

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 24 March 2010

(Extract from book 4)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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

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

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

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

Joint committees

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

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

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

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

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

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

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

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith.

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

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 C. Gentner

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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| Leane, Mr Shaun Leo | Eastern Metropolitan | ALP | Vogels, Mr John Adrian | Western Victoria | LP |

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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Wednesday, 24 March 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:

Equal opportunity: legislation

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the objection of the Victorian community to the proposed changes to the Equal Opportunity Act 1995 which will:

1. seriously threaten the educational freedom of independent or faith schools and remove or restrict the freedom of faith-based schools to operate in accordance with their beliefs and principles;
2. remove or restrict the right of schools to employ staff who uphold the school's values;
3. provide the Victorian Equal Opportunity and Human Rights Commission with the power to launch investigations of 'systemic discrimination' whether or not it has received a complaint;
4. allow the Victorian Equal Opportunity and Human Rights Commission to enter schools, small businesses and churches to conduct searches and seize documents and other material as part of their investigations;
5. remove sporting and recreational clubs from having a single-sex membership base.

The petitioners therefore respectfully call on the state government to abandon its plan for the removal of the exemptions to the Equal Opportunity Act 1995 which currently serve to protect the core interests of our faith schools, single-sex clubs and small business.

**By Mr ATKINSON (Eastern Metropolitan)
(140 signatures).**

Laid on table.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

Departmental and agency performance and operations: Growth Areas Authority

**Mr RICH-PHILLIPS (South Eastern Metropolitan)
presented report, including appendices, together
with transcripts of evidence.**

Laid on table.

Ordered that report be printed.

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

That the Council take note of the report.

In October 2008 the committee resolved that it would undertake an inquiry into departmental and agency performance and operations. In February 2009 it decided to conduct hearings with the Growth Areas Authority with respect to its activities during the 2007–08 financial year. As a consequence of that reference, in late April the committee conducted its first hearing with the Growth Areas Authority and took evidence from Mr Peter Seamer, the chief executive, and Mr Chris Banks, the chairman of the GAA, with respect to its activities in that financial year and its activities going forward.

As it was a contemporary issue at the time the committee looked in particular at the growth areas infrastructure contribution (GAIC) proposal, which had been floated by the government in late 2008 and had not crystallised as legislation at that stage. In the committee's view it was a worthwhile activity to look at the way in which the Growth Areas Authority was responsible for developing and implementing that policy and the issues surrounding it, including the development of changes to the urban growth boundary and the proposals for the urban growth zones, the development of which was one of the functions of the Growth Areas Authority.

At the hearing on 23 April the committee went into some detail with Mr Banks and Mr Seamer as to exactly what role the GAA had played in the development of the GAIC policy and those related issues, including its work on the ongoing development of precinct structure plans separate to the GAIC process. As a consequence of that hearing on 23 April there were a number of matters that were outstanding with respect to information the committee sought. The advice we received from our witnesses, particularly Mr Seamer, was that that material could only be provided on the agreement of the Minister for Planning.

As a consequence over the following months a range of correspondence went back and forth between the committee and the Growth Areas Authority regarding access to that information from the Minister for Planning. Much of the information was not forthcoming at that time, so the committee resolved to have a further hearing with the Growth Areas Authority on 7 September in which those issues were further pressed by the committee. Some matters were addressed in the subsequent hearing, but further matters were again taken on notice by the GAA. This ultimately led to a third hearing with the Minister for Planning on 2 December, when he appeared before the committee to give evidence. I have to say that from my perspective

that was no more illuminating than much of the information we had been provided with by the GAA in its 23 April hearing.

Despite the evidence we had received from the GAA that these matters were in the hands of the Minister for Planning, when it came to actually obtaining evidence from the minister on 2 December he also took on notice much of the material that the committee was seeking. Unfortunately the committee only a week ago received a final response to those matters that were taken on notice on 2 December by the minister. Regrettably this has been a very drawn-out process.

It has been the committee's intention that these reports on particular agencies will be prepared and submitted in relatively short-order time after the hearings are conducted. Unfortunately, due to the lack of responsiveness from the GAA — and that is not a reflection on that body, which attributed the reason for that to the Minister for Planning — we have had to wait for drawn-out responses from the Minister for Planning. Indeed the most recent response from the minister on 15 March this year indicates an unwillingness to provide the committee with much of the information it was seeking around the GAIC and urban growth boundary expansion process, including the basis on which the minister and the government had asserted a number of the estimated cost impacts on the price of land that would result from implementing the GAIC and expanding the urban growth boundary.

It is regrettable that having gone through this process over a period of some nine months and having finally received a final response from the Minister for Planning last week the committee is in no better position to advise the house on the matter of how the government reached its conclusion with respect to the impact of the implementation of the GAIC and the implementation of the expansion of the urban growth boundary.

What the committee has done is include in its appendices to this report transcripts of all the hearings it undertook, including the written responses received from the Minister for Planning when they eventually came in, and we note with some regret that the minister's responses were so limited and so delayed that the committee's capacity to table this report in a timely fashion — it would have been more relevant to the house at the time when the legislation was considered — was limited. I think that reflects badly on the government and this minister with respect to his engagement with this house.

I would in conclusion like to thank the witnesses from the Growth Areas Authority, Mr Banks and Mr Seamer,

who appeared on two occasions to give evidence and by their own admission were hampered in doing that by the Minister for Planning's reluctance to present information to the committee. As always, I would like to thank the committee secretariat, which was involved in the preparation of this report. Obviously Richard Willis, as the secretary of the committee, oversaw its completion, as did Anthony Walsh, and more recently, as the inquiry was being completed, Sean Marshall worked on the report. On behalf of the committee I would like to thank our staff for their hard work in finally bringing this report to a conclusion. I commend the report to the house.

Mr TEE (Eastern Metropolitan) — I too rise to speak on the report on the Growth Areas Authority, and in doing so I must say I welcome this initiative in terms of the existence of the Growth Areas Authority, and I also want to acknowledge the important work that it is doing. Having heard now from the authority on three separate occasions it is clear that its role is a very important one. It is about ensuring that we have got well-designed neighbourhoods and ensuring that we have got improved planning and infrastructure coordination, particularly in our growth areas. What this means is really two things: it means that we have got planning outcomes that are coordinated rather than haphazard, which means we ensure we have housing that becomes a part of communities rather than housing out in the abstract. This means we get housing where there are jobs, so there is employment, and we get housing where there are shops. That is a really important part of the role that the authority plays.

The other aspect of the authority's role is to make sure that the planning process and the planning approvals move as quickly as possible, consistent of course with ensuring that all of the protections in place, whether they be environmental or otherwise, are kept on track. There was some discussion around this by the committee, but essentially, notwithstanding the significant probing by some members of the committee, there was really an inability to move or dent the statement that the savings of up to \$10 000 per lot for homebuyers in growth areas would be achieved through the streamlining of planning reforms. That is another important outcome which was examined, as I said, closely by the committee — that is, not only do you get better outcomes but you get cheaper land for homebuyers. That is a really important issue.

The work of this committee is important and should really be apolitical. I am a little bit surprised by Mr Gordon Rich-Phillips's attempts to, I suppose, politicise the work of the Growth Areas Authority and the individuals concerned.

The reality is this is important work. This is about making sure our suburbs are planned, making sure that our suburbs are established in a coordinated way and making sure that the release of land is done in a coordinated manner. One hopes this would occur with a much more bipartisan sort of approach than an approach which has the committee chasing shadows, and going down all sorts of burrows without any real strategy or plan, which I think diminishes the work of the committee somewhat.

