to address his government's current slate of legislation rather than simply having a stroll down memory lane to what it was that the Liberals did prior to 1999.

**Mr LEANE** (Eastern Metropolitan) — I want to add to this debate and particularly concentrate on the motion that censures the Leader of the Government for not producing documents. I know it is a topic that we have gone over a number of times during the period of this Parliament, but it is something that should be taken seriously insofar as the operations of this opposition, in line with the Greens. They are using the minister's duty — that is, his duty to the Victorian government and his duty as a minister to do everything in his power to forward the interests of the Victorian populace.

There has been a long-established understanding of cabinet privilege — why there should be cabinet privilege and where the executive has the right to discuss policy. Some of that policy may come to fruition. Some policy advice might be received which would prove not be a good way to go forward as it relates to the particular portfolio being discussed. It is important for the operations of the government that the advice given to the cabinet should be fearless and not be open to future exposure.

I am a bit surprised that the Greens would continue to support this type of motion to censure the Leader of the Government, particularly taking into account a recent newspaper article in which Mr Barber is reported as saying that he sees himself as an insurgent group but that one day he might have to stop being part of that insurgent group. He referred to Che Guevara coming down from the mountains to become a minister of the government.

If that came to fruition one day, if there were a coalition Liberal-Greens government and Mr Barber became the Che Guevara example who comes down from the mountain to become a minister, he would be in the position the Leader of the Government is in now. He

could find himself in a conflict of duty, but his duty would have to be to the oath he has made as a minister of the Crown. Opposition and Greens members understand that, and that is why they continue to put the Leader of the Government into this position. They know his oath as minister of the Crown will always take precedence as far as how he carries out his duties and what particular paperwork he can physically release.

A constant issue we discuss is the tendering of documents that are classified as privileged. Having dealt with contractors in a previous life, I understand that they find it important that tender documents are not released for their competitors to see. The state government has tenders that can be worth tens of millions of dollars. Companies from all around the world are tendering for these particular contracts and would probably be loath to continue to tender in Victoria if they knew their particular in-confidence documents would be released, as a result of a decision of this chamber, and find their way to the front page of the *Age*, for example. Suddenly a document that was supposed to be in confidence has become a public document.

We are back to a stage where we have a censure motion against the Leader of the Government. This is an opposition that has the frustration of not having been able to lay a glove on this particular minister or any minister at question time or at any other time, so it goes through a process of putting up bogus censure motions, hoping that 50 per cent plus 1 will blot this particular minister's copybook. As far as this minister is concerned he is keeping his oath as a minister of the Crown, and we on this side of the table respect him 100 per cent for doing that.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to support the motions moved by Mr Davis. I have to respond to Mr Leane's comment about our not being able to 'lay a glove' on ministers. This is not about laying a glove; it is about holding the government to account, about having the government respond to a request by the Parliament to provide documents in the ordinary course of the operation of this chamber, bearing in mind the responsibility that we each have as representatives of the broader Victorian community.

Essentially what is occurring is that this chamber is again requesting documents through an appropriate process. It seems that the government, or more precisely the executive of the government, is holding out. This is not FOI, which under this government is a long, drawn-out process.

**Mr D. Davis** — It is a shambles now.

**Mr DALLA-RIVA** — It has now become a shambles. Everyone who comes to me about FOI says what an absolute shambles it has become in this state. It seems that the government has the same approach in terms of motions seeking documents. It is important to put on the record again that some of these motions go back to resolutions of the Council made last year: motion 1 goes back to November 2009; motion 2 to October 2009; motion 3 to 11 March and 16 September last year; motion 4 relates to resolutions of 29 October 2008 and 11 March 2009; motion 5 to a resolution of 25 November 2009; motion 6 to a resolution of 12 August 2009; and motion 7 is in the terms of a motion seeking documents on 24 June last year. These are longstanding issues where government documents were sought on high-profile issues where the accountability of the government has been called into question. They relate to things such as the desal plant and the transport plan.

I note in particular, for example, that motion 4 at point (4) says:

notes that the appointment of the new Minister for Public Transport is a good opportunity for the government to reassess its intransigent refusal to release ministerial briefings to the house ...

We had some trouble with the former public transport minister. This is a good opportunity for the government to come clean. The government says it has some issues with transport. We know there are a huge number of issues with transport. Now we have a new transport minister in this chamber, and it is incumbent upon him to release those documents to at least allow the Parliament to understand what has occurred in respect of some transport ministerial briefings.

Mr Davis's motion 3 relates to issues we have about solar feed-in tariffs, a controversial issue that the government seems to be hiding away. On Saturday I had a meeting with some people who had an assessment done on a particular issue that the government needed to have undertaken. The government came back to the group that had sought the information and said they would have to get it through FOI. When these people applied through FOI they got back hundreds of blanked-out pages; the only component released under FOI was their submission regarding the assessment. They could not believe it. They raised that in front of 16 500 people, and I am glad they raised the issue of accountability at a very high-profile public rally. It made a mockery of FOI.

The vehicle that Mr Davis uses, and that the Greens and others have used, is an appropriate mechanism to try to seek public accountability information from the government on a whole raft of issues.

**Mr Viney** interjected.

**Mr DALLA-RIVA** — Mr Viney has just walked in. He has not heard my contribution, he has not understood the debate or the argument I have put forward, but he wants to come in and slag off about what I have just said in about 5 seconds of a 5-minute contribution. That is typical of the government. It is not listening to what we are seeking. This is about the government refusing to acknowledge the importance of this chamber. It would like this chamber to be a rubber stamp for the executive, and it has tried to have that. The government did that between 2002 and 2006. There was just a rubber stamp. Everything that came into this place was rubber-stamped.

The government has been in power for 10 years, and now it appears that everything is secretive. We know this government produces dodgy figures. We know it lies openly about its data. Nobody can trust its health data, and nobody can trust its law and order data. It has essentially become a government of lies, and unfortunately it is up to the people of Victoria, through this chamber, through the people's Parliament — not the government's Parliament, the people's Parliament — to hold the government to account. I am pleased Mr Davis has put together a list of the resolutions of the Council regarding motions seeking documents that have been denied. The government has consistently reduced the capacity of this chamber to seek appropriate documents through the processes that are established in this chamber.

I support these motions and am pleased that we will be able to move forward and demonstrate clearly and precisely that there has been systematic abuse by Labor of the processes of this chamber in the removal of the opportunity to see exactly what this government is up to with its deals, grubby arrangements and continual lies.

**Mr KAVANAGH** (Western Victoria) — As the motions moved by Mr Davis demonstrate, these debates in this chamber are not new. They have been going on for at least as long as I have been a member of this chamber. Mr Leane observed that some of these motions refer to the Leader of the Government in this house, and that is true, but contrary to Mr Leane's suggestion, the motions do not represent an attempt 'to blot this particular minister's copybook'. In my opinion there is nothing personal at all about these motions. The Leader of the Government in this house is referred to

only to the extent that he represents the government here more than anyone else does.

I recall about three years ago, when I was a member of the Select Committee on Gaming Licensing, trying to obtain documents and the government arguing that it did not need to provide those documents. My recollection of the technicalities of the debate after about three years is not very good, but I recall coming to the conclusion that quite clearly the government's argument — its legal argument in that case — was extremely weak. Legally it seemed to me to be quite clear that the government was obliged to provide those documents, which it refused to do. If governments are to be accountable, then obviously the people who are to hold them accountable — that is, the people of Victoria in this case — need the information required to form assessments and judgements about the government.

In addition, this house exists to be a house of review and to hold the government to account, and information is necessary to achieve those functions. This house was not established merely to be a forum for debate but to achieve practical objectives like reviewing government policies and practices. Of course we need information of the kind contained in the documents which Mr Davis seeks in order to fulfil that function.

If we look at the case of Greece at the moment, it seems to possibly be on the edge of a financial catastrophe. How did that come to pass? It would appear that it came to pass because, from reports, year after year the Greek government got away with falsifying its financial records and hiding the actual situation Greece was in from people who might have been able to do something about it.

**Mr Viney** interjected.

**Mr KAVANAGH** — Mr Viney argues that the previous coalition government was not very open and transparent itself. That may be true, and I suspect it probably is, but we should be aiming to improve and do better all the time.

**Mr Viney** — That was my point — we have improved.

**Mr KAVANAGH** — Perhaps we have not improved enough. The motions relating to all the documents that have not been made public suggest that we have certainly not improved enough, if we have improved at all.

This debate has been going on for literally years, so I do not intend to go into it in any further detail than I already have except to say that the government should

provide the documents to this house — I think it is legally obliged to — and I will support Mr Davis's motions.

**Mr D. DAVIS** (Southern Metropolitan) — In reply I will be brief. As has been pointed out by Mr Kavanagh and others, these are serious matters and they concern the accountability of the government.

These motions have been very carefully framed. They are highly particular and the documents being sought have been thought through carefully. Where the government has come back with legitimate reasons a document should not be provided we have waived the house's attempt to seek that document. We have only pursued documents that in my view and the view of the opposition ought to be in the public domain.

It was disappointing to hear Mr Viney's contribution. He had clearly not read through the motions in detail and paid them the heed that they deserve, because they are quite important matters of public accountability. As Mr Dalla-Riva said, this house is the representative of the people of Victoria in achieving these transparency and accountability steps.

The notices of motion, save for one, have been on the notice paper since the last sitting week. Each is, as I said, responsive to specific circumstances. It is clear that the government is not listening to the community — it is not listening to the house. The government is simply digging in. This is a tactical mistake by the government but it is also not good for democracy. For those reasons I urge the chamber to support these motions. I accept that they will be voted on individually because each is highly specific. Some go back to a year or so ago and relate to earlier motions and the government's failure to deal with them. Others are more recent and relate to the government's complete failure to engage with requests for documents on government advertising and to engage with requests from the chamber for documents concerning the financial position of our public hospitals. For those reasons I urge the chamber to support the motions.

#### **House divided on motion 1:**

*Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.**

**The PRESIDENT** — Order! I will make an assumption that we are going down the line of a vote. I will not ask members to resume their seats et cetera. If there is an issue with that, or members want to change their votes during the course of those ballots, members are free to swap over.

**House divided on motion 2:***Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.****House divided on motion 3:***Ayes, 19*

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr

Davis, Mr D.	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr ( <i>Teller</i> )	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr
Kavanagh, Mr ( <i>Teller</i> )	

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.**

**The PRESIDENT** — Order! The question is:

That motion 4 relating to the production of certain transport ministerial briefing documents moved by Mr David Davis be agreed to.

All those in favour say aye, against no.

**Honourable members** — Aye.

**Honourable members** — No.

**The PRESIDENT** — Order! I think the ayes have it.

**Mr Viney** — The noes have it.

**Mr Dalla-Riva** — The ayes have it.

**The PRESIDENT** — Order! A division is called for. Ring the bells for 1 minute.

**Bells rung.**

**Mr Viney** — On a point of order, President, when you called the vote you called that the ayes have it. I called for a division but Mr Dalla-Riva also called for a division when you had called it for the ayes. Given that he has called for a division, I am of the understanding that there is a precedent in the Australian Senate that requires him to vote on this side of the chamber.

**The PRESIDENT** — Order! This is a serious matter, and I will take advice.

The fact is that Mr Viney got in first. That is the one I acknowledged and that is what we actually divided on.

**House divided on motion 4:***Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.****House divided on motion 5:***Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.****House divided on motion 6:***Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.****House divided on motion 7:***Ayes, 19*

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

*Noes, 17*

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

*Pairs*

Davis, Mr P.	Darveniza, Ms
Drum, Mr	Madden, Mr

**Motion agreed to.**



## PENINSULA LINK: FUTURE

### Debate resumed from 9 December 2009; motion of Ms PENNICUIK (Southern Metropolitan):

That this house calls on the government to abandon plans for the construction of the Peninsula Link or Frankston bypass and instead implement alternative, local and less costly solutions to reduce bottlenecks and peak-time congestion on existing arterial roads and upgrade public transport services in Frankston and the Mornington Peninsula.

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

### Debate adjourned until later this day.

## ANTICORRUPTION COMMISSION: ESTABLISHMENT

Mr O'DONOHUE (Eastern Victoria) — I move:

That this house calls on the Victorian government to introduce an independent broadbased anticorruption commission in Victoria.

We in Victoria are lucky to live in a democracy. Many important components make up a viable and thriving democracy. It is critical we have strong institutions, such as the free press, separation of powers and independence of various authorities, such as the judiciary, the Auditor-General and others. Over and above the institutions themselves, it is critical for the community to have confidence in the integrity of those institutions and who is responsible for them. Without that confidence the institutions themselves can lead to a dysfunctional society. We see this in various other countries where there is widespread police corruption and where the police, rather than being a shield for the community, become something to fear — an institution which distorts the very society and institutions which it is supposed to protect and uphold. Various other countries have a concern for human rights and democratic values on paper, but in reality those values are not protected and respected. Zimbabwe is one such country that comes to mind.

The inaugural commissioner of the Western Australian Corruption and Crime Commission, Commissioner Kevin Hammond, said in a speech in March 2004, a few months after the establishment of the corruption and crime commission in that jurisdiction:

In many ways it's a pity we even need a body like the Crime and Corruption Commission. As the callers to talkback radio tell us — in the old days you could leave your milk money out for the milkman, leave your key in the front door without any fear and no-one questioned the work of public servants.

Unfortunately, those days are long since gone and jurisdictions around the world have found it necessary to set up anticorruption bodies. There is a strong need for these bodies as corruption in our public institutions eats at the heart of modern government. It quickly destroys confidence in our institutions that may have taken decades to build up but unfortunately, once lost, is not easily won back.

As I was saying, not only is it important to have the institutions but it is critical that the public has respect for those institutions. What, then, is the Victorian government's approach to the situation?

The government professes that through a variety of different bodies it has a system that protects the community against corruption and that indeed those bodies can go out and fight corruption. It cites the Auditor-General, the Ombudsman, the Office of Police Integrity (OPI) and the recently established Local Government Investigations and Compliance Inspectorate.

It is the contention of the opposition that those bodies, whilst serving useful purposes in and of themselves, do not provide the broad reach that is needed for a true crime and corruption-fighting body in the public sector. Those bodies fail to cover the field. The current system and the bodies that make up that current system have a specific focus; none has an overarching brief to investigate or root out corruption. The Ombudsman's focus is on administrative matters, the Auditor-General is focused on financial performance, the OPI is limited to the police, and the local government inspectorate is limited to local government. Moreover, specific limbs of the government's response to fight corruption have been discredited, and sadly none more than the OPI. The recent farce associated with the Ashby case has left the OPI without respect in the community.

An editorial in the *Sunday Age* of 14 February says:

It is now obvious that the OPI is finished as a credible organisation. However politically awkward it is for the Brumby Labor government to admit that, its refusal to do so has gone beyond a reluctance to change one's mind — it is damaging the state it is elected to serve.

It states also:

There is no alternative but to abolish it, and to do what the government should have done all along — set up a powerful anticorruption body ...

Other limbs of the government's response to corruption and potential corruption are also compromised. The local government inspectorate is too close to government and reports to the Minister for Local Government. The pretence of transparency is hardly what one would want from such an investigatory body. We currently have a system that does not cover the

entire public sector and does not have an overarching brief to tackle corruption. It has been developed in response to various crises as they have arisen during the course of this government.

The Premier has made his views on this matter abundantly clear. On 30 October 2007 he said in the other place:

We will not be establishing an independent commission against corruption.

On 31 July 2008, on questions of accountability and integrity, he said in the other place:

... the mechanisms we have already got in this place in this state go well beyond the mechanisms in other states.

On 25 June last year he said in the other place:

As I have said, the combination of the institutional arrangements we have in place — the Ombudsman, the OPI, and the Auditor-General ...

... give us the best combination of powers, bodies, institutions and practices to ensure that we root out any corruption that exists ...

The government's position changed last year with the appointment of Elizabeth Prout as a special commissioner to review the effectiveness of Victoria's integrity and anticorruption system. Its press release of 23 November states:

The review will consider the powers, functions, coordination and capacity of Victoria's integrity and anticorruption system, including the Ombudsman, ... Office of Police Integrity, Victoria Police and the Local Government Investigations and Compliance Inspectorate ...

The opposition contends that the review is too narrow and has not fully engaged the public in the way it should. This issue is one of critical importance to Victorians and to the health of our democracy. Whilst we will wait to see what recommendations the Prout review makes, it is clear the review has not been a source of debate in the broader public domain, and we are concerned that its scope is not wide enough.

It is interesting to compare the response from the Victorian Premier with various responses in other jurisdictions. Queensland established an ICAC (independent commission against corruption) after the Fitzgerald royal commission in the late 1980s; the Greiner government in New South Wales created an ICAC in 1988; the Western Australian Crime and Corruption Commission was established in 2003; and just last year legislation was passed in Tasmania to create its own anticorruption body. It is worth noting that, with the South Australian election now only a matter of weeks away, the South Australian Liberals

have committed to establishing a broadbased anticorruption commission and even Premier Rann has stated he supports the establishment of an Australia-wide ICAC or broadbased anticorruption commission. Therefore it appears the Victorian Premier and government are out of step with most commentators.

I refer to more remarks of other people. The current Prime Minister, Kevin Rudd, was quoted in the *Courier Mail* in 1997 as saying about the then government that in relation to a crime and justice commission (CJC) it did not seem to recognise that:

... the very existence of a credible CJC is of itself a significant deterrent against corruption ... Part of holding that line (against corruption) is a properly funded and properly empowered CJC.

This leads to the next point I wish to make.

The role of a broadbased anticorruption or crime and corruption commission — whatever term you wish to use — is not only critical to rooting out corruption and providing an avenue for people to raise concerns confidentially, it also sets the culture of government and the broader public sector. In the speech I quoted from before, Commissioner Hammond went on to say that one of the critical roles of the Crime and Corruption Commission and its establishment was to help to create that culture of transparency and accountability.

It is interesting to note this debate follows a lengthy debate that took place this morning about the production of documents, and indeed it is yet another debate that involves the production of documents. Transparency and accountability and the appearance of being transparent and accountable, as stated by the current Prime Minister, Kevin Rudd, is very important in creating a government and public sector that is not only clean and transparent, but also one which has the confidence of the people.

It is so important that the people respect the institutions that govern us, because ultimately we are only as strong as those institutions and our democracy is only as strong as the respect in which people hold the institutions of our government.

Gavan O'Connor, a former federal Labor frontbencher, has said:

There is an uneasy and growing suspicion in the community that the government's (reluctance) to establish such a body —

that is, a crime and corruption commission —

has more to do with protecting factional mates from scrutiny than meeting corruption head on in Victoria.

Barry Beach, QC, a retired Supreme Court judge who was head of the Beach inquiry into police corruption in Victoria, stated:

I think the Queensland crime commission or the New South Wales model are the way to go ... The obvious answer is there should be a crime commission that can investigate specific complaints about individual police officers ...

That was reported in the *Age* of 1 May 2004.

I thought that Queensland Premier Anna Bligh summed it up best, as reported in the *Sunday Age* of 2 August:

Governments that establish anticorruption bodies cop the fallout when the watchdog bites, Bligh admitted. But she would prefer a system 'not afraid to pick up the rock and discover the ugliness underneath, than one that is content to leave the rock alone and assume that an undisturbed rock is a sign of good health'.

The article goes on:

The main issue is that Victoria lacks an independent corruption commission.

That is the matter before us this morning. Of course this is not a new issue to the Parliament. On 9 June 2004 the then Leader of the Opposition in this place, Mr Philip Davis, moved a motion that the house:

- (a) notes the continuing police corruption crisis in Victoria;
- (b) supports the immediate establishment of a royal commission into police corruption and connections to 27 gangland killings; and
- (c) supports terms of reference for such a royal commission to recommend a model for the establishment of a permanent and independent crime and anticorruption commission in Victoria.

Six years ago this place had a debate similar to the one we are having this morning about the need for an anticorruption commission in Victoria, and sadly the vote recorded was 18 ayes, being the Liberal and National members, and 22 noes, being the members of the government. The government voted down a reference for the examination of establishing an independent crime and anticorruption commission.

The current Leader of the Opposition has been absolutely clear in his approach to this issue. As he said in a press release dated 14 September 2007:

Transparency, integrity and scrutiny are the cornerstone of good government ...

Victorians have been repeatedly assured by this government that there was no link between police corruption and organised crime.

The most recent revelations confirm the long-denied links between police corruption and organised crime in fact do exist.

The press release goes on.

The Liberal Party and the coalition have been clear for many years now about the need for the establishment of an anticorruption commission. This place passed a motion, moved by Mr Barber, on 22 August 2007:

That this house calls on the Attorney-General to send a reference to the Victorian Law Reform Commission to examine the most appropriate legal model for an anticorruption commission for Victoria.

Sadly here we are in 2010 revisiting this issue.

Victoria may not have had the scandals of Queensland or of New South Wales, where a minister was jailed for corruption before the Greiner government was elected and established the Independent Commission against Corruption, but there have been many situations where matters could have been referred to such a body. The Ashby case is the most recent in a long list of incidents where the public would have been better served, and indeed government and the Parliament would have been better served, had there been a broadbased anticorruption commission to which matters could be referred.

It is in all our interests, regardless of our political flavour, that the Parliament is respected, that the public service is respected, that the police are respected, that all facets of the public sector in Victoria are respected. As I said in my introduction, part of that respect is delivered as a result of the institutional arrangements and the separation of powers between the various institutions. More than that, though, the public must respect those institutions, and a key part of that respect is generated by the public's confidence that the work of the public sector, the work of the Parliament, the work of MPs and others, is done in a clear and transparent fashion for no other purpose than for those public servants to discharge their various roles.

I am pleased to move this motion. I look forward to the debate, and I hope the government, having been brought kicking and screaming to commission the Proust review, will now embrace the need for a broadbased anticorruption commission in Victoria. We do not want to be the only state that does not attack corruption in a fearless fashion. After the Liberals win the election in South Australia in a few weeks we will be the only state not to have established an anticorruption commission, because the Liberals have committed to a broadbased anticorruption commission in South Australia. It is time Premier Brumby got on

board; it is time the government got on board. It is important for transparency in Victoria; it is important for respect for our institutions. I commend the motion to the house.

**Ms PULFORD** (Western Victoria) — I am pleased to speak on this motion. In doing so I will decline Mr O'Donohue's suggestion to pre-empt the Proust review, but I will respond in a little detail on the range of measures that the government has taken over a number of years to ensure that we have a strong culture of appropriate behaviour throughout our public sector, throughout local government and of course in our police force.

Mr O'Donohue was quoting Kevin Rudd from the *Courier Mail* of 1997, and 1997 seems like a good spot to start, because that was the year the Kennett government nobbled the Auditor-General. It seems an appropriate place to start because that is really the Liberal Party's form in government, contrary to the very simplistic solutions its members like to present in this area, particularly Mr O'Donohue's assertion that an ICAC (independent commission against corruption) is and must always be the best possible solution for any areas in which corruption exists.

I will just remind members of a little of the chronology of anticorruption measures undertaken by the government. In 1999 a very early act of this government restored the Auditor-General's power to conduct audits in his or her own right and restored discretion over the management and contracting of all external audits. These powers needed to be restored because the Liberal government had removed them. That restoration was one of a handful of absolutely top order commitments the then Labor opposition made prior to the 1999 election. The Leader of the Government sometimes comes in here with the pledge card that Steve Bracks had prior to the 1999 election, and if my memory serves me correctly, restoring the powers of the Auditor-General was one of the five or six dot points on that little card.

The Police Appeals Board was established in 1999 by the Police Regulation (Amendment) Act. In the following year the Financial Management (Financial Responsibility) Act extended the functions of the Auditor-General to include a review of the government's estimated financial statements. A couple of years later, in January 2002, the Whistleblowers Protection Act provided a legislative framework to encourage and facilitate the disclosure of improper conduct by public bodies and public officers and to extend the role of the Ombudsman to include investigating and overseeing investigations of

whistleblower complaints. In 2003 the Constitution (Parliamentary Reform) Act entrenched the Ombudsman as an independent officer of the Parliament, thereby making that officer accountable to the Parliament rather than to the executive or the government. Also in 2003 the functions and powers of the Auditor-General were further extended to enable scrutiny of the government's use of taxpayers money, and that is a very important purpose.

In 2004 the Ombudsman Legislation (Police Ombudsman) Act created the office of the police ombudsman, and legislation also broadened the powers of investigation into police, providing a further layer of scrutiny and greater powers by which inappropriate behaviour could be identified and dealt with. Also in 2004 the Office of the Special Investigations Monitor was established to oversee the use of coercive powers in investigations by the director, police integrity. Later that year the Major Crime Legislation (Office of Police Integrity) Act established the Office of Police Integrity (OPI) to replace the police ombudsman and to be our new body to investigate and combat police corruption in Victoria.

The Public Administration Act 2004 established the State Services Authority to promote the best possible standards of accountability and integrity for public servants in the state. The OPI was given further powers in 2006 to use telephone intercepts in investigations, and in late 2007 the offices of the Ombudsman and the director, police integrity were separated by the Police Regulation Amendment Act. The OPI was provided with a stand-alone act outlining its powers and providing additional powers to ensure the most effective operation of the office.

In 2008 local government was an area of further regulation, and legislation in that year enabled the establishment of councillor conduct panels. More recently — we are now much closer to the present time — a little over 12 months ago, amendments were made to the Local Government Act by the Local Government Amendment (Councillor Conduct and Other Matters) Act to require local councils to establish standards of conduct for councillors. The conduct and behaviour of local councillors in some instances is a subject we have had occasion to debate in this place on a number of occasions over the — —

**Mrs Peulich** — Too many.

**Ms PULFORD** — You are probably right, Mrs Peulich: too many occasions. I am sure all members would agree that the overwhelming majority of elected councillors who serve their communities in

this state are motivated by providing the best possible service they can to their communities, are doing so to the absolute best of their ability and are managing any conflicts in the manner in which we would expect. However, it is important that a legal framework exists to sanction those who cross the line into inappropriate behaviour. The government is absolutely committed to fighting corruption and dealing with inappropriate and unacceptable behaviour.

Mr O'Donohue talked about the importance of having institutions that are respected across the state and a clear set of rules and guidelines that all public officials, elected officials, public servants and police officers comply with and which provide appropriate regimes to deal with conduct that is unacceptable and inappropriate and diminishes the public's confidence in these very important institutions.

We believe the model we have is better than the simple ICAC model we see in other states. We have a model that is based on strong bodies that complement each other, that have the resources they need to do the job and that have strong powers so that any allegations of corruption can be investigated. Through these bodies we have strict lines of accountability and reporting to Parliament, and it is through those requirements that we have come to debate some of these matters over the last year or so. There is oversight by the Auditor-General and the Ombudsman and an appropriate level of investigation into allegations of criminal behaviour, as there should be. The Liberal Party is proposing that we replace a system that works with one that is unproven and is a model taken from states which have histories of corruption that fortunately we do not have in Victoria.

There are four reasons we believe the model we have is superior to an ICAC model. An ICAC model is very costly and by no clear measure more effective. It leads to large numbers of unjustified complaints whereby individuals can be named without proper procedural fairness. There is a strong incentive for people to make unsubstantiated claims, perhaps to achieve the objective of trashing the reputation of another without having to meet the criminal standard of proof or having to follow any fair procedures.

The Liberal Party has failed to demonstrate the need for an ICAC. There is a low level of corruption in Victoria, and when allegations of corruption arise they can be pursued through the existing framework. The office of the Ombudsman investigates allegations of improper or corrupt conduct by public servants or local government officers. It operates under rules of procedural fairness, which are of course essential in any democracy, and reports to Parliament after hearing the evidence. The

Ombudsman has the discretion to not investigate matters that are considered to be vexatious, and it is ordinarily the practice of the Ombudsman to not comment on the progress of investigations or respond to media until reports have progressed and been completed.

To contrast this with New South Wales, that state's ICAC publicly announces charges against individuals before hearing any evidence, which can have a profound impact on the person against whom the charge is being made. In New South Wales people who are subject to such allegations are often not provided with full information about the charges against them or indeed the evidence that they are expected to refute.

The Victorian Ombudsman can handle the same complaints against public servants or local government officers as the New South Wales ICAC, but the Ombudsman's jurisdiction exceeds that of the ICAC because the Ombudsman can investigate improper conduct as well as corrupt conduct. Improper conduct is as great a risk to the measure in which Victorians have confidence in our public institutions as corrupt conduct, and so the Ombudsman is able to investigate improper conduct.

**Mrs Peulich** — That is a very narrow definition of corruption you are operating under.

**Ms PULFORD** — Mrs Peulich, that is really the point. That the Ombudsman can investigate corrupt conduct and improper conduct allows the Ombudsman to deal with a far greater range of conduct and behaviour than can the New South Wales ICAC.

Complaints of criminal behaviour against MPs should be handled by the police and lesser complaints by the Parliament. Complaints about the conduct of local councillors can be handled through a range of measures, which we have discussed in this place on a great many occasions.

**Mrs Peulich** interjected.

**Ms PULFORD** — Mrs Peulich, there would be a bunch of people who were elected to the Brimbank City Council who would say it was a pretty firm response. That municipality is now under the administration of commissioners; that is a pretty heavy hand, I would have thought, and appropriately so.

Victoria has not had the type of serious and systemic corruption that has been evident in states with ICACs.

**Mr Koch** — How do we know that?

**Ms PULFORD** — It is the Liberal Party's proposition to create an ICAC, but the case has not been made that the systems we have do not fulfil our requirements.

**The ACTING PRESIDENT (Mr Vogels)** — Order! Through the Chair.

**Ms PULFORD** — Thank you for your assistance, Acting President. The systems we have can ensure the community's confidence in our oversight bodies and anticorruption institutions is appropriately upheld. I think the Liberal Party likes the idea of an ICAC because it boils down to a catchy one sentence for radio interviews.

The OPI has achieved significant success in combating corruption. Over 400 criminal charges have been laid against police and civilians, and the OPI's powers to investigate corruption are equivalent to those of bodies in other states. The OPI has a budget of \$26 million a year with the independence to determine how it uses its resources, and it operates to ensure the highest levels of conduct in the police force.

Mr O'Donohue referred to the Proust review, which is under way. Elizabeth Proust has been appointed as special commissioner to work with public sector standards commissioner, Peter Allen, to review the effectiveness of Victoria's integrity and anticorruption framework — the system of complementary bodies with different areas of oversight and responsibility. As I indicated at the outset, the government has from one of its very first acts in 1999 acted to ensure that we have great levels of accountability, in the first instance by restoring the powers of the Auditor-General that the opposition when last in government found a little inconvenient. As legislation has been brought into this place from time to time to adapt to changing circumstances, to ensure that Victoria's anticorruption bodies have the powers they need, these things need to be reviewed from time to time. The Proust review will provide a report in coming months and then we will consider the powers, functions, coordination and capacity of the system we have.

That review will include an examination of the roles of the Ombudsman, Auditor-General, Office of Police Integrity, Victoria Police and the local government investigations and compliance inspectorate. Strengthening those bodies is of the utmost importance so that Victorians can be confident that we have a corruption-free framework for government, for our public sector and for our police, and so people can be confident that our institutions are best serving the needs of people across the state. I look forward to seeing the

outcome of that review. This is an important area, and it requires a little more consideration and application than the pithy one-liner about needing an ICAC that is the best the Liberal Party has been able to come up with. However, I remind members when considering Mr O'Donohue's motion today that it is perhaps more appropriate that we await the outcome of the Proust review than determine this matter in the upper house today.

**Mrs Peulich** — That's the idea, isn't it? To await the outcome.

**Ms PULFORD** — Do you think the Legislative Council is more expert than an independent review of the bodies?

*Honourable members interjecting.*

**Ms PULFORD** — There is a bit of sensitivity from members opposite about their policy vacuum in this area, but I would urge members opposite to take a cold shower, to have a look at what the Proust review recommends and to do a little policy work in this area.

**Mr BARBER (Northern Metropolitan)** — It seems the Labor and Liberal parties again agree on something — that the terms of this debate are simply over the mechanisms and structures and perhaps gaps in powers of various anticorruption bodies. If that is merely the debate that we are having here today — your model of how to do it versus my model — then I suggest there is an elephant that is not in the room.

The Greens, as Mr O'Donohue kindly noted, first raised a virtually identical motion, with an exception, on 22 August 2007. We moved:

That this house calls on the Attorney-General to send a reference to the Victorian Law Reform Commission to examine the most appropriate legal model for an anticorruption commission for Victoria.

That was supported by all non-government parties at the time.

If we want to have a debate about where the gaps are, whose powers are overlapping and which bit of power has a gap, that would be a good job for the Victorian Law Reform Commission. It would be a good bureaucratic exercise, so good luck to the public service commissioner in the effort to produce a report on it. However, I do not know why we are here if it is merely for the purpose of debating different legal models.

What we have to talk about is the central question: what is official corruption? Without a clearly defined corruption offence, what is it that an ICAC

(independent commission against corruption) or an Ombudsman, or any other structure you might want to create, can do? It cannot look behind people and say, 'Gee, that looks a bit dodgy'. The role of such an anticorruption body is to investigate and then make findings that a person has engaged in official corruption — that is its job. It does not prosecute people; that is what prosecutors do.

The question we have to address at first instance is: what is official corruption? We are talking here about corrupt conduct by ministers, their close advisers, the public service heads with whom they might work closely in both policy making and policy implementation, and obviously MPs to the extent to which MPs share some powers — not executive powers but other powers — which they may attempt to misuse. It seems nobody wants to come here and talk about that. It seems that politicians do not really want to enter into a discussion about how they would regulate themselves. We have had plenty of discussions about regulating local councils and police officers and a range of other persons, but politicians are not ready to have a debate about the sorts of rules they might want to put on themselves, the tripwires they might set up for themselves — and Nick Greiner understands that better than anybody.

We have created a strong statutory offence for local councillors. We did it fairly recently through an amendment to the Local Government Act. The provision quite simply says that councillors should not 'gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person'. It is not a question of conflicts of interests or conflicts of duties; it is a question of advantage they are bringing to themselves that is not rightfully theirs when acting in that office. When you are a councillor or MP and using the powers of those offices, you can only use them to serve the people who put you there. That is the oath of office, and that is the framework under which local councillors in this instance are appointed. In a very wide-ranging provision it simply says that you should not be using your office to gain an advantage for yourself. The penalty for that offence, if proven, is five years jail — and the Greens support that.

There is a non-statutory offence. There is a common-law offence, and I have spoken about it many times in this chamber. It is the common-law offence dating back many centuries of misuse of public office. I am not aware of that offence having been brought to bear against any politician, certainly in the state of Victoria, but it has been used on a number of recent occasions against police officers, who also hold a public office.

The definition of who owns a public office can be very wide.

The elements of this offence are pretty well understood through that long chain of common law. The first is the failure to comply with an obligation to discharge a public duty in which the public is interested. It covers anybody with even a basic public duty. I think in the ancient example a nightwatchman was given a public duty and failed to perform it — in his case possibly because he was asleep on the job or because he saw something happening and simply failed to act. It has to be a public duty; it cannot be a private duty. Once you have that public trust you have an obligation, and a failure to meet that obligation is an element of the offence.

Covering up such conduct was also elucidated in the case of *R v. Bembridge* with the concept that 'if he concealed it, his motive must have been corrupt'. The misbehaviour would also have to amount to oppression: using the powers of your office to compel someone to act in a particular way. These are the sorts of acts we started to talk about when we were discussing the Brimbank matters.

The offence also requires a positive action of wilful neglect, so failing to act through inadvertence would not suffice. Former Chief Justice Sir Anthony Mason said when he was in the Hong Kong jurisdiction that the mental element required for misconduct must be wilful as well as intentional. The person must do the act with 'knowledge or advertence to the consequences'. Misuse of position also has to be serious; it cannot be trivial. Therefore the court would consider the consequences of that person's misuse of office that are likely to follow in deciding whether it amounts to an abuse of trust.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Desalination plant: unions

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Industrial Relations. Given the importance of water rates and their impact on Victorian families, I ask the minister to confirm or deny for the house that a former Australian Manufacturing Workers Union Victorian state secretary, Craig Johnston — who for the record was expelled from that union for misconduct, jailed after pleading guilty to causing affray, criminal damage and assault during an industrial dispute, prosecuted and

fined by the Office of the Australian Building and Construction Commissioner for engaging in unlawful industrial conduct and was reportedly on the front line of the union protest on the West Gate Bridge — has now been appointed as a site delegate on the site of the Brumby government’s massive desalination plant. I ask the minister if that is true or not.

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — It is good to have a question from Mr Dalla-Riva again, and I thank him. He prefaced his remarks by making reference to water rates but did not elaborate. I suspect this goes back to his little effort late last year when he came in here and suggested that he had in his hands a signed agreement for the desalination plant, which he did not have. He claimed there was a union excluded, which there was not, and he claimed that an agreement on the desalination plant would increase water costs, which it will not because, as he perhaps now understands, any additional costs accrued by AquaSure are a matter for it. It is a fixed-price contract and —

**Mr Dalla-Riva** — Is he the site delegate?

**Hon. M. P. PAKULA** — If Mr Dalla-Riva will hold his horses, I will get there. It is a fixed-price contract and any additional costs are borne by AquaSure.

I am aware of the matter to which Mr Dalla-Riva refers, and I am assuming that he and I probably read about it on the same blog, but who AquaSure employs is a matter for it. I do not have direct knowledge of it, but I believe it not to be the case.

**Questions interrupted.**

### ABSENCE OF MINISTER

**Mr LENDERS** (Treasurer) — I formally advise the house that the Minister for Planning will not be here for question time today.

### QUESTIONS WITHOUT NOTICE

#### Desalination plant: unions

**Questions resumed.**

#### *Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — I thank the minister for his response. I am interested in this fixed-price contract. We know water rates in

Melbourne have already surged upwards and are set to double. Will the minister assure the house that no additional costs in the desalination labour agreement will be passed on to consumers as a result of some of these appointments?

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — Mr Dalla-Riva asks about ‘some of these appointments’, so clearly he either did not hear or perhaps did not believe me when I said I believe it not to be the case.

**Mr Dalla-Riva** interjected.

**Hon. M. P. PAKULA** — I believe it not to be the case. I am not the employer, but I believe it not to be the case. As I have indicated to the house, the contract is a public-private partnership where there is a rate that is provided under the contract, and any additional expenses incurred by the contractor, AquaSure in this case, are borne by it. The cost to government is unchanged by any enterprise agreement.

#### Rail: Laverton station

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on the progress of the Laverton rail upgrade?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Ms Tierney for her question, because this is a project which will benefit not just the commuters in and around Laverton but commuters all the way down that western corridor to her electorate as well. On 9 February I was pleased to officially open the new footbridge at Laverton station. I was joined on that day by the now member for Altona in the Assembly, Jill Hennessy.

**Mr Finn** — Why did you take the ramp away?

**Hon. M. P. PAKULA** — You know what, Mr Finn; I will come to that, because I heard your incoherent ramblings on this matter last night.

The opening of this footbridge was a significant milestone in the \$92.6 million Laverton rail upgrade project. When it is completed the upgrade will provide the capacity for additional services to run during peak periods, but importantly — like the Westall upgrade — it will enable the introduction of services that start and finish at Laverton. It will also remove a major bottleneck between the Altona loop and Laverton station, which will enhance the reliability of the service. The newly opened footbridge and the newly opened elevator that was not there before —



**Mr Finn** — How many people can you fit in the elevator when they cannot get down the stairs?

**Hon. M. P. PAKULA** — I have been in the elevator. It will improve access for all passengers and for the local community. The old footbridge was inadequate, and the replacement of it is just one part of the rejuvenation of the station.

The upgrade also includes the construction of a new platform and the installation of additional tracks, and both of those are well under way. We will also be installing bike cages with a total capacity of 40 bikes. That will provide commuters with a number of options to connect to the station. In addition to that, significant amounts of signalling works have already been completed.

While we were at the station Jill Hennessy and I announced that an additional 100 parking spaces will be built at Laverton station. That is in addition to the 300 extra parking spaces which have already been announced, so that is a total of 400 new parking spaces.

**Mr Finn** — Full by half past six!

**Hon. M. P. PAKULA** — Mr Finn raises an interesting point. The point he makes is that the 400 new parking spaces are needed — and they are. But Mr Finn was in here last night suggesting that we should — —

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — Mr Finn should listen. He was in here last night suggesting that we should have replaced the ramp. The old ramp was not disability compliant.

**Mrs Peulich** — And stairs are?

**Hon. M. P. PAKULA** — No, but the elevator is, Mrs Peulich. For any new ramp to be disability compliant it would have had to be considerably longer with a shallower gradient, which would have meant that we could not provide the extra parking spaces. Mr Finn, you have a choice: you can have the new parking spaces with the elevator or you can have a new ramp. You cannot have both.

All aspects of this project deliver on the government's commitment to boost transport services in Melbourne's west. It is just one more example of this government's plan to provide better services on public transport through the Victorian transport plan.

## Superannuation: employer contributions

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer. I refer to the government's obligations under commonwealth legislation to pay employer contributions and pass on salary sacrifice contributions to complying superannuation funds. Can the Treasurer outline to the house whether government policy requires these payments to be made on a fortnightly basis, consistent with the public sector pay cycle, or only at the end of the quarter?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his new technical question, which follows his technical question yesterday, which for the record was about an issue which is in the courts and cannot be commented on. This new technical question is more pertinent to the minister for finance, who has responsibility for — —

**Hon. M. P. Pakula** — He does not want to ask any questions of the minister for finance!

**Mr LENDERS** — No, I suggest that he probably does not want to — unless he wants it reported in the *Australian Financial Review*, like today's story.

Mr Rich-Phillips asked whether contributions are to be made fortnightly or in another period of time. I do not know the answer to that question; it is a technical question that comes under the portfolio of the minister for finance. But I what I do know is that this government has been part of a movement that has brought in compulsory superannuation for every worker in this economy since the 1980s, something that was opposed by those opposite. I know also that that superannuation has now accumulated to the point where we have about A\$1.4 trillion in investment, of which 70 per cent is invested through Melbourne and has created investment opportunities, retirement income savings for our workers and a very large financial services workforce in Melbourne and Victoria.

I look forward to Mr Rich-Phillips's supplementary question, but if we go back to basics we see that Labor created the superannuation scheme which has positioned this country, this city and this workforce better than probably anywhere else in the world. Labor has put in the governance for this system to go forward so that it is now a world model. We are the 16th largest economy in the world and we have the fourth largest amount of funds under management of any country in the world. I look forward to Mr Rich-Phillips's supplementary question, which I suspect, yet again, is

not designed to encourage confidence in the state of Victoria.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am not sure where the Treasurer would like me to go with that, but I accept that it was a technical question, and I ask: will the Treasurer come back to the house with the answer to that question and will he provide the house with an estimate of the cash benefit to the state of making these payments on a quarterly rather than a fortnightly basis?

**Mr LENDERS** (Treasurer) — I think the opposition's questions committee could do with a consultant or two, but I am happy to take Mr Rich-Phillips's question on notice.

**Taxis: government initiatives**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Public Transport, the Honourable Martin Pakula. Can the minister advise the house of any recent initiatives aimed at improving the Victorian taxi industry?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Ms Mikakos for her question. It is an important question, because around 35 million trips are made by passengers across Victoria's taxi network every year. This is a significant figure, and the government has introduced a range of measures to improve the standard of taxis throughout the state through the safe taxi audit. One of the ways the government has improved standards is by tightening the entry requirements for taxidriviers.

In addition to that, the Victorian Taxi Directorate has identified that credit card fraud is a potential problem across the industry. It is difficult to know how big a problem, because an amount of it is not reported by passengers, but we are determined to deal with drivers who do the wrong thing. This month transport safety officers from the VTD have conducted a safety blitz. They have been pulling taxis over at random to conduct safety checks but, importantly, have also been checking that their EFTPOS (electronic funds transfer at point of sale) terminals are in working order and are switched on. Taxidriviers who are found to be committing credit card fraud face having their accreditation cancelled and ultimately also face potential criminal charges. Those who simply do not have their EFTPOS machine turned on are also liable to sanctions.

It is important for passengers to understand that it is illegal for taxis not to have a working EFTPOS

terminal. Taxidriviers who do not accept credit card payments or, importantly, refuse to process those payments through the electronic terminal, face an on-the-spot fine of almost \$300. It is important also that passengers help the Victorian Taxi Directorate by being vigilant and reporting any incidents where they suspect fraud has occurred, especially where the driver insists on using paper vouchers rather than the electronic terminal. We have urged taxi users to provide as much information as possible to the VTD, including the licence plate number of the cab and the driver's number, so that the VTD can conduct an appropriate investigation and take action. It is important to note that about one-third of all complaints to the VTD cannot be substantiated, in large part because of insufficient information being provided, so it is vital to include as much information as possible.

Passengers should be assured that all their complaints are treated confidentially and investigated thoroughly, because we are absolutely committed to lifting standards across the taxi industry so that Victorians and, importantly, visitors to this state receive safe, clean and reliable taxi services.

**Public transport: myki ticketing system**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is directed to the Minister for Public Transport, Mr Pakula. I refer the minister to reports that his government may abolish zone 2 to solve its problems with myki. Will the minister indicate to the house whether the government will or will not abolish zone 2?

**Hon. M. P. PAKULA** (Minister for Public Transport) — Mrs Peulich refers to a report which provided speculation about options that the government may or may not be considering. Neither I nor any other minister of the government is in the habit of commenting on such speculation in any way. Fare structures have been amended in the past on many occasions. These matters are always the subject of appropriate consideration, and that is no different in this situation.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — The supplementary is: will all current zoning arrangements — not fares — remain in place as the troubled myki system is introduced?

**Hon. M. P. PAKULA** (Minister for Public Transport) — The supplementary was effectively answered by the answer to the substantive question.

The answer to the substantive question was that arrangements for fares and ticketing are constantly under review — they are reviewed from time to time — and they form an appropriate and proper part of the consideration of government.

### **Australian Vinyls: water recycling plant**

**Mr EIDEH** (Western Metropolitan) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister update the house on how the Brumby Labor government is supporting businesses in the west to improve their sustainability?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Eideh for his question and the opportunity to talk about a very exciting initiative. Earlier this month I had the good fortune of being in the company of the Premier and the then candidate and now member for Altona in the Assembly, Jill Hennessy, at the opening and commissioning of a water recycling plant at Australian Vinyls in Altona. This is a great collaboration between various state agencies and the company, and great benefits will accrue to the entire Victorian community from significant water savings at this important plant.

Australian Vinyls, which is owned by Wesfarmers, is one of the 20 top industrial users of potable water in Victoria and previously used somewhere in the order of 640 megalitres annually. This recycling plant will halve its water use. The outcome of this significant \$5.8 million investment in this development of the plant will lead to 320 megalitres of potable water being saved annually for the benefit of the Victorian community. The investment of our government in providing \$1.8 million out of the budget to support that saving will prove to be a wise investment not only for the standing of the industry but also for the potential benefits of that water being reused and reallocated to other water users across Victoria. This is a very significant undertaking in its own right. It is consistent with an approach taken by government agencies working in collaboration with industry. It is consistent with great leadership being shown by some of our major water users in using water more wisely.

Three or four years ago the Environment Protection Agency and the Plastics and Chemicals Industries Association developed a sustainability covenant relationship for the scoping of potential sustainable investments across the industry to try to ensure greater resource efficiency and, as in this case, a reduction in water use. This partnership has led to many investments across Victorian industry. We will continue to see private sector investment, supported by government

investment, to ensure that we have more sustainable industries in Victoria in every sense; that they stay economically competitive; that they bring great benefits in terms of economic activity and jobs to our regions, in this case the western region of metropolitan Melbourne; and they are sustainable in the sense of making sure that they reduce their resource load. The water recycling plant at Australian Vinyls is a clear demonstration of that commitment which the Brumby government is pleased to support through direct funding and which has led to great private investment and great public benefit through the saving of that 320 megalitres a year.

### **Portland hospital: helipad**

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. I refer to the minister's letter to the chief executive officer of Portland District Health in which he flatly ruled out the use of land immediately adjacent to the Portland hospital as a helipad. Will the minister now back down from this premature position and allow the development of a helipad immediately outside the Portland hospital to ensure the life-saving south-west helicopter is able to land in the most clinically advantageous position?

**Mr JENNINGS** (Minister for Environment and Climate Change) — Mr David Davis knows that the only premature acts are the ones consistently taken by his colleague Dr Naphthine, the member for South-West Coast in the other place, who time and again puts his foot in his mouth by entering into public debates on matters such as this. The member for South-West Coast continually lectures me on erosion and landslip along the Portland coastline and consistently tries to drum up agitation in the local community to create fear about the degree of landslip that occurs along that coastline within the town of Portland. Yet at the same time he jumps on the bandwagon by saying, 'You should put a helipad right on the cliff top in Portland'. He is making merry mischief in the local community about this matter.

Now I hope he is not going to be joined by the Leader of the Opposition in the upper house asking me a premature and inappropriate question about the appropriate planning consideration of this matter. I assure members that I have every concern that the government acquit its responsibilities to protect the integrity of that coastline, in particular the cliff face and the coastline in the township of Portland. We will continue to allow only appropriate development on that coastline and that cliff top into the future. I can assure members of that.

At the same time we recognise our commitment as a government to provide helicopter services to give greater assistance to the health-care system within the south-west, including Portland. We will find a way that a helicopter can land safely and securely in close proximity to the hospital into the future and so provide better health care for the people of the south-west. We do not find these objectives mutually exclusive in terms of making sure that we acquit both our responsibilities. We will deliver on those outcomes. We do not want to be subjected to premature and inappropriate pressure from any quarter about the way we can acquit those responsibilities.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I think we might have hit a raw nerve. My actions in asking this question are not premature. I have actually been down there and have been briefed by the hospital. I therefore ask the minister a simple question: was the Minister for Health or his department consulted prior to this extraordinary letter being sent?

**Mr JENNINGS** (Minister for Environment and Climate Change) — Let us leave aside the hyperbole in relation to the quality of my letter, apart from it being clear and consistent with what I have just told the house about my intentions to develop this outcome. I will be totally consistent and clear and determined to acquit my responsibilities and allow the appropriate siting and location of a helipad to support the hospital. That will be done. The Minister for Health knows that that will be done, the people who work with him know that that will be done and that it will be fully acquitted.

**University of Melbourne: life sciences supercomputer**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Innovation, Gavin Jennings. Can the minister update the house on the progress of the world's largest supercomputer dedicated to the life sciences to be located in Victoria at the University of Melbourne?

**Mr JENNINGS** (Minister for Innovation) — I thank Mr Elasmarr for the opportunity to be passionate about the life sciences computer, which will be arriving in Victoria in the very near future. It is from a great collaboration between the Victorian government, which provided the first \$50 million to facilitate the \$100 million investment — it is a great partnership and alliance — the University of Melbourne and IBM.

It will be one of the largest supercomputers on the planet, having a capacity of 800 teraflops — that is, 800 trillion computations, permutations and calculations within a second.

**An honourable member** — That is impressive.

**Mr JENNINGS** — Yes, 800 trillion. That is a quite extraordinary capability.

**Mr Koch** — That is a lot.

**Mr JENNINGS** — It is a heck of a lot. When you consider it, 'super' and 'trillions' are themes of today's question time. My colleague identified \$1.4 trillion in superannuation managed funds in the state of Victoria, and now we have a supercomputer capable of doing 800 trillion computations in a second.

This supercomputer will be larger than the supercomputer which the National Aeronautics and Space Administration has and which has guided its space program in the past. It is an extraordinary capability that will be able to be used with other great capabilities in Victoria, such as the synchrotron and our life sciences research facility, which engages somewhere in the order of 10 000 researchers who operate out of the Parkville precinct. Many activities in medical science and biotechnology will benefit. Cancer research will also benefit from the application of this life sciences supercomputer capability.

It was an exciting day when I joined the Premier, the vice-chancellor of the University of Melbourne, Glyn Davis, and representatives of IBM, being Glen Boreham, who is the head of IBM Australia, and Tilak Agerwala, who is vice-president of operations of IBM Global. They came to Victoria to be part of this announcement. IBM representatives see Victoria as a great place to develop this capability. From their vantage point they clearly flagged that this is one of the top five investments they have been associated with across the planet. As I indicated, it will be one of the largest supercomputers that has been established in the global scientific community. We on this side of the house have absolute confidence that medical research, life sciences research and biotechnology will be part of the future economy and future great potential for this state. We associate ourselves with it unswervingly.

Those on the other side may be experts in very large flops; they may see their whole political acumen as a belly flop of teraflop proportions, but we on this side of the house understand the importance of science and support that science unswervingly in the name of economic activity and job opportunities for Victorians. Cures and remedies for many of the global challenges

facing our community and other communities around the world will be dealt with through the capability we are building with the life sciences supercomputer.

### **Bushfires: prevention**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change, Mr Jennings. In November I asked the minister about his response to a number of fires that had been inadvertently lit in VicForests logging operations in the Murrindindi area. It seems that the fire last summer that had the most impact in terms of area and threat to humans may have been the Cann River fire. Touch wood that it will be the last one and we will not see anything like that for the remainder of the season. Can the minister confirm that that fire was ignited at a VicForests logging site, and can he tell me whether they were operating at the time within the undertaking that he described in his earlier answer in November?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for his question. The matter he raises with me is a serious one. As he indicated to the chamber, this is a matter that he was concerned about in 2009 — that there was scrutiny placed on VicForests operations. He sought undertakings from me that the Department of Sustainability and Environment would establish processes and procedures to deal with fire risk that may be associated with logging activities. I can report to Mr Barber that those procedures have been in place across the Victorian industry and have been monitored by my department.

Notwithstanding those procedures and protocols, I can confirm, based on our investigations and the best advice available to me, that the fire in question at Cann River occurred, as he suggested in his question, through a logging operation. Indeed I believe there will be further investigations about what actions may follow from the confirmation of that. The protocols and procedures have been and still are in place. In this case they were not sufficient to prevent this incident from occurring, which means that we must reflect on their effectiveness and try to continually improve their effectiveness to prevent the spread of fire through this activity in the future.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Members of the house would be aware that other agricultural activities have strict rules around how they can operate in periods of heightened fire danger. The minister's answer back in November was not particularly explicit.

It was simply that undertakings were given and that they were in relation to the fire danger index. Can the minister detail for me the current undertakings or regulations or whatever they are that he has put in place?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I will follow up on this. Given the ongoing scrutiny that Mr Barber wants to place on this, I will formally respond to the question.

Basically, how the arrangement works in simple terms is that there is monitoring in place, or a requirement that VicForests, which will be supervising forester activity, on designated extreme days — code red days — would place limitations on the degree of activity that could be undertaken within any forest coupe. There would be a requirement, depending upon the acuity, to ensure that there is firefighting equipment on hand and a preparedness to respond to what might be an imminent risk that may occur. I will provide Mr Barber with more detailed information, as I would furnish that information to any member of the chamber or member of the community if they desired it.

### **Schools: Gippsland**

**Mr SCHEFFER** (Eastern Victoria) — Can the Treasurer update the house on his recent trip to Gippsland and on how the Brumby Labor government's investment in schools is delivering a better education system and bringing communities together?

**Mr LENDERS** (Treasurer) — I thank Mr Scheffer for his question and for his interest. Last week I did go on a trip to Gippsland. I managed to visit my mum on the way, which was very nice, and while I was there I also went to four separate schools.

**Mr Hall** — Not for her!

**Mr LENDERS** — I actually think my mother was very pleased to see me. I think she and Mr Rich-Phillips's mother are the only people who actually listen to the broadcasting of Parliament on their computers.

What I can say to the house and to Mr Scheffer is that I went to four schools in Gippsland. Firstly I went to the Bairnsdale Secondary College. It was fantastic to launch the Bairnsdale education plan with Mr Craig Ingram, the very good local member, the member for East Gippsland in the Assembly. It was a very good community event. We had representatives of a series of schools.

**Mr D. Davis** interjected.

**Mr LENDERS** — Wait, Mr Davis, I have good news for you. We had representatives from a series of schools — from secondary and post-secondary down to pre-primary — who wanted to consolidate on an extraordinarily large piece of land, working with the Shire of East Gippsland. There is a heated indoor pool, and the shire will now relocate the outdoor pool; there are municipal sporting facilities; and there are school education and sporting facilities from pre-primary to post-secondary level. This is an example of a community, led by the very active and effective local member, Craig Ingram, pressuring government into bringing this together. I was delighted to be there.

**Mr P. Davis** interjected.

**Mr LENDERS** — I then went on to Maffra Primary School. In response to Mr Philip Davis's suggestion, my good colleague Mr Viney was with me, my good colleague Mr Ingram was there and Mr Darren Chester was also there. Mr Davis has his picture in the paper — he pays for his picture to be in the *East Gippsland News* and in the *Bairnsdale Advertiser* — but Mr Chester was out there. Mr Chester beat Mr Davis to the mark. With my colleagues Mr Ingram, Mr Viney and Mr Chester, I had great joy in being at Maffra Primary School, a school with construction activity funded by money put forward by the federal and state Labor governments. It was interesting that Mr Chester did not blush. He argued against stimulus spending in the federal Parliament but was there getting his photo taken with every student he could find to say what a wonderful infrastructure project this was. But such are the vagaries of politics.

**Mr D. Davis** — On a point of order, President, question time is about answering questions on state administration. The activities of federal members of Parliament seem to me to be far beyond the purview of the Treasurer's responsibilities.

**The PRESIDENT** — Order! Mr Davis's point of order is correct.

**Mr LENDERS** — That was a teraflop if ever I saw one! The extraordinary level of facilities at Maffra Primary School is, again, the result of a great partnership between the state government, the federal government and the Maffra community in rebuilding a school. We saw all sorts of people there; it was a great event.

I then moved on to the Maffra Secondary College. There is more — \$5.5 million of state government money has been provided for a substantial rebuilding of

the Maffra Secondary College. Again Mr Viney was there, Mr Chester was there and Mr Ingram was there, as was the mayor of Wellington Shire Council and a range of others. The important thing here is that this is a good school with good teachers and good students. Good students will learn wherever they may be, but here they were provided with resources to make learning more interesting.

Today the figures came out for construction activity in December. We have seen that non-residential construction has remained strong. Why has it remained strong? It has remained strong because of the Building the Education Revolution program and state and government investment in infrastructure, which has created jobs right throughout Gippsland. I had the great joy at Maffra Secondary College of meeting with a number of builders, whose concern before — —

**Mr Koch** — Not local!

**Mr LENDERS** — Yes, local builders from Gippsland, Mr Koch. If it helps you, Gippsland is a place that stretches from Pakenham to the New South Wales border, includes two federal electorates and is where I grew up. Local builders from Gippsland are getting jobs in state government-funded education projects.

There is more. From Maffra Secondary College I moved down to Morwell, again with my colleague Mr Viney. At the Kurnai College Morwell campus we saw further construction activity funded by the state government, the federal government and the local community. What we saw at the three sites — whether it was classrooms, gymnasiums or IT facilities — was construction to make education easier and more effective for students and teachers and create jobs in Gippsland now.

I was delighted to visit four schools in Gippsland. I was delighted to see the results of the collaboration between the state and federal governments. I was delighted to see jobs created in Gippsland through the efforts of the state and federal governments on stimulus. As we saw in the construction activity quarterly report released today by the Australian Bureau of Statistics, if it had not been for the infrastructure investment by state and federal Labor governments we would not have seen these jobs created and Victoria and Australia would have been far more severely affected by the global financial crisis than if this government had sat on its hands like Darren Chester and the federal and state coalitions suggested we do.

## ANTICORRUPTION COMMISSION: ESTABLISHMENT

### Debate resumed.

**Mr BARBER** (Northern Metropolitan) — In a 2005 case of misuse of public office in the Hong Kong jurisdiction former Chief Justice Mason outlined the necessary elements as follows: firstly, it involves a public official; secondly, it is in the course of or in relation to their public office; thirdly, it involves lawful misconduct by act or omission — for example, by wilful neglect — fourthly, it is without reasonable excuse or justification; fifthly, the conduct is serious and not trivial, having regard to the responsibilities of the office and the office-holder, the importance of the public objects they serve and the nature and extent of the departure from those responsibilities; and sixthly, for criminal offences the conduct must be intentional or done with a wilful disregard of the risk that the conduct was unlawful.

I have struggled but I have not found an offence like that in the Victorian statute book. We can come in here and talk about corruption, corruption, corruption and corruption — I do not know how many times the word has been used in the life of this Parliament — but so far it is only the Greens who have been willing to address the central question, which is: what is corruption? If we do not have an answer to that question, then an ICAC or any other arrangement or enhanced arrangement the government may be promising does not particularly go anywhere.

I think there is a reason not to be too cynical about politicians — because I am one. But I think there is a reason we would not be having that debate or we would not be coming in here prepared for that debate — that is, that perhaps it is quite a difficult question to answer. There have been plenty of debates in this place about the conduct of members and also persons outside the chamber. Mr Theophanous has been involved in a few of them and he has recently had something to say that at least engages this question. Where does playing the game hard end and where does corruption start? We would all have different views on that, and I do not think we yet have a consensus on how a particular offence, or even a trigger for an ICAC investigation, would be framed.

But there are in fact some ways forward on that. We have seen the statutory offences, which I referred to just before question time, that have been created for local councillors. That bill passed this place with barely any debate on it, with the exception of my party which gave it some considerable scrutiny. The role of donations and

lobbyists and even post-separation, post-ministerial employment — the so-called switching sides question — has been addressed in some small way. I compliment the government for, when it introduced its lobbyist register or its code of conduct for lobbyists, including in it that in order to be registered as a lobbyist you could not have worked as a minister in the previous government for a certain period. So by the back door, if you like, the government did put a restriction on post-ministerial employment in that you could not work as a lobbyist because then you could not be registered.

A code of conduct for ministers, of course, does not require legislation. As I have said many times before, former Prime Minister John Howard's code for ministers was not a bad code. The proof of that was that various of his ministers got clipped in fairly short order and then he had to change a few things in the code. But even a softened version of that code brought in tomorrow by the Premier would start to put some limits around the sorts of things we have been talking about.

A code of conduct is not a trivial matter when it comes to official corruption. As I said earlier, one of the elements of the offence is that the person behaved corruptly knowing that they were doing so, and if they have signed up to a code of conduct and are then flagrantly breaching an aspect of that code, they must be doing it knowingly. A code of conduct for MPs or ministers helps you prove in a court of law the offence that you have created. It is my contention — and another member can get up and contradict me — and I do not believe that there really is a solid corruption offence within the Victorian statute book. If you go to the Crimes Act, you will find a provision in relation to agents accepting secret commissions. It does not mean real estate agents; it means anybody acting as an agent for another person. It can be argued through the back door that as MPs we are acting as agents for our people. But just from having done my own research I am not aware of that offence having ever been brought to bear on a public figure in that way.

It is interesting that the Law Reform Committee conducted an inquiry into the Members of Parliament (Register of Interests) Act because it is that act that contains the code of conduct for members, such as it is. It is a very brief code of conduct: it is a few lines, a few dot points. Contrast that against the tens of pages of codes of conduct that have now been drafted for public servants and local councillors. It is a few brief lines, and they effectively say, 'Don't do anything that would bring Parliament into disrepute', and since there is no benchmark for what that is, and depending on who you talk to, Parliament could be brought into disrepute on

any number of matters. It is not really helpful for the argument I am advancing.

The Law Reform Committee did in fact make recommendations, under recommendation 4, for a broader code of conduct. It started to flesh out a series of points under the heading 'Upholding democracy and respecting others regardless of background', including some detail on what that might mean. Under the heading 'Conflicts of interest' the committee makes some suggestions as to whom the conflict could relate to — that is, members of your own family. Another heading is 'Using position for profit', and there the committee discusses not receiving a fee, payment, retainer or reward. It also recommends that outside employment and activities would be permitted. That has been the traditional situation in the Legislative Council going back for many years, before the professionalising of politicians. Another heading is 'Accepting gifts, hospitality and other benefits' — that would be a 'You beaut'!

The recommendation also addresses the use of influence and the use of public resources. I presume that means our electorate offices, perhaps our photocopiers. There is plenty to get involved in there if we really want to draw that into the question that we are raising. The report also addresses personal conduct, managing confidential and personal information, and post-retirement activities. It is suggested that that could be an aspect of an MPs code as opposed to a minister's code, which would be in the hands of the Premier to introduce.

If anything like the recommendations of this committee were implemented, we would be putting in place another building block, another benchmark, of the thing that we should be debating here today — that is, a top-level offence of official corruption or misconduct or whatever it is that you want to call it. ICACs and other bodies need their own trigger for corrupt conduct. That is what gets them going on their investigation, but they themselves are not prosecutorial bodies and therefore they do not chase people down; they accuse them of corruption, but they do not prosecute them for corruption.

While members from both sides of the house might be interested in talking at length on the right set of mechanisms, structures and powers that various corruption or anticorruption bodies might have, the one thing they all lack is any serious attention on those of us who are at the top of the chain. However, it is true — and Mr O'Donohue started to address this in his contribution — that there are gaps. When you look into it you see those gaps are exactly what I have been

talking about: they are actually the powers of ombudsmen and others to get directly involved in governmental decision making at the level at which a minister is making a decision or where a municipal council, in its role as the council — that is, the decision-making Parliament, if you like, of that council — is making a decision. It is true that our existing oversight bodies shy away from testing the probity and propriety of decisions by the very people I have been talking about. Even if they had those powers right now, they would not have a benchmark against which the people they were investigating could be found at fault.

When it comes to powerful watchdogs, all members must agree that we need powerful oversight of them. If you have a bunch of untouchables running around there with huge powers, particularly those powers to coerce people into participating in an inquiry, you need powerful oversight of those bodies. In my view that can only be carried out by the Parliament itself. Somebody has to hold watchdogs accountable for the overuse or under use of their powers. I am sure all members would agree. You only need to look around at different jurisdictions to see that that is the norm, that is the practice, yet here in Victoria already we have some gaps in relation to that.

To all intents and purposes, in relation to local councillors the Local Government Investigations and Compliance Inspectorate acts like an ICAC without the 'I' — it is not independent, it reports to the minister. There are circumstances where it could end up investigating its own minister. It is completely nebulous in how exactly it relates to its minister. By the way, the appointment occurs not by the Minister for Local Government but by the Premier, and that is a function of it being an administrative office under the Public Sector Act.

In that respect it is pretty scary really. Something that is meant to be a corruption-busting body could under those circumstances become a tool of corruption. It could become the minister's personal Stasi; or it could simply make its own decision that it cannot investigate the minister, the minister's associate, or just anybody that it was likely to get itself into political trouble investigating, since its ongoing existence and certainly the appointment of individuals to it depend on the government of the day. Who would support that model for any other body?

We have a similar issue when it comes to the Office of Police Integrity (OPI). There has been a longstanding report, well before my time in Parliament, by the Public Accounts and Estimates Committee into independent officers of the Parliament. It clearly recommended in a



bipartisan way that all independent officers of the Parliament should have a committee that they report to. The Auditor-General already has his, as does the electoral commissioner. Last week the Ombudsman, through an informal arrangement, participated in a process of reporting to a parliamentary committee — the Standing Committee on Finance and Public Administration. That is not a particularly good arrangement, given that that committee was created by resolution rather than by statute as one of the normal joint committees, and there is no statute that even describes the relationship as the Auditor-General has described it.

The Greens have argued that in relation to the OPI there should be the same thing. It seems sensible, does it not? With the OPI now being brought into disrepute over what is considered by some people's measure as an excessive use of powers and by other people's measure as an ineffective use of its powers, it would be a good time for the OPI to be sitting in front of a parliamentary committee and explaining its recent performance. However, that was not to be.

During the last debate on changes to the OPI's legislation, the Greens moved an amendment providing that the OPI should report — in a similar but in fact even lighter manner than the Auditor-General does — to the joint parliamentary Drugs and Crime Prevention Committee. We moved that as an amendment. The Labor and Liberal parties in this place opposed it and voted it down; Mr Kavanagh voted for it. If that amendment had been successful at the time, and if it had been supported by all the non-government parties — I am looking in the direction of the Liberals and Nationals now — even without the support of the government, that bill would have been successfully amended in the upper house.

It is an open question as to what the government would have done. Would it have accepted that amendment in order to get the other features of the bill through? If it had, then the OPI would have been sitting in front of a parliamentary committee right now and explaining a whole range of issues in relation to the use of its powers and some recent troubles it has been having, which I do not need to go into.

There was a very specific opportunity for all the parties in this Parliament to strengthen the arrangements around anticorruption in this state, but regrettably we did not get support for that amendment. Inevitably, whether it is through continued debate like this or the government's own review, that question is going to come back. The Public Accounts and Estimates Committee through a specific inquiry into independent

officers of the Parliament already addressed it, so I do not know why I am still standing up here having this argument.

I think I have been reasonably explicit in terms of my argument here today. We will support the motion; it is virtually identical to the motion that we ourselves moved two years ago. However, I reiterate that the debate has moved on and the question is no longer simply: do we want to have this body or that body and what should its powers be? The question must now be brought to bear on us and we must engage with the issue of how we are prepared to put strictures and rules and tripwires around ourselves. That sort of question of course is the toughest one for any normal human being to address, and I am disappointed that we are not yet moving the debate on to that phase.

**Sitting suspended 12.58 p.m. until 2.04 p.m.**

**Mrs PEULICH** (South Eastern Metropolitan) — I was not expecting to get to my feet as quickly as this, but I am delighted to be able to do so to speak on this very important motion that has been moved by Mr O'Donohue, and which I strongly support.

It is regrettable that we are being forced to look at the need for the establishment of an independent broadbased anticorruption commission. I think it is a reflection of the broad level of disillusionment and also a concern about the failings of the mechanisms and structures that are intended to deal with corruption — not just criminal corruption, for which we obviously have the police and the courts, but also corruption of due processes.

We know that a defining characteristic of this government is that it is into fixes. It does not matter how much it costs, how much money is wasted or who is trampled on; as long as you can deliver a political fix and leave a lasting political legacy for the benefit of the Labor Party, it is open game. It is because of that sort of behaviour that we have seen the development of broad disillusionment and a view out in the community that Victoria needs an anticorruption commission.

Ms Pulford said that that was unproven. However, I put to the house that what is proven is the level of concern about corruption and manipulation and the absence of performance indicators and real accountability, including parliamentary accountability.

Mr Barber put the argument that what we need first of all is to define official corruption. Without a definition I cannot imagine establishing an anticorruption commission or going along with Mr Barber's motion which we supported three years ago. It suggested that a

reference be given to the Victorian Law Reform Commission to look at the appropriate legal model for anticorruption measures. At the time we considered that to be an appropriate reference. You could never actually devise a model to deal with corruption without coming to terms with that basic concept of what constitutes corruption.

In this debate we are not talking just about criminal corruption; we are talking about corruption of due process, including tender processes in local government, whether a blind eye is being turned through either political interest, incompetence or failing to discharge the public duty that Mr Barber is interested in. I share an interest in all those things.

I am also interested in making sure that our system, which Ms Pulford described as a 'system of complementary bodies', deals with corruption. Unfortunately we have seen many of those bodies hamstrung by the legislation they operate under — for example, we saw that with the methane gas crisis at the Brookland Greens estate. I had called for an independent investigation. I had reservations about the Ombudsman, not because I have reservations about his integrity but because the act under which he operates quite clearly states that he cannot investigate the failings of the policies or functioning of the Victorian Civil and Administrative Tribunal, which were pertinent to this particular case. In the instance of the methane gas crisis, which turned life for the community in Cranbourne on its head, it was the fact that VCAT overturned the objections of the Casey council and the Environment Protection Authority to the building of homes on a buffer adjacent to a landfill site, which subsequently was subject to methane migration through various service lines as a result of building taking place there. Clearly the Ombudsman was hamstrung.

Recently we saw what happened with the Office of Police Integrity (OPI) and the very well-reported investigation of certain high-profile current and former police officers. I imagine one of them probably would have been a very strong candidate for the role of police commissioner had these circumstances not unfolded.

**Mr Finn** — He probably would have done a better job too.

**Mrs PEULICH** — Yes, that may be.

As a result of a technical legal error, that case fell over. What was clear was that there had been political involvement, and it went right up to the Premier's door. In fact there was reference to certain ministers perhaps breaching the various acts under which these

investigations were conducted. The legislation that the OPI operates under provides that it is not able to investigate the conduct of politicians and ministers. That is another huge gap.

Another issue I have spoken about quite often relates to local government and particularly my concerns about the fairly systemic and endemic corruption of process in local government. I am not saying there is corruption, and I am not saying it does not happen — no doubt it does happen.

**Mr Finn** — Especially at Brimbank.

**Mrs PEULICH** — Yes, especially when there are breaches of confidence, not just on the part of councillors but also council officers. Today we saw the tabling of a report by the Auditor-General entitled *Tendering and Contracting in Local Government*. There have been criticisms of those systems as being very loose and not being enforced. What was even more concerning was the comment that approximately \$2.7 billion of goods and services are purchased annually in this \$6 billion or \$7 billion sector but there is no centralisation of data by the office of local government. There is no way to get a snapshot of what is happening regarding the level of compliance with legislation, to identify areas that are a problem or to see whether the in-house teams that sometimes win these tender contests may have had inappropriate access to tender information that allowed them to better package their deals. There are all these issues.

The office of local government has been adrift for the last 10 years under successive Labor ministers who have turned a blind eye to the misconduct of their Labor mates on many of these councils. I have called for the investigation of several of those councillors on the basis of information that has been brought to me in various forms of documentation. My calls for proper investigation were made under parliamentary privilege, which is a precious and important right, because without its protection members of Parliament would often fail to shine a light on various concerns and they might never become exposed.

It is probably not inappropriate for people who feel hard done by or misrepresented to have a right of reply, as they do under the current standing orders. Yesterday the President rightly said that under the standing orders it is not his role to vet the merits of a reply. Before a proper investigation has been conducted into the concerns that have been aired — for example, the matters I have raised — those who are the subject of the concerns are entitled to reply. Often that right of reply

is then misrepresented in a public relations stunt outside Parliament.

For example, the three very influential members of the Labor Party who were granted one right of reply basically control the City of Monash. They run a very tight ship based on strict caucusing. A lot of compelling information was passed on to me about these high-profile members of the Labor Party — Geoff Lake, who is head of the Australian Local Government Association and has a seat on the Council of Australian Governments right next to the Prime Minister, Kevin Rudd, so he is a very influential person; Cr Stephen Dimopoulos, former mayor and an adviser to the Premier through Multicultural Affairs Victoria; and Cr Klisaris — regarding various concerns that have been raised by members of the public. Those matters still have not been investigated.

However, those councillors exercised their right of reply and then claimed on their web page that it was virtually unprecedented, that only eight rights of reply had been granted in the history of this Parliament. What they failed to mention was that the right of reply was only instituted in 2001 and that there was no vetting of the merits of their argument.

Their right of reply was as three individuals who were specifically named. I believe there are some honourable people on the council, even some members of the Labor Party, who are trying to do the right thing. The guys who run the council are heavy hitters, and they used that right of reply process and said, 'It has exonerated the whole council; it has exonerated the organisation'.

I beg to differ with the President's interpretation that organisations should have the right to reply — although he had every right to make it — and I will take it up with the Standing Orders Committee. I believe that right is only appropriate for members of the public. Just as a member of Parliament may make a personal explanation, I believe other individuals should have a right of reply.

The City of Monash was involved in the premature disposal of nomination forms by candidates who have been subject to allegations of fraud, with a statutory declaration presented to me. That matter was prematurely and conveniently disposed of by a different piece of legislation and its regulations regarding the management of council candidate nomination forms. It was very convenient. It was torn up and the evidence was gotten rid of, because it could have confirmed or perhaps refuted that fraud — forgery — had been committed.