Notwithstanding the three meetings and a reasonably voluminous degree of correspondence, I suspect the integrity of the process, the integrity of the outcomes and the integrity of the findings around the \$10 000 savings all held up reasonably well. I want to thank the Growth Areas Authority for its attendance and its cooperation and patience as we went through the process.

Mr HALL (Eastern Victoria) — I want to make a couple of comments about the report of the Standing Committee on Finance and Public Administration, of which I was a member. I want to recount to the chamber some of my overriding impressions of this committee's work.

It is an important committee and was supported by all sides of this house when it was established. It carries a heavy workload, and I commend particularly Mr Rich-Phillips, its chairman, for very capably chairing the work of the committee. As I said, it does have a heavy workload and consequently members who participate in it share that workload. All parties are represented on that committee, which is great. I also want to commend the various staff of the Parliament who have served that committee very well.

One of the overall impressions left in my mind from that inquiry is the difficulty the committee had in extracting information from the government. There was no clearer example than the series of meetings that this committee had with the Growth Areas Authority, as Mr Rich-Phillips outlined, mainly because we had to continually strive to get information from the government and to ask it to justify some of the assertions and claims it made with respect to the uplift in costs, for example, for land included within the urban boundary. That information has still not come in a clear fashion to members of this committee.

Those who wish to read the report and the responses from the government will see that the information provided and the answers to the questions sought by the committee is very vague, to say the least. I come to the conclusion, when asking why it is so difficult to provide

this information, that in many instances the work to substantiate that information simply has not been done. For example, in terms of an assessment in this particular inquiry of the uplift in value for land being brought into the urban growth boundary, I reckon there have been guesses as to that figure. I do not believe there has been substantial work undertaken by the government to have any robust methods through which those calculations can be made. That is why it is so difficult for this information to be provided to the committee.

It goes to the issue of spin. The government has embarked upon processes with the growth areas infrastructure contribution legislation with the foundations of information which I do not believe has been thoroughly researched or validated. Consequently when the committee tries and fails to understand and get justification for some of the assertions made by government, the conclusion I draw is that the homework has not been done by the government. It has been frustrating, and I am sure this level of frustration will be experienced again in other inquiries undertaken by the committee.

It was disappointing that the committee had to call the minister back on two occasions, but that reflects the general nature of the Minister for Planning and his department. Another clear example of this is the fact that I know constituents in South Gippsland cannot even get the documents on the recently changed planning approval for the Bald Hills wind farm. The planning document has not been updated. Despite the minister approving the change in the planning conditions before Christmas, my constituents are still unable to get the revised, updated planning document, which specifies exactly what that change has been and what the implications will be. It is total incompetence by the Department of Planning and Community Development, particularly the work associated with the planning scheme changes for which the minister has responsibility.

This inquiry into the Growth Areas Authority has been frustrating. More could have been achieved had the government done its homework, cooperated and provided the committee with the information it sought in a timely fashion. It is far from satisfactory. The whole issue reflects poorly on this government, particularly on the Minister for Planning, who in his response to this committee has demonstrated yet again that he is incapable and incompetent in his position as the Minister for Planning.

Mr GUY (Northern Metropolitan) — I wish to make some comments on the inquiry of the Standing

Committee on Finance and Public Administration into the performance of the Growth Areas Authority (GAA). Obviously this is an area in which I take particular interest, given my shadow ministerial portfolio. It is a matter that is of considerable importance to the future of Melbourne. The reason the committee looked into the GAA for the second time in 2009 was to ascertain a number of issues in relation to the urban growth boundary, such as land supply, the growth areas infrastructure contribution (GAIC) and other issues that relate to all of those areas.

As has been articulated by a number of previous speakers, this committee was — surprise, surprise! — hindered by the Minister for Planning in providing material to us. It was difficult to obtain information about claims that the government had stated were fact. I would have thought that if the government had been stating claims throughout the media for the previous 12 months, which was what the committee was looking into, then it would have been fairly easy for it to provide to the committee factual information as the basis of its claim. But, as has been said before, that was extremely difficult.

One of the matters the committee looked at fairly early in the process was the claim made by the Premier early last year that the government would be releasing 90 000 lots in Melbourne. He claimed that 90 000 new land lots would be released in the new urban growth zone and that the Growth Areas Authority would be there to manage the release. On the 2009 figures, 90 000 new lots is around 11 years of land supply. The argument that the Premier put forward just a few months later that Melbourne was running out of land supply and that the 90 000 new lots had hardly been targeted, looked at or brought on-stream, as evidenced by the Growth Areas Authority, beggars belief that the government's planning policy was at all consistent.

We heard that statement about the 90 000 new lots made as fact by Premier John Brumby, and as the committee was obviously intended to do, it quizzed the Growth Areas Authority. I thank, as Mr Rich-Phillips did, Mr Banks and Mr Seamer, who are the bearers of bad news in many ways, because they have to appear before these committees and tell the truth, which is that the government's promise was really spin, it was shallow. John Brumby, planning minister Justin Madden and a few other Labor members probably donned the hard hats and headed off to Melton station — —

Mrs Peulich — And the fluoro jackets!

Mr GUY — You are right, Mrs Peulich, they put on the fluorescent jackets and headed off to Melton to announce what a great policy initiative it was to bring forward 90 000 new lots. On the front page of the *Herald Sun* we saw the promise made by the Premier about the 90 000 new lots, but they are nowhere to be seen — 90 000 new lots for Melbourne, 11 years of land supply — —

Mrs Peulich interjected.

Mr GUY — It was a good 24-hour news story, Mrs Peulich; you are dead right. But the reality is that the spin did not match the substance, because the committee heard evidence from witness after witness that it was just spin; it was not fact, it was not reality.

What should be remembered is that when the Premier claimed that the thousands of new lots of land on Melbourne's outskirts would come forward he said — and these are the Premier's words — 'This will make land \$10 000 cheaper in Melbourne's growth areas'. He did not say it would be \$9999, \$6000, \$2000 or \$500 cheaper; he said land would be \$10 000 cheaper in Melbourne's growth areas as a result of this promise by the government. Again we on the committee found that this was complete and utter rubbish.

When the Minister for Planning was questioned about the Premier's pledge of \$10 000 cheaper lots we had the strange situation of the minister having to take the question on notice. He said, 'That is a comment made by the Premier. I will have to take it on notice to see where he got the information from'. You would have thought the Minister for Planning would have ready knowledge of his own portfolio regarding the claim that land in growth areas would be made \$10 000 per lot cheaper, but that question was taken on notice.

We agreed to have the question taken on notice because we wanted to see where the evidence of the \$10 000 saving came from. A month or two after the minister appeared before the committee we received a response from the minister saying:

I am currently awaiting legal advice in relation to the information sought on streamlining planning reforms and potential savings for homebuyers in the growth areas.

You would think if there were a basis in fact for the claim that the government's reforms would make land in Melbourne's growth areas \$10 000 per lot cheaper, the government would not have to run around seeking legal advice but would be very happy to make it public.

Mr Koch — And stand by their comments.

Mr GUY — They would absolutely stand by their comments as based on fact and evidence. However, we had the bizarre situation of the government having to seek legal advice regarding whether it could substantiate a claim that was put out by the Premier and was all over the media.