The member for Keilor in the Assembly, Mr George Seitz, using parliamentary privilege, raised issues in the other place to do with Brimbank City Council. As a result of that the government was forced to assume some political will and undertake an inquiry. I am not going to go into the details of that — whether it had any shortcomings or otherwise. I believe that some of the system-wide recommendations that were made were possibly premature. Perhaps the inquiry could have looked at the practices of a broader range of councils in order to reach — —

**Mr Finn** — And members of Parliament.

**Mrs PEULICH** — And members of Parliament. The requirement for councillors who are either endorsed or supported by the Labor Party — and you do not even need to be a member of the Labor Party to be supported — to caucus is still in the Labor Party's constitution; I placed it on my web page just in case the Labor Party decided to move it. Such councillors are required to caucus on decisions including the appointment of the mayor, the appointment of the chief executive officer and any other matter, which is in direct contravention of the Local Government Act. That act says councillors must pay heed to any ministerial directions and guidelines.

The minister has produced a document that says councillors must not make up their minds in advance of matters being considered in ordinary council meetings. That means councillors must enter a council meeting with an open mind. That would be difficult to do if they had caucused beforehand on all of these matters and decided what the Labor Party position was going to be. My view has always been that if you go into a council meeting where there is no debate and which is just a rubber stamp, it is evidence of the Labor Party in operation.

The government, under criticism and as a consequence of the activities at Brimbank council, has instituted some reforms. Mr Wynne, the current Minister for Local Government, is one of the most incompetent ministers for local government I have ever seen. He has instituted some measures, including the local government investigations and compliance inspectorate. As a result of a failure to enforce the rules, the government has now been forced to adopt this measure, which is only dealing with complaints.

Basically, if you want a system to function well, you have to make sure that all the processes are appropriate, that they are kosher, that there are performance indicators so people are accountable for their actions and the decisions they make, that there is an effective

complaints system and that the overseeing authority or the responsible person, such as the minister, has in place a framework that can collect system-wide data.

The Auditor-General clearly says that the Office of Local Government has no capacity to capture the data of how compliant local government is in the tendering and contracting of goods and services as well as capital works. I would have thought that that would have been fairly rudimentary. That is a significant failing for which the minister should be condemned, and it is probably the reason for the erosion of this important level of government.

Various reforms were also applied to councillors codes of conduct. I have mentioned the conflicting nature of some of them. The Labor Party requires an oath to be taken that members are going to faithfully serve and observe all the platforms and policies of the Labor Party. There is a requirement for them to caucus, but on the other hand the Local Government Act says they must have an open mind. It just does not work. That lack of clarity, that conflict, means that these people are in conflict.

The OPI is hamstrung. The Auditor-General is saying that the systems are not in place, that they focus too often on procurement and inputs and not on performance indicators. There are conflicting rules that apply to councillors. Ombudsmen are obviously limited under legislation as to what they can inquire into. We have a local government inspectorate that focuses only on complaints. The running word amongst Labor Party MPs is investigators are going to look into any council where there is controversy. If you want a council investigated, you make sure that you destabilise it and you create the controversy. That is a responsive system. That can also be a political stitch-up and also goes to the heart of what is the matter with this system.

The problem is it may be a system of individual bodies, but there are significant overlaps and gaps.

Unfortunately it is a bit like a chess game, the wonderful game for strategists. Most of the major pieces are in the hands of the government. The chessboard is there. There are lots of pawns, but the government has the king, the queen, the bishops and all the other major pieces, so it pretty much makes most of the appointments, whether it is through the executive government or the Parliament, as obviously it has a parliamentary majority. It goes without saying that it ends up being an appointment that is largely dictated by the political party that has the majority in Parliament.

These are independent bodies but within a very limited framework as a result of the endemic corruption of due

process under the Labor Party and under this government, which is made even worse now by a federal government of the same ilk and Labor controlling many of the local councils. Control of federal, state and local government is held by one particular alliance between Labor Unity and the Socialist Left. One party controls all three levels of government, so the potential for corruption is very strong.

I will not cite all the people who are calling for the establishment of an anticorruption commission. Former Premier Steve Bracks even advises an anticorruption commission for East Timor but not for Victoria. Of course the government does not want an anticorruption commission, because ultimately it would be subject to scrutiny. I am disappointed that Greg Barber, whom I respect highly as an intelligent, informed person, feels that somehow our calling for an anticorruption commission was inadequate, because what we first of all must do is define what constitutes corruption. I would have thought you could not do one without the other. This government has corrupted the processes so endemically and so systemically that Victorians are left with very little choice other than to establish a broadbased anticorruption commission. That is what the Leader of the Opposition in the Assembly, Ted Baillieu, has called for. That is what some significant and notable persons at the recent summit convened by the Leader of the Opposition have called for and is what many significant people in the community have been calling for for some time.

The corruption has to end. I hope voters will see the need for a change of government at the end of the year. Many more saw the need to change their vote during the recent Altona by-election. I look forward to that result being translated at least in some measure at a general election. The corruption has to end. Victorians are missing out. We have to make sure that the system works well for all of us, not just for one political party.

**Mr FINN** (Western Metropolitan) — It is fascinating to see the reaction of the Premier, Mr Brumby, whenever this subject is raised. It is fascinating to see him go into a bit of a frenzy whenever a suggestion is made that we should have an independent anticorruption commission. It is interesting to see how his top lip starts to quiver a bit, and the beads of sweat start to gather at his brow.

One has to wonder why that is the case. Last Sunday morning I woke up at a ridiculously early hour, I have to say. I turned the radio on, and there was the Premier telling all who cared to listen that having an independent anticorruption commission in this state

would be an enormous waste of money. It would employ lawyers. It would not do any good and it would not help anybody; it would just be an employer of lawyers.

Later that very morning I went — I was going anyway — to the anticorruption commission conference. I had the opportunity of asking the incoming Attorney-General of New South Wales, Greg Smith, SC, what is his view of the anticorruption commission. Having explained to him what our Premier had said about an anticorruption commission being just an employer of lawyers, a very expensive waste of money and really not doing too much at all, I asked Greg Smith what his response to that was. Greg Smith is a former DPP (Director of Public Prosecutions) of New South Wales. He has had extensive experience with the anticorruption commission in New South Wales and, as I recall, has worked with it on a number of occasions. His response was a very simple one. He said to me and the substantial gathering at the conference on Sunday that he just does not understand what Mr Brumby is on about, because his view of an independent anticrime commission is that there would be very few lawyers indeed because most of those on the payroll, if I can use that term, would be made up of investigators — that is, the people actually investigating corruption and finding out if there is corruption.

I thought about it on my way home that day. It is true that an ICAC (independent commission against corruption) does not need lawyers. The people charged under an ICAC need lawyers, so what is the Premier of Victoria worried about? Perhaps he is thinking about his own legal bills, if an ICAC ever comes in. Perhaps that is what he is worried about because, having contemplated that question — —

**Mr Viney** — On a point of order, President, that was a fairly ordinary implication on the Premier of Victoria to suggest that if there were an ICAC, the Premier would need lawyers. I think the member should be called to order for saying something grubby like that and should withdraw it.

**Mr FINN** — On the point of order, President, I did not state that the Premier would need lawyers if an ICAC came in. I said perhaps if; I think there were about three 'ifs' in the whole sentence, so it is a fairly long bow for Mr Viney to be drawing in saying I have made an implication or accusation of the kind he is suggesting.

**Hon. T. C. Theophanous** interjected.

**The PRESIDENT** — Order! It has been suggested to me that I should make a political judgement here, but I do not have that luxury. However, I will say that what was said is at the margins and given that it was about the Premier and given also the status of the Premier, Mr Finn might like to rephrase what he said. There is a clear implication there, in my view, and I think most people who read that would have the same feeling as I have about the implication.

**Mr FINN** — President, I am trying to think how I would rephrase it in such a way that would meet with your approval. I am just suggesting why the Premier gets so nervous whenever the suggestion of an ICAC is proposed. Perhaps I will just leave it to other people to draw their own conclusions on that.

There is one area where a number of people, including the Premier, would have reason to be very nervous if an ICAC ever came to Victoria. If we had had an independent anticrime commission over the past 12 months, we would have seen the truth come out about the Brimbank City Council. We would not have seen the cover-up by this government that we have witnessed over the past 12 months, because the depth of corruption and the shenanigans that went on and perhaps continue to go on in certain quarters in Brimbank are things that I believe deserve to be exposed to the full light of scrutiny, and they have not received the full light of scrutiny.

**Hon. T. C. Theophanous** — Certainly not from you.

**Mr FINN** — I will get to Mr Theophanous in a minute; he should not worry. The Ombudsman's report made it very clear that something did not smell right in the city of Brimbank, and the Ombudsman's report was correct. Given the short time that the Ombudsman had to investigate the Brimbank City Council, there is no way on this earth that he or anybody else could have fathomed the depths to which the corruption in Brimbank had permeated the entire system.

We saw in that Ombudsman's report a number of what I suppose might be called small-time operators caught, named and exposed. We saw a number of local councillors named for doing various things and accusations of various things that were not, you would have to say, necessarily hanging offences. They were hung anyway, by the way, but I will get to that in a minute. We saw, for example, Hakki Suleyman, a small-time factional operator in the Australian Labor Party, hung out to dry. He was using, it is alleged and I understand it to be true, an office of a local member of Parliament, the Minister for Planning, the

Honourable Justin Madden, to run his empire. That empire had seen his daughter, Natalie, elected as mayor of the City of Brimbank, a position which she used with significant and considerable ruthlessness, I have to say, and I have witnessed it myself.

Hakki and Natalie Suleyman are not the most delightful of individuals, but they may not be exactly at the top of the tree either. I do not think anybody who knows either of those people could say that they would have the brains to be behind the outrages committed against the people of Brimbank by some people in and around the Brimbank City Council. We will never know, because we do not have an independent commission to investigate these matters. We do not have a chance to dig deeper to find out who did what to whom and how many times.

Then we have Justin Madden, a member of this house. I am acutely aware, President, that I cannot suggest too strongly some of the things he may have been involved in, but I think we can say quite conclusively from the Ombudsman's report that a lot of the carry-on that we saw in Brimbank was coming from his office. Whether the minister had any idea that was happening or not, again, we do not know. That is the problem about not having an independent commission — we can never find out. We will never know what Justin Madden knew and did not know. That is the problem we face. We need to find out. We need to get to the truth, and we cannot because we do not have a commission the likes of which we are talking about here this afternoon.

Then there are Mr Theophanous and his brother, Andrew, who are referred to with much affection in the north-western suburbs as the Theophani. They were mentioned in less than glowing terms, it has to be said, in the Ombudsman's report. Mr Theophanous has had his fair whack at the Ombudsman as a result of that, and I do not want to start all that again.

**Hon. T. C. Theophanous** — Why not?

**Mr FINN** — You only have one day left, so let us not waste it on Brimbank. I would like to know exactly what was going on, because I have heard allegations of what Mr Theophanous is supposed to have done. I do not know whether he did those things or not — I am not going to repeat those allegations — but I have heard those allegations.

**Ms Huppert** — That is very forbearing of you.

**Mr FINN** — I would have thought so. I have heard those allegations, and I would like to know as a legislator and as a representative of the people of Brimbank if those allegations are true, and if they are

not true, I would like the name of Mr Theophanous cleared completely. I would like to be able to say to my constituents who come to me with these stories about Mr Theophanous, 'That is not true. He did not do that. He would not do that. He is a man of honour', but I cannot do that because we do not have a commission to investigate the sorts of allegations that were made. I cannot say the same thing about Mr Theophanous's brother, Andrew.

When people come to me with allegations about what Andrew Theophanous and Sam David did with the mayoralty I have absolutely no idea who offered what to whom and so forth, if indeed any of that sort of thing happened at all. I have no idea, and why do I have no idea? Why can I not get up and say, 'That is not true'? I cannot do that because we have not got a commission to investigate it, and that is what we need. That is what this motion is about today. It is about clearing people's names and about catching crooks who need to be caught.

I have mentioned a few of the names mentioned in the Ombudsman's report, and it has to be said that we have glossed over that report to a very large degree, but what we have missed out on as a result of not having an independent anticrime commission is finding out the truth about those who were not mentioned in the Ombudsman's report. These are people who were involved and are still involved in the internal politics of the Australian Labor Party in and around the City of Brimbank and who may have played a role in the corruption and the chicanery that went on in the Brimbank council. We will never know what the Deputy Premier knew. We have to remember that the Deputy Premier's electorate is the Assembly seat of Niddrie. The Niddrie electorate extends right into Keilor village, so he represents Brimbank. In fact Justin Madden's office is in the Niddrie Assembly electorate.

When all of this was exposed the Deputy Premier went on television and he was shocked; he was supposedly horrified. He tried to tell us he did not know any of this was going on. I have to say to the house that I found and still find that extremely difficult to believe; in fact I find it impossible to believe. If we had an independent commission which could investigate what the Deputy Premier knew, we could investigate the Deputy Premier's involvement.

**Hon. T. C. Theophanous** — What about your involvement?

**Mr FINN** — I am very happy to talk about my involvement — absolutely; any time, Mr Theophanous — but let us talk about what Mr Hulls

knew. If we had an independent commission, we could find out. We could find out the role that the Premier played. You have to remember that when the Premier of the state came into the Victorian Parliament he came in via a by-election in the former Doutta Galla province. Where is Doutta Galla based? It is based in Brimbank. He was put into Parliament by the very people we are talking about and have been talking about — people who were in the Ombudsman's report and those who were not in the Ombudsman's report and perhaps should have been. If we had an independent commission to investigate these matters, we could find out the role of the Premier of this state and what he knew and what he did not know. Again, he denied all knowledge of what had been going on in Brimbank.

**Hon. T. C. Theophanous** interjected.

**Mr FINN** — Mr Theophanous knows exactly what was going on in Brimbank, I know what is going on in Brimbank and the Premier tries to tell us that he does not.

**Mr Lenders** — On a point of order, President, I take offence at the implications cast on the Premier and the Deputy Premier by Mr Finn. He is by his words accusing them of corruption, and I ask him to withdraw his inferences about the Premier and Deputy Premier and their involvement.

**Mr FINN** — On the point of order, President, on any reading of this there is no way that anybody could suggest that I am accusing either the Premier or the Deputy Premier of corruption. In fact the word was not used — not at all. All I said was that an independent commission would be able to investigate what certain people knew, including the Premier and the Deputy Premier. Therefore I believe that no withdrawal and no apology are necessary.

**Mr O'Donohue** — Further on the point of order, President, Mr Finn in his contribution said that an anticorruption commission would give members of Parliament and others the opportunity to clear their names completely.

**The PRESIDENT** — Order! I advise Mr O'Donohue that that is not on the point of order.

In response to the point of order taken by the Leader of the Government regarding Mr Finn's inference that the Premier and/or Deputy Premier are corrupt, I find that the member is entitled to take offence on behalf of another member who is either not in the chamber or is in the other place. Because deep down I think I, like everyone else here, would read that Mr Finn is inferring just that, I ask him to withdraw the inference that both

the Premier and the Deputy Premier are corrupt and that in some way an independent commission against corruption would expose that.

**Mr FINN** — President, I withdraw, but the cover-up continues even into this Parliament, which is a great pity. Perhaps we have another name we can add to the list.

An independent commission against corruption could expose — —

**Hon. T. C. Theophanous** interjected.

**Mr FINN** — No, I will not use the word 'expose'; I will say 'investigate'. Mr Theophanous is very touchy about that, as is Mr Lenders. I did not know that Mr Lenders had such a keen interest in what was going on in Brimbank, but perhaps he has his fingers in the pie as well. Perhaps that is another reason we need an independent commission: to investigate Mr Lenders. What does he know? What is he covering up? What has he been sitting on all these years? That is exactly why we need an independent commission: to investigate some of the shenanigans that have been going on in this state for far too long.

We need an independent commission to investigate why the Minister for Local Government, Richard Wynne, sat on his hands for as long as he did when everybody was telling him exactly what was going on in Brimbank. Everybody! People in this Parliament, people in the community and people at the council level were telling Richard Wynne, 'This is going on in Brimbank' — and he sat on his hands! If the Ombudsman had not investigated and if Mrs Powell, the member for Shepparton in the other house, had not written to the Ombudsman requesting an investigation, the minister would still be sitting on his hands. It would seem that the last thing the Minister for Local Government wanted to do was something — he is pretty good at that! The last thing he wanted to do was to act on the reports he had been receiving. An independent commission could investigate why the Minister for Local Government failed to do his job. An independent commission could investigate why the Minister for Local Government let the people of Brimbank down.

A number of others perhaps could be brought out in an investigation by an independent commission — people like Bill Shorten, the federal member for Maribyrnong. It is well known that Bill Shorten is a factional head kicker. He will more than kick your head, as a number of people in this chamber could attest, and given half a chance he will kick it off! What role did he play? I too

have heard rumours about Bill Shorten's role in this. I have heard stories about Bill Shorten's involvement with various people at and around Brimbank council. I would like to know if they are true. Without an investigation and an independent commission we cannot find out. Here we have a man who is destined, so he will tell us, to be Prime Minister of Australia, but we cannot find out the truth about him because we do not have an independent commission.

The same applies to a bloke called Senator Stephen Conroy — another bloke out there pulling the strings in Brimbank. We cannot find out exactly what he did or what he was up to; we cannot find out because we do not have an independent commission to ask the questions. We do not have an independent commission to investigate what was going on with Stephen Conroy. The same applies with Brendan O'Connor, the federal member for Gorton, who is out there playing games and all sorts of funny tricks — I cleaned that up! There is no way that we can find out exactly what Brendan O'Connor was up to — if anything — because we do not have an independent commission.

The only thing we can be absolutely sure of is that the Brimbank council and its predecessors in Sunshine and Keilor have been crooked for years, and that is a direct result of control by the local branches, the war lords and the factions of the Australian Labor Party. We cannot get to the bottom of it; we cannot find out the truth — and surely that is what we should be aiming for — without an independent commission to investigate and find out what that truth is.

What was the government's response? It was to sack the council and forget the whole thing ever happened. That was a nonsensical approach, because the issue was, and continues to be, far deeper than can be resolved by the dismissal of a council. The government just shut down the whole thing and began one of the better cover-ups that I have seen of recent times. There may be some people listening to this debate who will come to the conclusion that that cover-up is continuing into this house this afternoon.

There is much reason for an independent anticrime commission in Victoria. I have given only one example. I could discuss the independent police office and investigations that are going on there. I could refer to a number of areas. However, I want to stick with the motion, because my great concern is what George Seitz, the member for Keilor in the other house, did. When I have raised this matter in this chamber over the past few years, all I have wanted is justice for the people of Brimbank. All I wanted was a fair go for the people of Brimbank and for the truth to come out. That

has not happened. The truth has been buried by a government scared of the truth and terrified that the truth will come out.

If we had an independent anticrime commission, we could find out the truth and find out exactly what happened in Brimbank. We could bring those who had done the wrong thing to heel and clear the names of those who had been wrongly accused. However, we cannot because the Premier of this state will not institute an independent anticrime commission. He knows why he will not do that. At some stage he might like to share his reasons, because the reasons he gave just last Sunday do not wash. They do not hold water; they make no sense at all.

I commend Mr O'Donohue for moving this motion before the house. This is an extremely important matter which goes to the very integrity of government. It goes to whether people in the street — taxpayers, voters; call them what you will — can trust their government, their elected officials, whether they be in state, federal or local government. That is very important.

For too long we have heard — you, President, have heard it, no doubt — people say, 'We can't trust you lot; you are all crooks'. They have said it to me, and I have no doubt they have said it to you, President. I am sure they have. We want to clean up the image of politicians in this country. We want to clean up the image of elected legislators in this state and in this country. An independent anticrime commission will do just that. For that reason and that reason alone we should adopt that course immediately, and we should most certainly support Mr O'Donohue's motion here this afternoon.

**Mr KAVANAGH** (Western Victoria) — Today's debate on the establishment of an anticorruption commission is not new in this chamber. That is fortunate, because it means that everyone here is in the position of being able to find the real wisdom on this subject — we just need to refer to *Hansard* and look at my speeches on previous occasions!

In a previous debate on this issue I made the point that for justice to be done it must not only be done but also be seen to be done. Similarly good governance requires not only that government be clean but that it be seen to be clean. This is a question of the confidence of the people of Victoria in their government. How can we really be confident that the government is as clean as it could be if there is no mechanism for testing allegations or suspicions of activity that is otherwise?



Fortunately the state is not rotten to the core, but there are things to be concerned about and some matters concerning a local council have been raised by other speakers. In addition to arguments that we have heard before, recently we have heard former New South Wales Premier Nick Greiner come out in strong support of an anticorruption commission in Victoria. That support is significant because, as I understand it, establishing the anticorruption commission in New South Wales caused Mr Greiner some difficulties, which he managed to overcome in the fullness of time. Given that situation, his coming out in favour of an anticorruption commission is a strong endorsement.

Not long ago this house considered the halfway measure of establishing a committee of the house to investigate corruption. Unfortunately that failed through a lack of support from the Greens, which was rather inexplicable at the time. We hope the Greens act in a way that is more apparently sensible and reasonable on this occasion so that with their support and mine the motion moved by Mr O'Donohue will pass through the house.

**Mr VINEY** (Eastern Victoria) — I want to respond in particular to some of the comments made by Mr Finn. Mr Finn used this debate to do exactly what the government is concerned might occur in relation to these calls for new forms of monitoring public office integrity: he used the chamber to essentially cast aspersions on and make imputations about a whole raft of people, including the Premier, the Deputy Premier, Mr Theophanous, Mr Theophanous's brother, and even at one point the Leader of the Government in the Legislative Council. This was all done under the benefit of parliamentary privilege. They are not words that Mr Finn would be prepared to use on the front steps of the Parliament; he would not be prepared outside of Parliament to make those suggestions, innuendos or imputations about any of those people who have contributed much of their lives to public office and to trying to make this state a better place.

**Mr Finn** interjected.

**Mr VINEY** — It is interesting, listening to the mockery coming from the other side. The people Mr Finn has been making imputations about are the very same people who put in place an Auditor-General as an independent officer of this Parliament. They are the very same people who put in place in this state of Victoria the independence of the Ombudsman, who now reports directly to the Parliament. The people like Mr Finn who are making these allegations are the very people who nobbled the Auditor-General when they were last in government in the Kennett period. Mr Finn

was in that government. He sat in the other chamber and voted with that government and his Premier to reduce the powers of the Auditor-General. It is not Mr Finn who came into this place on a policy of making the Ombudsman an independent officer of this Parliament — —

**The PRESIDENT** — Order! Mr Viney, through the Chair!

**Mr VINEY** — That is what the Premier of this state, the Deputy Premier of this state, Mr Theophanous while he was a minister and Mr Lenders as Leader of the Government did in this place. It is this government that reformed this chamber to make sure that there was accountability to the people of Victoria and that it reflected the views of the people of Victoria. That is what this government, the Premier of Victoria, the previous Premier, Mr Bracks, and the Leader of the Government in this chamber, Mr Lenders, did.

There is a raft of architecture available for public office integrity in this state. There are the Ombudsman and the Auditor-General. As I said, they were made independent officers of the Parliament by this government, not by Mr Finn, who voted in an attempt to nobble the Auditor-General. It is this government that has put in place that architecture, including the Office of Police Integrity. The Premier of Victoria has announced the appointment of Elizabeth Proust to the State Services Authority to oversee all that architecture and make sure it remains appropriate for Victoria, and to determine whether there are opportunities to make improvements. For Mr Finn to come in here and make the imputations that he did about the Premier of this state was an absolute outrage.

Mr Kavanagh's contribution was interesting because he and I have been members of at least two select committees together. I am probably reasonably versed in the processes of select committees in this place and what they can do, having sat on three and probably been the subject of one. Because the government reformed it, this chamber has the capacity to set up select committees to look into anything it wishes. It was this government that set up a system that will probably mean that no major political party will hold a majority in this chamber. The circumstances are that it is probably unlikely that any government will hold a majority in this chamber because of the reforms that we made to this chamber. The conservatives ran this chamber for 150 years bar 6 days. It was only when the Labor Party had a majority in this chamber after the 2002 Bracks election victory that genuine reform was introduced that brought in the Greens and Mr Kavanagh, the first Democratic Labor Party

member to come into the Victorian Parliament for — I cannot remember exactly — at least 20 years and probably 30 years.

It was this government that introduced that reform, because it said that this chamber should be a chamber of the people and represent the people of Victoria and reflect them. In setting up their Star Chamber committees members opposite, using the 21 versus 19 rule, have made sure that those committees do not reflect the people of Victoria's views.

**Mr Finn** — On a point of order, Acting President, a cursory glance at the motion we are debating here today will reveal that nothing to which Mr Viney has referred comes anywhere near the subject under debate. It is a question of relevance that I raise. He is being totally irrelevant. He is so far from the topic he may well be down near Warrnambool somewhere. I ask you to bring him back to the topic of this motion.

**The ACTING PRESIDENT (Mr Eideh)** — I ask Mr Viney to go back to the motion.

**Mr VINEY** — What we have before us is a proposition put forward by the opposition and a contribution made by Mr Finn that included outrageous slurs on the Premier of Victoria. The point that I am making — —

**Mr Finn** — What were the slurs?

**Mr VINEY** — I raised a point of order, Mr Finn, and you were called to account on it.

**Mr Finn** — There were no slurs, and you know it.

**Mr VINEY** — You made an absolute implication, Mr Finn, and you were brought to account on that matter.

This government has put in place comprehensive architecture to ensure public office integrity in Victoria. No-one in this chamber can argue that it is perfect — of course it is not — but what has been brave of the Premier of Victoria is the putting in place of a process to review that architecture and make sure that it is current and covers all of the issues.

This debate on how we ensure public office integrity is not enhanced by people like Mr Finn using parliamentary privilege to cast slurs on the Premier of Victoria, the Deputy Premier of Victoria, the Leader of the Government in the Legislative Council and a man who advised the house through a 90-second statement earlier this week that he is leaving the Parliament after more than 21 years of service. Those slurs are not

helpful to this debate, particularly from a group of people who acted so appallingly about public office integrity when last in government. It was not the Labor Party that attempted to nobble the Auditor-General; it was the opposition when it was in office under the Kennett government. It paid a price for that, but it appears to me that it has not learnt that lesson. It is this government that has put in place that architecture — —

**Mr Finn** — You are about to learn a very big lesson.

**Mr VINEY** — Mr Finn, as I have said before, I have faith in the people of Victoria. Mr Finn can have his view; what I know is that the people of Victoria will not throw out a government — —

*Honourable members interjecting.*

**Mr Guy** interjected.

**Mr VINEY** — I am happy if Mr Guy wants to make a contribution; that is fine. The people of Victoria recognise when they have a good government doing good things. The good things that the government is doing include rebuilding every school in the state, reinvesting in our hospitals, reinvesting in our police force, putting more nurses into hospitals and putting more teachers into schools. The government is putting them in, compared to 8000 teachers that were sacked and 4000 nurses that were gone.

**Mr Drum** interjected.

**Mr VINEY** — Twelve country hospitals were closed, Mr Drum — so much for standing up for country Victoria.

**Mr Finn** — On a point of order, Acting President, despite the point of order taken earlier, Mr Viney has clearly not taken heed of anything that was said at that time. I ask you to bring him back to the subject of this debate. He is not anywhere near the topic that we should be debating; he is being totally, completely irrelevant.

**Mr Guy** — And he is trying to convince himself the world is flat.

**Mr VINEY** — Mr Guy, you can have your laughter, but in this debate it is the government that has put in place the necessary architecture to ensure that there is public office integrity in this state. There have been very few examples — in fact there have been no examples — of gross corruption in this state.

**Mr Guy** — This sounds like Queensland in the 1980s when it was said, ‘Brothels do not exist; casinos do not exist’.

**Mr VINEY** — There have been some reports from the Ombudsman that have indicated that there has been some corruption.

**Mr Guy** — That is an amazing statement that you personally know there is no corruption in the state of Victoria. You have personally been told by everyone, ‘There is no corruption’?

**Mr VINEY** — None of those things has been uncovered, Mr Guy. There has been no massive corruption uncovered in the state of Victoria. It is just nonsense to suggest that is the case. There have been — through the Ombudsman’s processes and through the Auditor-General’s processes — cases identified where processes can be improved and where there has occasionally been corruption of process. But there have not been examples of corruption in the way that the opposition likes to present it. Using the word ‘corruption’ in the way that the opposition does causes the everyday person to assume that it is people taking money in brown paper bags. I do not think there have been too many examples of that that have been demonstrated through any of the issues opposition members have raised. Where the Ombudsman and the Auditor-General have found that processes can be improved or have been poorly performed or managed, whether it be in local government — —

**Mr Finn** — Where it has been poorly performed or managed? Was Brimbank poorly performed or managed?

**Mr VINEY** — I just said the Ombudsman found some of the processes of decision making there have been corrupted.

**Mr Finn** — Is that why you sacked the council? There was no corruption in Brimbank; is that right?

**Mr VINEY** — Some of the processes in local government have been corrupted; and some of the processes, the Auditor-General has found, need to be improved.

**Mr Guy** — That’s right, and you don’t know if it’s just one. Therefore only an ICAC will find that.

**Mr VINEY** — No amount of yelling from Mr Guy or other members from the other side of the house will change the facts. The fact is that the government has put in place architecture to oversee public office

integrity in this state that is working reasonably well. I do not suggest it is perfect, nor does the Premier.

The Premier has put in place a review by Elizabeth Proust to have a look at that architecture and make some recommendations to the government about how it can be improved. We will await her advice and her report. The person who is having a look at this is a person of great integrity. In fact if my memory is correct, she actually ran the Premier’s office under Jeff Kennett. I think the current Premier has made a good decision to appoint someone to have a look at that architecture to oversee public office integrity in Victoria, and I think it will be wise of the Parliament to await the outcome of that process. The government will not be supporting this motion. We believe that we have in place reasonable architecture and that we have also put in place a proper review to look at how that is working and where it can be improved.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I just want to say a couple of words in response to the remarks by Mr Viney and in particular about this motion. This is a very good motion. It is very simple. It follows on from the motion moved by Mr Barber from the Greens party in 2007.

**Mr Barber** — Why didn’t you say that at the time?

**Mr DALLA-RIVA** — We were very keen. We were very supportive of that.

**Mr Guy** interjected.

**Mr DALLA-RIVA** — Yes, we had it as our policy in 2006, and I am glad that the Greens followed.

Mr O’Donohue’s motion calls on the Victorian government to introduce an independent broadbased anticorruption commission in Victoria. Why would we want to do that? We have heard from the government that it is such a great system and there is really nothing wrong.

I thought I would ask officers from the table office to go back and find some legislation to show how corruption in this state is dealt with. Seventeen separate pieces of legislation have been brought into this chamber to deal with corruption in this state. Not one of them has actually dealt with the issue of corruption. It is all piecemeal. It is a mish-mash of legislation that has been put together. It is absolutely a dog’s breakfast. There are 17 separate pieces of legislation, amendments and variations. The stack of legislation is probably about 20 centimetres thick. People who have to investigate corruption in this state need to wade through

this whole series of pieces of legislation to understand where they go and who they investigate.

Then we have the other ludicrous statement made by the government. It said that the Auditor-General investigates corruption. I will let members in on another secret, which the Minister for Public Transport, Mr Pakula, would know because he was a member of the Public Accounts and Estimates Committee, of which I am a member. The secret is that the Auditor-General reports to the PAEC, and he has absolutely no power whatsoever to investigate corrupt behaviour or to investigate ministers or public servants in their dealings with Victorians. That is out the window.

The Ombudsman can refer matters to the police, but the police do not have the capacity that a standing royal commission would have. That is what an ICAC or an independent broadbased anticorruption commission does. It allows for the summoning and investigation of politicians, ministers, public servants and anyone involved in corrupt behaviour. But the government says, 'No, the system operates well'. It says, 'We the Labor Party in Victoria believe the system operates very well'. Why is it then that Labor premiers in other states — Bob Carr, Peter Beattie and Geoff Gallop — have believed otherwise than this Labor Premier?

**An honourable member** — What party are they from?

**Mr DALLA-RIVA** — They happened to have been Labor Party premiers. In fact I will even go so far as to say that this government's pin-up boy —

**Mr Guy** — Former pin-up boy.

**Mr DALLA-RIVA** — The former pin-up boy; the polls are going down, but I digress. Prime Minister Kevin Rudd has said that Victoria should have an independent broadbased anticorruption commission. The only people who do not want it are members of the Labor Party in Victoria. We have heard from Mr Finn the reasons why. We understand the insidiousness of corruption and the way it has filtered through Brimbank City Council. We know the corruption that has been involved with the Office of Police Integrity (OPI) investigation into Mr Ashby and in fact the communications that have been had with ministers as part of that process. We do not know what those dealings were. It is only a commission such as that put forward in the motion moved by Mr O'Donohue that will hold this government to account and ensure that Victorians can feel comfortable that they have a clean state. At this stage Victorians believe we have a corrupt

state. The true situation continues to be hidden, and that leaves it open to corruption.

It must be the case that Labor is supporting it. I think what we have heard today has been rhetoric. As Mr Guy has said occasionally by interjection, everyone is wrong and the world is flat, according to the Premier and Labor members opposite. I will let them in on a secret. It is not flat. They should get out of this corruption, stop hiding their mates and get Victoria to the position every other state is in in relation to independent commissions against corruption.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise to respond and sum up the debate, and I thank all speakers for their contributions.

The government had two speakers, Ms Pulford and Mr Viney. Their basic thrust was threefold. Firstly, they said the government made a lot of changes in response to what the Kennett government had done. All I want to say about that is that I was at school when the Kennett government was elected, and since I have been elected to this place during this term the current government has spent the great majority of time fighting the battles of over a decade ago.

Whilst we are happy to rehash the past and go back and look at the irresponsibility of the Cain and Kirner governments and the way they bankrupted Victoria, and to rehash what Jeff Kennett and his government did, I believe the people of Victoria want us to look forward as to what we will do for the future. We can go back and re-examine what the Kennett government did when I was still at school, we can go back and look at what happened in the 1990s, but I think the people want to know what will happen into the future.

What we heard from Ms Pulford when she was addressing those issues was first of all that the current architecture, to use Mr Viney's term, is fine and satisfactory, that it does a complete job and that the reforms that have been introduced by this government are satisfactory and all-encompassing. But then we heard a completely contradictory statement from her. She said the Proust review was an excellent thing, and how dare we come into Parliament and second-guess the Proust review; how dare we, the Legislative Council, the elected representatives in this place, come in and second-guess a review by someone appointed by government! I say to Ms Pulford, Mr Viney and members of the government: I am sorry, but it is our job to debate these issues. Ms Proust can do her review at the request of the Premier, and I too will be interested in what she has to say, but that does not mean I cannot have an opinion. It does not mean this Parliament

cannot have an opinion about these very important issues.

There were contradictory statements coming from government members. They said that everything is fine under the current arrangements, but at the same time we need a review. Which is it? Is the current arrangement fine, or do we need a review? I put it to the government that the current arrangements are not satisfactory. We heard from Mr Finn, Mrs Peulich, Mr Dalla-Riva, Mr Barber and Mr Kavanagh about why the current arrangements are not satisfactory.

In summary, the current arrangements do not cover the field; they do not provide a complete, all-embracing solution to the issue of corruption for the public sector. Mr Barber made the point that so far as he is concerned it is a your-model-versus-my-model arrangement. I think Mr Barber did not listen to my contribution completely. What I said was we need a system that covers the entire public sector, and by definition that includes this place, the other place and all public officials, whether elected, appointed or in the employment of the public sector.

The opposition is very clear about its position on this issue: we want an independent commission against corruption, a broadbased anticorruption commission that covers the field — and that includes members of this place and other elected officials. Mr Barber also went on at some length about the definition of ‘corruption’. I think that is trite. In the establishment of any proper anticorruption commission those sort of issues would be addressed and resolved — —

**Mr Barber** — The parliamentary counsel can work that out for us. That’s all right!

**Mr O’DONOHUE** — As I say, Mr Barber, it is trite. In the establishment of such a commission definitions of those sorts would need to be considered and determined. Having made those points, I welcome the support of the Greens for this motion.

**Mr Barber** — No, we welcome your support for our motion.

**Mr O’DONOHUE** — To pick up the point just made by Mr Barber in his interjection, I will take the liberty of again reading the motion of 9 June 2004 — before Mr Barber was in this place — which was moved by Mr Philip Davis. It states:

That this house:

...

- (c) supports terms of reference for such a royal commission to recommend a model for the establishment of a permanent and independent crime and anticorruption commission in Victoria.

Yes, Mr Barber moved a motion in 2007, but Mr Philip Davis moved a motion in 2004. Let it not be said that the government is not consistent. The government is consistent, because in 2004 when this issue was debated by the previous Parliament the government’s approach was exactly the same. Reading the *Hansard* from 2004 you can see the arguments are very similar: the Kennett government is responsible for every ill in Victoria, we solve them, the world is perfect, full stop.

Today members heard responses from Mr Viney and Ms Pulford. Mr Viney has made a very good career out of making numerous speeches with exactly the same points: all the problems of the world are the Kennett government’s fault, we fix them all, there is nothing else to be said, thanks very much.

The process of good government is an ongoing evolutionary process, and it is the contention of the opposition, as it was the contention of the opposition at the last state election, that for good governance to be guaranteed in Victoria and for the people of Victoria to have confidence and faith in our system of government and to respect the legislature, which is what we want to happen in a democracy like Victoria, we need a broadbased anticorruption commission.

On the basis of the contributions from government members today, there will be a very clear choice at the next state election. There will be the position of the government, that back over a decade ago it solved the problems and there is nothing else to worry about, and the position of the opposition, that a broadbased anticorruption commission is required. I look forward to that being tested with the people at the coming state election. I commend the motion to the house and I hope the house supports it.

**House divided on motion:**

*Ayes, 18*

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

*Noes, 16*

Broad, Ms ( <i>Teller</i> )	Pakula, Mr
Eideh, Mr	Pulford, Ms

Elasmar, Mr  
Huppert, Ms  
Jennings, Mr  
Leane, Mr  
Lenders, Mr  
Mikakos, Ms

Scheffer, Mr  
Smith, Mr  
Somyurek, Mr  
Theophanous, Mr  
Tierney, Ms (*Teller*)  
Viney, Mr

*Pairs*

Atkinson, Mr  
Davis, Mr D.  
Kronberg, Mrs

Darveniza, Ms  
Madden, Mr  
Tee, Mr

**Motion agreed to.**

**PENINSULA LINK: FUTURE**

**Debate resumed from earlier this day; motion of Ms PENNICUIK (Southern Metropolitan):**

That this house calls on the government to abandon plans for the construction of the Peninsula Link or Frankston bypass and instead implement alternative, local and less costly solutions to reduce bottlenecks and peak-time congestion on existing arterial roads and upgrade public transport services in Frankston and the Mornington Peninsula.