The committee received further correspondence from the minister some three months later. We had to follow up on this yet again and ask the minister, ‘Is your \$10 000 pledge true — yes or no?’. It took three months simply to get a reply from the minister. Some three months later — five months after he appeared before the committee — he replied and referred to:

... the issue of how streamlining planning reforms could achieve potential savings of \$10 000 per lot for homebuyers in the growth areas.

The language slowly started to change again. It went from a rolled gold \$10 000 guarantee of cheaper land in growth areas to a reference to ‘potential savings’. In other words, the savings could be \$10 000, they could be \$500 or they could be based on imagination and spin, which is more likely to be the reality. There was nothing of the sort.

An honourable member interjected.

Mr GUY — Mr Tee said we are politicising it, but I do not think we are. If claims are made about the price of land plots in growth areas, we have every right to ask if people are being led on as to whether land will be cheaper, because the reality is that it looks like it will not be.

At the time the GAIC bill was being debated last year the government stated that if the bill were delayed, it would increase the price of land lots in Melbourne’s outer suburbs by \$30 000. We heard class warfare rubbish from the Minister for Finance, WorkCover and the Transport Accident Commission, Tim Holding, who espoused such arguments in Parliament and got himself on TV — and the Premier and a couple of other ministers had a go. They said land would be \$30 000 per lot more expensive in Melbourne’s growth area if the GAIC bill did not pass. This was interesting, because the day before the Premier stated that it was imperative to move the urban growth boundary — despite the 90 000 lots that he brought on for what he reckoned would be 11 years land supply — the Minister for Planning wrote to industry groups saying, ‘If you want to have a working committee to look at the bill so that we can talk about it for the next few months, I am happy to oblige’.

It is either urgent or not urgent. The Premier said it was urgent because it would skyrocket land supply, while the day before the Minister for Planning said, ‘It’s no big deal. Why don’t you talk to us about it, and we’ll have committee meetings over the next couple of months?’. Is it urgent or not? That is what the committee quite responsibly sought to find out. As I said, we asked the Minister for Planning a specific question about the \$30 000 figure — was it true or was it spin? He said we would have to ask the Premier. In fact he said:

I would have to get the source of information that the Premier received.

Again this is something you would either know or not know if it were in your portfolio, bearing in mind that the cost of land is one of the biggest issues in the planning portfolio, as outlined in this report. In the hearing I said to the minister:

The Premier says \$20 000 to \$30 000. Where did the figure come from?

You would think the minister would know the answer off the top of his head, that there would be a policy which says, ‘If this is not passed, it will be \$30 000 a hectare more expensive on the land lot’, yet the Minister for Planning said, ‘I will have to get the source of the information the Premier received’. In other words, he has absolutely no idea.

One of the things the committee also examined and talked about was the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill which had been drafted at the time. In hindsight that bill was a complete farce, as mentioned in a certain government memo which is now the subject of another committee inquiry; one can see mentions of the growth areas infrastructure contribution and the Growth Areas Authority peppered throughout the minister’s media plan, which has also been mentioned.

The reason the committee was asking about that was to inquire whether this issue had been subjected to sham consultation. We found there had been sham consultation: the consultation had never been sincere or legitimate, and was never done properly. We could only conclude that the material presented to the committee, on which the committee sought to achieve sincere and open answers from the government, was made up. There has been no evidence provided to the committee to conclusively say that land prices would rise overnight by \$30 000 per lot if the government’s bill were not passed, that the release of 90 000 new lots of land for Melbourne ever occurred, or that releasing

those land lots would result in growth areas land becoming \$10 000 a hectare cheaper.

In the last 12 months three fundamental promises of planning have been put forward by the government, yet not a single piece of sincere independent advice was presented to the committee to say that they existed. We should not be surprised at that, because the minister has a history of not knowing details in his own portfolio: whether a development is to be 26 or 28 floors; whether Hakki Suleyman is or is not in his office; whether somebody sent a media plan or did not send a media plan, he says, 'It does not work for me'. It is all about poetic licence, or maybe the Sunshine RSL — who knows?

The truth of the matter is the committee had serious issues which needed to be addressed and which it inquired into. The government sought to hinder it and refused to provide information until the very last minute of the committee's reporting date. That should not surprise anybody, because as we have seen in the last couple of months the contempt for parliamentary committees is just dripping from the Labor Party at this point. The minister has stormed into committee hearings upstairs, we have insincere answers to the Growth Areas Authority inquiry, we have had a delay in the provision of material to the committee, which was simply factual information that was being sought. The committee could come to no conclusion other than to say most of that material was falsified.

As Mr Rich-Phillips did, I thank members of the committee secretariat, who did a lot of work. They are Richard Willis, Anthony Walsh and Sean Marshall — who has recently joined us. I also thank the witnesses, Mr Banks and Mr Seamer, and indeed Minister Madden, who did appear before the committee. It is a shame it could not arrive at an outcome which was more based in fact than on spin.

Ms BROAD (Northern Victoria) — As a member of the committee, I wish to make some remarks on the report on the Growth Areas Authority by the Standing Committee on Finance and Public Administration. As the report details, it comes out of the committee's inquiry into departmental and agency performance and operations.

The committee decided on 24 February 2009 — more than 12 months ago — to invite the Growth Areas Authority to give evidence to it as part of its inquiry into departmental and agency performance and operations.

The many appendices to this report provide details of hearings, of documents and information requested by members of the committee. We have heard a number of contributions so far this morning about the procedures for presentation of this report to the house.

What is very notable about this report is that after more than 12 months of consideration; hearings; consideration of papers, documents and information; and a great deal of time being provided to the committee by a whole range of individuals and organisations at the request of the committee, there are, so far as I can tell, no actual findings in this report about the matter that the committee is charged with responsibility for inquiring into — that is, departmental and agency performance and operations. After all of this consideration, all of these papers and all of these hearings which are documented in the appendices to this report on the Growth Areas Authority — a very important initiative by the Brumby government — there are no actual findings about the performance of the Growth Areas Authority.

This seems a very strange situation. This is a parliamentary committee that is provided with significant resources by the Parliament to inquire into these matters and a committee on which the government has only two members out of seven. It is clearly in the hands of the members of the committee who are in the majority — the opposition and minor parties — to determine how this committee will operate, how it will spend its time and what it will report to this house. This is all in the hands of the majority members of the committee, not the members on the committee who are members of the government party.

As I said, the Growth Areas Authority is a very important initiative by the Brumby government. It is an initiative that we stand by; we believe it is very important in creating well-designed neighbourhoods and that it will play an important role in improving planning and infrastructure coordination in the growth areas of the metropolitan area, as outlined in the report where it sets out the basic information about the role of the Growth Areas Authority. You would have thought that if the committee majority members, after all of this consideration, had had some findings about the performance of the Growth Areas Authority, they would have outlined them in this report. They believed the authority was an important matter for the committee to inquire into, and in doing so they have consumed significant parliamentary resources and significant resources in terms of the Growth Areas Authority, the minister, public servants and others who have made submissions to the committee. But no, so far as I can

tell the committee has not made a single finding in this report.

I think this highlights something which is very unfortunate above the Standing Committee on Finance and Public Administration — namely, that this is not a serious committee when it comes to fulfilling its responsibilities of inquiring into departmental and agency performance and operations. If the majority members of this committee were serious about their functions and responsibilities in terms of performing these inquiries and consuming these resources, then surely they would have something to report to the Parliament about the findings and conclusions they have come to after more than 12 months of deliberations. But no, they have absolutely nothing to say as a result of all this work.

I would also like to place on record my thanks to the committee staff for their work in detailing all of these deliberations, absent any conclusions or findings, which of course are not their responsibility; after all of this consideration they are the responsibility of the members of the committee. Sadly I cannot commend this report to the house because after all of this consideration it has absolutely nothing to say on the matter that it has reported on.

Mr D. DAVIS (Southern Metropolitan) — I, too, would like to make some comments on this committee report. Some of the transcripts of the committee's hearings have been available publicly for some time; I note that the Minister for Planning appeared at a hearing on 2 December 2009, and since then there has been follow-up material on some of these matters. It is important to counterpoise the minister's behaviour at that hearing with his behaviour at other hearings recently.

Parliamentary committees, in particular those of this house, are very important. They are instruments not just of the Parliament but of the people. They seek to gather information to hold the executive, the government, to account and to do that in a way that protects the community. The growing pattern of obstruction under this government is very concerning — whether that be motions for the production of documents, and I will have more to say about that in a moment, or FOI, about which this government has increasingly become obstructionist and limited the information it is prepared to share publicly.

The Select Committee on Public Land Development, which I chaired and of which a number of other members of this chamber were members, faced the intervention of the Attorney-General who sought to

block the release of basic information that should have been in the public domain. That parliamentary committee had been established by this chamber to find information, to establish facts, to ensure that that information was brought to public attention, and that sensible recommendations and conclusions were reached.

Recently there has also been obstruction of the activities of the Standing Committee on Finance and Public Administration. As I understand it, the Attorney-General wrote to the committee, indicating that ministerial advisers will not be allowed to appear before that committee, which is a further step in this government's pattern of obstructing and blocking the release of information, and a further attempt by this government to obstruct and to prevent the truth on key matters from coming out. It is very clear that this government is set upon a course of holding up the activities of Parliament and parliamentary committees; in the long run the community will judge it very harshly.

The minister's behaviour before this committee in relation to this report stands in stark contrast to his behaviour on the recent hearings concerning the ministerial briefing media plans and his behaviour over the Hotel Windsor hearings, where he sought to force his way — —

Mr Viney — On a point of order, President, the house is debating a motion to take note of a report, yet Mr Davis is canvassing issues related to a current inquiry of the committee. He is canvassing a whole range of political point-scoring issues that are not relevant to the motion before the chair.

Mr D. DAVIS — On the point of order, President, today the Standing Committee on Finance and Public Administration has tabled a report that deals with the matter of evidence coming to that committee, including from the planning minister. There is a pattern in the way in which this government is treating parliamentary committees, and I am simply making that point.

The PRESIDENT — Order! With regard to Mr Viney's point of order, I do not have a problem with members politicising a report in this place. However, I accept Mr Viney's point, that Mr Davis is starting to wander from the actual report and refer to other committees and other investigations. I ask him to come back to the report tabled today.

Mr Leane — He can't, because he hasn't read it.

Mr D. DAVIS — I say to Mr Leane through the Chair that I have read some of the evidence. I want to

put on record my concerns about the general pattern, and this committee is a further example. It is a further case where in my view the committee is being treated contemptuously by the Brumby government. It is in effect thumbing its nose at the people of Victoria in terms of the information that ought to be in the public domain and the cooperation that ought to be extended by governments to parliamentary committees to enable them to do their legitimate work.

I congratulate the members of the committee on this report. It makes a number of points in relation to the Growth Areas Authority, which has a critical role in relation to the growth areas infrastructure charge (GAIC) that the government sought to push through this Parliament. As recently as yesterday it was the subject of a motion in the Legislative Assembly to force the GAIC to the Dispute Resolution Committee. I will make some points that I have made on the record in this chamber before. That is a secretive committee. It is not a satisfactory process. It is a process where matters are decided in secret. It is a place where decisions are made separate from the people of Victoria without the ability for input. I am very concerned that the secrecy surrounding the government's approach to committees is mirrored in its approach to the Growth Areas Authority and the growth areas infrastructure charge, and I will have more to say about those matters shortly.

Motion agreed to.

PAPER

Laid on table by Clerk:

Auditor-General — Report on Management of Safety Risks at Level Crossings, March 2010.

MEMBERS STATEMENTS

Street violence: Bendigo

Ms LOVELL (Northern Victoria) — After almost 11 years of Labor government in Victoria, during which Bendigo has suffered increasing levels of violence, Labor's two local members — the Minister for Regional and Rural Development, Jacinta Allan, and the Minister for Police and Emergency Services, Bob Cameron — have had to be dragged kicking and screaming into a discussion about addressing the rising level of violent behaviour in Bendigo.

Mounting community pressure has forced the region's two Labor MPs to finally acknowledge that there is a problem. Over the past four years I have continually

raised the issue of community concern over increasing violence and the need for additional police in Bendigo, but the Labor government, in particular the Minister for Police and Emergency Services, has failed to listen and failed to address the concerns of the Bendigo community.

Only now, in an election year, have the two local members suddenly developed an interest in the issue. Last Friday they finally met with members of the Bendigo Safe Community Forum. The meeting resulted in a target for crime reduction being set, but the Labor members stopped short of committing the additional police to Bendigo, in line with what the meeting told them were needed to make a difference.

As the Minister for Police and Emergency Services told the *Bendigo Advertiser* of 23 March:

Major behavioural change in the community requires everyone to be pulling in the same direction.

That is true, but the community should not be left to do it alone; it also requires the government to meet its obligation to provide adequate police numbers for a city of over 100 000 residents.

Last year the Liberal-Nationals coalition, including the Leader of the Opposition in the other place, and local members Damian Drum and I, met with members of the Bendigo Safe Community Forum, signatories to the liquor accord, police and Cr James Reade. We listened to its concerns and suggestions on how rising levels of violence in Bendigo can be addressed. The Victorian Liberal-Nationals coalition has been listening to the Bendigo community and urging the Brumby government to take action, but the response from the government has been dismissive and arrogant. The Brumby government must listen to the Bendigo community — —

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

China: abortion

Mr KAVANAGH (Western Victoria) — The *Economist* magazine of early March has a cover story entitled 'Gendercide — what happened to 100 million baby girls?'. The short answer to the question is: abortion. Throughout the world, especially in East Asia, more than 100 million girls have been killed before birth in recent years — only because they were girls. In three Chinese provinces there are now male to female birth ratios of 130 to 100. In the rural Beijing municipality for those couples allowed to have a third child there are 275 boys for every 100 girls born.

The article says the most common cause of death among young women living in rural China is suicide by drinking fertiliser, which, the article suspects, is because the women cannot cope with the knowledge that they have killed their daughters. The article says there is evidence that the practice has been exported to the United States; if it is so in America, surely it is in Australia too. I ask all members to read this very important article and to reconsider this Parliament's decision to allow abortion in Victoria for any reason or for no reason.

Education: diversity awards

Mr ELASMAR (Northern Metropolitan) — On Thursday, 18 March I was very proud to represent the Minister for Education, the Honourable Bronwyn Pike, and present diversity awards to students from all over Victoria in Queen's Hall. Some 310 schools participated and 105 children and their teachers received awards for excellence within the arts framework. These kids were from all grades and were shining examples of innovation in presentation using new technology.

City of Darebin: Lebanese community festival

Mr ELASMAR — On Friday, 19 March, I attended a diversity festival hosted by the city of Darebin's Australian Lebanese Christian Ladies Group. There was music and dancing, and plenty of fresh and tasty Lebanese food had been prepared by the ladies committee. It was a very enjoyable occasion, and I was delighted to have been invited.