**Mr VINEY** (Eastern Victoria) — This is a project that I have been supportive of for some time. It was probably necessary before the construction of EastLink, but certainly since the construction of EastLink it has become — —

**Mr Barber** interjected.

**Mr VINEY** — Mr Barber, the Greens have made a contribution, and I will make mine.

**Mr Barber** interjected.

**Mr VINEY** — When you are ready, Che, I am happy to keep going.

**The ACTING PRESIDENT (Mr Eideh)** — Order! When Mr Barber interjects he should be in his seat.

**Mr VINEY** — And even then it is disorderly, Acting President.

The project has had a long history. As a former Frankston resident who regularly used the Frankston Freeway for many years, I experienced the need for this project.

**Mr Barber** interjected.

**Mr VINEY** — I know the Greens share one car, so perhaps they do not drive that way very often; however, if they did, particularly on a Friday evening or public holiday — —

**An honourable member** — Or a Sunday morning.

**Mr VINEY** — Or a Sunday morning or Mother's Day or Christmas Day, they would experience what is easily a 20-minute tailback where the Frankston Freeway ends at Frankston-Cranbourne Road. One can have philosophical views about whether people should be driving cars, riding pushbikes or growing wings, but the fact is that many people use their cars and our city has been built around them for a long time. Even under the scenario of a new economy developed as a result of the greenhouse problem that the world is facing, people will still use individual vehicles, maybe electric vehicles powered by renewable energy. The way our cities have developed is such that we continue to need to provide access for people to move around the city for work, recreation and commercial transactions. It is a reality that the Greens might not like, but it is the reality we face.

The construction of the EastLink connection and the additional traffic accessing that route have exacerbated the problems faced by the people of Frankston and the Mornington Peninsula. During some debates at the time of the planning of this link project I remember advocating the construction of the Peninsula Link — it was not called that at the time; it was called the Frankston bypass. Advice was received that a lot of people would continue to access Frankston and the Mornington Peninsula via the Western Port Highway and then the Frankston-Cranbourne Road or, further down, connecting across to the northern parts of the Mornington Peninsula via the Western Port Highway.

I was always of the view that once EastLink was constructed it would become an attractive route. People moving down to the peninsula would come via the Monash or, further north, via the Eastern Freeway, on to EastLink to Frankston and continue down the Peninsula by that route. That is very much the experience since the opening of EastLink. My understanding of the projections now is that with the construction of Peninsula Link, particularly that northern part where Frankston Freeway meets Frankston-Cranbourne Road, up to 60 000 vehicles a day will be using it. There is no question that there is a high need for the construction of this project. As with all major projects, a number of significant environmental issues need to be considered, and they have been comprehensively gone through in the detailed planning and development of this project.

The construction of roads often causes some degree of angst in the community because it can be quite disruptive, but we need infrastructure that includes both public transport and improved road options for the

community. Our public transport system simply would not cope if everyone stopped driving cars, and our roads would not cope if everyone stopped using public transport. People need to be able to move around the city. The City of Frankston faces an enormous problem with the traffic that goes through its municipality very close to the central business district. The traffic that goes through that area has in many ways restricted the capacity of the Frankston central area to develop its potential as a key central activities district and one of the transit cities that we have identified in our long-term planning for Melbourne.

One of the other important assets for Victoria is the region a little beyond Frankston and into the Mornington Peninsula. It is one of our great assets in Victoria, and it attracts a lot of visitors. Its attractions create an enormous number of jobs on the Mornington Peninsula. Whether it be the vineyards, the beaches, the hotels and increasingly the resorts or the golf courses, there are many attractions for visitors to the Mornington Peninsula. Visitors simply have to be given access to the surf beaches and to the commercial operations. I have read research about the number of jobs in the local tourism industry. I do not recall offhand exactly what those numbers are, but there are certainly many thousands of direct jobs and multiplier jobs created by those tourist attractions on the peninsula.

This is a very important project. It is an important project to ensure that the residents of Frankston and the Mornington Peninsula have continued good access to the things they need, such as jobs in areas like Dandenong or further in towards Melbourne, and for people in Melbourne to be able to visit friends, relatives, holiday homes or the tourist attractions, hotels and motels on the peninsula in the busy tourist season.

It is a vital project. It is a project that will create about 1700 direct jobs in itself. It is a substantial project worth \$759 million. It will be a toll-free road that will have 11 local road connections. There are about 35 bridges. There will be about 22 kilometres of walking and cycling paths.

I do not know if many people in the chamber have taken the opportunity to use EastLink. I would have thought members of the opposition would have made sure they did not use it, given their opposition to that project, their failure to fund it when they were in government and their opposition to it when we indicated we were going to do it. Perhaps they have been true to their word and they never drive on it. However, if they did drive along EastLink, they would see that it is more than just a road. There are massive walkways and cycling tracks. There are wetlands, and

enhanced environmental work has been done along that route. From the advice I have received and from what I have read about the project, those very same approaches will be taken to the development of the Peninsula Link.

It is a good project for Victoria; it is a good project for Frankston and a good project for the Mornington Peninsula. It is a good project that will deliver jobs, maintain access and give Frankston the opportunity to deal with the issues it needs to deal with in the growth of a substantial activities district on the outskirts of Melbourne. It will have the opportunity to do that development without the massive influx of traffic it currently has to deal with. It will also save time. It will save time for motorists, and it will save time for commuters. There is an estimated 40 minutes of potential savings in travel times. As I say, anyone who has been stuck at the end of Frankston Freeway where it meets Frankston-Cranbourne Road will know all too well that it is a project that is well and truly due.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise to make some comments on Ms Pennicuik's motion that calls on the house and the government to not proceed with the Frankston bypass development. I say at the outset that the coalition parties will not be supporting Ms Pennicuik's motion for the simple reason that we support the construction of Peninsula Link. It was the Leader of the Liberal Party in the Assembly, Ted Baillieu, who in October 2006 made an initial pre-election commitment of \$250 million towards the construction of what was then known as the Frankston bypass. It was a commitment that was criticised by the government. Then transport minister, Peter Batchelor, criticised the fact that the Liberal Party — we were not in coalition at that stage — had committed funds by way of an election commitment to the construction of the Frankston bypass.

It was our view then, and it certainly remains our view three and a half years later, that the Frankston bypass is a much-needed piece of infrastructure, both for the peninsula and for Frankston. As somebody who, along with Mrs Peulich, represents the South Eastern Metropolitan Region, which covers the majority of Frankston, I have seen the pressure that community is under with respect to road congestion, the problems in central Frankston and the problems that Mr Viney spoke about in his contribution where the existing Frankston Freeway comes to an end at Cranbourne Road.

That problem has only been exacerbated in the three and a half years since the commitment was made by the

Liberal Party to build that bypass, and on this side of the house it is a matter of regret that we have not progressed further with this project at this point in time. It was not until April last year that the government got on board with the Peninsula Link proposal, which is now at some \$759 million. It was announced pre-budget as part of the transport plan, and it was announced in the hope that the commonwealth government would come to the party with funding. It did not, and now the project is to be built as a public-private partnership.

We see the need for this project as an important reliever of traffic congestion in central Frankston, as a bypass to get the traffic that is flowing beyond Frankston to the peninsula out of central Frankston to make life much easier for the residents of Frankston and those businesses operating in central Frankston, which at peak periods experience extraordinary congestion not only at the Cranbourne Road–Moorooduc Highway intersection but also in the CBD (central business district) of Frankston, which regrettably we can say with hindsight is probably not as well laid out as it might be if we were starting with a clean sheet for Frankston. There are quite a few choke points with the railway line and the layout of the Frankston CBD which are less than optimal in terms of traffic movement around Frankston. If we can get the traffic out of central Frankston, it will hopefully go a long way to ameliorating that problem.

I note that in the lead-up to the 2006 election, when the government refused or failed to commit to the Frankston bypass, it did commit to a flyover to join Cranbourne Road with the existing Frankston Freeway as a way of alleviating congestion at the Moorooduc Highway–Cranbourne Road intersection. Since the announcement of Peninsula Link, however, the government has backed away from that commitment to a flyover to alleviate congestion at that intersection, and as a consequence it continues to get worse.

**Hon. M. P. Pakula** — You don't need both.

**Mr RICH-PHILLIPS** — If I could pick up the comment that you do not need both, the reality is that as I stand here today the people of Frankston do not have either, so they continue to experience extraordinary congestion at the Cranbourne Road–Moorooduc Highway intersection, and that is something that will not be addressed until Peninsula Link opens, hopefully, in 2013.

I place on the record that this side of the house will not support Ms Pennicuik's motion because we support this project, and we were ahead of the government in

supporting this project. However, having said that, it does not mean that we support the government railroading this project through those Frankston communities that are concerned about it. We see increasingly that this government has put in place a number of obstacles or processes that private sector proponents of projects are required to get through before they get approval for their projects. We have the overlay of the environment effects statement (EES) mechanisms, we have Aboriginal heritage requirements, we have native vegetation requirements and we have heritage requirements, among others.

Many different hurdles are put in front of developments, and it is now very difficult for a small proponent of a project, whether they be a small developer or a landowner seeking to develop their own property or small acreage et cetera. It is very hard for a small developer or an individual to undertake a profitable development due to the number of regulatory requirements they are required to meet. We would expect as a Parliament and as a community that where these requirements — and this is not to doubt their merit — have been put in place, and in particular imposed upon private sector development and private developments, projects for which the government is the proponent would also be subject to meeting the criteria of heritage, environmental effects, native vegetation et cetera and we would not see those processes treated as a rubber stamp.

An EES has been completed for the Peninsula Link proposal and the project has received a tick off with respect to that EES, but a number of matters remain to be settled. I refer in particular to the issue of heritage. As many members of this chamber would be aware through representations that have been received directly and from comments made by Ms Pennicuik, the current proposed alignment of Peninsula Link runs through the Westerfield property in South Frankston. Members who have received the submission with respect to the heritage issues surrounding Westerfield would know that property is of great historical significance to Victoria as a former property of Sir Russell Grimwade, who had a long history as a significant industrialist in Victoria. As well, the work he undertook on that particular property has meant the property has received recognition from Heritage Victoria for its heritage value. As I said, members will have received quite a detailed submission that sets out the heritage value of the property and why it has been listed by Heritage Victoria with respect to the developments that took place in the period the property was under the tenure of Sir Russell Grimwade.



It is an important issue that needs to be addressed as this project proceeds. I understand the subject of a current application by the proponent of the project, the Victorian government as the Linking Melbourne Authority, is that the heritage issues with respect to Westerfield, which is halfway along the alignment of the freeway, be addressed. This chamber and the community more generally need to see that Heritage Victoria does not treat this process as a rubber stamp and that it has genuine regard for the heritage values of the Westerfield property. Having read the detailed submission that has been made to Heritage Victoria, I have no doubt that there are significant heritage values associated with the property.

Although I know from the EES process that the government, through the Minister for Planning, has referred to addressing issues around the Westerfield property with respect to native vegetation by way of net gain replacement of vegetation that would be removed from Westerfield if the project proceeds on its current alignment, that in no way addresses the heritage issue of the historic value of the Westerfield property. What I say to the government by way of my contribution to the debate this afternoon is: yes, we support the project; yes, we believe it should proceed and it is important to Frankston and to the people of Frankston; however, due process must be followed by this government as it proceeds down this path.

I note there has already been compulsory acquisition by the Linking Melbourne Authority of part of the Westerfield land where the freeway is proposed to run. I have to say that that, in many respects, is extraordinary given that at this stage the necessary Heritage Victoria permits are not in place to use that particular land for the project. We would be greatly concerned if it became apparent that because the government is the proponent, the Heritage Victoria process was being treated as a rubber stamp and not being given appropriate due consideration.

I look forward to this project proceeding. It is important to the peninsula, to Frankston and to Victoria more generally, but it must be completed with due regard to the rights of the landowners concerned and with due regard to the heritage, environmental and native vegetation requirements that this government would impose on and expect every other proponent of every other project to meet.

**Mr SCHEFFER** (Eastern Victoria) — Ms Pennicuik has moved that the house calls on the government to abandon plans for the construction of Peninsula Link. She indicates that we should find alternative solutions that will resolve the traffic

problems she says the freeway is intended to resolve. Her reason for bringing forward the motion late last year was that she believed the time for building more roads and freeways has passed and the time for public transport has come. I do not support Ms Pennicuik's motion, but this morning and yesterday I had a look at her extensive contribution to the debate on the motion last year, and I will summarise it.

She touched on the ineffectiveness of freeways in reducing congestion, the uselessness of the environment effects statement (EES) process, the inadequacy of the model developed by the proponent, the unreliability and underestimation of the project cost, the negative impact that Peninsula Link will have on flora and fauna and heritage properties along the proposed route, the impact of the vehicles using the freeway on greenhouse gas emissions, and the purported lack of support for the project by the Mornington Peninsula shire councillors.

**Ms Pennicuik** — Council.

**Mr SCHEFFER** — Council. She also proposed some alternatives that she believes would improve traffic flow along the route of the new link.

Things have moved on a little since Ms Pennicuik made her contribution last year, with the Premier last Wednesday turning the first sod on the \$700 million Peninsula Link project in Frankston. The Premier reiterated — and Mr Viney also alluded to this fact in his contribution to the debate — that the freeway would deliver faster travel times and create around 1700 direct jobs annually during construction, with a further 9700 flow-on jobs during the early construction period of the project.

The project possesses a number of excellent features that are important to underline in a debate such as this. They are, namely, that the freeway — as Mr Viney also pointed out — is 27 kilometres in distance, it has 11 local road connections, more than 35 bridges, a 22-kilometre walking and cycling path, and a fauna crossing underpass, that I will come back to a bit later. The project is a public-private partnership and will attract no tolls. The roadway is planned to significantly reduce congestion in the Frankston area, and that has been mentioned by previous speakers. It will also make it easier for individuals and people in business needing to move around the peninsula.

Anyone who knows the peninsula knows that its geography makes public transport extremely challenging to deliver. A total of 25 bus services were included in the Frankston-Mornington Peninsula bus service review extending to Hastings, Mornington,

Rosebud and Portsea. The reduction of congestion on local existing roads will in turn make it more possible for local economies to develop along the peninsula as a consequence of the newly created jobs that the new construction workforce coming out of the project will be able to inspire.

Peninsula Link is an essential part of the Victorian transport plan. The plan points out that Frankston and the Mornington Peninsula are still growing, that the population is expected to increase from 262 000 in 2006 to 324 000 by 2026 and that infrastructure absolutely needs to be progressively put in place to accommodate that increased population expansion.

In her contribution to the debate Ms Pennicuik also queried the projected increase of 60 000 car trips. I have not got the paper in front of me, but she did not explain her methodology for querying this figure. I do not know what other source she would have apart from the SEITA (Southern and Eastern Integrated Transport Authority) work that is being done. Querying the methodology is one thing. That is a highly expert task and one would expect to find — if indeed it was queried — that there would be some kind of explanation. I would be interested to hear in her concluding remarks some response on that.

The debate over whether freeways or public transport is the best investment has been with us for a very long time, but this is a false dichotomy. Good transport planning everywhere in the world consists of both public transport and roads: rail, trams and buses as well as roads. It is an integrated system and it is false to set them up as two different modes that we have to choose between. A lot of public transport runs on roads and we make great use of freeways. Peninsula Link will have a capacity for future public transport services — for example, heavy rail to run along the median strip and bus services to run along the main carriageways.

The Victorian transport plan is comprehensive in that sense; it includes transport projects that can and need to be delivered over the short, medium and longer term. The plan involves a massive investment of new rolling stock, roads in the outer suburbs, state-funded regional roads, the expansion of the metropolitan rail network — the biggest expansion in more than 100 years — the regional rail link, the Metro Melbourne tunnel, the completion of the north-east link and a whole lot more. It is a comprehensive plan for Victoria that includes public transport nodes as well as road systems, and it needs to be understood that Peninsula Link fits into that plan.

The transport plan bypasses the false opposition between freeways and public transport that Ms Pennicuik suggested in her contribution; setting up that dichotomy is an idea which has passed. She characterised the environment effects statement process as window-dressing for decisions that have already been made. She also said there was a power imbalance that made it difficult, if not impossible, for ordinary citizens to build an effective case against the forces that can be marshalled by big developers and project proponents. I do not think the evidence when you look at it necessarily bears this out, and frankly it sells the community short.

I draw attention to the channel deepening project and the desalination project, including the overhead-underground powerlines project, which are two recent examples where community groups such as Blue Wedges, Our Water Our Say and the Power Grid Option Group had a significant impact on both the public debate and the shaping of the final outcome of these major infrastructure developments.

It is always difficult to balance a fundamental power inequity, and it is a fact that local groups do not have the resources that proponents of major developments have. But then the EES process provides an opportunity for these groups to argue their case and outline how the development impacts on them. When we are talking about infrastructure projects of state significance it is not intended — and it is probably impossible to create the situation — for interested communities, lobby groups or pressure groups to be across the whole gamut of the infrastructure program. It is the panel's job to assess the validity of the totality of the arguments so that people can argue from their own perspective. It is the panel that places the arguments into a context and it has a responsibility to respond to the claims of groups that submit their views and argue their case.

The processes for enabling interest group and local participation in planning and major infrastructure projects is still, in historical terms, a relatively new thing. The EES process is in the end a work in progress. It is a relatively new form of public participation that was unheard of when the railways were first laid or, going back even further, when Robert Hoddle laid out the plan for the central business district of Melbourne. The underlying questions are: how do we ensure that all voices are heard, and how do we deliver projects within a reasonable and responsible time frame?

I return to my first point — that is, that the EES process provides interest groups and the community with a very valuable tool to have information available to them, to put their cases forward, to have them heard and to

influence the outcome of major infrastructure projects. Significant modifications were made to the channel deepening project and ensured that there were reduced impacts on the environment and the community. Truly impressive work by the Power Grid Action Group showed that working through the EES process and then systematically arguing a case dramatically changed the mode through which power was delivered to the desalination plant in Wonthaggi, from the use of overhead cables to the use of underground cables.

The EES on what was then called the Frankston bypass was well conducted. The summary brochure prepared by the Southern and Eastern Integrated Transport Authority was widely circulated and it sets out the process very clearly, both graphically and discursively in text. The brochure presents the options that SEITA developed. It sets out a range of issues including public amenity, safety and access, and air emissions. It also includes a table that shows the assessment impacts that the project could have on 19 listed species.

I had calls from various groups during the course of the process. Some agreed with the project, some opposed all of it and others had difficulties with some aspects of it. The issues that were brought to me concerned tolling, the impact on fauna, the alignment of one section in the south and much later a suggestion that the freeway near Baxter be put underground. Overall it is fair to say that this is exactly what an active community does. It participates in that process, and that is good.

Peninsula Link has taken account of the environmental impact of the project, and generally it is a good story. I understand that engineering work is being undertaken in areas like the Pines reserve and the Westerfield property in Frankston South that Mr Rich-Phillips mentioned. My advice on that matter is that we all know that the Westerfield bushland is important and that is why the quantity of land taken from the estate has been reduced by almost 1 hectare, compared with the original land reserved, by using retaining walls and changing the design along Robertsons Road. I am also advised that a total of only around 2.65 hectares has been acquired from the total land-holding, which was more than 12 hectares, and that the authority will continue to support the property owners. I accept what Mr Rich-Phillips said. It is an important issue, and we need to keep working on it to make sure that heritage value is preserved.

Significant vegetation that needs to be removed through the pushing forward of the project will be offset by planting in other locations. The objective is that overall there will be a net gain in the environmental

obligations, and more than 1 million trees, plants and shrubs will be planted along the way.

I go back to some of the points that were mentioned earlier. The fantastic EastLink design will be replicated for this project. A threatened species management plan is being developed for sensitive vegetation. It should be remembered that the original alignment was shifted to protect a population of dwarf galaxias — that is a variety of fish, for those members who do not know — at the southern end of the project in the Tuerong Creek area. A fauna underpass will also be constructed. That was one of the matters that was brought to me fairly early on in the process. In fact it was first raised at one of the exhibitions that I attended during the environment effects statement process. That will be constructed to allow animals to move under the freeway at sensitive locations.

As I said earlier, there will be no tolling. I understand the issue of undergrounding the route in the area where it comes near to Baxter is not possible due to engineering issues relating to groundwater levels. It is something that has been looked at but does not seem to be able to be accommodated.

Ms Pennicuik also said that the Mornington Peninsula Shire Council opposed the project. I do not wish to reflect on the judgement of the Mornington Shire Council; it is entitled to its view. However, it should be pointed out for the record that Ms Pennicuik did not say that the shire council had formerly supported the project. Subsequent to the election of the current council at the end of 2008, at the 11th hour late last year the new view emerged, and it was subsequently adopted.

The Peninsula Link project will deliver a four-lane freeway, connecting EastLink at Carrum Downs to the Mornington Peninsula Freeway at Mount Martha. It is a sound project. It provides much-needed transport infrastructure, and I have given evidence to the effect that it takes appropriate account of important environmental and heritage values. Importantly it will provide jobs and a significant impetus to the economy of the Mornington Peninsula. It is a good project, and I support it.

**Ms PENNICUIK** (Southern Metropolitan) — I would like to thank Mr Viney, Mr Rich-Phillips and Mr Scheffer for making contributions on my motion that the government abandon plans for the Peninsula Link, formerly called the Frankston bypass. I want to make some comments on the remarks made by the speakers aforementioned.

Mr Viney outlined that he — and, I presume, the government, but he in particular — is and has been supportive of the project for some time. He says it is even more important because of EastLink. He mentioned the congestion that occurs, particularly on Friday evenings and public holidays, where the Frankston Freeway meets Cranbourne Road. I raised that in my contribution. I pointed out in my contribution that even the expert from the former Southern and Eastern Integrated Transport Authority said at the environment effects statement hearings that the Frankston bypass would not solve the congestion at that particular intersection. As that seems to be the major reason raised by people for the construction of this road, and as the SEITA expert said it would not solve the problem, it leaves a flimsy rationale for the road.

Mr Viney said that we can get on bicycles and all grow wings, but many people use their cars. He said this city had been built around cars and that people are likely to continue to use individualised vehicles. That just goes to show that this government does not get it. There are cities around the world similar to Melbourne in size and layout, but they are choosing not to continue in that direction, they are choosing to prioritise public transport over roads.

Mr Scheffer said that I was setting up a false dichotomy and that we should support roads and public transport. My answer to that is that over the last decades, and continuing right up to this moment with the Victorian transport plan and anything else to do with transport, roads have always had priority; public transport does not get priority. To imply that there is in this state some equal treatment in the building of roads and public transport is just false. We are pretty much operating on the same railway system that we were operating on when I went to school in the 1970s. Except for a few minor adjustments to it, it is pretty much the same railway system. Unfortunately it does not run as well as it did then. The frequency and reliability of public transport is not what it was then.

**Mr Rich-Phillips** — Under the Liberal Party.

**Ms PENNICUIK** — I did not say that. Mr Viney and Mr Scheffer claimed there will be 60 000 vehicles a day on that road. I did say in my contribution that that claim is highly questionable — and I still say it. As I mentioned, public transport experts have questioned the methodologies for those sorts of estimations, particularly when they go out to something like 20 years, which is what that one goes out to. That is the estimation for 20 years hence. There is no urgent need for this road based on that figure. That is my answer to that matter raised by Mr Viney and Mr Scheffer.

Mr Viney said the environmental issues have been gone through comprehensively. I would agree that some of them have been raised, but most of them have just been run roughshod over. Even though the impacts on several areas of native flora and fauna, in particular the Pines Flora and Fauna Reserve and the Westerfield property, have been acknowledged, they are not going to be protected; the road is still going to be built through the Pines Flora and Fauna Reserve.

The most valuable part in terms of biodiversity and bushland of the Westerfield property has already been acquired by the Linking Melbourne Authority, which has put in an application to Heritage Victoria for a permit to build the road through that area. Mr Scheffer went to some trouble to say that less of the property had been acquired: only 2.6 hectares of the 12-hectare property. But the 2.6 hectares of the property that is being acquired for the road, and which will have bitumen put over it, takes up much of the area that is virgin bushland. It has been looked after by the previous owner, Russell Grimwade, and the current owners, Joyce and Simon Welsh, and is in pristine condition. It will remove an area which is precious for the biodiversity of the Frankston area, because that is where the dam is. It will go and the grassy woodland will be destroyed.

We will lose those precious areas for the birds and animals that live there, and they are precious areas because they are fast disappearing throughout the state of Victoria, particularly in the urban area. It is my contention that they should be protected and given priority over a road. Those particular areas that look after our endangered species — and there are endangered species in the Pines Flora and Fauna Reserve and indigenous species on the Westerfield property — are more important to us in the future. It has been listed by the National Trust of Australia. It is a heritage place under the Victorian Heritage Act because of those values and also because of the cultural value of it being the former Grimwade estate.

There is the problem of losing the biodiversity on that part of the estate, and there is also the problem of breaking up the property in terms of its cultural significance. To somehow say, 'It is okay to take 2.6 hectares because that is only one-sixth of it; we really should not be worried', is pretty well unconscionable. If that permit is issued or approved by Heritage Victoria, it will make a mockery of the Heritage Act. To put such a valuable property on the Heritage Act and to then turn around and grant approval for it to be bulldozed and a road put over it means that the Heritage Act is pretty well worthless. It does not

send a good signal for the rest of our precious heritage places.

Mr Viney went on to talk about jobs, jobs and jobs building freeways. Yes, there may be some jobs building the freeway, but are they more important and valuable than other jobs that we could have by providing public transport, by preserving our biodiversity areas and, as I mentioned in my contribution in December, by upgrading the local roads? I will not repeat these points; I outlined them in my speech, and they have the support in particular of the Mornington Peninsula Shire Council. The council's position is that the Moorooduc Highway needs to be upgraded. If it was, and the east-west crossings across that highway were upgraded, there would be no need for the Peninsula Link.

Mr Viney talked about a cycleway and a walkway being built alongside the freeway as if that is going to make up for the swathe of destruction that this road is going to cut through several precious parcels of remnant bushland along its 24 kilometres. It will not. He also mentioned that the freeway will save time — 40 minutes. He did not mention from where to where. I would point out that public transport experts have followed these sorts of estimates that are put forward by road developers from time to time about how many cars are going to use the road and how much time it will save, and they are not worth the paper they are written on. That particular estimate will fly out the window once the road fills up with cars, like they always do. At best this claim can only be viewed with scepticism.

Mr Rich-Phillips mentioned at the outset of his contribution that he and his colleagues support the bypass and that it is much needed for the Mornington Peninsula and Frankston. He also mentioned the problems of congestion at Cranbourne Road, so I say again that the SEITA expert said that would not be solved by building the Peninsula Link.

Mr Rich-Phillips mentioned the choke points at the railway line in central Frankston. One of the alternatives that has been put forward, which would cost a lot less than \$750 million and would be of much greater future benefit to the area, is to lower the railway line under Cranbourne Road. That would also allow doubling of the track, as it is currently a single track, making it a more useful railway line. That alternative would reduce some of the congestion in that location and also allow for the building of a better railway line.

Mr Rich-Phillips mentioned a government commitment to a flyover at the end of the Frankston Freeway at Cranbourne Road. That is another alternative that has

been put forward which would obviate the need for the Frankston bypass, which is going to go through areas of native bushland along its 24 kilometres and not solve any congestion.

Mr Rich-Phillips did mention the heritage values at the Westerfield property in particular. I know all members have had representations from Joyce and Simon Welsh regarding their property and what is going to happen to it. I have made a video of a walk through that property, which is on my website. It breaks my heart to think that it is going to be lost to the people of Victoria and it is going to be lost to the birds and animals that use it as a refuge and as a link between the other reserves that are going to be impacted upon, from Carrum Downs down to Mount Martha, by the building of this road.

Mr Scheffer mentioned that things have moved on and the Premier has turned the first sod on the road. Indeed it is all proceeding along even though the heritage overlay still exists on the Westerfield property. He went through a laundry list of connections and bridges and also asserted that it will save time. He said public transport is challenging to deliver in that area. He mentioned that there are 25 bus services. I would say that is not good enough. There are many things that could be done in that area that would be preferable to going ahead with this road. It is not too late, even if the first sod has been turned, to go back and do the things that should be done, such as upgrading the bus services so they link better with the trains at Frankston.

Even though the Frankston council has not come out and opposed the Peninsula Link, I think it is fair to say it would like to see public transport in the Frankston area upgraded. It would like to see better bus services running later at night, connecting with the railway line and running more frequently, so if people get to Frankston train station and have missed the bus, they do not have to wait for 40 minutes or an hour. The buses should also run much more frequently on weekends, as they do in other parts of Melbourne. I know the Frankston council would support the railway line being extended and a station being built at Baxter.

These things can be done and are more important in the long term than the Peninsula Link, which will solve nothing and will cost a lot of money. That money would be better spent on public transport and on cycling and walking options in the Frankston area — not, as Mr Viney said, alongside the freeway but throughout the Frankston area so people can get around their local area without having to use their cars.

Mr Scheffer went on at some length about the brilliance of the EES (environment effects statement) process.

Again I say that most people who have had a lot to do with the EES process — and I have had a bit to do with some of them — are pretty dismayed. Mr Scheffer mentioned the power imbalance. That really is the crux of it. It is set up in such a way that those with the power and the money get to railroad communities. The way the terms of reference are set, usually by a minister, just means that the forgone conclusion, the preferred option, is the one that is examined. Alternatives are never weighed up equally against the preferred option. The preferred option is put and an EES is supposedly carried out in a comprehensive way around that option. The panel rarely comes out and says, 'You shouldn't take that option'. In fact, when it does that, as was the case with the Bastion Point boat ramp, the minister just overwrites it anyway. The panel said that should not be built because of safety and environmental reasons, and the minister overwrote it anyway.

The EES process is completely discredited. Mr Scheffer called it a work in progress. It is progressing the wrong way, because it is not protecting the environment and it is not protecting community interests. It always ends up supporting the project that was put forward by the proponent, sometimes with minor adjustments. In this case Mr Scheffer mentioned a fauna underpass through the Pines Flora and Fauna Reserve for the southern brown bandicoot, which is an endangered species. The presence of the southern brown bandicoot at the Pines Flora and Fauna Reserve should have precluded the road, if the EES process was working as it should be working. That should have put a stop to the whole idea.

Although it has been on the map since 1969, there is now a flora and fauna reserve there with an endangered species in it, so that should have stopped the road. However, a fauna underpass is being built which many fauna experts have said they do not believe will work for the southern brown bandicoot. It certainly has not been tested. That is all that has been put forward to preserve the southern brown bandicoot on that site. The very real risk is that that road will cause the extinction of the southern brown bandicoot on that site, and is any road worth that — particularly a road that has not been demonstrated to be needed, despite what other speakers have said here today? I cannot agree with Mr Scheffer that it is a good story. I think it is a bad story we now have in front of us.

Today there was a gathering of people on the steps of Parliament House in support of this motion and in opposition to the Frankston bypass, but they were also opposed to other roads such as the Dingley bypass, which will also cut a swathe through Coomoora Reserve, where there are also precious remnants of bushland described as irreplaceable. That will be lost. If

the road was realigned, it might not be lost, but there does not seem to be much will on the part of the government to do that. I would urge the government to do so.

In response to Mr Scheffer, it is not a good story. The building of the Peninsula Link will not solve congestion. It will add to greenhouse gases, and it will cut in half, in a north-south direction, those communities through that area. There are already roads that run north-south — the Frankston Freeway, the Nepean Highway, the Western Port Highway and the Moorooduc Highway — and another north-south road is not needed in that area of the Mornington Peninsula.

Today many groups of people were outside Parliament House. I would like to read some of what they said. One had a sign up saying 'A biodiversity link is what we need, not the Peninsula Link'. I thought that was very apt. The biodiversity link that the Peninsula Link will destroy is the link that already exists between the Carrum Downs wetlands, the Belvedere Reserve woodlands, Pines Flora and Fauna Reserve, the Pobblebonk wetland reserve, the Wittenberg reserve and the Westerfield heritage woodlands. This freeway will impact on them all. That biodiversity link will be broken by the Peninsula Link.

People might think that that is okay and say, 'We need a road, we need to save time, we need more cars down on the Mornington Peninsula'. I think it was Mr Scheffer who said it was a growing area, but it is not growing very fast, and it is not an area that is earmarked for great growth. We should be preserving that biodiversity link. I remind members that this year, 2010, is the year of biodiversity, and as parliamentarians looking into the future we should be looking at preserving biodiversity. That should be at the forefront of our thinking, rather than more roads, especially ones that are not needed.

Among the speakers at today's rally was Colin Long, who said:

Victorian transport policy under the Brumby government can only be characterised as a clapped out 1970s petrol guzzler stuck in reverse.

I agree.

Damon Anderson from the Save Coomoora Reserve Coalition said:

As it stands, the state government's transport plan will enslave Melbourne to the car and oil industries and turn the city into one giant car park.

It will leave communities chronically underserved by public transport and crisscrossed by freeways that increase carbon

emissions, fragment the community and decimate precious native bushland, wetlands and grasslands.

These areas are invaluable environmental and community assets that should be saved for the benefit of current and future generations!

Brian Walters from Protectors of Public Land said:

They are bulldozing freeway projects through the rights of citizens.

Our green places are precious resources for refreshment and inspiration. They should be protected, not carved up for greedy developers to downgrade our lifestyle.

Gillian Collins from the Friends of the Pines Flora and Fauna Reserve said:

There are endangered species in the Pines Flora and Fauna Reserve. Southern brown bandicoots, dwarf galaxia, and swamp skink have found refuge there. There are, right now, yellow-tailed black cockatoos taking refuge from the bushfires last year. If —

Premier —

Brumby is allowed to proceed with his roads to nowhere, will we be happy to stuff the last of these creatures and put them in the Melbourne museum alongside the koala from last year as some kind of pathetic gesture of our sorrow?

Marion Ware from the Friends of Banyule's campaign against the north-east link said, 'We need a Premier, not a project manager', and I agree.

In this International Year of Biodiversity I remind members that Australia does not have a very good record in terms of loss of species; in fact it has the worst record of any nation. It has lost more species in our 220 years of European settlement than any other continent, and it continues to do so at an alarming rate. It continues to do so because we do not pay attention and do not preserve the areas of biodiversity that we have.

This case is symbolic of other cases. The Peninsula Link is symbolic of the Dingley bypass, the north-east link, E6 and any other numbers of freeways that are on the drawing board to which the government will no doubt give preference over public transport, as it has heretofore done. We will be losing more and more biodiversity because we are not paying attention to that.

I am very disappointed that the opposition could not see its way clear to supporting my motion. This is the time to rethink transport and seek sustainable transport options. There should be a moratorium on the construction of any more freeways in Melbourne until we have forged ahead with building a 21st century public transport system that can take us into a new future, because that is where we should be going.

**House divided on motion:**

*Ayes, 3*

Barber, Mr  
Hartland, Ms (*Teller*)

Pennicuik, Ms (*Teller*)

*Noes, 32*

Broad, Ms  
Coote, Mrs  
Dalla-Riva, Mr  
Davis, Mr D.  
Davis, Mr P.  
Drum, Mr  
Eideh, Mr  
Elasmar, Mr  
Finn, Mr  
Guy, Mr  
Huppert, Ms  
Jennings, Mr  
Kavanagh, Mr  
Koch, Mr  
Leane, Mr  
Lenders, Mr

Lovell, Ms  
Mikakos, Ms  
O'Donohue, Mr (*Teller*)  
Pakula, Mr  
Petrovich, Mrs  
Peulich, Mrs  
Pulford, Ms  
Rich-Phillips, Mr  
Scheffer, Mr (*Teller*)  
Smith, Mr  
Somyurek, Mr  
Tee, Mr  
Theophanous, Mr  
Tierney, Ms  
Viney, Mr  
Vogels, Mr

**Motion negatived.**

**GOVERNMENT: PERFORMANCE**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I move:

That this house believes the Brumby Labor government is not listening to Victorian communities and has failed to respond to key local community problems.

A range of speakers will address this motion. I do not propose to take as long with my contribution as the summing up of the debate on the previous motion took. What I can say is that we are concerned about the way the Premier is failing to listen to the Victorian community and respond to some of those key problems. There is a range of issues. I will bring up a few of them, and obviously some of my colleagues will expand on them.

There are law and order issues. We continually see the government failing to respond to the issue of crime and violence in our streets. This is an ongoing, festering sore. People everywhere are saying they are concerned about it. In the last 24 hours the shadow Minister for Police and Emergency Services, the Leader of The Nationals in the other place, has issued a press release about assaults and people being injured on the trains and trams as a result of the ongoing violence on our public transport network. We are also concerned about the ongoing crime and violence in our streets.

We were talking about Frankston earlier today. The local council there is now engaged in the process of

employing private security — private police — to undertake the job because there are just not enough police. We know the Police Association has been on about the fact — and the opposition has also been raising it — that we now have the lowest number of police per capita of any state in Australia. This is not something that has occurred in the last week.

**Mr Koch** interjected.

**Mr DALLA-RIVA** — This is something that has occurred, as Mr Koch would rightly know, right across the state, whether it be in Western Victoria Region, which Mr Koch represents, in Northern Victoria Region, where Mrs Petrovich resides, or in Western Metropolitan Region, as Mr Finn and Ms Hartland, who are in the chamber, would understand.

The fact is the government has failed to understand and failed to listen to the community. One response to that failure was seen in the Altona by-election where dissatisfaction with the Premier in particular was very clear. That electorate sent a clear message to the Premier, with a 12.5 to 13 per cent swing against the incumbent party, to say enough is enough.

**Mr Koch** — Suspended sentences.

**Mr DALLA-RIVA** — It was suspended sentences and the whole lot. The government has talked about it and the spin has gone into it but still nothing is happening with it. I just use that one example.