Australian Football Harmony Cup

Mr ELASMAR — On Sunday I was present at the Whitten Oval to witness an exciting 'international' football sporting event celebrating Harmony Day. Eight countries competed for the Australian Football Harmony Cup. I wish to congratulate all the participants in the hard-fought competition for this cup and am very pleased to announce that Lebanon took out the trophy.

Member for Forest Hill: conduct

Mr DALLA-RIVA (Eastern Metropolitan) — I was very pleased to attend the Burwood Heights festival that celebrates community and was held on Saturday, 20 March, between 10.00 a.m. and 2.00 p.m. For those who do not know, it was located at the Burwood East shops at the corner of Burwood Highway and Middleborough Road, which is on page 61 of *Melway*,

grid reference F6. Why am I giving that information, Mr Finn?

Mr Finn — I have no idea.

Mr DALLA-RIVA — Because the member for Forest Hill — and Burwood Heights is part of her electorate — was not there.

Mr Finn — Where was she?

Mr DALLA-RIVA — She probably found that she could not find her way from Richmond, where she lives, to Blackburn, where her office is. She probably did not realise that this function and this festival were on. There were people from the local community there, including some who represented Forest Hill. In fact even the federal member for Deakin, Mike Symon, was there, as was the Liberal candidate for Deakin, the great Phil Barresi, and the fantastic Liberal candidate for Forest Hill, Neil Angus, who spent time speaking to members of the community. He knows about and understands the community because he lives in the area and has been there for many years. But where was the member for Forest Hill? She was absent, gone, missing, AWOL — just another example of the arrogance of that member and why she should be removed.

Australian Formula One Grand Prix: economic benefits

Ms PENNICUIK (Southern Metropolitan) — It is that time of year again when the grand prix is on, when mythical numbers of people visit Melbourne and masses of locals desert the city of Port Phillip and surrounds.

I agree with Peter Goad, president of Save Albert Park, who is fed up with the outrageous misrepresentations, fudges, inexactitudes, evasions, propaganda and downright lies about Formula One. Once again we will be subjected to the Australian Grand Prix Corporation claiming attendance of 300 000 when there are only 21 000 grandstand seats and 8000 corporate seats, most of which are unoccupied for the first two days, which television pictures clearly show. The corporation will be claiming 600 million international viewers for Melbourne's event, when independent ratings agencies give the global television ratings at less than 10 per cent of that. Once again it will be claiming that the event delivers an economic benefit to Victoria, when the Victorian Auditor-General determined it does not and found no evidence of an increase in tourism.

The government has extended the contract for a further five years, committing taxpayers to an extra \$400 million to \$500 million in subsidies for this

anachronistic event. Albert Park is subject to a four-month assault as tonnes of grand prix equipment is hauled in and out.

On radio this morning Jon Faine asked, 'Are we just about over it?'. I and many others in the community are well and truly over it.

Relay for Life: Geelong

Ms TIERNEY (Western Victoria) — Last Friday I had the privilege to attend the Relay for Life ambassadors breakfast in Geelong, which was held at the Geelong Racing Club. This breakfast is an annual event organised by Geelong Relay for Life ambassadors Professor Peter Loney and Roxanne Bennett. This year's breakfast was the fourth, and its reputation is certainly growing throughout the Geelong community as a must-attend event. David Parkin, former AFL and VFL premiership player and coach, and a cancer survivor, was the guest speaker at this year's breakfast. His address was a mix of football anecdotes, teaching experiences and life lessons, and he held the audience in the palm of his hand.

Relay for Life is a worldwide community event, and in Victoria it is run by Cancer Council Australia. The credo is, 'No-one chooses to have cancer, but I choose to relay'. Money raised at the breakfast goes to the overall total of the Geelong Relay for Life, which in turn goes to cancer research.

Prior to last weekend's relay event, the total money raised in Geelong was \$2.5 million. This year 80 registered teams took place in the relay at the Deakin University track at Waurn Ponds for the 24 hours from noon on Saturday to noon on Sunday, and raised over \$165 000 for cancer research.

The value of these events is not just in the money raised but in the research that flows from that. It is of benefit to people to feel they can have some control over this dreadful disease that touches so many in the community. Whether you relay, sponsor a team, participate in the survivors-and-carers lap or attend the breakfast, everyone can make a difference. All of us can assist in finding a cure.

Water: Geelong restrictions

Mr KOCH (Western Victoria) — The politicisation of water resources has disappointed many residents across western Victoria, particularly those in the Geelong region.

On 19 February the state government's water authority, Barwon Water, eased water restrictions from stage 4 to

stage 3, allowing residents to increase the time they spend watering their gardens by 300 per cent. Geelong residents have expressed concern that Barwon Water has reduced water restrictions in the summer period.

After the driest 10-year period in Victoria's history the natural inclination of households might be to greet such news with open arms. However, residents are sceptical of Barwon Water's leaders who, in the company of the Premier and Labor supporters, announced what is widely seen as a politically timed decision. The November state election rather than the water availability in our catchments is dictating regional water policy. Water levels are currently at around 30 per cent, approximately the same level as recorded in February 2008 when it was decided to maintain stage 4 restrictions.

Barwon Water attributed the easing of water restrictions to the new Anglesea bore field's ability to meet a large part of the region's future water requirements. If this is the case, customers are now rightly questioning the necessity of building the expensive \$150 million Melbourne–Geelong water pipeline.

I support Geelong water users' concerns that water security is being compromised to satisfy the political whims of the Brumby government. This political point-scoring may well be to the detriment of Geelong's future water security.

City of Maribyrnong: economic and industrial development strategy

Ms MIKAKOS (Northern Metropolitan) — On 3 March I was pleased to announce, together with the mayor of Maribyrnong City Council, Cr Sel Sanli, the commencement of the Maribyrnong economic and industrial development strategy.

In the Melbourne 2030 strategy and its update, the *Melbourne @ 5 Million* statement, the government recognised the importance of Footscray as an activity centre and therefore the need for further planning and infrastructure investment.

This study will analyse the local economy; it will create strategies to preserve existing businesses and encourage new business. It further complements the work being achieved with the Footscray renewal project to provide greater opportunities and choice in employment for local residents and to take better advantage of its location close to the CBD. It is a great demonstration of local and state governments working together, with the Brumby Labor government providing \$100 000 towards this study.

City of Darebin: Northcote Wayfinding Project

Ms MIKAKOS — That same day I also had the pleasure of launching with the mayor of the Darebin City Council, Cr Vince Fontana, the Northcote Wayfinding Project, which was completed with \$150 000 in assistance from the Brumby Labor government and \$80 000 from Darebin council.

This project area links High Street to Northcote station via the walkway across the Arthurton Road car park and through the laneway to Claude Street and Turnbull Grove. Significant works including way-finding signs, light billboards, raised pedestrian crossings, improved lighting, public art and landscaping have all contributed to improving the safety, connectivity and amenity of the area.

Investing in public spaces is a critical way to ensure that an area reaches its full potential, and I am proud that the Brumby government is working in partnership with local councils to deliver projects like these that make a difference to the livability of key activity centres.

Western Bulldogs: NAB Cup premiers

Mr FINN (Western Metropolitan) — The house has heard me speak from time to time about the crimes committed by the Labor Party against the people of the western suburbs. Labor's neglect of Melbourne's west is quite legendary. Labor's use and abuse of the west has had a deleterious psychological effect on many people throughout the western suburbs. People are shattered as a result of the way they have been treated by the Labor Party over an extended period, so it is good to be able to stand up in this house and deliver some good news for a change.

Over the last week and a half there has been a real spring in the step of most, if not all, people in the western suburbs. From Williamstown to Werribee, from Altona to Albion, people are happy, they are excited again, and it is all because the Western Bulldogs won the NAB Cup last Saturday week.

I am not jumping on the bandwagon. This house, if not everybody in Victoria, knows I am a Tiger supporter, but it is very hard not to get excited about the way the Western Bulldogs are shaping up for this year. One cannot help but be caught up in the Bulldog excitement. The Chinese tell us that it is the year of the tiger. I have my doubts, sadly, and in the absence of a Richmond flag I sincerely hope that the cup can come to the Whitten Oval in 2010. I urge everyone in the western

suburbs to get behind the Doggies and see what we can all do to support the team throughout the 2010 season.

Glen Park Community Centre: men's shed

Mr LEANE (Eastern Metropolitan) — I was pleased to represent the Minister for Mental Health, Lisa Neville, at the official opening of the Glen Park Community Centre's men's shed on Friday. It was very good that the Brumby government could put \$50 000 towards that particular installation. The Maroondah City Council also put a generous amount of money into it, and at the opening the council was ably represented by Cr Alex Makin, the mayor. Mitre 10 also donated about \$15 000 worth of timber towards the facility and the Ringwood Rotary Club donated a fair amount of tools to kit out the men's shed.

Obviously Glen Park Community Centre also put some finances and effort towards this important facility for the region. Glen Park Community Centre has really thrived in recent times under the leadership of Robyn Murray and Peter Harris. One particular volunteer, Wally Anderson, who has volunteered for the men's shed for a number of years, did a power of work to get this facility up. It has been a long time coming, and it was great to see that this men's shed has been named after Wally Anderson due to the great work that he has done to bring this project to fruition.

Wild dogs: control

Mr P. DAVIS (Eastern Victoria) — I would like to make some comments about the abject failure of the Minister for Agriculture, Mr Helper, to accept the responsibility delegated to him by the Premier for policy accountability on the management of wild dog populations in Victoria. I thought I misheard when I recently heard him on Gippsland ABC Rural radio saying that wild dogs are not government dogs, and I let it pass without remark. But when I heard him again only last week on the ABC's *Country Hour* program, which is broadcast throughout south-eastern Australia, saying in an interview that wild dogs are not government dogs I knew that I had not misheard after all.

If a wild dog which is roaming on government-controlled land is not the responsibility of the government, whose responsibility is it? Mr Helper would have us believe that wild dogs are community dogs. I ask him: has he ever seen the reality of what wild dogs from public land do to livestock on private land — —

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

Cranbourne Carlisle Primary School: opening

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate Cranbourne North residents on the official opening last week of their brand new multimillion-dollar state-of-the-art primary school. Cranbourne Carlisle Primary School currently has 170 students, but it has been built to cater for a long-term enrolment of 475 primary school students in the rapidly growing Cranbourne community. Cranbourne Carlisle boasts a modern, flexible design that promotes contemporary learning and teaching practices in both indoor and outdoor settings.

Mentone Park Primary School: facilities

Mr SOMYUREK — On another matter, I would also like to congratulate the Mentone Park Primary School community on the completion of the school's \$400 000 renovation project, funded through the government's Better Schools Today program to modernise facilities. As a result of the school's renovation project, preps to year 2 students are now together in the one learning community, thus allowing the school to achieve its dream of creating three learning units: prep to year 2, years 3 and 4, and years 5 and 6. The school community is also enjoying a new foyer, meeting room, waiting room area for parents and a modern and larger administration area.

Gaming: counselling services

Mr SOMYUREK — Finally, on another matter, I would like to congratulate the government on funding a two year pilot project —

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

OFFICE OF POLICE INTEGRITY: PRODUCTION OF DOCUMENTS

Mr DALLA-RIVA (Eastern Metropolitan) — I think it is important to read the motion, given its importance and the significance of what we are seeking, which is what the Parliament should be seeking. I move:

That this house —

- (1) notes the administrative failure of the Office of Police Integrity in the management of the prosecution case against former Assistant Commissioner of Police, Mr Noel Ashby, and further notes Victorians will now

not be in a position to examine the evidence concerning, or properly debate issues surrounding, the reported involvement and conduct of Mr Martin Foley, MP, member for Albert Park, and the now Minister for Roads and Ports, Mr Tim Pallas, MP, in the case;

- (2) further notes that in the absence of a broadbased, independent anticorruption commission in Victoria, few formal mechanisms exist to restore public confidence or fully and independently probe the broader implications of preliminary evidence in the case; and
- (3) therefore orders that in accordance with sessional order 21, there be tabled in the Council by 12 noon on 13 April 2010 a copy of all relevant material collected for the prosecution case against the former Assistant Commissioner of Police, all background material that supported the case, including but not limited to transcripts and recordings and other documents that form part of the authorised telephone intercepts and including specifically any and all documents and information in the possession of the Office of Police Integrity and the Department of Justice that refers to the member for Albert Park and the now Minister for Roads and Ports and material that refers to members of the Brumby and Bracks governments' ministerial staff, either current or past.

This is a significant motion. We are aware of the issues that surrounded the court case of Mr Ashby, we are aware of the conduct of the Office of Police Integrity (OPI) and we understand some internal matters were dealt with. We also know there were telephone intercepts and there were recordings and transcripts taken of them. I will argue the case for why it is important for us to seek these particular documents. In the interests of having open and transparent government and openness and transparency about what occurred at the OPI, it is important that the Parliament is able to access those particular documents.

It is also important to note in the argument for the motion that since this government has been in power there has been something of the order of 17 separate pieces of legislation dealing with the issue of police corruption. As indicated many times by members on this side of the chamber, and by members of the Greens party as well, the oversight of a broadbased anticorruption commission or an independent crime and corruption commission operates in New South Wales, Queensland, Western Australia and has recently been introduced by the Labor government in Tasmania — although we hope it is not the Labor government in Tasmania for much longer.

With the smell of corruption in this state it is interesting that the government's piecemeal approach has been to put forward 17 separate pieces of legislation. From as far back as 2004 we have had the Crimes (Controlled Operations) Bill, the Ombudsman Legislation (Police Ombudsman) Bill, the Major Crime Legislation (Office

of Police Integrity) Bill, the Major Crime (Special Investigations Monitor) Bill, the Major Crime (Investigative Powers) Bill, the Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill and the Investigative, Enforcement and Police Powers Acts (Amendment) Bill. In 2005 there was the Commissioner for Law Enforcement Data Security Bill. In 2006 there was the Justice Legislation (Further Miscellaneous Amendments) Bill.

In 2007 we had the Police Regulation Amendment Bill. In 2008 there was the Police Integrity Bill and the Crimes (Controlled Operations) Amendment Bill, the Major Crime (Investigative Powers) and Other Acts Amendment Bill, the Police Regulation Amendment Bill and the Major Crime Legislation Amendment Bill. In 2009 we had the Justice Legislation Amendment Bill and the Justice Legislation Further Amendment Bill. That is 17 separate pieces of legislation brought in by this government because its entire process of dealing with corruption in this state has been one of piecemeal legislation.

What was the end result from that? It was that a simple investigation that involved the investigation of a range of people, including Mr Ashby, was thrown out because of a technical error. I would say — and I have argued this before and I have said it time and again in this chamber — when there are so many pieces of legislation to try to deal with a particular issue, there is going to be confusion about which piece of legislation applies to what area of investigation.