We have seen ongoing issues with hospitals and hospital waiting lists and the concerns raised by people going into hospitals around the state. We have seen the recent half announcement of the Box Hill Hospital redevelopment. It is not the full redevelopment that should be happening, but a half-baked, halfway development. The government is failing to understand these growing concerns. One of the hospitals that was rebuilt had almost the same number of beds as the hospital it replaced.

This is clearly a government that is in denial about what it is doing. We have seen the failure of the government to fund all stages of the Dingley bypass. This is an issue in a local area.

We have just had a debate about the ongoing transport plan. Transport is a classic issue because coming out of it we have got the ticketing system, which has become a debacle. The Minister for Public Transport has obviously been charged with trying to deal with that but it is pretty hard to deal with a system that has been broken from the outset. I think Victorians in the community are sick and tired of telling the government

time and again, 'Fix it. Just get in there and try to fix it. Don't give us more spin, don't give us another transport plan'.

We have had, I think, five transport plans now from this government, each one saying that the government is going to do something about transport. We continually hear from Mr Guy about the South Morang rail extension. It was promised in 1999, when Labor was in opposition, for \$8 million or \$18 million, but it is now not to be delivered until 2015 — 16 years after the initial announcement — and for half a billion dollars. How on earth that could occur is beyond me. Meanwhile South Morang and that whole northern part of the metropolitan region continues to explode and the infrastructure and public transport, which the Greens were arguing earlier is necessary, has failed to catch up. We continually see the government being more interested in putting out spin about when it intends to do things than in actually doing them.

We have seen the \$38 billion transport plan. Guess what happened in New South Wales? The government there announced a \$55 billion transport plan stretching into the never-never, with a commitment to providing only a small percentage of those billions of dollars and the rest of it left unfunded. It sounds very similar to what Victoria has been doing. Obviously the Labor government up there is desperate. From what I read today, the most recent polls are running about 57 to 43 the opposition's way, which indicates that people are sick and tired of being lied to and of being told spin.

Labor in New South Wales thinks it can get away with this latest effort. I hope its members are watching what is happening in Victoria, because people do not believe in what is said to be occurring here.

**Mr Koch** — It is not occurring!

**Mr DALLA-RIVA** — It is not occurring, Mr Koch; you are right. In fact very little is occurring. We hear about what is occurring but when it comes to the actual facts very little is occurring.

There is a whole raft of problems with public transport in Victoria, be it with the train system or the tram system. I will just use an example from my region. In 1999 the government promised to extend the tram line to the Knox City shopping centre so that people could get on the tram, go down to Knox City, do their shopping, then get back on the tram and go home. It makes sense. What they are relying on, though, of course is the road system: it is the only way they can get there. It was a Labor promise. It only made it because it wanted to pick up the Forest Hill and



Ferntree Gully Assembly seats. It got them in its first term, but it lost Ferntree Gully at the following election and it will lose Forest Hill the way it is going, because people around that whole area are basically saying, 'We were promised something and they have failed to deliver'.

While I am talking about that area, the government spent an enormous amount of money on the no. 75 tram line — and I think that is appropriate — in terms of the disability-compliant tram stops. There are some issues about the ones along Whitehorse Road, but I digress. The government spent millions on upgrading the stops along the no. 75 route, and guess what trams they run along that route?

The old step-up trams are used, which means a disabled person in a wheelchair or a young family with a pram cannot get their wheelchair or pram on the tram. Someone with a wheelchair could be at a tram stop in Burwood East but be unable to get onto the tram. Perhaps they want to go to the 24-hour Kmart or into the city. That staggers me. I have raised it before. I cannot understand why the local member has not raised it. It amazes me that the government has done this. It seems to miss all the little things. For years people have been saying, 'Put some disability-compliant trams on the route'. We cannot have every tram being disability compliant because the government has failed to build them, but it could at least make every third or fourth tram disability compliant. Yet the old step-up trams rattle back and forth along route 75 day in, day out, and people who need access cannot get it. That is just one example. The residents of that area have complained to me directly and they have complained to the member for Forest Hill in the other place, but in the end nothing has occurred.

Whilst we are on the issue of roads and public transport, I point out the government's priority of putting fairy lights on the West Gate Bridge. The myki system is in disarray. People just want a basic public transport ticketing system. Through my long involvement with the Public Accounts and Estimates Committee I know the detail it went through in examining the processes of that contract. To sidetrack the issue, the government has committed \$20 million to installing fairy lights. I do not think it will do it. The \$20 million commitment was just another press release, and nothing will happen. I just cannot see it happening. Other issues will be prioritised, but that seemed to be the issue the cabinet was concerned about. Mr Brumby is clearly not listening to Victorian communities and is failing to respond to key problems.

I am sure members representing the Western Metropolitan Region will talk about the reliability of train services to Williamstown. There is also a reliability issue with the trains on the Alamein line. My understanding is that there are enormous problems if the trains need to be replaced with buses. While I am on the topic of trains, we cannot even get trains put on tracks. There are issues with that.

The government had problems with the Brookland Greens waste dump. It took a solemn approach to those issues, but nothing has occurred there. What has happened since in that area? I hope there will be some solutions there.

The government is very keen to talk about education and the mergers carried out by the former Kennett government 11 years ago; however, it has been closing and merging schools by stealth.

**Mr Koch** — One hundred and fifty.

**Mr DALLA-RIVA** — There have been 150. Banksia-Latrobe Secondary College, Bellfield and Haig Street primary schools and the senior section of the Olympic Village Primary School are all examples of the government not consulting with the Heidelberg community and being driven to go against the wishes of parents of that community. That is just one community that has been ignored. There is a whole raft of schools around there.

I know there have been some issues in Mitcham regarding closures and mergers of schools. The government uses the word 'mergers', but if there is a merger, one school will close — it has to happen. Again the spin overrides the reality, and the government just tries to sell it. Members of the government will look you in the face, hand on heart and say, 'No, we are not closing schools, we are merging them'. But that is what they are doing.

In Ballarat there are issues regarding the operational requirements for the D24 police communications centre. There are also law and order issues there. There is a whole raft of issues.

There is also the issue of funding for the Rock Eisteddfod Challenge. People are screaming at the government and saying, 'You cannot do that'. At least we have committed \$800 000. When we are in government we will support it. We will support schools. We will move forward and provide what is necessary.

I was pleased to see that the motion debated in earnest earlier on the need to introduce an anticorruption

commission in Victoria was passed by the chamber. It is another clear case of John Brumby not listening. He is in denial about the need to have an anticorruption commission. He believes Victorian communities do not want it. He has failed to respond to issues like Brimbank City Council and a whole raft of other issues. I will not go into this as it was dealt with in debate on an earlier motion, but it is just another example of the Premier not listening.

I will provide a brief overview of my 15-minute contribution. I could probably go on for another day about the issues that the government has failed to respond to, but I will not, Acting President — and I am sure you are thankful for that! However, I am seriously concerned. This motion deserves support. The house should express the view that Mr Brumby is not listening to Victorian communities. We believe the Premier has essentially failed to respond to many of the key issues I have raised plus many others that I am sure will be raised by my colleagues on this side of the chamber.

**Mr LEANE** (Eastern Metropolitan) — Mr Dalla-Riva's brief motion contains a very broad statement, which is consistent with some of the contributions we get in this house from members of the opposition. I suppose if Mr Finn were contributing to this debate he would be standing up there saying, 'This government hates the west' and 'This government does not care' — broad statements that do not mean anything.

Given how this particular motion is framed, it probably falls within that category. The response from those on this side of the chamber to Mr Finn and Mr Dalla-Riva is that it is not true. We love the people in the west, and we do everything we can to support them. As far as listening is concerned, we would say that members of this government go out of our way to listen to all groups and to do the best we can for every stakeholder in the community.

**Ms Lovell** interjected.

**Mr LEANE** — Ms Lovell can interject as much as she likes. I am just talking about the logic in the way this chamber works. This particular motion refers to key local community problems. I would like to centre my contribution on the local community that I deal with as a local MP and a backbencher in this government. I have to say that I spend a lot of time — as much time as I can or as much time as is available to me — talking to community groups, volunteer groups, schools, hospitals and NGOs (non-government organisations), and listening to what they do, and there are a lot of good people out there doing good things.

Every time I am here in this chamber and not out there, I make it a practice at least once a week via a members statement or in an adjournment matter to talk about those particular groups that I have met out in the community and relay to the house the good work that their members do. I do that because, as part of this government, my job is to listen to them. I am a big believer in the importance of listening to groups and individual constituents, but it is also very important to have a determination after listening to them to do whatever is available to me and my government to assist them in any way, if they have a problem or an issue.

After meeting a lot of different groups with a lot of different issues, as a member of the government I have had quite good access to people in government departments and ministries. I can talk to them, to see what can be done to assist people with their issues. A great deal of the time there have been vehicles to assist those particular groups, organisations, NGOs or individuals in the good work they are doing. In saying that, there will be some issues for constituents in particular but also some groups that a government cannot completely — that is, 100 per cent — find answers for. If opposition members are saying that when they get into government they will have some sort of magic wand and every constituent's and group's issue will disappear because they have some sort of magic formula, I would say that that is a pretty disingenuous sort of position to take.

Insofar as this government is listening to groups — to take it to an executive level and away from just me as a local MP and backbencher — members of the ministry and the Premier have held and continue to hold a number of community cabinet meetings. I have been lucky enough to attend a couple of them. Those particular community cabinets meetings are very open and robust. There is a group discussion between the ministers and a lot of stakeholders from the local area. During the day there is also time for each minister to meet members of the community who have requested to speak to particular ministers. I have witnessed this myself. With regard to listening to the community I have to say that community cabinet meetings have been a pretty good vehicle for this government.

At one of the community cabinet meetings I attended, during the day the cabinet met with all the mayors and chief executive officers of councils along the EastLink corridor. This is going back two years ago. When those councillors and council officers were asked about their particular problems — I think there were about eight or so councils at the table — one after the other those councillors and officers said their biggest issue at that

time was getting their recreational playing fields, which had suffered a lot during the drought, in a state where they could be fully utilised so that young people engaged in different sports could use them safely. That discussion was a catalyst for the Eastern Football League, the councils, a number of the cricket associations in the east and the state government producing a program of exchanging summer grass in about 24 arenas in the east. Dry weather couch grass was transplanted, which was amazingly successful.

Maroondah was one of the councils at the table at the time. Recently I was speaking to the mayor of Maroondah, who said the issue of the condition of their playing fields over summer and their being ready for winter sports and having access for juniors to train on those grounds is basically not there anymore. They have got to a point where it is not an issue. That is a great example of this government and the community cabinet meetings process working.

It is easy to make broad statements. If Mr Finn was over there, he would be saying this government hates the west. He has said that a few times. It is an easy, broad statement to make, and it is easy for a government member on his feet to say, 'That is not true; this government loves the west'. It does not mean a lot in the general overview of the debate we are having.

**The ACTING PRESIDENT (Mr Finn)** — Order! I do not know where it is in the standing orders, but I am sure there is something that refers to leading the Chair into temptation.

**Mr LEANE** — I will cease making this point and thank you for your advice, Acting President.

As I said, my personal experience is that this government is prepared to listen to all stakeholders. Sometimes there are situations where a number of stakeholders have opposing positions on what should happen, and those decisions have to be thought out and made. I disagree that a stakeholder not getting their position up is due to the government not listening. As I said, I know personally that constituents can have issues that the government is just not in a position to assist with. As I said before, if opposition members are saying that if they come into government all of a sudden — and that is not going to happen — they will have some sort of magic formula, good luck to them, but that is the reality.

There is a difference between not listening and not acting. This government has been listening and acting. There will always be various community problems.

There are a lot of different groups in the community and a lot of different issues and problems, and they will keep coming up, but it is important that every member of a government, whether it is the farthest back of backbenchers or a member of the executive, listens and resolves to act, to do something. That is important, and this government has a good record on that. This is a very short motion, one that we on this side will not be supporting because we believe that we listen and respond to key community problems and we are committed to continuing to do so.

**Ms HARTLAND** (Western Metropolitan) — I thank Mr Leane for expressing his love of the west. Having lived there for 25 years, there have been times when I have doubted the love of governments of either side for the western suburbs.

**Mr Leane** — You know I have love for you.

**Ms HARTLAND** — Let us not declare that in the chamber. My husband might be listening. I am in deep trouble now. This will be on the Landeryou site in 5 minutes.

I wanted to start off in a somewhat novel way, and it has become very novel. I wanted to list some of the good things that this government has done, where it has engaged with the community and listened. It has done so on abortion law reform, IVF (in-vitro fertilisation) access for same-sex couples and single women, violence against women — unfortunately the government really mucked that up by closing the Brimbank family violence unit — and the relationship register.

Unfortunately my shopping list of things on the good side is not all that long, and on the bad side it is extremely long. Mr Leane has said we do not quite understand that the government really does like the people in the western suburbs. Having lived there for 25 years, as I said, I have not noticed that a great deal — and I say that both as a community member and an MLC. There is a whole list of issues on which this government has simply refused to listen to the community. The range of issues includes such things as dying with dignity. Would it be so hard for the government to refer this to the Victorian Law Reform Commission to have a report prepared so that the entire community can discuss the issues around it?

Public transport is a major issue, especially in the western suburbs. For instance, the bicycle punt that goes from Scienceworks to Fishermans Bend would probably cost \$100 000 a year to run and on any one day would take about 60 cyclists off Footscray Road

and cut their journeys by about 40 minutes and make them much safer. As Mr Dalla-Riva says, the government is prepared to spend \$20 million to put fairy lights on the West Gate Bridge. I can think of a lot of things that could be done for transport in the western suburbs for \$20 million.

Westlink will put a dirty great tunnel under my suburb, quite close to my house and possibly literally under my office. When the government talks about consultation, it is not about whether the tunnel will or will not be dug; it is about where it might be dug and how many houses might be destroyed. That is not consultation.

As for the buses and trains, during the Altona by-election it was highlighted that Point Cook buses run from 7.00 a.m. until 7.00 p.m. Monday to Saturday and there are no buses on Sunday. If you are a 15-year-old and have your first part-time job, unless mum or dad is prepared to drive you, you are going to have a real problem getting there.

For the past 10 years there has been a lack of funding for infrastructure in places such as Point Cook, Caroline Springs, Wyndham Vale, Craigieburn and all the new suburbs that have sprung up without basic infrastructure.

At the moment the government is spending a great deal of money, not before time, on a massive renewal of Footscray and Laverton stations, but it is putting in incredibly steep steps that are going to cause a massive problem especially at Footscray station, which is directly across the road from the Footscray market. I am aware that a lot of people go to Footscray station with their trolleys and then go over to the market. There are lifts, which make the station compliant, but if one of those lifts breaks down, people who have a trolley or walking frame or who are in a wheelchair will not be able to get off the platform. I experienced that during the Altona by-election when I spent a lot of time at Laverton station. We spoke to a woman who had been stuck on the platform on her scooter because the lift had failed. There are no longer ramps at Footscray or Laverton stations, just very steep steps.

Other instances of the government not listening include the issue of the Tullamarine tip. The community has been excluded from what the government refers to as the community consultation process. There is a lack of enforcement of the curfew on trucks using Francis Street and Somerville Road. Only two infringement notices have been served on drivers breaking the curfew.

In relation to the rail system if something goes wrong, the Williamstown and Alamein rail lines are the first to be hit. Apparently it has been decided that if you live on those lines, you probably do not need to get home on the train, so you have to hope for the best.

The government is certainly not listening on other environmental issues such as container deposit legislation, the new green jobs that could be created in recycling and in other areas. There is the issue of Brown Mountain. There is a court case starting next week so I will not go into the details, but why does the government want to do that? I do not understand.

The Brimbank council issue is a classic example of a government not listening for 20 years and only doing something about it when it became so embarrassing that it could no longer tolerate it. I have lived in Footscray for 25 years and watched that situation for all of that time. Everybody was well aware of it. Residents repeatedly wrote to ministers in both Labor and Liberal governments but nothing was ever done. Then there are feed-in tariffs on solar panels. We are just not doing any of the basic things the community is crying out for and which it is saying the government should be doing.

I am going to finish there but I want to say that one of the things that does concern me about these motions — and the Greens will vote for this motion because its members believe there is a real problem with the government not listening — is that I remember the Kennett years and I remember not being listened to. I remember having my rights taken away from me as a trade unionist. I want to hear from the coalition how it is going to behave as a government on union issues, union rights, my rights to have access to the Auditor-General, the rights of the Ombudsman, all of those things that the opposition failed dismally on when it was in government. Are opposition members going to repudiate what happened during those years? What are their policies? They are the things I want to start hearing now. I do not think the opposition can just continually criticise the government without saying what it intends doing.

**Mrs COOTE** (Southern Metropolitan) — I would like to take up a comment that Ms Hartland just made about the Liberal Party, and I acknowledge that it is her first term in this place. One of the things that happens with long-term governments such as the Bracks and Brumby governments is that ministers have been in their portfolios for so long that although they may have the very best of intentions the reality is that they are protected by ministerial advisers. Those ministerial advisers stop the ministers from getting to see and to talk to the real people concerned. They do not want to

rock the boat. The department does not want to rock the boat. Ministers may want to hear what the community groups are saying but they are protected to such a huge degree by the bureaucrats and their ministerial advisers that it is very hard for community groups, constituents and peak organisations to get through and make their point. The ministers are very heavily screened.

As an example I refer to these community cabinets. Community cabinets are supposed to be about listening to the community. My understanding is that listening to the community is just a facade. What happens is that once again the ministerial advisers and the bureaucrats prevent the ministers from hearing exactly what the problem is. They get shielded from real people, real issues and the real problems. They are taken into a whitewashed situation to meet various community groups, knowing what the questions are going to be and knowing what is going to be asked.

In opposition we do not have the luxury of having all of these ministerial advisers and huge multilevel departments. We have two staff members in most instances and as members of this place we have to get out and really engage with the people. I know that Ms Hartland does that because I have heard her speak in this place about what her constituents feel. The Liberal Party does this on a very wide-ranging spectrum. The policies that we have put out, many of which the Labor Party has copied because its members are so lazy, show that we have been listening to the people. There is the excellent policy the Liberal Party recently issued proposing additional police to be on the trains and protective services officers (PSOs) to be at stations. This policy was received in a very positive manner, and I have to say that it was a result of members of the Liberal Party standing on train stations, listening to people's concerns and putting them into proper policies. We are listening. We are out there and we are developing policies based on what we are hearing within the community.

I would like to talk about three specific things that affect my own electorate. The first — I know many of you have heard this on many occasions — is clearways. If ever a government and a local member have not listened to what their community was saying, it is this government and the local member on this issue of clearways. Journalist Clay Lucas said in the *Age* of 23 February:

Premier John Brumby and roads minister Tim Pallas announced two years ago that the government would rush through extended clearway times on all major roads within 10 kilometres of the city centre.

They did not consult councils, which is required under the state's road laws, before making the announcement.

Eleven of the 13 councils affected complied, but Stonnington and Yarra have resisted.

Mr Pallas attacked the actions of Stonnington council yesterday —

the council has been vigilant in mounting a major campaign against the introduction of these clearways —

although he did not mention the council at his press conference.

Mr Lucas went on to say that this was because:

Yarra mayor Jane Garrett is standing in the marginal seat of Brunswick for Labor in November's ... election.

But that did not stop the Minister for Roads and Ports, Mr Pallas, from bagging those in Stonnington. As Clay Lucas said, the government is not listening to what people have to say about clearways. The Supreme Court action by the City of Stonnington is about the process of implementing these clearways in Stonnington. The government did not listen; it did not consult and we have seen a huge public outcry in many instances. I remind this chamber that I lodged a petition with 40 000 signatures in this place. They were all people saying they did not believe in what the government was doing. The community tried to go to their local member, the member for Prahran in the other place, Tony Lupton, but he has been arrogant and distant and will not engage with these people. Minister Pallas is scathing about what the residents, traders and local people all think. It is not good enough and it is another example of this government not listening.

Another issue which has come to my notice recently is a smaller issue. It is not really huge but it is important and affects a whole range of local councils. It is about cost shifting from the state government to local councils. On the whole, local councils do a very good job — I am not excusing Brimbank under any circumstances — and most try, and the councils in my electorate work very diligently and professionally. Cost shifting happens at an enormous rate from this government to local councils. That once again shows how arrogant this government is. It is not listening to local councils, which are at the absolute coal face, doing things and trying to be good representatives of their local communities.

In an article about cost shifting the Caulfield Glen Eira and Port Phillip Leader newspapers of 22 February 2010 reported that:

The state government is helping Melbourne residents pay their fines by removing some of the additional fees and costs that may have been incurred. The amnesty involves waiving state and local government fees if overdue fines are paid by 19 March.

But Mayor Steven Tang said the amnesty was 'cost shifting' from state to local government.

'The state government is avoiding its obligations to recover outstanding costs incurred by council', Cr Tang said.

'It is simply not fair to allow some offenders to avoid part of their penalty obligations while others do the right thing and pay up'.

It might sound like a wonderful piece of spin for the government to say, 'We will give you an amnesty on fines et cetera', but the reality is that many of those fines are local fines. This government has not listened; it has taken no notice of the local councils. Once again it is arrogant and distant.

Aside from transport issues and increased levels of violence, planning issues are of most concern to my constituents. I receive many calls from distressed constituents and often deal with this matter with local councils. If ever there was a government that is not taking any notice of local councils and constituents, it is this one. It is not listening to planning issues. The government tried to pass through this chamber the development assessment committees (DACs) bill. In essence that bill tried to take away the rights of local councils and local people to provide input into their communities. This chamber in its wisdom dealt with that inappropriate DACs bill in the most appropriate way.

But again this government is ignoring what the people want to do. Let us go back to the Boroondara council. Aside from implementing clearways, which are seriously unhelpful and where a monitoring system is now happening, what about the Camberwell railway station? This government's attitude to that was an absolute disgrace! The Minister for Planning pulled a stunt about having a 38-storey building on the corner of Toorak Road and Chapel Street in South Yarra. Where was the involvement with the community? Where was the consultation with residents? Where was our input at the local level into issues that were going to affect people on a day-to-day basis? There are examples of this happening right across Southern Metropolitan Region. Planning issues are paramount to people's quality of life: they want to have a say and cannot comprehend that they have no say once the minister has made a decision.

The government is going to pay for this at the ballot box in November 2010 because, although it may not be

listening to the people, people are listening, monitoring and watching this government very closely. I remind the government that people know what they do at the ballot box; they know what their vote is going to do. In November 2010 they will show this government, particularly Tony Lupton, the member for Prahran in the other house, exactly what they think.

**Mrs PETROVICH** (Northern Victoria) — I commend many of the comments that Mrs Coote made and the motion that is before us today. After 10 years we have a very lazy, disconnected government which stopped listening quite some time ago. I hear it all the time in my electorate of Northern Victoria Region but particularly in the Assembly seats of Seymour and Macedon. My office is in Kilmore in the lower house electorate of Seymour and I live in the Macedon Ranges.

We have a massive bureaucracy which has taken on a life of its own. It has department heads and bureaucrats who are running agendas, and many of the ministers are struggling to maintain any sort of control over policy direction and perhaps even an understanding of some of the policies brought before us. Some of the legislation does not work — we see it in this chamber all the time. When you have had a run of 10 years in government you need to stop and take stock of where you are. It is time this government did that.

**Mrs Peulich** — It has run out of ideas. It has run out of steam. It ought to get out.

**Mrs PETROVICH** — That is absolutely right, Mrs Peulich.

**Mrs Coote** — It is tired.

**Mrs PETROVICH** — Tired and old. I have issues coming before me all the time, and I have raised them many times in this chamber. They are issues like the Wallan-Kilmore bypass.

**Mrs Peulich** — Where are they all?

**Mrs PETROVICH** — Mrs Peulich is absolutely right: there are no government members here. The Wallan-Kilmore bypass is a classic example of a constantly moving feast. The communities of Wallan and Kilmore have clearly articulated what they want for these wonderful towns which are overburdened with trucks and heavy vehicles constantly going along those roads making those lovely little communities unlivable. This government has come up with a range of solutions, or half solutions, for this. Even though the community has clearly articulated that it wants a bypass of those towns, VicRoads, the Minister for Roads and Ports,

Tim Pallas, and this government have come back after at least five years of talking about a variety of half measures and silly solutions and said, 'We are not going to give you a bypass now. We are going to give you a duplication'.

The duplication goes through the school precinct at Kilmore. That is a travesty for planning but also for those communities. It is extraordinary behaviour by an arrogant government which is not listening. On many occasions I have brought to the attention of this chamber the issue of the north-south pipeline, as have many of my colleagues including Ms Lovell. Two members opposite, Ms Darveniza and Ms Broad, have done nothing to advocate for that community.

We have seen hundreds of people in Melbourne on the news and in the newspapers and heard them on the radio asking for opportunities to talk to ministers and have their issues addressed. A group of them who visited the gallery in the other house were called 'quasi-terrorists' and 'ugly, ugly people' by our Premier. How disrespectful of the community that we were elected to represent to not only not listen to them but to insult them! Those people have had to endure months and months and months of their properties being invaded without notice and officials telling them to get off their own land. Some have been arrested on their own land, and some of their properties have been seized without any sort of process. This is happening in Victoria. This is not the Mugabe government we are talking about, this is the Bracks and Brumby governments. This is happening in the state of Victoria in 2009-10. It is a very poor example of a civilised government and its treatment of the people it was elected to represent.

I have raised the issue of the Wallan super-clinic. It has been an absolute debacle. Some \$1 million was promised by the federal Labor government. It was supposed to be a partnership between the state and federal governments. At the time we said \$1 million is not enough to support this particular piece of infrastructure for the most rapidly growing community in Victoria. And we cannot get the road system right: the Wallan-Kilmore bypass is not working for the community. We cannot get any sort of planning or development around advancing the situation. The community needs some structure in its medical facilities. Now we are expending money on the neighbourhood house for ancillary medical services, which is just a cop-out because it does not have enough money to do anything real for that community. The community said it needs additional medical services. It needs some planning around that growing community. We are expending that \$1 million because we cannot think of anything better to do with it.

The Wallan Secondary College is on a greenfield site and starts at year 7. It is at capacity and has no more classrooms. It is waiting for stage 4 funding. The school was being developed while it was being built, but this government has done nothing to give it any sort of hope it is going to get that stage 4 funding. It currently has no sporting facilities, and we are seeing a range of problems around that. Roads and bus stops around that school have been rectified slowly, but this government is not listening to those requirements and is not planning; it did not have that conversation prior to these things being commenced. There is an enormous amount of heartache and problems around that.

What a farce the growth areas infrastructure contribution tax has been! We had very strong advocacy from people who have been affected in a range of ways by this insidious proposal. It was defeated in this house yesterday by the Liberals, The Nationals, the Greens and the Democratic Labor Party. The only ones who thought that that ridiculous bill was any good at all were government members. It was just a cash grab.

**Mrs Peulich** — It was money. Greed!

**Mrs PETROVICH** — It was greed and money; that is all it was. Mrs Peulich is absolutely right. It was ill conceived and badly thought out. It is a great example of the bureaucracy coming up with a fantastic idea to grab \$250 billion. The government did not care that it was taking it out of people's hard-earned earnings. I am glad that that piece of legislation fell yesterday. It was a dog of a piece of legislation. It was an unfair tax, and it has caused an enormous amount of distress and duress to those communities around me.

I turn to air conditioning in schools. There is a silly line in the sand which means we cannot put air conditioning in schools that are located in areas with the same temperature range as those schools above the line. It is a silly bureaucracy which was drawn up God only knows when. We do not stop and listen to those communities about what would be a better way of doing it, and they are talking about it when they are not too scared to talk. I do not know how many times I have received complaints and issues that are worrying people and they have said, 'Please don't mention my name. Please don't say I am such and such'.

**Mrs Peulich** — They are petrified.

**Mrs PETROVICH** — They are terrified, Mrs Peulich, of the punitive measures that this government will take that will impact on funding, applications, jobs and positions and of the phone calls

that are made to tell them to be quiet. I know about that firsthand. When I was in local government I got one of those phone calls from the then Minister for Police and Emergency Services, former Minister Haermeyer, about an issue I was pursuing, the Woodend state emergency service. He said, 'Will you be quiet, or your council will suffer punitive results?' — not that that had any impact on me.

I go back to something that is dear to my heart: public land management. We had the Environment and Natural Resources Committee bring down a report which talks about increasing cool mosaic burning from 175 000 hectares to 380 000 hectares. We brought that proposal to the Premier in November 2009, and since then we have had little traction on it. The government said, 'There is no disagreement about it, except we cannot afford the \$20 million'. We all know what happened subsequently. That was the result of years and years of neglect of our public land.

We are now seeing a new concept: we are going to burn at the end of February and in March. Any person who was listening to those scientists and the Department of Sustainability and Environment (DSE) experts about the appropriate time to burn public land would know that it is not in summer. In the communities of the Macedon Ranges, the Otways and the Dandenongs there is a real fear of a flare-up of some of these burns. A cigarette butt was dropped at Braemar College a few weeks ago, and it took six trucks to put out that fire. On a hot day the bush is tinder dry; the moisture content takes little time to dissipate.

We have had a bit of rain lately, but I do not know what the government is thinking. I think it is about money. It has put on extra summer crews in DSE and it is going to utilise them because we have had a milder season. It is going to burn regardless and ignore everybody else. I hope somebody in the DSE or the minister sitting opposite takes note of this and listens to the concerns of the community. The government should not play catch-up now. It has had 10 years to do prescribed burning, and it has had 10 years to manage its public land, yet now, because it has a few extra bods on the ground, it is going to do its burning in summer when it is dangerous.

In the Macedon Ranges we have seen communities complaining about the process for the growing number of wind farm applications coming to that area. The former Minister for Water, Environment and Climate Change, John Thwaites, decided to produce a wind atlas, which indicated that that was a suitable place for wind turbines to produce sustainable energy. Unfortunately that process produced the wind atlas but the government forgot to include consultation with

local communities and engagement with local councils. In fact it chopped them out of that conversation, and anything under 30 megawatts is not included in that process. Councils get no say, and communities feel powerless. Those landowners who get the turbines are \$5000 richer for having a turbine on their land, while the people next door have to put up with the reverberation, the flicker and the visual impact forever. But nobody gets a say in it. The only two people who have a real conversation about it are the proponent and the landowner who will get some compensation for having those turbines on the land.

We saw a huge public meeting in Sunbury just before Christmas last year because this government had had no proper consultation about the electrification of rail to Sunbury. Members of that community clearly do not want electrification of the rail service. People like V/Line trains because they are reliable and they have conductors on them, so people are more confident travelling at night because they have that security. With four days notice, 400 or 500 people turned up to that meeting called by the ratepayers association. It was the very first time that the local member — Joanne Duncan, the member for Macedon in the Assembly — and the department produced any sort of consultation paper, some of which worked and some of which did not on the night. We have a very angry community whose members feel that they have been totally shut out of the conversation, and they still do not want that electrification of the rail service.

Let us discuss neighbourhood safer places. There was a very short time frame to develop appropriate sites for neighbourhood safer places. Many communities would have liked to have been engaged prior to this bushfire season because of the short time frame. In fairness, I understand that there was some urgency around that and that it was difficult to pull it together, but even now we still have not had those meetings to talk to those people. I know that in desperation a group of people called a meeting on Monday night in Mount Macedon, because they want to know how we are going to develop these neighbourhood safer places, if they are going to have access to them and if they are still places of last resort. There has not been much communication around this.

Time and again I hear about improperly resourced education and health facilities. Mr Dalla-Riva, who moved this motion, talked about police numbers. I have mentioned areas such as Bendigo that have the same number of police as they had in 1987, when my husband was stationed there. The number has not increased since then, but the population has grown considerably in that time. Now we have the same



number of police officers servicing a community of 100 000 people as we had servicing a community of around 60 000 people. Rosters are not being filled and stress levels have never been higher.

Places such as Sunbury have some serious community safety issues, including people being bashed. This week a wheelchair-bound lady was assaulted. She does not feel safe in what should be a relatively safe little country community.

I know the police officers cannot fill their rosters at the Sunbury police station. Since last year staffing levels have decreased to something like six officers. I cannot tell members how much stress and strain that puts on police officers, who have signed up to prevent crime and serve the community, knowing that they are going to get a call which they cannot get to, because there may be only two officers in the van that covers an entire district of Melbourne, which might go from Melton to Sunshine out to Riddells Creek. That is a heck of a piece of territory, with a lot of trouble in between. There is some real stress associated with that.

As Mr Dalla-Riva said, police numbers are the lowest per capita of any state in Australia. That is a disgrace, and the government knows about it. Bob Cameron, the Minister for Police and Emergency Services, is the worst police minister in the history of Victoria. By everyone's estimation, he has failed the police and failed Victorians. Even now the government is still not listening to what people need. There is no planning around communities, there is no planning for growth and there is no planning for health services, schools or road infrastructure. When people try to have that dialogue, they are hushed up, ridiculed or told they are political plants, quasi-terrorists or ugly, ugly people. It has become so bad that this government is not only not listening, it is actually hushing people up.

I will finish with two little issues that are dear to my heart and that could be fixed relatively easily. VicRoads knows about them. I know this because I have told VicRoads myself. One issue in particular, the Melbourne-Lancefield Road, has been lobbied about for many years by many people, including a troop of successive mayors from the Macedon Ranges, among them myself and Geoff Neil, who is also a sergeant at the traffic operations group at Gisborne. This road has seen a number of fatal and serious collisions over time, and it cops a lot of traffic. I do not know how many people have to die on that road before we fix the camber and put in a passing lane. After having a conversation with a VicRoads representative last week, I was told that it is not serious enough yet. I do not know how bad it has to get before something is done.

Couangalt Road on the Calder Freeway is an interesting issue. In the last week we have had two trucks and two light vehicles roll over on it. The first one was a tanker which rolled over, and the emergency vehicle, a fire truck that was in attendance, also rolled at the scene. One of the problems with this road — and VicRoads knows about it because I have told it and written to it about it — is that when it gets wet the camber is so slippery that vehicles take off. When you have a B-double rollerskating across the road and ending up on the median strip on its back, it is pretty scary stuff.

Some of us on this side understand the importance of listening. We are out there on the ground every day, listening to our communities. Ms Hartland said, 'What is the difference?'. The difference is that some of us know how to consult and how to listen and some of us know about processes around bringing communities with you and understanding what communities want. The role of government is to provide what communities need and want. It is probably not the role of the developer to pay for infrastructure or to get the government out of a financial hole. We have come a long way away from what governments should do.

I will finish there. I do not believe this government has listened for a very long time. I hear constantly from government members that the community just gets in the way. Quite frankly, that is a disgraceful state of affairs. I am ashamed. I will continue to speak out, as will my colleagues on this side of the house. Hopefully we can make a change in November 2010.

**Ms HUPPERT** (Southern Metropolitan) — I will make a few comments in response to Mr Dalla-Riva's motion about his views on the Brumby Labor government's communications with Victorian communities. I also want to take up a few points that have been raised by some previous speakers. This government has a very good record of consulting with communities around the state of Victoria. I have been a member of this government for a little over 12 months, and during that time I have met with many community groups and I have been present when ministers have met with community groups.

Mrs Coote raised an issue regarding the community cabinets. The community cabinets provide a great opportunity for the ministers to go out into the community and meet with various community groups and people who have seen ads in the local newspapers and who turn up and make comments freely and without interference. Anybody who was at the community cabinet held within the boundaries of the city of Glen Eira at Bentleigh Secondary College late last year will know that many groups got up and spoke

about issues that are of concern to them, and the ministers there responded and listened with great interest.

One of the issues that was raised at that community cabinet related to the Caulfield Racecourse, which was dealt with in this chamber in a bill, introduced late last year, relating to a land exchange. During debate on that bill Mr Jennings spoke about how he had listened to the community's concerns and was dealing with those concerns in a way that satisfied the local council. That is a good example of how this government consults, takes on board comments of communities and makes decisions taking those consultations into account.

However, there has to be an understanding that while consultation is important, there are a variety of views within the community, and not all views can be accepted and used in action taken by the government. The government listens to a variety of views put to it, and the job of the government is to make decisions — balanced decisions — based on those views, which of course means that some people will not be happy.

I also want to refer to some of the matters raised by Ms Hartland. I am pleased to see that Ms Hartland acknowledges that when in government the opposition did not do a great job of consulting with the community, and over the last period in opposition it has not developed any policies or shown how it will consult with communities.

Ms Hartland raised a couple of matters, and I am a bit confused about the position she is taking. She raised an issue about not listening to the community about a solar feed-in tariff. Forgive me, but I remember speaking in debate in this house last year when we actually passed legislation to bring in a solar feed-in tariff, and the Greens voted against that piece of legislation. I have spoken with many people in my electorate who have installed solar panels and are very happy with the credit they are obtaining from their power companies for the solar energy they are producing from the roofs of their houses.

One of the other matters Ms Hartland raised was that there is a lack of infrastructure. Yesterday in this place Ms Hartland and her colleagues voted against a piece of legislation which was to fund infrastructure in the urban rural interface areas. I find it an interesting way of dealing with an issue to acknowledge that there is an issue but to then vote against legislation that will help solve the issue that has been identified.

In my discussions with people in my community I have asked them about the major concerns of people in

Victoria. One of the major concerns of people in Victorian communities is jobs and security of employment. This government has been able to provide those. In January total employment in Victoria increased by 24 200. This represents one-half of new jobs created nationally for the month. This government looks after the concerns of the Victorian community. It has created an environment that promotes economic growth and promotes job creation. This is the ninth consecutive monthly increase in Victoria. The unemployment rate in Victoria is stable at 5.3 per cent, on par with the national average, and is the fourth lowest of all states. In the last 12 months 99 000 new jobs have been created in Victoria, which is more than three times the number of jobs created in the other states. What else do Victorians want? I should point out that these jobs are not necessarily just in the centre of Melbourne; they are spread throughout. For example, by using government policies the State Trustees have established an office in Dandenong, providing jobs where people live, and that is what the people of Victoria are concerned about.

What else are people in Victorian communities concerned about? They are concerned about housing. What does the government do? The government listens to this concern. It has brought in policies which help people purchase their homes through the first home owners grant. In 2009 more than 53 000 people bought their first home with the first home owners grant, which is a record. This grant assists people to purchase homes in regions, because the grant available for people in regional areas is higher than that available for people in metropolitan areas. This is another example of the Brumby Labor government listening to the concerns of the Victorian community.

Victorians care about employment, they care about homes and they care about living in a vibrant economy. We are providing an environment which encourages investment and therefore provides jobs and provides homes. I urge all members to vote against this motion.

**Mrs PEULICH** (South Eastern Metropolitan) — I also rise to make a few remarks in support of Mr Dalla-Riva's motion:

That this house believes the Brumby Labor government is not listening to Victorian communities and has failed to respond to key local community problems.

I could probably speak for — I think the record in this chamber is 27 hours when Mr Theophanous spoke on WorkCover; I remember being in the other place —

**Mrs Petrovich** — As a tribute.

**Mrs PEULICH** — Yes, I could pay tribute to Mr Theophanous.

**Mr Dalla-Riva** — You've got until 6.30.

**Mrs PEULICH** — I could probably speak for 28 hours with great ease, and especially given these new upper house regions, that is 28 hours divided by 11 seats as a minimum.

It is absolutely laughable that this government and Ms Huppert, as exemplified in the official spiel that has been presented for Ms Huppert to read, believe the government is listening and is consulting. She is obviously totally out of touch.

It is interesting to note that when the Bracks government was elected its first slogan was 'Listens then acts'. The focus groups then suggested the word 'then' presented a problem and needed to be ditched because it implied a pause. Therefore they got rid of the 'then' and changed the slogan to 'Listens and acts'. I think it was probably true under Mr Bracks in that he certainly did listen. Despite the fact that we are on different sides of the political fence, I acknowledge that he was respectful. He was respectful of people. I cannot think of a single time when he was disrespectful in public. I did not think he did much and he wasted a lot of money, and in that regard perhaps he fell short, but I will not say he was disrespectful because of the person that he is.

Showing respect means according and affording legitimacy or some priority to a person's needs. We all have needs. Provided that those needs are legitimate and relative in terms of priority, that is basically what people want. People want the respect, not just the protocols, not just the civility, not just the demeanour and the conduct; they want their needs to be seen with some degree of legitimacy. Gavin Jennings was a social worker; I imagine Maslow's hierarchy of needs would not be foreign territory for him.

Some of the basic needs include the need to feel safe in the community. I would have thought the government would want to be very respectful. However, the government sticks its head in the sand and fails to acknowledge problems such as, for example, attacks on Indian students and hoon behaviour such as we saw in the Gnotuk Avenue car park. We have seen a failure to police streets and the appalling way in which the government has failed to respond in a timely fashion to the increase in antisocial behaviour in the CBD (central business district). It threw itself into imposing a 2 o'clock lockout — which it bungled — and treated every young person as a criminal in doing so rather

than addressing the issues that may have caused the antisocial behaviour in the CBD. The causes may include alcohol and the use of drugs, an absence of visible policing, the impossibility of young people getting out of the city after 1.30 a.m. because of inadequate public transport and deinstitutionalisation. I know a lot of people who have mental health needs spend their time walking the streets of the city, and many of them are the victims of violence rather than the cause of violence.

All of these are examples of the government's failure to respect the legitimate concerns that people have and its trenchant belief in spin and dogma, because to admit that perhaps it has not delivered is going to be a sign of political failure and somehow may bring about the government's early demise. I see that as an incredible weakness of the current Premier, John Brumby: his absolute inability to concede that perhaps there is an area of government administration, a policy or program that is not being implemented effectively or in fact might be counterproductive. His failure to acknowledge and admit error and to be able to rectify it in a timely fashion is not only stubborn and politically foolish but eminently disrespectful of the community which he has been elected by his government colleagues to lead.

The Premier's modus operandi has been to ignore it until you become battered and bruised by the community, until they have kicked you in the shins or other parts of the body, until they have given you a blood nose and twisted and broken a few arms. Then perhaps you may be forced to take some action. I see that as a failure to lead and as a failure to afford respect to this community. I will not say that failure has been occurring for 10 years; I think it has been exacerbated, or crystallised perhaps, under the leadership of the current Premier. That is in very stark contrast to the leadership of Steve Bracks who, as I said before, did not really do much — he collected a lot of taxes, wasted lots of opportunities and presided over a lot of debacles that were forming as clouds on the horizon — but who as a person was eminently respectful. The culture of the current Premier, Mr Brumby, and his new government is that they do not listen and, as I said, they do not act until they get politically beaten up.

Ms Huppert was referring to what people want. They do want to legitimately feel safe. They certainly do want housing to be affordable. This government's failure to address the true causes of the lack of affordability in both the private and public rental sectors has caused this crisis.

Safety and security are a huge issue. The last police statistics regarding the city of Kingston, which is

covered by the lower house seats of Mordialloc and Carrum, showed there was a 23 per cent increase in crime. We see hoon behaviour such as that reported in Hampton Park. We see the hoon behaviour and gang behaviour that has been reported in Springvale, Noble Park and Dandenong. We see the lack of policing in Narre Warren and Frankston. The Frankston council, under the leadership of Cr Christine Richards — who I have to say has brought a breath of fresh air to the municipality — and her good friend Cr Colin Hampton, who is on the opposite side of the fence, has largely been able to get on with its job, with minor exceptions, now that some of the earlier players have gone from the council.

The council has made the courageous decision, as a trial, to employ additional security guards on the streets to improve safety in Frankston. The reason is that they have found their universities cannot employ professionals because they will not come and teach in Frankston because they are concerned about their safety. They cannot get hospital professionals to come and work in their hospitals because they are concerned about their safety. People will not come and invest in Frankston because they are concerned about their safety. People will not buy houses — even though they are very affordable in Frankston and the area has potentially enormous beauty — because they are concerned about their safety.

This government needs to act. If the member for Frankston in the Assembly, Alistair Harkness, could only come out of his office, if he could only get off his computer — he loves his online stuff, including questionnaires and surveys — and go out and talk to people and give them the respect of listening to their concerns, he might be tempted to do something about it. But this council has shown some true leadership, irrespective of the political persuasion of the members, and taken a very courageous step to implement a trial because this government has failed to do anything concrete in addressing the significant shortage of police resources in Frankston.

I find it extraordinary that this government has now been forced to adopt a respect agenda. That is a confession that there has been an absence of respect and that that is showing in its polling. The government wishes to contain or constrain the respect agenda to just schools, to just young people. But young people live in a context: they have mothers, fathers, grandparents and friends, and they have local political representatives. Therefore the respect agenda is really a very broad agenda. It cannot be contained to the schools.

In his planning portfolio Mr Madden has shown no respect whatsoever to the various communities over which he has steamrolled. It does not hurt his lifestyle, but it hurts theirs. It diminishes the amenity of their homes and neighbourhood. It increases the danger they are exposed to. I am thinking in particular of, say, the Clarinda concrete crusher, which the minister has allowed to be as close as 400 metres to the nearest homes, across the road from a school and within a short distance of various preschools and kindergartens, primary schools and secondary schools.

I think in excess of 2000 people signed a petition against this — I suspect many of them would have been members of the Labor Party, who are very concerned about the minister's role. He is not a very popular person at all down our way. In fact there was such distrust of the other north ward councillors, current mayor Cr Staikos and former mayor Arthur Athanopoulos, who are both very well connected in the Labor Party, that at this meeting the petition of some couple of thousand people, of whom I suspect quite a few would be members of the Labor Party, was handed to Paul Peulich, who they knew would actually stand up for the community, irrespective of any sort of political differences, on the basis of the issue.

The way that the minister steamrolled development under the VC56 with no consultation, irrespective of the outcome and irrespective of the fact that there is material detriment, is just appalling and shows a total absence of respect for those communities and their concerns. The lack of access, the stage management of the community cabinets, the screening and vetting of people is just amazing. People have resorted to giving false names so they can get into community cabinets in order to raise an issue they are passionate about. I know that, because they come and tell me, and they are not members of the Liberal Party. That is the only way to get access to these ministers.

Respect is not about judging people because they have a different belief to you. The government has adopted the Charter of Human Rights and Responsibilities, which waxes lyrical about all of the rights that need to be respected by various government departments, government agencies, public authorities and so forth, but it does not demonstrate that respect. It has to lead by example. Unless the government understands that respect is all about role models, it is all about leading by example, what will happen will be exactly what happened in the United Kingdom when the respect agenda there was ditched by Prime Minister Gordon Brown as soon as he became leader.

Respect is not forcing people to succumb to your will, which is exactly what this government does. Respect is about allowing them to get about their lives even though they may think differently and even though they may vote differently. Respect is taking responsibility for your shortcomings, not laying blame on others, and doing something about it. Respect is understanding principles even though they might differ from your own principles.

Respect is about respecting due process, transparency and accountability, because it is about the administration of Victorian taxes — our money — and the legitimate expectation that Victorians should have that they will get a fair cut of those taxes in terms of the programs, policies and infrastructure they need in order to have their legitimate needs fulfilled.

I guess there is a utilitarianism to that, and it often does not require a judgement, but there is a hierarchy of need. I would identify safety, the right to be fed and to have a roof over your head as being very basic needs. Then there is the need for a sense of belonging, rather than being subjected to divisiveness and the retribution that Mrs Petrovich was talking about if you happen to hold a different view; the right to be treated with respect; and the right to be afforded civil courtesies.

This government adopted a respect agenda, but there is a litany of examples — I think Ms Pennicuik used the expression ‘a shopping list of examples’ — of ministers going into various electorates yet not extending the basic courtesy to an elected representative who might be of a different political party the opportunity of attending a public event, an announcement or a launch by inviting them to it. The government is hijacking, for its own political purposes, Victorian taxes and taxpayers solely to promote its own political agenda. That is disrespectful of our political system, and it is disrespectful of democracy. The government should be leading by example. It cannot expect that the respect agenda can be confined merely to schools. We will not go into how badly the government has failed our school communities.

Let us look at the huge protest we saw on the steps of Parliament House yesterday by the live music people, which was all to do with the absolute bungling — it probably was not bungling; it was probably deliberate — of the liquor licensing reforms.

**Mrs Petrovich** — It was a cash grab.

**Mrs PEULICH** — It has been absolutely a cash grab. So under the guise of responding to the central business district violence, the government has reformed

the system and basically skin-flinted it. A lot of businesses have not actually demonstrated any level of risk. The other day I had Michael O’Brien, the member for Malvern in the other place, visiting some businesses in Mordialloc and in Carrum. People were saying, ‘I have run this business for 20 years and we have never had a single incident of any risk, yet our liquor licence fees have gone up threefold’.

We had a meeting with some of the major liquor licence-holders who were outraged by this absolute grab for money, let alone what is happening with gambling. The government is destroying their investment and their lives; but not only that, it is actually misleading the public that it is doing something concrete about the issue.

What has the government done about the basic expectation that people might be able to get about their business, their daily lives? Transport is a very big issue. We saw the growth areas infrastructure contribution debate; we heard Ms Huppert waxing lyrical about this being an opportunity to provide the much-needed infrastructure. Labor has been in government for over 10 years, it has collected over \$300 billion and it has not delivered on the infrastructure that it promised when it was elected in 1999 to see itself re-elected in 2002 and 2006. Why would anyone believe that this time would be any different? I do not believe they would.

Quickly whizzing around some of the electorates: in Cranbourne the way that the Brookland Greens community was treated was absolutely disrespectful. The government has left it high and dry. It has also left city of Casey ratepayers high and dry, forking out millions and millions of dollars for an emergency that was not of their own doing, that was forced by the Victorian Civil and Administrative Tribunal, which observed state government policy.

The government has deserted them. There has been no political leadership at the state government level, and it is continuing through the local members Luke Donnellan, the member for Narre Warren North, and unfortunately, to a lesser extent, the member for Narre Warren South, both in the other place, attempting to continue to destabilise Casey council because the government is concerned about how this issue of Brookland Greens can be managed and that somehow politically it will bubble along to the government’s detriment, harming some local seats. The government has continued to try to destabilise it, and it has to be exposed for what it is. It is showing no respect whatsoever to the City of Casey and its ratepayers.

The Cranbourne bypass is nowhere in the transport plan, and Cranbourne is still missing out on services. Regarding police services in Hampton Park, Senior Sergeant Andrew Horscroft from Cranbourne police station said the area from Hampton Park to Casey's coastal villages is vast and needs more police resources. In relation to the Fountain Gate principal activity centre project in Narre Warren, the government will bypass local government planning powers and make decisions on planning matters there. This will pillage the rights of that community to shape itself.

On bus services, the *Berwick Leader* recently carried out an investigation and found it was faster to cycle from Dandenong to Narre Warren via Endeavour Hills and Narre Warren North than it was to catch a bus. The member for Narre Warren North in the Assembly promised in the dying days of the 2006 state election campaign that a Timbarra secondary college would be funded, but despite this, funding was not allocated in the 2009 budget and the community is still waiting.

In Berwick a group of concerned residents, led by Helen Usatov, has been making representations to Ms Graley, the member for Narre Warren South in the Assembly, about a small youth housing project in Bellevue Drive that is causing some concern, and yet she has not even arranged for a meeting with the Minister for Housing, Richard Wynne, so that he can hear them out and they can have their concerns addressed.

Crime is on the rise at Hallam railway station. Over the past decade antisocial behaviour and crimes against the person have increased at railway stations, and Hallam is no exception. A lack of police in Casey means they cannot always stop or punish illegal or antisocial behaviour, including violence, intimidation, offensive behaviour, public drunkenness and vandalism. The people of Hallam and their needs have not been extended that respect.

The Hallam bypass project was built without the promised third lane in each direction. As a result we are now seeing some significant congestion, costing people money and time, eating into their family and recreational time. That is an example of the way these priorities have not been paid due respect.

The Frankston Reservoir site is still lying idle. It has been five years, and nothing has happened. The member for Frankston in the other place, Alistair Harkness, has sat on the committee; now he sitting on his hands. The government needed to fund a master plan. It is a fire hazard, but there is no progress there.

I mentioned earlier the concerns about social housing in Frankston North and in particular the tendency to cluster social housing rather than integrate it into the community. Christine Richards and her team of councillors are not opposed to social housing provided it is integrated and they are consulted. The government's plan to use federal funding to get into key seats hundreds of people who may vote one particular way is a bit transparent. I can understand why the Minister for Housing said, 'Frankston people really P me off'. I can tell members he is not very popular in Frankston. They would like to see him there, so they can give him a piece of their mind.

Carrum Downs has insufficient public transport and infrastructure. The tips and landfill in the Heatherton and Clarinda areas have been totally mismanaged, causing safety concerns, a degradation of the environment and so forth.

The government promised a 24-hour police station for Endeavour Hills, but shortly after the election it was downgraded, and now it is often closed during the evenings. Casey residents have been shown no respect regarding law and order, especially after the Brumby government rejected the Police Association's call for an additional 126 police officers for Casey.

Parks Victoria is basically trying to force Churchill Park Golf Club out of existence through huge increases in its lease rentals. These negotiations show a lack of respect for the development of that facility by its members.

Yesterday I spoke about the government's plan to install a 24-hour dedicated bus lane through Dingley Village. Running three buses an hour down Centre Dandenong Road would cause a traffic jam during peak hour every day. The people of this area live in a system of courts, and some have only that road as an exit. We would like the Minister for Public Transport, Mr Pakula, to come along to the public meeting on 5 March at Kingswood Primary School so that he can explain why this project is necessary. We know why it is necessary — because the government has not built the Dingley bypass. However, this will make the lives of Dingley Village residents a misery.

Rather than washing her hands of it and saying, 'It is not me, it is the council' or 'It is Cr Paul Peulich' or 'It is Inga Peulich', Ms Munt, the member for Mordialloc in the other place, should be talking to people and doing something about it. Instead she has sent out a letter saying that from 7 March — after the meeting — she will be doorknocking the area. We would like her to doorknock earlier — before the public meeting — to

explain to people in Dingley why the government appears to be hell-bent on ramming this ridiculous proposal through.

There has been an explosion of crime in Noble Park. Hoon behaviour on Princes Highway is an ongoing concern in Noble Park and Noble Park North, and not enough has been done about it.

There are planning concerns in relation to the development of the gasworks site. Possibly inappropriate developments funded by the state and federal governments linger in the minds of those who have been concerned about the development at the back of the Kingston town hall. In Cheltenham there is heavy traffic congestion on Nepean Highway. The road is crumbling because some of the major connecting roads — the Mornington Peninsula Freeway extension and the Dingley bypass — have not been built.

The Kingston City Council, supported by the Labor government's move to create clearways to try to get a bit of movement because it has not done enough on roads, recently voted to ban car parking along Beach Road. Hundreds of cyclists will use beautiful Beach Road, but the safety of pedestrians and those who use the beaches will be in jeopardy. At the very first accident or fatality I will be in this chamber pointing the finger at this government for having blood on its hands. Rest assured that will be the case.

**Hon. M. P. Pakula** — No!

**Mrs PEULICH** — Absolutely. In relation to Moorabbin Airport, before there was a change of federal government all the local Laborites were up in arms. 'We are going to do something about it', they said. There were protests and petitions. Of course they have all gone quiet, despite the forecast in the master plan that there is going to be a doubling of aviation capacity. This government has shown no regard for the concerns that have been raised.

There is the failure to maintain Braeside Park and the chain of parks. The Minister for Environment and Climate Change has withdrawn support. First of all the government had a front-page article after allocating \$1 million to do some stuff in relation to the chain of parks concept. When it realised that it was half-baked and ill considered it withdrew half of the funding. The government got its front page, but it withdrew half of that money.

Mordialloc, Mount Waverley, Glen Waverley and Clayton are really concerned about law and order and about traffic congestion. The grade separation of Clayton railway station, which is very close to the

Monash Medical Centre, is crucial, but nothing has been done about it. I could spend hours on end talking about the failure of this government to respect the needs of those who live and work in South Eastern Metropolitan Region. It is not funny, so I do not laugh, but I get incensed when member after member, especially ministers, get up and still talk about how Victoria is a great place in which to live, work and raise a family.

Let me tell the house that in the south-east the government has not lived up to its promises; it has broken promise after promise. The fact that the government has adopted this respect agenda is absolute proof that it has failed to observe the basic principles of respect — that is, to understand and accept the legitimate needs of those people to their fair cut of Victorian taxpayer dollars.

With those few words, I would like to commend Mr Dalla-Riva on his motion. It has given us an opportunity to put on record some failings of this government which will not be papered over by this brand-new respect agenda — something that, at the end of the day, has been shredded by Labor ministers before the ink has dried.

**Mr KAVANAGH** (Western Victoria) — I rise to explain why, with some reservations, I intend to vote for Mr Dalla-Riva's motion expressing the belief that the Brumby government is not listening to Victorian communities and has failed to respond to key local community problems. I have two reservations. The first is quite a simple one, and it is a point raised by Ms Hartland. In expressing this belief we should also consider that the preceding coalition government may not have been a lot better in terms of listening to local communities, and perhaps it was even worse. From the perspective of western Victoria, there were important local issues in which the government has been clearly ignoring the opinions of local people. They include water supply policy, fluoride, wind farms, liquor licensing and also yesterday's Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill.

In terms of water policy, the government says dams are a waste of time now, but most people in western Victoria do not understand that. I do not understand it. I do not quite understand the government's argument. Instead of building more dams, even where they are appropriate, this government has been building pipes all throughout Victoria. A map of Victoria with water pipes would now look like a child's drawings, with crosses and circles and lines running from one end of the state to the other. In the course of installing those

pipes, local community opinion sometimes has been trodden on. We have seen examples in the news of people being arrested on their own property to facilitate the building of pipes as part of this government's water policy.

As mentioned previously in this house, western Victoria includes the Otways, and the Otways probably have the best and most reliable rainfall in Victoria. Ninety-three per cent of that water is running into Bass Strait. I do not understand the advantage of that and nor do most of the people in western Victoria. They do not understand why dams should not be built there or at least a weir to capture the overflow of water in the Otways.

In terms of fluoride, before the last election the government promised it would not put fluoride in the water supply in Geelong without consultation. Fluoride has just recently been added in the water supplies in Ballarat, Geelong and other parts of western Victoria, and the so-called consultation amounted to a leaflet in the letterbox saying, 'We are going to put fluoride in your water supplies'. That hardly seems to be consultation, and it does not seem to be adequate consultation, if indeed it is consultation at all, to the people of western Victoria.

Western Victoria is the main part of Victoria for wind farm developments. Parts of western Victoria are smothered with turbines, with dozens of them in some areas on tops of hills. The government says in respect of complaints, 'No, you cannot complain, because there is no evidence of any health effect on people from wind turbines'. That is patently untrue. If you go and stand in these areas, you can hear the loud noise coming from the turbines. We all know that loud noises keep us awake at night, and we all know that being kept awake at night is not conducive to good health; it is harmful to our health. The assertion that there is no evidence of wind farms doing any damage to health whatsoever is clearly not true.

If an audit were conducted of the environmental effect of a wind turbine, it would be clearly seen that, considering all of the power and materials that go into building them, their short life span and the fact that they require electricity to get them going wind farms are not the great environmental saviours that some people think they are. In any case, they are being built too close to neighbouring properties at the very least.

In the last sitting week members talked about liquor licensing and noted that the government's liquor licensing policies are driving a lot of small businesses throughout western Victoria out of business. This is a

threat to many communities in western Victoria in particular, but as we saw yesterday these policies are not restricted to western Victoria. At the front of Parliament House we had a demonstration by about 15 000 people, most of them from Melbourne, who are being adversely affected by the government's liquor licensing policies.

In addition, yesterday we debated the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. For months and months the government was told that we on this side are not totally opposed to a tax, but we believe that the tax should be levied at the time of development and not at the time of sale. That point was made over and over again in this house and by local communities. The bill that the government brought to the house yesterday showed that the plea from local communities had been ignored. I proposed amendments to it, but unfortunately the bill did not get that far and those amendments were not even considered.

In a sense some people might say the attitude of the government is the result of its being in power for 10 years and that attitudes of government members change after they have been in power for a long time. I am not sure if that is true. What I would say, though, is that to some extent the presumptions underlying this motion may be misguided. By that I mean that rather than local communities having to persuade governments, the system of government we should have is one where local communities decide these things for themselves. If we are to have a genuine democracy, surely local people should decide local issues. It is only by doing that that local communities achieve what they want, and the next local community, if it wants something else, may get the different result that it wants. Although there is evidence of a government that is not listening to local communities, the bigger point is that a lot of these issues should not be decided by Canberra or Melbourne but by the local communities in western Victoria and in other parts of the state themselves.

#### **Sitting suspended 6.27 p.m. until 8.03 p.m.**

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to support Mr Dalla-Riva's important motion, which states:

That this house believes the Brumby Labor government is not listening to Victorian communities and has failed to respond to key local community problems.

That is the essence of what we are talking about right now. The key point in this motion is that the government is not listening. Members who have had



training in effective communication skills realise that listening is a learnt art. Those of us blessed with hearing can hear, but listening is something that you have to learn to do. You have to concentrate on it. It is an acquired skill, and that is where the government has gone off on the wrong tangent completely. Purely and simply it has never learned to listen.

One could lay out a whole constellation of problems tonight, and my learned colleagues have done much to draw attention to wide-ranging and local issues. I have a couple of issues I would like to focus on, and one is how this government has consistently failed, year after year, despite evidence presented to it, to listen to the pleas of the community about its fears for its safety. Wherever we look we see an increasing incidence of violence and a hapless government that is always quoting figures and statistics, and we know that a lot of these figures on the fluctuations in crime rates in certain regions fall apart when subjected to close scrutiny. We have entire communities which are now literally too frightened to come into the Melbourne central business district at night. This has an impact on the economy, on restaurants, on hotels and on people who want to attend live theatre in the city. People are quaking about whether en route to their place of entertainment or the theatre they are going to be set upon by gangs. They are very concerned.

It is interesting to note that during the entire time she was the Chief Commissioner of Police Christine Nixon was never able to bring the word 'gangs' into her lexicon. I listened to an extended radio interview during which she talked about this subject and she tiptoed around it. She could never bring herself to say that there was gang violence. This town is torn apart by gang violence. These are rival gangs which are violent and almost literally set out to take no prisoners. This is a very serious problem. Because this government is in a constant state of denial, it is unable to respond appropriately and the community continues to suffer

There is another aspect to how this government has failed to listen to the community. For so long the community has been sending out messages in so many forms about its level of suffering and disquiet. Perhaps one could say on the lighter side of the spectrum it is just frustration but for many people it is a deep and abiding fear that either they or a loved one will be stranded on a hospital waiting list and will die before they receive proper attention. We are looking at two major points where, because this government has refused to listen consistently over more than 10½ years, we have a rising tide of fear in this community. As we move towards the election at the end of this year we can

see this fear becoming more palpable. It is being expressed in many ways.

At a very local level I can see in the electorate of Eltham how this government is not listening to the community. The people of Eltham take enormous pride in the preservation of their natural environment and how they have cleverly interlaced the built environment and maintained the integrity — and for them a kind of sanctity — of the natural environment. Yet this government, so that it can pursue a particular objective in the construction of the South Morang station — when and/or if that ever occurs — on the Epping line, wants to keep that new station free of some important infrastructure elements. It wants to impose those elements on a narrow chasm in the natural environment of Eltham. The people of Eltham are utterly bewildered. They are stunned to think that such a target for interstate graffiti tourists and a particular precinct crowned by razor wire would be foisted on them in the middle of their activities centre.

This government is not listening. I have mentioned this on many occasions and I have approached the minister, but nobody is listening. I conducted a survey on this issue and I can tell the house that the community is enraged. It is interesting, because the community is listening to my message. In some ways I feel I am awarding this government a free kick by giving it this important information, the on-the-ground intelligence that we work hard to gather in our interaction, direct or indirect, with the community through the various means of garnering people's views.

The message is that the government is inflicting pain on the people of Victoria through prolonged delays in rectifying the crisis in public hospitals and through the fact that it went completely to mush in terms of the funding of the Box Hill Hospital reconstruction. We now have a bandaid solution. I want to underscore that because there are rooms — —

**Hon. M. P. Pakula** — A \$400 million bandaid solution.

**Mrs KRONBERG** — The hospital needed \$1 billion to rebuild, so that falls way short of what is required. The government makes no consideration of the acceleration of costs once construction gets under way.

Talking about bandaids, to provide some means of a safe environment at Box Hill Hospital for medical practitioners to deal with injured patients, there is actually Elastoplast stuck on the ceilings to hold the rendering and paint there. Whenever you cut your own

finger and think of bandaids, think of how elements of the Box Hill Hospital are actually held together with Elastoplast.

The community of Victoria has become extremely upset with the cost overruns of the myki ticketing system, because it sees that that blow-out of costs is soaking up much money that could be directed to service delivery on so many other fronts. This is an obscenity and it warrants forensic examination. The government will be held accountable for this. We hear today that the myki ticketing system is the most expensive ticketing system in the world.

**Hon. M. P. Pakula** — What are you talking about? They are figures that you provided to the paper. They are from the Liberal Party.

**Mrs KRONBERG** — Through you, Acting President, to Minister Pakula, I can say — —

*Honourable members interjecting.*

**Mrs KRONBERG** — I must say that I am feeling some of the pain on behalf of the minister because we have hit a raw nerve talking about things like this. I understand that the myki ticketing system is costing three times more than the production of the Oyster card system did for Transport for London.

*Honourable members interjecting.*

**Mrs KRONBERG** — I understand that anything to do with the myki ticketing system is very painful for the minister to digest.

Another thing which is important to point out — and not much has been said of this lately — is how the disabled in this community are being treated by this government. There is such a shortage of shared supported accommodation it is tantamount to criminal neglect. There are enormous waiting lists. There is no promise. At any one time in this state there are more than 1200 disabled Victorians desperately seeking shared supported accommodation. The ramifications are horrific in terms of the impact on their carers. Many carers are ageing; they are in their 70s and 80s and they see no end in sight to the anxiety they feel about how their children are going to be housed when they pass away. Who is going to deliver the care for members of the ageing disabled population who are currently being cared for by ageing parents?

I have had discussions with the minister about this on a number of occasions in a broad sense and about specific instances of the suffering of people and their carers in my electorate, and the issue has fallen on deaf ears. The

only answer has been, ‘This is how much money we have thrown at it in the past’. There are sweeping statements and lumps of money, but there are no effective programs for service delivery or resolution of the problems. This government is to be condemned for its indifference to the disabled people in this state who are seeking shared supported accommodation.

There is another aspect I would like to touch on, which I have mentioned in the past. It is the fact that this government does not know the depth of suffering in this state because it cannot fix ageing IT systems architecture and get systems to provide the deliverables they are required to provide. It is flying blind on so many measures and does not know where the suffering is happening, to how many people it is happening or how to solve the problem.

Just about every report by the Auditor-General on the implementation of IT systems in myriad departments in terms of the administration of governance in this state has said they have all been over budget and years behind schedule. In the interim, what sort of information and statistics and consolidation of information is this government relying on? It is out of its depth in overseeing the implementation of information technology systems to serve the people of Victoria in the 21st century. This government is lost in the 1960s in terms of its understanding of IT systems and its ability to provide oversight on such projects.

There is another aspect I would like to touch on. The Eastern Metropolitan Region interfaces with nine local government areas, and when I meet with officers and councillors to hear what their problems are one of the things that comes up every time is how local government has to deal with the burden of cost shifting under this government. Local government has to wear the political odium of facing ratepayers as a collector of state taxes because of cost shifting to local government. Some of those areas of cost shifting include things like reduced funding for black spots and the whole concept of how public housing projects are undertaken. The state government takes all the kudos for providing social housing, but it does not provide any means for local government authorities to deal with this. It is causing them to wear additional costs they would never have thought to provide for in their annual budgeting regimes. Those include the cost of land provision; the loss of opportunity that may go with that as well, which could be quite an open-ended problem for councils to deal with; the cost of rezoning; and the preparation of legal documentation. All of these costs have been shifted with alacrity to local government by this government, and Labor members are ducking, weaving

and dodging the full weight of implementing some of their policies.

The government is providing, without too much thought, an extra burden to local government by capping fees on things such as building demolition report fees, capped at an unrealistic \$50. Local government has to soak up the extra cost of that, but the government is trying to derive kudos and its place in the sun from forcing a fixed pricing regime on something that it has come out and pledged as being unsustainable, unrealistic and uneconomic.

We know that child and maternal health services are very much underfunded by this government. The unit cost of providing services to new mothers and newborn babies in our communities is grossly underfunded and quite unrealistic. These are some of the classic moves. We can see that a whole range of things have shifted. Someone has recently dimensioned these things. They said the government is shifting the cost of the provision of home and community care services to local government and dimensioned it at \$40 million.

This government has failed to take the whimsy out of its spending flurries. I challenge this government to justify the expenditure of \$20 million on fairy lights on the West Gate Bridge whilst it chokes programs that provide service delivery to needy or ill Victorians — people who are suffering. This is the biggest razzle-dazzle extravaganza.

**Mr Atkinson** — Bread and circuses.

**Mrs KRONBERG** — Bread and circuses! I thank my colleague, Mr Atkinson. I have to say that that is a perfect image. It really resonates: bread and circuses. Give them some colour and some movement: \$20 million of fairy lights on the West Gate Bridge.

Just outside the chamber's door to my left we are going to see \$5 million spent on the Premier's gift shop. I commend the notion of providing people who visit the Parliament to access souvenirs of their visit. I think that is a good idea. It is important and educative, and I hope it is something that people will cherish coming into the house of Parliament. It is important for people to be able to access souvenirs and mementoes.

**Mr Atkinson** — A lock from the President's wig.

**Mrs KRONBERG** — That would be very interesting if it was encased in perspex, Mr Atkinson.

**Mr Atkinson** — Or at least in a snuffbox.

**Mrs KRONBERG** — It has got my imagination running riot, Mr Atkinson. However, there will be a cost to providing a gift shop here in the Parliament. I am not sure how it is going to be done. I understand that there are costs of making changes to historic buildings such as the Parliament, but expending \$5 million on a gift shop in this climate with so many Victorians suffering is obscene. It does not need that sort of expenditure. These things could be satisfied quite well with a little booth.

**Mr Barber** — Or a vending machine.

**Mrs KRONBERG** — Or a vending machine, as Mr Barber suggests. I suggest a demountable booth which does not impact on the beautiful tiles and structure of the building. But \$5 million for a massive overhaul of a historic building — you must be kidding!

The Brumby Labor government is out of touch. Today it received a wealth of evidence and information from all points of the compass, particularly from so many members on this side of the chamber supporting Mr Dalla-Riva's motion. It is stark evidence, resonating once again along the same themes: Victorian communities are disappointed, Victorian communities are suffering, Victorian communities have many people who are fearful of leaving their homes because the Brumby government is not listening to their communities. I urge all members to support this motion because there is no more worthy motion possible than the one put forward by Mr Dalla-Riva.

**Mr BARBER** (Northern Metropolitan) — I was not intending to speak on this motion because it is self-evident, but I now stand because an earlier speaker, Ms Huppert, made the claim that the Greens voted against the government's solar feed-in tariff bill. I am not sure what that had to do with the motion, but the point is that Ms Huppert's claim is false. The Greens did not vote against the solar feed-in tariff bill or any aspect of the bill. In fact we had a series of proposed amendments, but in the end we moved only one of those amendments. All other members of the house voted against that particular amendment. I ought to remember the detail of this because I spent enough time trying to get us to the point where the government amended its own bill to improve it.

The other part of Ms Huppert's claim was that by voting against it the Greens were attempting to stop people from getting access to the feed-in tariff. Why would the Greens want to prevent people from getting access to the feed-in tariff? It was in fact the original formulation of the bill that prevented people from getting access. The version that the Minister for Energy

and Resources, Mr Batchelor, put up provided that people would be able to get access for only their principal place of residence.

**Hon. M. P. Pakula** interjected.

**Mr BARBER** — It is extremely germane to the issue that we are going to be talking about because it is yet another example of the government not knowing where its community is at and where it is heading. The original version of that bill would have restricted people getting access to the feed-in tariff for only their principal place of residence. I do not know what is wrong with schools, I do not know what is wrong with farmers and I do not know what is wrong with people getting access via their local councils having solar panels on a town hall roof, but that was what was in the original bill that the minister introduced.

If Ms Huppert would like to check the record, she will see that I am right and she is wrong. Ms Huppert could avail herself of standing order 12.12 and make a personal explanation to the Parliament when debate on this motion is completed and simply state that she has checked the record and she now realises she was wrong and would like to correct it for the benefit of *Hansard*.

Whether it is the solar feed-in tariff bill or any of the other programs we have seen introduced at the federal level, such as the insulation scheme, the green loans program and so forth, there is a common theme. It is not that the government introduces these programs and fails because the programs are found wanting, it is that the government introduces these programs and fails because it totally underestimates the extent to which the citizens of this country are ready to take action on climate change. The implementation of its programs becomes a complete debacle because it has no idea how willing citizens are to take part in this kind of action. Then it goes off to international forums and low balls it all over again. It misses the goal time and again. When citizens are given the opportunity to take action on climate change they get hugely involved. The government, when it is meant to be designing programs to reduce emissions, does not listen to what the community is asking for. It comes back again and again and again with programs that undershoot the mark, and we do not see any particular sign that the government is changing that attitude.

That is but one example I can point to where the actions of the government fit pretty closely with the terms of Mr Dalla-Riva's motion. That is in the environmental area, but the motion does pretty good duty on whichever issue you want to take a look at at the moment. The lesson in there for Ms Huppert is that she

needs to worry a bit less about what the Greens might be doing, or what she thought the Greens did or what somehow in her mind she imagined the Greens would have done. If she is worried about the Greens, a simple solution so she would never have to worry about the Greens again would be to govern well.

**Ms Huppert** interjected.

**Mr BARBER** — I am not sure why Ms Huppert is worried, either. I do not think the Greens are her head-to-head competition in her seat. In fact it may be that she will be getting over the line on the surplus of the Green votes. She seems to have a peculiar fascination with us, and that has led in this case to her overreaching or misstating, or whatever it is that she did when she made that particular claim, which I thought could not be left unchallenged.

**Mr ATKINSON** (Eastern Metropolitan) — This is an interesting motion in that it is relatively — —

**Hon. M. P. Pakula** — Quixotic!

**Mr ATKINSON** — Quixotic? It is interesting that it is a fairly short motion that leaves an opportunity for members of this house to discuss a wide range of issues that affect communities in Victoria. In my contribution to the debate I want to focus on a relatively small area of this motion, which I support. The response that I bring as a direction for this debate is to the planning policy of this government and the fact that this government — more importantly, the Minister for Planning — has increasingly alienated the opportunity of communities to have an input into shaping their own futures. When I look at the agenda of this current minister — and I have described him in another debate this week as being arrogant; in fact I described him as being the most arrogant minister in an arrogant government — and his behaviour over the past 12 months, I think to myself that I have never seen a planning minister who has worked so assiduously to alienate the opportunities of communities to participate in the decision-making processes that are laid down in statute, to have an input into what is likely to be their future and to have any sort of dialogue at all within the planning infrastructure as to what we are likely to see going forward in shaping communities.

When it comes to not listening to Victorian communities I do not think there is a more basic area that the government has defaulted on than planning policy. Frankly, I cannot understand how Ms Broad sits comfortably in this place next to Justin Madden as the Minister for Planning. When Ms Broad was the Minister for Local Government she was adamant that

this government and Labor administrations were attentive to the needs of communities and would not interfere in local government, that local government's autonomy was an important aspect of this government's mandate.

**Mr Vogels** — It meant something.

**Mr ATKINSON** — As Mr Vogels said, it meant something to this government. Under Ms Broad we had our question marks as well, because there were incidents where this government made decisions that we felt ran shy of the rhetoric advanced by Ms Broad in this place as Minister for Local Government. Today she must sit very uncomfortably next to the Minister for Planning, as the Minister for Planning consistently and progressively strips local government of many of its decision-making powers, particularly those which are most important to local government in shaping future communities.