When I worked as an investigator for the National Crime Authority, we worked under pretty simple legislation. It was overarching legislation. There was legislation that was specific to telephone intercepts, and there was legislation appropriate to covert warrants and the like. We knew exactly how we were to deal with particular issues and how to conduct investigations, because we knew exactly what the law was. Even the lawyers, of which there were many — and I am always calling for more lawyers — at the National Crime Authority, which now has changed its name to the Australian Crime Commission, or the federal agency, had a separate piece of legislation, which they understood and were able to deal with.

However, with 17 pieces of legislation it means we are not certain as to what occurred, how it occurred and what processes were in place. There was an administrative failure in the process — we understand that — but it is the government that should be held responsible for that. It created the legislation. It introduced the particular pieces of legislation. It is not surprising, therefore, that a simple issue of process has

created the situation where the court was left in no doubt that it needed to throw out the case.

I make no comment on the court case; that is a process separate to and independent of the Parliament. However, what is not separate to and independent of the Parliament is the capacity for proper scrutiny by the people of Victoria. If this matter had proceeded as it should have and could have, and if it were not subject to administrative failure, then we would be in a position to be able to understand what occurred. It would have been in the public domain. It would have been in the open court system. We would have been able to access documents that would have been in the public domain. There would have been cross-examination from the defence about the other transcripts and the involvement of certain individuals mentioned in the motion. Some of those areas would have been outlined.

For the Parliament to represent the people of Victoria it is important that those documents are freely available. A brief of evidence would have been made. I have created briefs of evidence ranging from a few small sheets to a complex case like this. When I was a member of the fraud squad, detailed briefs of evidence would go into volumes, and then the court would examine each of those documents as part of a stepwise approach. The trial might go for a number of weeks, as has been my experience. The jury and the judge would examine the material in a stepwise manner to determine the guilt or otherwise of the accused who is in the dock.

We are not in that position. We do not know what the documents were, and we do not know what the brief of evidence contained. We do not know, as a Parliament, what the involvement was of members in the other chamber. It always gets back to the issue about why it is that we should have the material. My argument is that it would have been in the public domain if it had not been for the administrative error. There are 17 pieces of relevant legislation, and the intention of Parliament is to ensure that it is able to extract the prosecution of an individual who engages in corrupt behaviour. As I said, I will not go to the issues involved here because that particular person was acquitted, but it is important to understand that the Parliament needs to know what occurred, who was involved in the police intercepts and what was said. That is the reason why paragraph (3) of the motion calls for those particular documents.

We are seeking copies of all relevant material collected for the prosecution case. This is a brief of evidence. I think it is fair to say that if a brief of evidence is raised, then the Parliament should be in a position to seek it out. There is all the background material. Often in a prosecution case there is a discovery process where the

defence is able to see further and better particulars. As part of a criminal investigation you undertake a series of things that may not seem relevant to proving the elements of the offence but may be relevant for the defence in terms of testing the credibility of either the witnesses or the prosecution case in relation to the offence the accused has been charged with. As I said, we are not seeking things that would seem to be outside the scope of that.

We are also seeking from the Parliament the transcripts, recordings and other documents that form part of the authorised telephone intercepts. We have a piece of legislation — one of 17 — that deals with the ability to seek information gained through telephone intercepts. I remember as a lead speaker in debate on that piece of legislation in this chamber talking about telephone intercepts in relation to the issue of federal-state capacity. We also need to see exactly what some of the members of government, particularly ministers, including the federal member, said in those communications. It was raised in the public domain; it was an issue of public interest. As I said earlier, it may be that if there had not been an administrative failure in the prosecution case, we — the public, not necessarily the Parliament — would have been in a better position to form an opinion and be able to extrapolate further on what action needs to be taken either in relation to the individual members or collectively as a Parliament in response to it.

The motion is sensible. It seeks only the documents that would have been made freely available in a prosecution case, which failed to go ahead because of the administrative processes. There were so many pieces of legislation and so much confusion that in the end the prosecution case fell and the matter was dismissed. We as a Parliament representing the people of Victoria deserve access to the documents to examine exactly what occurred in the entire process. I commend the motion to the chamber.

Mr VINEY (Eastern Victoria) — Normally the government does not oppose motions requesting documents, but on this occasion it does. This motion is moving into an entirely new area for the Parliament. What this motion is proposing is that the Parliament should have access to documents that not even the executive has access to. This motion is proposing that the Parliament should have access to documents that relate to prosecutions, and in my view it completely confuses the relationship between the independence of the Parliament and the independence of the courts under the separation of powers.

What is being proposed here is that the Parliament should be undertaking some kind of investigation into the proceedings that happened in a court in this state. This is moving into an entirely new area of scrutiny that does not do this Parliament any good at all. It is breathtaking that the opposition would be proposing to bring to the Parliament and make public all documents relating to a criminal prosecution. It is appalling and a dangerous development. The government cannot support the proposition in any way — by active support or by not opposing. This is an important principle. We have not in any way opposed requests for documents where they meet the criteria that the government has already outlined on numerous occasions, but this is a different development. This is a development where the house is being asked to say that it ought to have access to all documents relating to a prosecution that took place and was not successful.

There are many principles that this request for documents breaches, and we have talked before about that, but this is a new development. We have had long debates in this place about the role of the executive and the role of the Parliament — about the accountability processes that should take place between the Parliament and the executive. People have legitimately taken different positions on this, and they have come to them with integrity. I might disagree with them, but I am happy to concede that most people on most occasions come to these debates with a degree of integrity because they are talking about the accountability process. It is not something that we as a government have shied away from. We have reminded the house on many occasions that it is this government that put in place the accountability mechanism of this chamber being democratically elected and that has made the Ombudsman and the Auditor-General officers of the Parliament. But this is a different development.

This is a development where the motion is suggesting that somehow the Parliament should be oversighting the individual matters that go before a court. That is what is proposed here: that the Parliament will have a role in publicly exposing all of the documents relating to a criminal prosecution that has failed. That is an appalling development, because it fails a basic test. It results from people not understanding the separation of powers between the Parliament and the courts. It is an important principle, and we should not in any way allow what is proposed to occur.

On top of that the government is already conducting a review of the mechanisms for accountability in this state. That review is being conducted by Elizabeth Proust. Although I know that review is being undertaken, I certainly do not know what stage of the

process that review is at, but it would seem to me that it might be a little premature to be suggesting that somehow the Parliament should be undertaking some further investigation, which I guess is implied by the motion in relation to the Office of Police Integrity, given that we already have that review under way. The government will oppose this particular motion.

On a slightly different tack, the understanding I had with David Davis was that we would be doing these motions calling for documents as cognate debates. What we agreed was that the cognate debates would occur where the requests are at the same stage.

Mr D. Davis interjected.

Mr VINEY — That has not occurred, Mr Davis. That was our agreement, but it is not in your motion — and I wish I had picked that up yesterday.

We did not have a cognate debate on the first three motions calling for documents, but we have ended up with a cognate debate on the subsequent three motions on documents, two of which are at the same stage and one of which is not. I am a little disappointed that we have mucked that up. I do not know whether that was by accident or design, but I am disappointed that that has occurred, because that is not the understanding I thought we had yesterday.