We saw it with the development assessment committees bill that came before this Parliament. We increasingly see it with call-ins of decisions. Even this week the reference to committees of 12 Woolworths development sites — usurping the power of local government — makes you wonder whether this government is serious about community consultation.

This minister continually calls in projects, and he is doing it on a basis that is almost a wartime emergency powers approach. The global financial crisis was visited on Victoria and we have got major problems. We want to make sure that investment is maintained, we want to make sure that jobs are maintained, so on that basis the minister says he is going to call in all these projects to make sure that they keep going and we get these projects up. The governor of the Reserve Bank said the other day the crisis is over. It is interesting that this government, in particular this minister, continues to usurp his own planning regime, continues to violate the rights of Victorians to have a say in the shaping of their communities in planning matters and continues to say, 'I can make better decisions on planning matters than the community and local government can'.

A major tower is proposed in Box Hill — 38 storeys in one project; the highest building outside the CBD (central business district) — I accept this is including Docklands in the CBD. It would be a massive building in the eastern suburbs. The fascinating thing is that this minister has allowed interim planning controls, height controls, to lapse right across the metropolitan area, so there is really not much stopping developers coming forward with a similar proposal for virtually anywhere across the metropolitan area.

The community in Mitcham has already faced the prospect of 15-storey-plus development, a development that commercially, fortunately, did not stack up and has been replaced by an alternative development. However, this was not because of this government's policy settings and not because of the planning. It was simply because it did not happen to stack up commercially.

This proposed tower that the minister is now supporting for Box Hill establishes precedents. The minister is supporting the proposal, despite the local community and the Whitehorse City Council opposing the development as inappropriate for Box Hill. The council has not been obstinate about Box Hill's role as a regional centre. It is not saying it is not prepared to accept higher density living or higher level buildings in the Box Hill area, because it recognises that Box Hill is one of the principal activity centres outside the CBD and it is prepared to embrace that position and recognise that there is some value in terms of higher development in that Box Hill central business district. Having assessed this particular project it has said, 'This is way too much. This goes beyond the pale'. The council rejected it. Some of the most vociferous arguments against this development were advanced by Labor Party members on the Whitehorse City Council, and the minister says, 'I am not prepared to accept that. Let me call that one in. Let me have a shot at that one. Let me get this one happening'.

It is interesting that my office sits in the Nunawading shopping centre and the Labor government has recently completed the undergrounding of the railway crossing at Springvale Road. As I have indicated in this place previously, I think that was an important project. It was well managed, it was a good project. I argue that it should have gone further; we should have done a number of other crossings at the same time and not stopped at that one. In other words, I am not sure that the government showed foresight in approaching that particular project, but Springvale Road for its own sake was a good project.

One of the reasons for my arguing that other crossings along the Belgrave-Lilydale line ought to have been tackled at the same time is that some of the land use options that were available have been lost, particularly land use options for higher density living, better traffic management and new commercial development, because this was a one off, knee-jerk project undertaken by the state government. Because it only tackled one intersection and one railway crossing, rather than the series, not only has the government missed out on the transport opportunities that might have been available in upgrading the rail services on the Belgrave-Lilydale line, but it has also missed out on all the land use

opportunities that might have accrued if it had actually had a more comprehensive plan on that corridor.

I can assure the house that I would not have been advocating 38 storeys, but there were certainly opportunities to have higher density residential developments along the Belgrave-Lilydale corridor, particularly in the Nunawading shopping centre area where my office is located.

I have talked to the traders and residents about it, and they agree that this is an area where we might well have encouraged higher levels of development. But this government was not prepared to entertain those sorts of issues as part of its planning perspective on a project it undertook.

Increasingly this government is only really interested in knee-jerk reactions when it comes to planning, in trying to pick winners and in trying to fast-track in some cases projects that suit its association with particular companies which clearly have long-term bookings at Progressive Business breakfasts, lunches and dinners. It seems to me that this minister too often makes decisions on the basis of what is good for Labor Party fundraising rather than what is good for Victorian communities. This minister, the Minister for Planning — the celebrity footballer as I have referred to him in other debates this week — far too often seems to be more intent on bringing in projects that he can fast-track to the benefit of the Labor Party while circumventing any need for consultation with the community than honouring his own planning regime and the fundamentals involving people and enabling them to have some sort of participation, some sort of say, in what their communities will look like in the future.

The Liberal Party has never been opposed to high-density residential development. The Liberal Party continues to this day not to have policies that would stymie high-density residential development. The Liberal Party is not opposed to many of the issues that the government would suggest were pertinent to creating jobs and investment in this state. But what the Liberal Party is very keen on is maintaining the consultation processes and maintaining the integrity of the planning processes so that people have a say in the shaping of their communities, and if project decisions go against them at a local government level, ensuring that they have appeal rights and can continue to press their views in other forums to ensure that the best outcomes are achieved.

There are some people who might say that historically we have had some ministers who were not all that slow

on the trigger in calling in decisions either, and I acknowledge that. I acknowledge, frankly, that in some cases some of the decisions that were called in were decisions that ought not to have been called in. I mean, there were some in the eastern suburbs that I do not believe ought to have been called in because the process that was under way for the assessment of some of those development proposals was appropriate, involved people and ought not have been circumvented. But I have to say that the Minister for Planning we have today makes all the previous planning ministers look like absolute rank amateurs when it comes to intervention and calling in.

**Mr Barber** — He is Hooray Henry compared to those guys.

**Mr ATKINSON** — Absolutely. I acknowledge Mr Barber's interjection that this minister is Hooray Henry compared with the past guys. The reality is that this minister, for all the feigned statements like, 'Look, I am just doing the right thing for Victoria; I am just doing my job' and other statements beginning with 'I am just', is the most interventionist planning minister we have ever had. He makes Robert Maclellan look like a rank amateur! And Robert Maclellan is the very minister who most people would hold as the measurement, the yardstick, for where you go in terms of planning interventions.

The excuse of this minister, the minister we have today, is that we are basically in a state of emergency.

**Mr Vogels** — World War III!

**Mr ATKINSON** — We need these wartime powers because of the global financial crisis. This is lard-to-Britain type stuff! It is tough.

It is a pity that Glenn Stevens of the Reserve Bank of Australia says the crisis is over and interest rates are on the march because, frankly, Australia has avoided the silver bullet. It is a pity for this minister that the rhetoric fails the practice in terms of the sorts of decisions he is calling in. Regarding all those Woolworths projects mentioned the other day, I cannot help thinking to myself that if this was Mitre 10, for instance, which is a hardware company that is struggling, would it have got the leg-up that Woolworths — Australia's biggest retailer and biggest profit earner — has got from the minister in terms of planning approvals?

**Mr Vogels** — The biggest pokies owner.

**Mr ATKINSON** — It is interesting what Mr Vogels says about Woolworths being the biggest pokies owner. I look at this company and think if I had

an opportunity, I would be requiring it to divest all of its gambling interests, because I do not think it is right that that company has that sort of monopoly across so many sectors of the Australian economy and has an opportunity to make and break so many small businesses with its supply decisions.

**Mrs Kronberg** — It is an oligarchy.

**Mr ATKINSON** — It is. Together with Wesfarmers, Woolworths has a disproportionate power in this community. It affects the farming sector. It affects the manufacturing sector. It affects gamblers. It affects the wineries. It affects so many businesses. It is all very well for Woolworths to say today, 'We are going into a new business which is home improvement', and there might be a need for a bit more competition or a bit more curvy for Wesfarmers' Bunnings business, but, as I said, I cannot help sitting there wondering whether Mitre 10, which is struggling and which is an independent retailing business, would have got the same leg-up from this government and this planning minister as Woolworths has. Or did Mitre 10 simply not buy as many places at a Progressive Business breakfast, lunch or dinner to get the same sort of treatment?

When it comes to talking about Victorian communities and the deal they get from this government — I do not intend to cover the other areas of law and order, health services, education and so forth that have been raised by other members in this debate, but I concur with the sorts of points that have been made by my colleagues — I simply come back to planning and the fact that this Minister for Planning is running amok. He is using the excuse of the global financial crisis, which I do not think is a relevant excuse in terms of the decisions that he is making now, to intervene in planning decisions at a unprecedented level, to ride roughshod over local government and, more importantly, to ride roughshod over local communities and to simply make decisions at a whim that suit him and presumably the financial fortunes of the Labor Party. Beggar the jobs — 'jobs' is the mantra of the government in terms of the decisions it makes — because jobs have little to do with what this minister's decisions are all about. The reality is that this minister is making decisions to suit the Labor Party, and he is absolutely creating an affront to Victorian communities.

**Mr FINN** (Western Metropolitan) — I listened to the comments of my friend and colleague Mr Atkinson with considerable interest, because I have similar concerns about the Minister for Planning. If there is any particular instance that indicates just how much this government has lost touch with the community, if there

is one instance which indicates how much this government just refuses to listen to people, it is a development in my region at the Sunshine RSL. The Sunshine RSL is developing a social housing project, a halfway house to a degree, a place for women in distress and in need, and such a place is needed — I have absolutely no doubt about that — but it should not be not attached to a licensed premises. The last thing a lot of these women need is to be stuck next to the pokies and, in effect, a pub. That is not what they need.

Many people in the Sunshine community have raised these concerns. They have certainly raised them with me, and as members of this house are aware I have raised them in here, in the hope that the Minister for Planning might listen. Many phone calls have been made to the Minister for Planning, many letters have been written to the Minister for Planning, many attempts have been made to meet with the Minister for Planning on this issue. How many has he responded to?

**Mr Dalla-Riva** — How many?

**Mr FINN** — Zilch! None; not one did he respond to. Such is the arrogance of Justin Madden, the Minister for Planning in this state. He takes himself far too seriously and unfortunately does not take his portfolio responsibilities seriously enough. That is the simple fact of the matter. It is a joke that the Premier of this state would appoint him Minister for the Respect Agenda. If the Premier really wanted the community to take this whole respect portfolio seriously, the last person he would appoint as minister is Justin Madden. He has got no respect for anyone, and he shows it on a daily basis. Go to any suburb in Melbourne, go to any country area and they will tell you the same thing. They cannot get any sense out of Justin Madden, they do not understand how his mind works, they cannot even talk to the man. That is our planning minister in 2010, and he is the man who is telling us all that we have to respect each other. A bit of leading by example would not go astray I would suggest.

All Justin Madden is interested in is keeping his job. He does not care about his planning portfolio; he does not care about his responsibilities. He does not care about communities; he has not got the first interest in communities. He is just interested in keeping his job. Like so many in this Labor government, he does not care about the people who put him there.

I have to say as a fellow member representing Western Metropolitan Region that in the almost three and a half years that I have represented the region in this place I have been to many functions in the electorate — community functions, ethnic functions, you name it; I

have been to every dogfight that is going. I have never seen Justin Madden at one, not at one.

**Mr Barber** — You should carry a camera with you. It would be like the Loch Ness monster!

**Mr FINN** — Let me tell you, Mr Barber, you would have a far greater chance of getting a shot of the Loch Ness monster than you would of Justin Madden in his electorate; that is the truth of the matter. In almost three and a half years I have yet to see him once in his electorate. I am sorry; that may be a small error in that I did see him one night. I was walking into a function and I saw him driving home. That is the only time I have seen him in the electorate in almost three and a half years. He is not just a minister who does not care about his portfolio and does not take his responsibilities seriously; he does not give a damn about his electorate or the people who live in it, and he is the minister for respect. This is the Labor Party's definition of respect.

That tells us all. That tells us all about this government, where this government is leading us and where this government is going. It just does not care. In Victoria in 2010 Labor does not care.

Members would be very much aware that I have spoken at some length — —

**Mr Jennings** — And often.

**Mr FINN** — And often as well, Minister, on the subject of policing and law and order, particularly in the western suburbs. It is understandable. I am sure Mr Eideh will agree with me that we have a real policing problem, a policing crisis in fact, in the western suburbs.

**Mr Eideh** — We're putting more on.

**Mr Dalla-Riva** — They're putting more on.

**Mr FINN** — They are putting more on? He's a moron!

We have a real policing crisis in the western suburbs. Long-suffering western suburbs residents have to put up with an enormous lack of police. The Police Association is telling us that in some stations we are down by 60 or more police. That is an intolerable situation. We are aware, for example, that in Werribee the shortage has been going on for a decade. For the 10 years that the Labor Party has been in government in this state the police shortage has been a matter of fact in Werribee. Has the government done anything about it? No. Does the government care about it? You would have to say no.

However, the government is, as we speak, building a police station at Tarneit, one of the newly developed areas just outside of Werribee. It is building a new police station in Tarneit just in time to open it before the state election. Is that not a coincidence?

While this new police station might be fine and dandy to look at and it will be a sensational opening — I am sure there will be scones, cups of tea and perhaps some McDonald's cordial — that will be on the front page of the newspaper the next week just in time for the election. There is one problem: there will not be enough police to man the station. This great building in Tarneit will house only a 16-hour police station. Perhaps police should letterbox the general area advising the local crooks to commit crimes only between about 7.00 a.m. and 11.00 a.m., when the police station is open. It is ludicrous, it is ridiculous, but it is so typical of what we have come to expect from this government. Again it shows, as it always does, that the government just does not care.

I suggest that members go to Sunshine. If you can get through the door of the Sunshine police station, good luck to you. It is horrific that police have to put up with the conditions they are faced with every day at Sunshine. They are so undermanned, overworked and stressed that there is no way they can possibly keep up with the demands of the crime wave that is increasingly hitting Sunshine and surrounding areas. Sunshine — the Brimbank area generally, but Sunshine in particular — is suffering enormously as a result of this government's refusal to accept that the people of the area need proper policing. The government again shows that Labor just does not care.

Footscray needed some new police, so the government closed the Williamstown police station overnight and put the police in Footscray. Of course the people of Williamstown do not need policing overnight; they do not get robbed or bashed! Too right they do, and at a far higher level now that they have no police at night.

When Labor ministers come in here saying that the government has put so many extra police on, that they are on the ground and are doing a marvellous job, members should not believe them. We have a real policing crisis and a real crime crisis in this state, and it is a direct result of the fact that when it comes to law and order — particularly in the western suburbs, but it has to be said right throughout the state of Victoria — this Labor government just does not care.

A good indication of how little it cares and how it refuses to listen is the fact that Bob Cameron is still the Minister for Police and Emergency Services. Has there



ever been a more incompetent police minister anywhere in the history of Australia than the bloke we have now?

**Mr P. Davis** — Possibly, but I do not know who it was.

**Mr FINN** — Mr Davis, if you can name him, I will buy you a slab, because Bob Cameron has to be the most pathetic, insipid police minister that the state has ever seen — —

**Mr P. Davis** — I know — André Haermeyer!

**Mr FINN** — No, André Haermeyer was an absolute champion compared — —

**Mr Atkinson** — I saw him last week. He sent his regards.

**Mr FINN** — I am sure he is enjoying life. I have no doubt of that. André Haermeyer was a champion of the people compared to the dill we have now. People are constantly telling the Premier, 'Get rid of him. He is no good, he does not know what he is doing and he cannot string more than two words together'.

I remember about a month ago just after the Liberal Party had announced that it would remove suspended sentencing if elected in November the government rolled out Bob Cameron to refute our argument on 3AW. He botched it so badly that within the hour the Premier was on the same radio program saying the same things, except he was saying them a lot better.

Here we have a police minister who does not have a clue about what he is doing, who is continuing the destruction of policing in the state and who does not seem to have any interest in law and order or in protecting the general community — —

**Mr Atkinson** — He is a good media performer!

**Mr FINN** — And his media skills are zilch. I have seen monkeys at Taronga Zoo who could perform better on television than Bob Cameron does. However, the minister stays despite the calls by many from one end of Victoria to the other. So many are calling on the Premier to get rid of this bloke, but he is still there. For the life of me I cannot work it out, I have to say. It just goes to show once again that John Brumby is not listening. Quite frankly, he does not care.

I have spoken out strongly on the issue of gangs, particularly in the western suburbs. I first raised my concern about gangs in the western suburbs about two and half years ago. I was told by the Premier, the police minister and the Chief Commissioner of Police, 'There

are no gangs in the western suburbs'. That is what they said. Clearly none of them had ever been to the western suburbs, because I have seen the gangs there. All you have to do is drive through certain suburbs and briefly pause on a street corner, and the gangs will gather around you. They are like flies, and they will be attracted to you.

**Ms Hartland** interjected.

**Mr FINN** — You come with me!

**Ms Hartland** — I have been there for 25 years.

**Mr FINN** — Come down to the Sunshine station, Ms Hartland. It is a bit after 9 o'clock now and it is dark. All the gangs will be down there now. I have seen them. It is a dangerous place to be. However, when I raised this issue the government did not want to know. It was not interested.

**Ms Hartland** interjected.

**Mr FINN** — I have this magpie sitting on the fence over there — I wish somebody would shoot it down!

On the issue of knives, I recall raising this issue years ago, and I raised it again when I returned to this Parliament. The issue of knives is a very real one. I know Les Twentymen has been raising it for a long time. I remember him telling me a decade ago that this grave concern about knives really had to be addressed. The government was told time and again that knives were becoming a real danger not just in the western suburbs but right throughout Melbourne. It has been told for a decade that knives and gang culture were a major concern. What did the Labor government do? It did absolutely nothing until it saw the chance for a photo opportunity the other day. Then it decided to do something. Again the government shows that it will not listen, and Labor just does not care; it could not care less.

I remember many years ago when I was working at a radio station that has now gone — the late, lamented 3DB.

**Mr Dalla-Riva** — You are going back a long way.

**Mr FINN** — It is going way back, Mr Dalla-Riva. There was a jingle. I will not sing it for the benefit of the members, but the wording was, 'West gateway to tomorrow, the West Gate Bridge will be a symbol of our city for all the world to see'. That was about 25 years or maybe even 30 or more years ago. How prophetic was that? Yes, the West Gate Bridge and the West Gate Freeway have become symbols of our city

for all the world to see, because you will see the same congestion on the Tulla, the Monash Freeway and the Eastern Freeway as you see on the West Gate. Wherever people try to get into the city, you will see traffic jams. You will see these car parks gathered for miles and miles. What has the government done about this?

**Mr Vogels** — A congestion tax.

**Mr FINN** — It has not even got to that point, Mr Vogels; it has done absolutely nothing. I often wonder how many hours — —

**Mr Atkinson** interjected.

**Mr FINN** — No, let us not talk about that. The government has done absolutely nothing about this. Over the past decade the congestion on Melbourne's roads has got to the point where it is obscene. You have to wonder just how many man-hours are wasted every day by people sitting in traffic jams. You see car after car — every car obviously has at least one person in it — and you have to wonder. If you were to add all those up, how many hours are wasted by people stuck in traffic jams, trying to get into town? What does the Labor Party do about this? The Labor Party continues to do nothing. Why does the Labor Party continue to do nothing? It is because John Brumby and the Labor Party do not care. Labor just does not care. It is another example of the way it refuses to listen and it refuses to care.

Public transport is no better. I have to ask the question: who was Labor listening to when it came up with the idea of myki? It must have been a late-night session — that is all I can say. At the last count \$1.35 billion has been spent, and we still have not got a ticketing system. I cannot walk out of this Parliament tonight, walk across the road to the tram stop, get on a tram and travel down Bourke Street using myki. After \$1.35 billion has been wasted by this government, I cannot get a myki tram ticket down Bourke Street.

How much is it going to cost before we have a system that actually works? It is a total mystery to me, because I can go to Sydney, I can go to Brisbane, I can go to Perth, I am told that I can go to London, I can go to all sorts of places around the world and I can buy a ticket and I can use public transport. But I cannot do it in Melbourne. This new public transport myki ticketing system is going to come in as one of the greatest white elephants that this country, if not the world, has ever seen. What an extraordinary effort!

As I asked the other night: when will this government draw a line in the sand? When will it stop throwing

good money after bad on this and realise that it is a total, unmitigated waste of money. Will we get to \$2 billion? Will we get to \$3 billion, maybe \$4 billion? We have heard of *Sale of the Century*; this could be the auction of the century, as far as this government is concerned. But again, it is only taxpayers money. It is only funded by the people who go out and work every day and pay their taxes. John Brumby does not care. Why would he? It is not his money. That is what socialists like doing — they love spending other people's money — and he is a classic example of that.

I have to wonder, coming up to November of this year, if John Brumby will be starting to listen just a little bit more. Last Saturday week the people of Altona spoke for the people of the western suburbs when they sent a very loud and clear message to John Brumby that they are sick to death of being neglected. They are sick to death of being used and abused by the Labor Party in the way they have been for decades. I was staggered to wake up on the morning after the election to see John Brumby on the television and to read John Brumby in the newspapers telling everybody what a great result it was. It was nearly a 13 per cent swing against Labor. Labor held a seat that had a little over 20 per cent margin. That seat now is held by a margin of a little over 7 per cent. If that is a great result, I am member of the Collingwood cheer squad — and I can assure members I am not and never would be.

Could this Premier be any more out of touch with what is happening in our community than to look at a 13 per cent swing in a by-election and crow about what a great result it is for the Labor Party?

**Mr P. Davis** — Wasn't he talking about the Liberal Party?

**Mr FINN** — It was a great result for the Liberal Party; there are no two ways about that at all. It is interesting because the comments on by-election night by the Premier pretty much backed up what I had heard time and again as I went around doorknocking in Altona in the lead-up to that by-election. As I knocked on doors and pounded the footpaths campaigning for Mark Rose — an outstanding candidate, it has to be said — people were telling me, 'We don't like Brumby'. Some of them were telling me in harsher terms than that. They were saying, 'We don't like Brumby. He is arrogant, he is out of touch and he has to go'.

There were a lot of lifelong Labor voters in the Altona electorate who broke the habit of a lifetime — and it is a very bad habit to vote Labor every time you go to a polling booth — and voted Liberal. For them to do that,

as they did in such large numbers, things have got to be crook, and people know things are crook. They know things are crook in the western suburbs, and they know things are crook right throughout the state of Victoria. But who does not know? Mr Brumby does not know things are crook. Why does he not know? Because he is not listening. He refuses to listen because he is too arrogant. In the old days some would have said in a crass way he could be regarded as being up himself. That is what some people would say. I would never use those terms, but that is a term that people openly use about our Premier.

We have got to the stage now that Victorians are suffering and Victoria is suffering across the board on a whole range of issues, and the Altona by-election is indicative of what is coming the way of this government on 27 November this year. I stand up in this Parliament tonight and say to Mr Brumby and this Labor government: listen, listen well or get out.

**Ms LOVELL** (Northern Victoria) — I thank Mr Finn for a most entertaining and accurate report on the Brumby government. I concur with his last remark: it is time that this government got out. I would like to start by congratulating my colleague Richard Dalla-Riva on bringing forward this very important motion that says:

This house believes the Brumby Labor government is not listening to Victorian communities and has failed to respond to key local community problems.

We know this is true because opposition members are out and amongst their communities. We are members of our communities. We live in our communities, unlike some Labor Party members who live elsewhere so that they do not have to put up with their local constituents being their next-door neighbours. They go home to other electorates far away from the areas they represent, and some of them rarely even visit the electorates they represent. The Minister for Public Transport, Mr Pakula, lives in the eastern suburbs and hardly ever goes to the western suburbs. He would not want to go out there. Ms Darveniza lives in Melbourne and supposedly represents northern Victoria, and we very rarely see her up there either. Ms Broad lives in Melbourne and is very rarely seen in northern Victoria. I could go on listing members who do not live in their electorates, are not part of their communities and therefore are not connected to their communities, and we now know they are not listening to their communities.

I would like to talk a little about my two portfolio areas. The first is children and early childhood development. We know the Minister for Children and Early

Childhood Development, Maxine Morand, is not listening, and the Premier, John Brumby, is not listening to the hundreds of parents in this state crying out for kindergarten places. Children are being turned away from kindergartens in their hundreds right around Victoria. In the cities of Darebin, Wyndham, Hobsons Bay, Knox, Glen Eira and Monash, the Rural City of Wangaratta and the city of Melbourne there were hundreds of children who missed out on kindergarten places this year, and we could go on and on around local government areas giving the number of children who missed out.

The city of Melbourne had 347 applications for only 83 spots. That is a very poor record for this government. The government has known for years that there is a baby boom in Australia. It has known that the birth rate has increased by 20 per cent in Victoria over the past 10 years. It has known through Labor circles that it is federal Labor policy to increase the hours for four-year-old kindergarten from 10 to 15, but Mr Brumby failed to listen. He not only failed to listen, but he failed to plan for the increased demand for places and hours, and because of that hundreds of children are missing out on kindergarten places.

Parents and teachers are telling the opposition, because its members are listening to them and John Brumby is not, that they are concerned about the impact of the federal government's policy to increase the contact hours for four-year-olds to 15. They are concerned that this will mean there will be a loss of three-year-old programs throughout the state and children will only have access to one year of kindergarten, if they are fortunate enough to get a place. The opposition supports kindergarten. We think it is an ideal way to start a child's education. We support play-based learning and contact over two years in a three-year-old program and a four-year-old program. We support 15 hours of contact, but we believe this government should have planned to have the facilities ready to accommodate the number of places needed to provide 15 hours without jeopardising three-year-olds before it adopted it as a policy.

Kindergarten participation rates in this state have fallen dramatically under this government, and that is also a real concern. In 2002–03, 97.2 per cent of four-year-olds in Victoria attended kindergarten. In a 2006 policy statement the Labor government said Victoria had an excellent kindergarten participation rate averaging 95 per cent but that we could do better. We know we can do better, because only a couple of years earlier 97.2 per cent of children were attending kindergarten.

Has the government done better? No, it has not. The participation rate fell from 95 per cent as stated in that 2006 policy document to only 94 per cent in 2007–08. In 2008–09 it fell even further, to 92 per cent, and in the 2009–10 budget papers the target for the year was only 92 per cent. Therefore the minister and the Premier are not aspiring to higher participation rates. They are happy to see the rate of four-year-old participation in kindergarten continue to decline in this state. They are happy to see children miss out on a kindergarten experience, a very important start to their education. That is a poor reflection on this government. It shows that it is out of touch with the community, that it does not care about the community and that it is not listening to the community.

Turning to my other portfolio area, we have a crisis in housing in the state, and it is a crisis of Labor's making. In 2006 Labor promised us a strategy. It released a document in September 2006 called *Towards an Integrated Victorian Housing Strategy — A Framework to Address our Future Housing Challenges*, but 1250 days later we are still waiting for that strategy to be released. This is fairly poor, considering that the government's promise was made before the last state election and we are now just a matter of days away, really, from the next state election and the government still has not released that strategy.

Waiting lists for public housing in this state have blown out to 38 781 families. Yes, that is down a little on where it was three months ago, but only because the Minister for Housing has cleansed the waiting list. When I say 'cleansed the waiting list' I mean that he has removed families from the waiting list. He admitted that in his recent press releases. The average household size in Victoria is 2.6 people. If you multiply that by the 38 781 families on the waiting list, you have a crowd of people queuing up for a public housing property in this state that is larger than the crowd which fills the MCG on grand final day. That is not a good look for this government. It shows that members of this government have not listened to people in the community when they have told them there is a housing crisis, that they could not get access to private rental properties and that they could not afford to get into home ownership because housing affordability has declined under this government. The Premier has not listened and now we have 38 781 families who are desperate for public housing.

The federal government has stepped in to try to ease some of the backlog of people waiting for affordable housing in this state. It announced that it was going to build 5000 properties in Victoria, but later it made a cut to the figure. Of the 20 000 properties that were to be

built nationwide, 5000 of them were to be in Victoria. The federal government cut the total number by 800 properties and unfortunately 461 of those were to be in Victoria. Around 60 per cent of that cut was made to Victoria's share, which is very disappointing.

What is most disappointing is the way this government is treating the communities where it is building these properties under the social housing plan. Everyone supports the building and provision of social housing. What they do not support is the way this government has treated communities — the lack of consultation with communities, with no ability for local governments and communities to have any say in what is happening in their streets. I will go through just a couple of the proposals.

In Dickson Street, Sunshine, which is in the city of Brimbank, 30 social housing units are to be built and they will be attached to an RSL building. The city of Brimbank wrote to the local residents and invited them to a public meeting to have a say on the issue. I attended that public meeting. Was a member of the government there to listen to the community's and the city of Brimbank's concerns? No, not one member of the government attended the city of Brimbank meeting; I sat there as the sole MP. In fact I was cheered at that meeting. Someone wrote on one of the internet blog sites that they never thought they would hear a Liberal MP cheered in the Brimbank council chambers, but I certainly was cheered because I was there to listen to people's concerns.

Marsha Thomson, the member for Footscray in the other place and local member for the area where this social housing is proposed to be built, was not there; Marlene Kairouz, the member in the other place for the neighbouring electorate of Kororoit, was not there; the upper house member, Justin Madden, who is the planning authority for this project, was not there and neither were the other two government members who represent the Western Metropolitan Region in this chamber.

That proposal failed on about nine aspects of the planning provisions in Brimbank. The City of Brimbank wrote to the planning minister strongly objecting to his approving the development in its current format. The minister was to approve a reduction in car spaces, and in the setback from Dickson Street the building was to be constructed of lightweight materials. There was not enough open space, and some units had very poor solar access. The list of things the Brimbank council objected to went on and on. The council put very strongly to the planning minister that it did not want him to approve that planning application,

but he thumbed his nose at the people of Sunshine and the local government authority in Brimbank and arrogantly approved it.

In Geelong there is a proposal for the development of the old Gordon TAFE site in Moorabool Street, with 30 social housing units to be built in stage 1. None of the 61 properties to be built in stage 2 will be social housing. Both of those stages were called in under amendment VC56 and the minister became the planning authority for them. I attended a public meeting in Geelong last Wednesday. The people there were very strongly in favour of the social housing aspect of the development. They said right from the outset of the meeting, 'We do not object to the social housing. We object to stage 2 being called in and the minister being the planning authority when the development contains not one social housing unit'. They requested that stage 2 be turned over to the City of Greater Geelong as the planning authority, but I hardly think this government will listen to the concerns expressed at that meeting about the overdevelopment of that site. It will just push ahead as it has in the city of Brimbank.

In the City of Kingston there was a public meeting on two proposals for properties to be built on the corner of South Road and the Nepean Highway in Bentleigh and Moorabbin. People at that meeting also said that they did not object to the fact that the proposed properties were to be for social housing but that they objected to them being built in a very busy area. They are planned to house women and children and there is nowhere for the children to play. The area was very short on parking at that time and concessions had been given for the number of parking spaces that need to be provided for these houses. Did the government listen? No, the government did not listen. At least the member for Bentleigh in the other place, Rob Hudson, was at the meeting — but he was not listening. People at the meeting knew that; they knew that he was just going through the charade of being at that meeting but was not listening to them and would not change anything about that proposal.

Such developments are being proposed all over the state. The government would like to say that the people do not want social housing tenants or that opposition members are against social housing, but that is the government's rhetoric. It shows how little government members are listening to communities and to opposition members. Everyone supports the provision of social housing. They do not support the minister being the planning authority and concessions being given on other developments. They do not support the overdevelopment of sites and inappropriate

development. They want the government to listen to them but government members have their ears closed.

Housing affordability has declined under this government. A recent international study found that housing affordability in Melbourne was extremely low. It said that a typical household was now paying more than 50 per cent of its income to service a new mortgage on a median-priced house, putting it under housing stress. Housing stress is defined as when a household pays more than 30 per cent of its gross income on housing costs. More than 50 per cent of households are now in housing stress.

The rental market is also particularly tight, with the rental vacancy rate for the September 2009 quarter being just 1.3 per cent. Only 9.2 per cent of those vacant dwellings were actually affordable for low-income households. The minister admitted at a Public Accounts and Estimates Committee hearing last year that there were no properties within 15 kilometres of Parliament House that were affordable to low-income families, and yet he does not care. He is not listening to those families and to the pain and suffering they are going through because they cannot find an affordable place to rent.

Law and order has become a huge issue in the state, and in my electorate it is raising its head in nearly every town. Only this morning I opened the *Shepparton News* to find there was an article at the top of page 3 about a new Facebook group that has been set up by Gavin Hicks of Shepparton. That article says:

Hundreds of local Facebook users have voiced their opinions on gang violence in Shepparton through a new discussion group on the popular social networking site.

Almost 1000 members have joined a group 'Against the forming of gangs in Shepparton' since it was created at the start of the month.

It is sad for me to read about that in my own home town. I do not like to think of there being street violence in my home town, but unfortunately it is a reality for many communities throughout Victoria because we are so underresourced for police. These incidents are happening all over the state.

Just below that article talking about a Facebook group for young people in Shepparton who are against the forming of gangs and against the violence that is going on in our mall, in Queen's Gardens and at our lake, there is an article about our police force. It starts by saying:

Shepparton police station needs more staff to rectify a 50-member shortage ...

It goes on to say:

... the lack of resources meant police were finding it tougher to prevent and fight crime, leaving more Victorians feeling unsafe in their communities.

...

Former police welfare officer and association spokeswoman Shaddy Cameron said the shortage of police was affecting officers' attendance to call-outs.

'Shepparton is no different to anyone else in Victoria', Mrs Cameron said.

These incidents are happening all over Victoria because of a lack of police. We know that the Police Association has identified a shortage of around 3000 police across Victoria.

In another area of my electorate, the city of Bendigo, we are 81 police officers short. In fact on a Thursday, Friday and Saturday night we have only four police officers on duty for a city of 100 000 people. As my colleague Donna Petrovich mentioned in her contribution, we have the same number of police stationed in Bendigo now as we had in 1987. That year Bendigo had a population of around 60 000 people. There are now 100 000 people, but there has been no increase in police numbers, and that is putting the community at risk.

In fact the Brumby government is contributing to that even further. In a recent issue of the *Police Association Journal* there is an article about Bendigo D24 taking police off the street. It starts by saying:

A delay by the Brumby state government to fund the state-of-the-art communication centre at Mount Helen near Ballarat is putting undue pressure on the police in Bendigo. The need to roster police to staff the antiquated communication centre housed in the old Bendigo police station is taking police off the street in this bustling rural city.

It goes on to identify that we are 81 police officers short in Bendigo and says:

... there are even times when the station struggles to put the Operation Cabool units on the road on Thursday, Friday and Saturday nights.

For those who do not know what Operation Cabool is, it is the brawler van. Patrols go out to the areas around the nightclubs where there are problems. They control the violence and antisocial behaviour on the streets. But the police cannot even put them on the street in Bendigo because they do not have enough officers to man them.

Jim Hogan, who owns the Hotel Shamrock in Bendigo, is reported as saying:

What we want is a visible police presence — old-fashioned policing. It is a no-brainer ... more police means less street crime.

However, John Brumby is not listening to people like Jim Hogan. He is not listening to people like Flora Seddon, who is reported as saying she believes there is a real need for more police everywhere, not just in Bendigo. She is quoted as saying, 'In Elmore the police seem to work alone and that must be hard for them'.

A number of other Bendigo residents are quoted in that article, but John Brumby is not listening to them. It is a sad reflection on Bob Cameron — more commonly known as Sideshow Bob — that the people of Bendigo do not feel safe in their own community. Not only is he the Minister for Police and Emergency Services but he is also their local member.

One woman complained to me last year about the lack of policing in Bendigo. Several weeks later a letter from Bob Cameron arrived in her post box and so she contacted him. His staff abused her for not contacting him first. 'Why did you go to Wendy Lovell?', they said. The woman told them, 'It is because Wendy Lovell cares. She listened to me. I did not know who Bob Cameron was'.

Transport is another problem in Bendigo. The Bendigo transportation study was originally promised back in August 2006. It was due to be completed within a year, by August 2007. In 2008 this government said it would be completed in 2009. Tenders only closed on 21 December 2009. Just yesterday there was an article in the *Bendigo Advertiser* proudly reporting the fact that the government is now going to conduct consultations with residents for this strategy, which was first announced in 2006. Now it is hoping to complete it by the end of 2010. It took the government three years to just get started on it! Let us hope it does get it completed in 2010, because Bendigo's streets are clogged with traffic.

For the last four years this government has not been listening to the people of Bendigo, who have been telling it about the congestion, just as it has not been listening to the small business operators in Mitchell Street who have told this government that the rerouting of every bus down Mitchell Street is causing severe congestion within the city, a lack of trade for the traders and all sorts of problems that this government does not want to listen to. In fact when the traders requested a meeting with Bob Cameron, they could not even get one. He is their local member. The central business district of Bendigo is in Bendigo West, but he would not listen to their concerns. He seems to have been studying John Brumby's form: if you just close your

ears and not listen to people, the problems will go away; if you do not know about them, they do not exist.

Water in Bendigo is another problem. It continues to be a problem and will be an even greater problem now that the north-south pipeline is connected and Bendigo will no longer have access to the environmental reserve in Eildon because Tim Holding has promised that to Melbourne. I am sure the Brumby government will find some way to get Bendigo back to stage 1 water restrictions before the election, but look out the day after the election. If John Brumby is re-elected, they will be back on stage 4.

Education in Bendigo is becoming quite a major concern. The Bendigo education plan is well underfunded. The government has promised \$72 million for the building of four junior secondary colleges, but we have seen only \$63 million allocated to that project. Just last week the regional director of education told a business breakfast in Bendigo that the cost of that project has blown out to \$95 million. We are about \$32 million short on funding for the government's so-called education plan.

What we now know in Bendigo is that Labor does have a plan for education in Bendigo, and that plan is to close schools by stealth. Six schools in Bendigo have either been closed or are earmarked for closure under this government. Flora Hill Primary School and Golden Square Secondary College have been closed. Maple Street and Golden Square primary schools are merging. Eaglehawk North, Eaglehawk, Comet Hill and Bendigo North primary schools are scheduled to merge from four schools into two schools. This government is phasing out primary education at the Weeroona P-10 College. It is closing six schools. Labor's plan for education in Bendigo is to close schools by stealth. It just shows how out of touch with Bendigo Labor is.

Although two government members have homes in Bendigo and the family of the Minister for Police and Emergency Services, Bob Cameron, is up there, they spend more of their time in Melbourne. They are clearly out of touch with their community and they are clearly not listening to their community. When the Premier pops up to his farm in Harcourt North for a weekend he is insulated there. He does not get out, and he does not listen to members of the community in central Victoria about the problems they are facing.

In recent years health has been the biggest issue in Bendigo, with the hospital deteriorating to a state of disrepair. I was appalled when I took the Leader of the Opposition, Ted Baillieu, there in 2008. Two women had been confined in their last weeks of pregnancy and

were in the maternity ward when we arrived. They were quick to tell us that they had not been able to have a shower for two or three days because there was no running water in the maternity ward. It is a sad reflection on health services in this state and it shows that John Brumby, Bob Cameron, and the Minister for Regional and Rural Development, Jacinta Allan, are not listening to the people of Bendigo.

The people of Bendigo desperately need a new hospital and yet all this government gives them is spin, spin and more spin! The government said Bendigo would have a new hospital for \$55 million. I have news for the government: this project is going to cost in the vicinity of \$800 million, if not more — if the government knows how to cost a new hospital. That \$55 million was not money for a new hospital at all. There was \$30 million to keep the old antiquated hospital going, to upgrade its air conditioning and fix the plumbing so that women in the maternity ward can have a shower. Then there was \$20 million to relocate the ambulance station so that we would have a vacant block where a new hospital could be built and \$5 million for a little bit of planning. For that \$55 million all the people of Bendigo will get is a vacant block where the ambulance station once stood. There is no new hospital. Unless this government comes up with significant funding in this year's budget, the people of Bendigo will see through the government spin.

Right across Victoria we see the same problems replicated in community after community. John Brumby is not listening to communities throughout Victoria. I happen to have a close association with the western suburbs, having grown up there and having family still living out there, so I was very happy to go out and help with the Altona by-election to ensure that the people of the west had their voices heard. John Brumby did not listen to them. His arrogant statements on election night were unbelievable. At the function that I attended the press asked our leader, Ted Baillieu, a question and said, 'John Brumby thinks this is a great result for the Labor Party, there is an almost 13 per cent swing against it'. People in the crowd were yelling out, 'Tell him he is dreaming!'. That is exactly right. He is in his own la-la land. He is not listening to communities. He does not care about communities. He is out of touch with ordinary Victorians. He would prefer to spend \$20 million on fairy lights on the West Gate Bridge rather than provide the basic services that Victoria needs.

**Debate adjourned on motion of Mr P. DAVIS (Eastern Victoria).**

**Debate adjourned until next day.**

## ROCK EISTEDDFOD CHALLENGE: FUNDING

**Mr HALL** (Eastern Victoria) — I move:

That this house condemns the Brumby Labor government for causing the cancellation of the 2010 Victorian schools Rock Eisteddfod due to its failure to provide the \$200 000 sought by organisers to help fund this annual event.

I am disappointed to have to move this motion in the chamber. I was absolutely flabbergasted two weeks ago when I learnt that the decision had been taken to cancel the 2010 Victorian schools Rock Eisteddfod. I am sure that many of us in this chamber are well aware of the history of the event, having attended it and been impressed by the quality of the performance of many thousands of Victorian school students who have participated in the Rock Eisteddfod. Each year around 7500 Victorian school students had the opportunity to participate in that event. It has been going for the best part of 30 years and provided an opportunity for many thousands of young people to express their abilities in the areas of performing arts, choreography, design and a whole range of talents associated with performing on stage. For many it has been the springboard to a career in the arts beyond secondary school.

It was with great disappointment that I learnt that the Rock Eisteddfod was to be cancelled, for at least this year. More so, I was disappointed with the reason why it was being cancelled. I thought that an event of this size would attract some significant government funding and support. The fact of the matter is it does not. The government contributes only a relatively small amount to the operation of this event — a very modest amount.

I read with much interest the comments made by the Minister for Sport, Recreation and Youth Affairs, Mr Merlino, in the adjournment debate in the other house last night. I can say categorically that he put on the record clearly that the government is in the second year of a two-year contract for the event and that the government is not cutting support funding for the event this year. That funding remains at a figure of around \$112 000. But because of the increasing costs of staging it the organisers of the event have requested that this government commit \$200 000 in support of the event in 2010. I would have thought it was a very modest figure. I simply could not believe that this government would put at risk such a significant event in the area of the performing arts over less than \$100 000. Quite frankly, it is chickenfeed in terms of the total budget in this state, which is somewhere around \$36 billion. For such a significant event in the area of performing arts for young Victorians the difference that we are arguing over here, less than \$100 000, is

absolute chickenfeed. It staggers me that this government has put this event at risk for that amount.

One thing I have always given the Labor government credit for is its political astuteness. It seems to know exactly what is needed at the right time and does what is popular and politically advantageous to its own ends. That is why I simply cannot understand this decision by this government. It is so dumb. It is a dumb decision to even put forward the suggestion that this event should close for less than a miserly \$100 000. Two weeks ago I thought this could not be right. Who in their right mind would ever put at risk an event like this for such a small amount of money?

I can understand Mr Merlino saying last night that the government has not cut funding and that it is in the second year of a two-year contract. It may be, but for goodness sake, it is amazing that that should come from someone who is supposed to be politically astute. This is an election year, and I would have thought the government would be handing out money hand over fist to make sure these events go ahead, yet it seems not to be so.

Of course the reluctance of the government to contribute more to support this event disappointed, and indeed raised the anger of, many thousands of young people right across the state, and so they should be angry. It is important that they express their disgust at this decision, and they are doing so actively now. We have seen petitions being tabled in Parliament and online petitions being assembled. It is estimated that there were 10 000 or more people at a rally outside Parliament House yesterday. This decision will generate the same numbers in protest, albeit I expect they will be from a slightly younger age group, coming from secondary and primary school students around the state of Victoria.

An excellent article appeared in the *Latrobe Valley Express* of Thursday, 18 February. A young lady, Sheridan Harbridge, spoke to the *Express* about her disappointment that the eisteddfod had been cancelled for 2010. She said she got her start in the Rock Eisteddfod and that being a country student from a country school she was provided with one of few opportunities to express her talents on stage. Such was that experience that she went on to gain a place at the National Institute of Dramatic Arts in Sydney. Since that time she has starred in a number of television series including *All Saints*, won the Sydney Cabaret Showcase and appeared in some productions. That is the sort of opportunity that this event provides for young people in this state.



I will give somebody else time to make some comment on this; I think it is only fair that the government respond. I say this in summary: I acknowledge the comment made by Minister Merlino in the Parliament last night that the government is in the second year of a two-year contract and is not cutting funding but has committed \$112 000. However, for the organisers to ensure that this event goes ahead they need \$200 000. It is not a huge ask of the government to make up the difference. Shame on the government for putting at risk this event. Tonight I call on the government to give a clear commitment that it will find the funds necessary to ensure that the Rock Eisteddfod Challenge for 2010 goes ahead as planned. It is the right and decent thing to do. I have given the government credit for being politically astute, and I would have thought it would be a simple, right and politically advantageous thing for it to do. I call on the government to ensure additional funding is provided to enable the Rock Eisteddfod Challenge for 2010 to proceed as scheduled.

**Ms BROAD** (Northern Victoria) — Like Mr Hall, I am disappointed that this matter has come on at this time and with so little time to debate these issues, as they deserve to be debated properly. I place on the record that the Victorian government has strongly supported the Rock Eisteddfod Challenge for more than 10 years. The Victorian government has an existing contract to provide the Rock Eisteddfod Challenge with \$112 000 in 2010, and I am pleased that Mr Hall acknowledged that. That contract is being honoured. It builds on the more than \$1 million that has been invested in the Rock Eisteddfod Challenge by this government.

The fact is that the Rock Eisteddfod Challenge is a profitable private enterprise in Victoria. The financial issues around the Rock Eisteddfod Challenge do not relate to financing in Victoria; they relate to financing in other states. I might add that the federal government invests \$700 000 in the Rock Eisteddfod Challenge. That again demonstrates the strong support in Victoria and federally for the challenge.

I am disappointed that The Nationals have been telling clear untruths about this matter and have used language in petitions such as ‘supporting the reversal of the decision to no longer fund the Rock Eisteddfod’, which is clearly untrue. The Nationals know it is untrue. The wording of the motion before the house tonight is also propagating untruths.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ms Broad.

**Ms BROAD** — The opposition might not like to hear that it has been propagating untruths in schools and to this Parliament in petitions it has presented to the Parliament, but the facts clearly demonstrate that what its members have been saying is untrue. What I have placed on the record clearly demonstrates that it is untrue.

The Victorian government calls on other states and the corporate sector to follow Victoria’s lead and contribute their fair share. Opposition members might like to talk to their colleagues in Western Australia, the government of which contributes no funding. The Liberal-Nationals government in Western Australia contributes no funding to the Rock Eisteddfod Challenge, unlike the Victorian Labor government and the federal government, which provide strong support.

It is another lazy position for opposition members to take to call on the Victorian government to provide funding for the other states that are not meeting their responsibilities, given that the Rock Eisteddfod Challenge is a profitable private business in this state.

*Honourable members interjecting.*

**Ms BROAD** — Members opposite might not like to hear this; they might want to shout me down, unlike what occurred when Mr Hall was heard respectfully in this place. Clearly it is not willing to offer the same courtesies. Given that we are almost out of time, I conclude by again reiterating the strong support from the Victorian Labor government for the Rock Eisteddfod Challenge.

**Debate adjourned.**

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

### **General practitioners: rural medical workforce rescue package**

**Mr VOGELS** (Western Victoria) — I raise for the Minister for Health, the Honourable Daniel Andrews, an issue concerning the submission put to the government by the Australian Medical Association Victoria for a rural medical workforce rescue package. Rural GPs and specialists regularly work extended hours due to isolation and there not being enough doctors in the town. That means that, in addition to their

daily practice, they regularly attend to after-hours calls, middle of the night and weekend call-outs and so on. AMA Victoria's rural medical workforce rescue package seeks a pool of funds for hospitals to pay for some of these services. The idea of the package is to help retain local doctors in country Victoria. The rescue package also recommends incentives for doctors to relocate to rural areas and proposes rewards for rural doctors for long-term contributions to their communities.

Apparently a recent survey by AMA Victoria revealed that one-third of country GP VMOs (visiting medical officers) plan to leave rural practice within five years. The survey revealed also that many doctors are ready to abandon rural practice because they are burnt out. As a past president of a country hospital board and now a member of the Rural and Regional Committee travelling around Victoria looking at disadvantage, I know that the quality of the health services, including access to a GP, is one of the major drivers of whether these country communities will survive into the future. AMA Victoria believes that if its survey results are accurate, 37 per cent of rural VMOs will be gone within five years. There will not be enough people left to train the next generation of country doctors.

The action I seek from the minister is to carefully dissect AMA Victoria's budget submission, because the ramifications of doing nothing will result in a disastrous outcome for rural communities. There is absolutely no doubt we need to look after country doctors so that country communities can survive and prosper.

### **Liquor licensing: fees**

**Ms LOVELL** (Northern Victoria) — The matter I raise is for the attention of the Minister for Consumer Affairs, and it is regarding the Brumby Labor government's unfair liquor licensing regime. My request is for the minister to conduct a complete review of this unfair tax increase that has been imposed on small family-owned grocery stores, country pubs and clubs, and small businesses such as florists and bed and breakfasts that are not the cause of the alcohol-fuelled violence in Melbourne's CBD (central business district).

In particular I would like to highlight the hardship this has placed on one of my constituents, Brendan Kennedy, who together with his wife owns and operates a small licensed grocery store in Poplar Avenue, Shepparton. Their business is located in a largely residential area and relies on the patronage of loyal customers who live in the surrounding area and

choose to visit their store over bigger major chain liquor barns and supermarkets.

The Kennedys are facing an enormous increase in their liquor licence renewal fee, especially if they choose to keep opening during non-standard trading hours, which would enable them to sell packaged liquor on Good Friday and Christmas Day. In 2008 their liquor licence renewal fee was \$170, in 2009 it increased to \$249 and this year the fee skyrocketed to \$6360 for a licence that enables them to operate during non-standard trading hours. If they opt for a standard packaged liquor licence their renewal fees would drop to \$1590, but they would be prohibited from selling packaged alcohol on Good Friday and Christmas Day and this fee would still be more than six times greater than their licence renewal fee last year.

Running a small business is hard work, and small businesses need every edge they can get over the big guys. Opening on public holidays such as Christmas Day and Good Friday is one way small businesses can offer an additional service to their community. As a former small business owner, I understand how difficult running a small business can be. Working on Christmas Day and missing out on the children opening their presents is not much fun, but it helps to give the business an edge over the bigger stores that do not offer that service. Closing on Christmas Day and Good Friday, as has been suggested by the liquor licensing authority, is not the answer. The loss of those hours would have an enormous impact on this business and its loyal customers. The owners of this business applied for a reduction in their licence fee under the hardship provisions but unfortunately it was not granted.

The effects of the Brumby Labor government's cruel liquor licensing changes are being felt right across Victoria, particularly in country areas where small businesses including pubs and bottle shops are struggling under the weight of hefty liquor licence fee increases. These are low-risk venues whose clientele consists largely of loyal regular customers who are not associated with the alcohol-fuelled violence that has been occurring in Melbourne's CBD. Small country pubs and clubs, mum-and-dad grocers and other small businesses are being asked to pay massive fee increases because John Brumby failed to clean up the King Street nightclubs.

### **Hospitals: data reporting**

**Mr KOCH** (Western Victoria) — My issue is for the Minister for Health and relates to the manipulation of data by public hospitals. A doctor at Barwon Health's Geelong Hospital claims that demand for

services is so high that patients are being placed on unofficial waiting lists to make it appear that government performance indicators are being reached, which is far from the truth. It is time the government dropped its mentality of providing spin rather than substance. Government resourcing and poor administration, combined with a peak in demand as holiday-makers head to the coast, has forced Geelong Hospital to cut corners so that it will look like it is meeting its targets when it is, in reality, falling well short of doing so. These factors have resulted in medical staff being pressured to discharge patients quickly.

When in opposition Premier Brumby pledged that he would get the basics of health care right. He said that Labor would ensure that all Victorians had access to a world-class public health system. Labor governments have now failed the public health system miserably. Over the past decade Labor has treated health care in Victoria, especially in regional cities, with lip-service and political spin.

Under Minister Daniel Andrews's watchful eye, data collection has been manipulated to create numbers that fit a prescribed and devious outcome. Despite the seriousness of these allegations, the health department has refused to investigate, instead claiming the allegations are too general in nature. The department is again attempting to shield the minister from the consequences of exposing the cover-up of waiting lists and the misrepresentation of reporting data that appears to extend right through his portfolio.

The management of resources has been a blight on the health system under successive Labor leaders. Covering up funding shortfalls is obviously the reason hospitals are manipulating their data. Barwon Health's Geelong Hospital accommodates one of the fastest growing regions in the state and is the front-line service for the Surf Coast and Bellarine Peninsula during the peak holiday period.

The Armstrong Creek development that will be built between Geelong and Torquay over the next 10 years will see another 60 000 people rely on Geelong Hospital for medical services, but not one extra bed has been planned to accommodate this influx of new residents.

My request is for the minister to fully investigate claims that data has been manipulated at hospitals throughout the state in order to protect the Brumby government during an election year. The minister needs to thoroughly examine issues, including any malpractices that have led to this crisis, and let Victorians know

when he will meet with hospital managers to restore current shortfalls in patient service delivery.

### **Rail: Footscray station**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport. I would like to raise some serious and urgent concerns about railway stations being modernised in a way which is distressing and potentially harmful to members of our community.

Many people have contacted me, including senior citizens coming in to my office, to express their concern and distress that the Footscray railway station upgrade will have steep stairs and lifts, but no ramps. The old ramps at Footscray were rotting and needed replacing, and you will get no argument from me that they needed to be done. They were an absolute disgrace. But many people cannot walk up steep stairs, including senior citizens, people with prams and some people with disabilities. The station is opposite the Footscray market and people with shopping trolleys cannot use the stairs easily.

There will only be three lifts for the four platforms, including one lift shared between platforms 2 and 3. If the lift breaks down, people getting off the train will be stranded on the platform. Unfortunately Mr Pakula is not in the chamber; if he were to ask the question, my answer would be yes, that this did come up in the consultation period. It was one of the things people talked about, but unfortunately it would appear the government has not listened.

Each platform at Footscray has some street access, which is better than nothing in an emergency, but we cannot say the same for Laverton station. Two weeks ago I was at Laverton station when an elderly woman got off the train. The lift was broken and the only alternative was the steep stairs. She had to call on the help of some fellow passengers to carry her up the stairs. This was a demeaning and dangerous situation.

I cannot help thinking it is because many government members do not use public transport. I use public transport most days. We have a transport minister who had a go at catching public transport after he got the job. It seems he spent a few days learning how the other half lives, but I suspect that now the cameras have gone away he is back to his chauffeured car.

Footscray is a transport hub, like North Melbourne which now has escalators for people changing platforms. But, unlike North Melbourne station, Footscray station is in the western suburbs. It seems

that as far as the government is concerned, people changing trains at Footscray can just take the stairs.

As members can sense, I am really angry about this because this is a station I use quite often, and I had hoped all these things would be fixed by this major upgrade. However, it would appear it will actually make it worse. People with disabilities deserve equality and people in the west deserve a safe and efficient public transport system.

My request for the minister is to ensure that every railway platform may be accessed by Disability Discrimination Act-compliant ramps, and to make escalators available at Footscray station. I would also urge him to avoid dismissing the question with an answer like, 'They're DDA-compliant lifts and that makes the station okay, and beyond that I don't care'.

### **Public transport: myki ticketing system**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport, Martin Pakula. It will come as no surprise that it is about the myki ticketing system.

I have received from a constituent — and I am happy to let the minister know who this person is, because I really want an outcome on this — an email, which I will read because it puts it very succinctly. It says:

I am reverting to Metcard because myki stinks!

There, I feel better already.

I have been arbitrarily charged a zone 2 fare in the mornings at East Camberwell or Camberwell as well as being charged a 2-hour fare when I leave Flinders Street at the end of that journey.

I was promised a refund of the early occurrences of this (and was apparently due them on 'next touch on' after 31/1, but alas, was never credited, refer 'my requests'). I have now been overcharged \$4.96 on five occasions.

The officer I spoke to this morning could not access my account due to 'computer problems'. Amazingly I could access my details on the Web.

My response is that I would like a complete refund of all overcharged amounts and all amounts currently in credit without deduction of any 'service charge'.

The fact that there is no service to charge for is another issue. I will be doing likewise with all accounts I have established for my other family members in due course.

The action I ask of the minister is: will the minister allocate one person in authority who can fix this unacceptable situation in a timely and efficient manner?

### **Mining warden: future**

**Mr DRUM** (Northern Victoria) — My matter for the adjournment debate is for the Minister for Energy and Resources, Peter Batchelor. It has to do with the position of mining warden. The mining warden position has existed in Victoria since 1857, making it the oldest continuous existing public servant position in Australia. In the mining industry itself there are deeply held concerns that the independent position of mining warden is about to be wiped out and the warden's functions quietly shifted to the Department of Primary Industries and the Victorian Civil and Administrative Tribunal.

The Victorian mining warden is widely respected, and there has been strong advice from the industry — for example, the Minerals Council of Australia — that the role should be kept intact. The mining warden occupies a unique and important position, adjudicating disputes between, say, miners and government departments, investigating complaints and resolving disputes. The wardens in past decades have had an enviable and applauded track record in keeping the mining industry on the straight and narrow. For most of the past 25 years the mining warden's head office has been established in Bendigo, with another office in Melbourne.

I have received correspondence from a geological consulting engineer, who said:

I am particularly concerned at the effect on mineral exploration in this state at a time when gold is again attaining a more realistic price ...

He went on to say:

I do not believe that I personally could justify recommending that clients consider exploring in the future in Victoria if the mining warden was abolished, given ... the other impediments to exploration in the state ...

He has asked for serious reconsideration of any decision the government may be making in this area. My request to the minister is that he consult extensively with the mining industry prior to making any decision on the future of the mining warden in Victoria.

### **VicRoads: agricultural show signage**

**Mr O'DONOHUE** (Eastern Victoria) — I refer the Minister for Roads and Ports to a matter concerning VicRoads' approach to signage. This is the 99th year of the Pakenham and District Agricultural and Horticultural Show, and the Bunyip and District Agricultural Show is back after a two-year hiatus. The Pakenham and Bunyip shows are key parts of the West

Gippsland calendar. They are run by volunteers, who work very hard to make the shows work.

As part of the publicity for their respective shows signage is placed on VicRoads reservations. This is illegal, and the organisers of the show admit this, but it is a longstanding practice. I spoke with the secretary of the Pakenham show this afternoon who said this has been a practice for as long as she can remember.

This week a contractor engaged by VicRoads has done a sweep along the Pakenham bypass and the Old Princes Highway and removed all illegal signage. This has been done without notifying the representatives of the Bunyip or Pakenham show, and the signage has been taken offsite by the contractor to a location that has not yet been determined but is believed to be on the Mornington Peninsula. We have volunteers who are most distressed that they will not be able to publicise their respective shows, which are coming up soon — next month for Pakenham and April for the Bunyip show — as they wished; and their signage has been confiscated and moved a long way from Pakenham and Bunyip. They feel this is unfair.

Whilst their signage may have been illegal, it is a longstanding practice for them to be able to publicise their shows. The action I seek from the minister is that he work with VicRoads and representatives of the Pakenham and Bunyip shows to enable them to display advertising for their upcoming events in a way which is satisfactory to the minister but which allows them to garner public support for these important community events. It seems the government has taken a very heavy-handed approach to these community volunteer organisations, and I ask the minister to intervene so a satisfactory outcome can be achieved.

### **WorkCover: claim**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. It relates to the WorkCover claim by Mrs Sue Smeaton, which is well known to the minister and the Victorian WorkCover Authority (VWA).

On 23 November last year I wrote to the minister with respect to a finding on this matter. The Smeaton case has been before the Victorian Civil and Administrative Tribunal with respect to a number of elements of that claim. During the course of the VCAT hearings the tribunal found that a document relied on by the Victorian WorkCover Authority in order to reject an

element of the Smeaton claim was a fabricated psychiatrist's opinion — it was a false document.

The decision which relied upon that document was sent to Mrs Smeaton on 14 May 2004. Subsequently in the hearing an effort was made to identify who had signed the document on behalf of the Victorian WorkCover Authority, relying upon that fraudulent psychiatrist's opinion. The advice from the VWA was that it was not possible to identify who the person was but that it was signed for and on behalf of the Victorian WorkCover Authority.

In a response from the WorkCover minister on 29 January this year in relation to this matter, the minister advised that essentially the decision was made in accordance with the Accident Compensation Act and that the matter had been dealt with in accordance with VWA policy. My concern is that this is the second instance in which a fraudulent document, a fraudulent medical opinion, has been relied upon by the WorkCover Authority or its agent to reject a WorkCover claim.

What I seek from the minister is his investigation into how a fraudulent medical opinion has been allowed to be used by the Victorian WorkCover Authority and its agent in order to reject this claim, and why the authority is not able to identify which of its officers was responsible for using this fraudulent document to reject the Smeaton claim.

### ***Curlip II: funding***

**Mr HALL** (Eastern Victoria) — I wish to raise a matter with Mr Jennings in his capacity as the Minister for Environment and Climate Change. It concerns the paddle-steamer *Curlip II* at Orbost. I know the minister is aware of this particular ship because he has been on it. He would be aware that it is a replica of a paddle-steamer that operated on the Snowy River between 1893 and 1919. It has been a magnificent community effort, involving some 16 000 volunteer hours of community work, to bring about the replication of this paddle-steamer. The ship has been operating for a little over a year now since it was launched in 2008, but the committee is finding it a struggle financially to keep this operation going.

My purpose in raising this matter with the minister tonight and the action I am seeking is for him to explore, through his department or other government departments, the possibility of providing some financial assistance for the operations of this tourism attraction, or other in-kind support that might be provided through

the minister's department or other government departments.

I raise the matter with the Minister for Environment and Climate Change because of the fact that Parks Victoria already operates a couple of commercially based tourism attractions in the region. I note Parks Victoria has some involvement in the operation of two natural tourist attractions, Buchan Caves and the Cape Conran cabins. The Curlip committee has asked me to explore with the minister whether Parks Victoria could in some way also be involved in the operation of this tourist attraction, being the paddle-steamer *Curlip II*.

I know the committee is exploring the possibility of involving a commercial operator in the future operations, but it does need a bit of help. We would not like to see this particular venture closed because of the cost of operating it. Therefore I again ask the minister to explore the possibility of his department providing some financial operational support or other in-kind support to enable this worthwhile tourist attraction in East Gippsland to continue.

### **Brunswick Special Developmental School: future**

**Mr GUY** (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Education and concerns Brunswick Special Developmental School and its impending closure.

The Brunswick SDS is an educational facility for 65 kids who are severely intellectually disabled. The state government has announced that the school will close — or, in the words of the current government, relocate — to a new site in Bellfield some 15 kilometres away. It will not be in the same neighbourhood and will not be in a geographically central region for the school's student zone as it is now. It should be noted that some of the Brunswick SDS kids come from as far away as Keilor.

The kids who go to Brunswick SDS are not physically disabled and thus are not able to be transferred to local schools which educate children with a physical and intellectual disability. Therefore when the Brunswick school closes many kids will spend up to 2 hours each way each day on a bus heading from the inner north to Bellfield. It must be remembered that all of these kids need to be picked up from their front doors and then settled on to the bus, which is not an easy process.

I have been contacted by a number of concerned parents who are begging the state government not to close the Brunswick SDS. The impact upon the

severely disabled kids who attend the school will be enormous. It is just not feasible to stick them on a bus for 2 hours each way each day.

To its credit, the federal government gave \$5 million to the school for capital works under the BER (Building the Education Revolution) funding scheme. The local federal MP, Kelvin Thomson, even headed to the school to present the cheque for the funding. To his horror, and to the horror of parents, four weeks later the state government announced it was using that funding to build a new SDS school in Bellfield, next to a waste transfer station, and thus the Brunswick school was closing.

The state government claimed the site was too small, but it never had architectural drawings done for the current site, which includes a second-storey building which could house the operations and offices of the school, not classrooms. The state government claimed it had consulted parents, but consultation consisted of one telephone call asking if parents supported a new school and not mentioning that this meant the end of the Brunswick site. The state government claimed that to meet BER time lines the school had to close, but the government did not allow the school to apply to the federal education department for an extension of time, which it is entirely feasible it would have received.

Enrolments are not an issue: the Brunswick SDS has doubled its enrolment over the last three years. The Brunswick SDS could even be merged with Coburg into one school operating with two campuses — a primary and a secondary one.

The simple point is that when there is a growing demand for intellectually disabled children to be educated in the inner northern suburbs of Melbourne, the facility that educates them now should not be closed.

My requested action tonight is simple: I ask the Minister for Education not to close the school, to keep it open and to build a new building on the existing site.

### **Regional and rural Victoria: government fees**

**Mrs PETROVICH** (Northern Victoria) — My matter on the adjournment is for the Minister for Regional and Rural Development. It concerns liquor licensing and insurance premium increases imposed on small hotels throughout my electorate. One example, and I could cite many similar ones, is a small hotel in Wallan called Rattlers Hotel, which is a true country pub. This hotel had a substantial increase in the cost of its liquor licence, from \$500 four years ago to \$1000 in

2008. Last year the huge amount of \$2388 was imposed. This is an increase of 138.5 per cent. Last year's insurance premium was \$6796.26, and the quote for this year is \$13 521.71, including a \$1807.99 fire services levy. This is an astronomical increase of 98.96 per cent. This hotel, although outside the bushfire-affected area, has the same postcode as it and is incorrectly tagged as fire-affected, hence these increases.

This business is part of the social fabric of the Wallan community. It provides meals and family entertainment and provides musicians with the opportunity to perform, often for the very first time, in front of a live audience. It fundraises for a number of community charity events, employs four full-time staff and also trains and provides work for certificate III students in hospitality. This venue also provided shelter for people and their animals during the fires that surrounded Wandong when people fled to Wallan to seek refuge.

Law and order issues in metropolitan Melbourne and lack of police numbers have created the liquor licensing increases which have been imposed, and the bushfires have caused huge hikes in insurance. Now country pubs and live music venues are paying the price for irresponsible licensing approvals by this government of large late-night venues in King Street and the central business district and for the lowest police numbers of any state in Victoria. The action I seek is for the minister to release the economic analysis of the impacts of these changes on the vulnerable businesses in rural and regional Victoria.

### **Bushfires: Walhalla warnings**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change concerning the impact on tourism at Walhalla of false fire warnings. Tourism at Walhalla has taken a severe blow since the Black Saturday fires of 2009, even though it was not the scene of a fire at the time. The main cause of the problem is that the government has been providing incorrect fire warning information in respect of Walhalla.

To his considerable dismay, Walhalla publican Michael Leaney found on Christmas Day that operators of the Parks Victoria phone information line were giving callers a message that the Walhalla historic area was closed due to an extreme bushfire threat and would be closed until further notice, and that the area should be avoided. Mr Leaney's observation from the veranda of the Star Hotel was that Walhalla was getting a good soaking rain. He tried to clarify the situation with the bushfire information line but it was closed for the

Christmas long weekend, and he found nothing to substantiate the fire warning on any government website. Finally, it came to light that the warning dated from February 2009. Over the subsequent 11 months no-one had bothered to update the fire warning status of Walhalla with the Parks Victoria information line.

To use a mining industry analogy, Walhalla is a canary for the Victorian tourism industry in that it is totally dependent on tourism, and local businesses experience fluctuations in market sentiment immediately. The incorrect fire warning therefore had an extremely damaging impact on the town. The hotel's occupancy rate over the last Christmas season was the worst in seven years, excepting 2006, when in fact the area was affected by the Moondarra bushfire.

However, instead of helping resolve the problem with information flows, the government took a defensive stand. In response to Mr Leaney's move to put a message on the Walhalla and Mountain Rivers Tourism Association's website that the best approach for intending visitors is to call up a local for accurate information, the association's website was effectively blacklisted. Links to the site were removed from the government-funded Gippsland Tourism portals because statements like that were inconsistent with its message and the government's message. They were saying to Walhalla, 'You toe the line or else'.

I therefore ask the minister to act to ensure that Parks Victoria and other government agencies provide accurate up-to-date information on the fire situation at Walhalla, and further that he take up the matter of public messaging for Walhalla with his colleague the Minister for Tourism.

### **Planning: Bonbeach development**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Planning. It is in relation to a VicUrban development in Bonbeach. I note that indeed it was listed — —

**An honourable member** interjected.

**Mrs PEULICH** — Bonbeach, not bondage!

Concerns have been raised by local residents that as a result of some quirky rezoning process approval had been granted for the development of approximately 19 units back in 2006. Very recently there has been an announcement that there will be an 82-unit, three-storey development built on what is known as the old Chisholm TAFE site at Bonbeach, which is very close to the Patterson River Country Club — a very pretty

part of town. Residents are concerned because there have been significant parking concessions given and obviously there are huge concerns about the overdevelopment of the site. The issue has been picked up by both the local papers, and concern has been expressed about whether due process has been followed because local residents have not been fully advised about the proposed development, have not had the opportunity to lodge objections and certainly have not had the opportunity to exercise their third-party appeal rights.

The concerns were well summarised by a commentator to the *Mordialloc-Chelsea Leader* article. She wrote:

How is this proposal open, fair and transparent if in fact the number of medium-density units has been increased from the original 19 to 82 without being advertised? A three-storey monster will not fit in with the local surroundings and landscape, not to mention the increase in traffic and noise. I do not oppose medium-density development and believe it is necessary to support the ever-increasing Melbourne population; however, council needs to reconsider scaling back this development proposal to avoid a ... backlash.

The proposal is actually for a VicUrban development, so I ask the minister to look at this issue, to ensure that due process is followed so that all the residents of this beautiful part of Kingston are given the opportunity to lodge objections and have their concerns addressed and to make sure that third-party appeal rights are part of the planning process.

I am concerned that this is another example of local communities being trampled over and having their rights stripped to the detriment of their amenity and neighbourhood. I call on the minister to exercise his ministerial power to make sure that that process is reinstated, if it does not already exist.

### **Police: Neighbourhood Watch**

**Mr D. DAVIS** (Southern Metropolitan) — My matter on the adjournment tonight is for the Minister for Police and Emergency Services. It concerns the decision by Victoria Police and the government to wind back the activities of and support for Neighbourhood Watch across the state.

Representatives of a number of local Neighbourhood Watch groups have spoken to me. Some have had detailed conversations with local police, others with the Neighbourhood Watch hierarchy. It is clear that Victoria Police, with the support of the government, has made the decision to wind back its support, both financial and physical, for Neighbourhood Watch. This is certainly the case in three municipalities with which I am very familiar — Whitehorse, Boroondara and

Monash — and I am told that it is also the case in Glen Eira.

Meetings between the police and Neighbourhood Watch members have made it clear that this is a peremptory decision; the matter has not been negotiated. The Neighbourhood Watch committees have been told that there will be far less support in future. This is not only financial support but also, and importantly, police will no longer attend Neighbourhood Watch meetings and local crime statistics will not be available to Neighbourhood Watch groups, which have been ordered to look only at municipality-wide statistics.

One of the key purposes of Neighbourhood Watch is to retain close links in the community. The times and locations of local crimes have traditionally been recorded in some detail in the bulletins distributed by watchers — volunteers, I might add — in many cases with the support of MPs, who often provide photocopying facilities. That has traditionally been an effective means of local policing.

Concurrent with this we have seen the winding back of police officers at local police stations. At the Ashburton police station near my office police numbers have been cut from 11 to 1. The local police presence is being significantly wound back. This is also a time when the rate of community violence is rising — for example, in Monash there has been an increase of 15 to 16 per cent in the rate of recorded violent incidents over the last few years. It seems to me that this is the wrong time to be winding back local community policing. The state government needs to make sure that the police and Neighbourhood Watch have sufficient resources to undertake their tasks, so I ask the minister to review this and make sure that money is available — —

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

### **Responses**

**Mr JENNINGS** (Minister for Environment and Climate Change) — I have a written response to the adjournment debate matter raised by Mr David Davis on 10 December 2009. Beyond that, I have the following matters that I will refer to my colleagues.

John Vogels raised a matter for the Minister for Health asking him to dissect a report prepared by the Australian Medical Association's Victorian rural doctors group.

Wendy Lovell raised a matter for the Minister for Consumer Affairs asking him to review the reforms of



the liquor licensing regulations that have occurred in recent times.

David Koch raised a matter for the Minister for Health asking that he evaluate the reliability of hospital-based health statistics and the effective use of them in the past.

**Mrs Coote** — Could you speak up, please?

**Mr JENNINGS** — I know you are hanging on every word. I will make a special review of your one-person matter in a second.

Colleen Hartland raised a matter for the Minister for Public Transport seeking his assurances about the quality of modernisation of railway stations and asking that he make sure they are appropriately accessible for people with disabilities.

Andrea Coote read from an email from one person who feels better already, having shared their concern about the way in which myki works. She seeks one person to take responsibility to try to ensure that this one person's concerns are addressed and that any similar concerns of other persons are also addressed.

Damian Drum raised a matter for the Minister for Energy and Resources to try to provide for adequate consultation for the mining industry about the future arrangements for the mining warden.

Edward O'Donohue raised a matter for the Minister for Roads and Ports. I think I distil from that that he wants the Bunyip show and the Pakenham show organising committees to be able to display advertising material on roadsides to support the activities of their shows. He seeks the intervention of the Minister for Roads and Ports to provide for that in a way that not only satisfies VicRoads and its requirements but provides support for those shows.

Gordon Rich-Phillips raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission seeking his review of the Victorian WorkCover Authority, particularly in relation to a specific case which he named, which has been before the Victorian Civil and Administrative Tribunal and referred to a determination of VCAT. I congratulate Mr Rich-Phillips on getting back on the horse; I am referring to WorkCover and matters that have come out of the court system. I am sure the minister responsible for WorkCover will respond to that matter.

Mr Hall raised a matter for my attention. He reminded me of a very pleasant morning when I had the delightful experience of meeting the organising

committee and the people who have been responsible for the development of the *Curlip II*. I join Mr Hall in congratulating those people for that outstanding achievement in its own right, and beyond that on the real and hopefully ongoing tourism attraction that it will be.

Something Mr Hall did not mention in his presentation is that it also provides a training opportunity for students to come and see how steam engines work and to become familiar with the engineering that has been involved in the development of the *Curlip II*. It is a fantastic asset for not only the people of Marlo and East Gippsland but Victoria.

**Mr Drum** interjected.

**Mr JENNINGS** — That is the reason I made sure when I came back that I talked to Parks Victoria about ways in which it could provide tangible in-kind support, and I believe some of that has already been provided. However, I take on notice that there is, as Mr Drum says, hope that I can wring a little blood out of a stone and get a better result. We will see what we can do.

Matthew Guy raised a matter for the attention of the Minister for Education seeking her support to redevelop the Brunswick Special Developmental School on its current site.

Donna Petrovich raised a matter for the Minister for Regional and Rural Development seeking the release of information that relates to economic analysis that may be associated with the liquor licensing reforms. The minister may do that collaboratively with the Minister for Consumer Affairs, who would be responsible for that matter.

Philip Davis raised a matter for me, wanting to make sure that the sources of information provided by state agencies, which include my own, relating to fire warnings are accurate in the first instance and timely. He referred to an unfortunate error that occurred over the Christmas and new-year period. I can assure him it was the intention of those agencies to remedy those errors that may have led to that problem. Beyond that he drew attention to other cross-linking aspects of promotion of tourism activities and the desirability of people travelling to the region to be supported by linkages with government and our agency's Web systems rather than being denied access to them. That is a matter that I have not had referred to me before. I will have a look into that. It is a reasonable point, and we will see what we can do.

Inga Peulich raised a matter for the attention of Minister for Planning seeking what she describes as 'due

process'. I am not sure what means in terms of the formality of the planning decisions that she refers to in Bonbeach, but I am sure the Minister for Planning will review that.

David Davis raised a matter for the Minister for Police and Emergency Services seeking his engagement with Victoria Police about the access and availability of Neighbourhood Watch data and how that relates to the ongoing success of the Neighbourhood Watch program.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.45 p.m.**