As it turns out, it is somewhat fortuitous that we have not ended up with a cognate debate on the motion before us because we can make it quite clear that we will be opposing this particular motion moved by Mr Dalla-Riva, which is unusual for us to do with a first-stage request. We are opposing the motion because we think it is a significant shift that takes the question of the call for documents into a whole new area of accountability in relation to Office of Police Integrity prosecutions and criminal prosecutions. I think this is a dangerous development. The house should not go down the path of seeing itself as an authority to oversight individual matters that have been dealt with by a court.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on Mr Dalla-Riva's motion, which is in three parts. Some interesting points have been made so far from both sides of the debate. The first part of the motion asks the Council to note:

... the administrative failure of the Office of Police Integrity in the management of the prosecution case against former Assistant Commissioner of Police Mr Noel Ashby, and further notes Victorians will now not be in a position to examine the evidence concerning, or properly debate issues surrounding, the reported involvement and conduct of Mr Martin Foley, MP, member for Albert Park, and the now

Minister for Roads and Ports, Mr Tim Pallas, MP, in the case ...

Although this part of the motion focuses on Mr Foley and Mr Pallas, it is worth noting that the community is not in a position to know the guilt or otherwise of the former assistant commissioner, Mr Ashby. I am concerned that the motion is worded in such a way as to focus only on the conduct of the two MPs and does not mention the subject of the prosecution brought by the Office of Police Integrity, which was the conduct of the assistant police commissioner. This relates to what the OPI was set up to do — that is, to investigate police corruption.

I am concerned — and it would be of concern to anyone in this chamber or in the community — that there have been reports about the involvement of MPs in the case. That is a concern to us and to the community.

The second part of the motion:

... notes that in the absence of a broadbased, independent anticorruption commission in Victoria, few formal mechanisms exist to restore public confidence or fully and independently probe the broader implications of preliminary evidence in the case ...

That is an interesting part of the motion. It is on the record that the Greens support the establishment of an independent commission against corruption.

Mr D. Davis — Indeed this chamber has.

Ms PENNICUIK — Indeed the chamber does, because it supported the Greens' first ever motion in this Parliament — that the Attorney-General extend a reference to the Victorian Law Reform Commission to look into an appropriate model for an independent commission against corruption in Victoria.

Mr Dalla-Riva — And what happened?

Ms PENNICUIK — Nothing happened; that motion was never acted upon, and for two years the government continued to assert that there was no need for an independent commission against corruption in Victoria and that there was no corruption in Victoria. No-one would know whether that is the case or not because no structure has been set up in Victoria to comprehensively investigate that, but it beggars belief that there could be corruption in every other state of the country but not in Victoria.

The Greens have made the point many times that the existing structures — the OPI, the Ombudsman and the Auditor-General — do not cover the full ground. The Auditor-General is there to look at the public accounts

and assess whether public moneys are being spent wisely and not being wasted; the Ombudsman's brief is really to look at public administration and not corruption; and the Office of Police Integrity is there to be the police watchdog — to look at police corruption — but has no brief to look at any person other than a sworn police officer, so if police are engaged in corrupt activity, the OPI is unable to investigate the persons with whom they may be engaged in that corrupt activity.

Further to that, the problem is that the director, police integrity is an officer of the Parliament but has no parliamentary oversight. It is because of that that we find ourselves with the motion before us today. I remind the house that when we debated the Police Integrity Bill on 24 June 2008 I moved an amendment that the Drugs and Crime Prevention Committee have responsibility to ensure the independence and accountability of the Office of Police Integrity. Those words are the exact words used in relation to the Public Accounts and Estimates Committee, which ensures the independence and accountability of the Auditor-General.

I moved that amendment during the second-reading debate because the Public Accounts and Estimates Committee, in its *Report on a Legislative Framework for Independent Officers of Parliament*, recommended that independent officers of the Parliament be overseen by a parliamentary committee. Unfortunately the Labor Party, and the Liberal-Nationals coalition, did not support my amendment; therefore there is no oversight of the Office of Police Integrity in this state.

That fact was pointed out in submissions to the Scrutiny of Acts and Regulations Committee's inquiry into the Police Integrity Bill in 2008. In particular Liberty Victoria, which concerns itself with these issues and has done so for a long time, made relevant points:

We are aware that the OPI is designed to act as a check on policing but we would argue that it too should be subjected to the same tests and safeguards. While we agree it is critical that police be made accountable by an independent oversight body, it is important to ensure that in trying to ensure accountability we do not take away the very protections that make us a civil society and risk empowering the body charged with policing police with powers that are excessive, unwarranted and which could be abused. This should form the benchmark for deciding whether the powers contained in the Police Integrity Bill 2008 are appropriate.

...

In our view the bill lacks customary 'checks and balances' on the extensive law enforcement powers of the OPI, and in certain of its provisions represents a retrogressive step in the development of publicly accountable law enforcement powers in Victoria.

...

The provisions in part 5 which provide for monitoring by a special investigations monitor of the director, police integrity's use of its powers do not provide sufficient procedural safeguards in relation to the conduct of the director, police integrity. Neither do the eligibility requirements in respect of the director, police integrity (see section 10(2)) or delegations to senior relevant persons (section 21 (2) and (3)). Such safeguards can only be provided by timely judicial oversight.

But we have a situation where there is no judicial oversight of the OPI, nor is there any parliamentary oversight of the OPI. By way of example, the Parliament of New South Wales has very few joint committees, as is the case in every other Parliament in this country. There are, however, committees of the lower house and committees of the upper house — a direction in which I think and hope we should move in this Parliament.

Where there are joint committees, they usually have the oversight of officers of the Parliament. New South Wales has a joint statutory committee, established in 1990 by amendment to the Ombudsman Act 1974 to monitor and review the functions of the Ombudsman's office; it is called the Committee on the Office of the Ombudsman and Police Integrity Commission.

That committee's jurisdiction was extended under the Police Integrity Commission Act 1996 to include oversight of the Police Integrity Commission and the inspector to the police integrity commission; it is similar to our special investigations monitor. It is interesting to note that the functions of the joint committee are not:

To investigate a matter relating to particular conduct; or to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint, a particular matter or particular conduct; or to reconsider the findings, recommendations, determinations or other decisions of the Commission or Ombudsman in relation to a particular investigation or complaint.

But if we had such oversight in Victoria, we would have a forum whereby the issues that are raised by Mr Dalla-Riva's motion could be looked at and could be the subject of a committee's deliberations and discussions. That is the reason we are here. I do not believe the existence of such a committee would have necessarily prevented the administrative oversight that resulted in the case against Mr Ashby being thrown out on that technicality in that the particular delegation was not correctly filled out by the director, police integrity (DPI), at the time.

I remind the house too that the DPI at the time was also the Ombudsman. At the time of the filing of the incorrect delegation the DPI and the Ombudsman were the same person, but subsequent to that the DPI and the Ombudsman became separate officers and the positions are now held by separate people.

But one of the quirks of that situation is that if there were a possibility for the Ombudsman to examine this particular case and its outcome, it now cannot happen because that person is the same person who was the DPI. The Ombudsman, who is now just the Ombudsman, was the DPI at the time so there is absolutely no way that examination could happen, because it is obviously a conflict of interest.

I pointed out in the debate on the bill that split the two functions and offices that putting the two together was a very bad idea; and now we have ended up, down the track, with a problem. This situation could have been somewhat overcome by the establishment of the Victorian Drugs and Crime Prevention Committee having some oversight of the DPI.

The third part of Mr Dalla-Riva's motion calls for the tabling by 23 March 2010 — although I think the date has now been changed — of all relevant material collected for the prosecution case against the former assistant commissioner of police: all background material that supported the case, including but not limited to transcripts, recordings and other documents that form part of the authorised telephone intercepts, and including specifically any and all documents and information in the possession of the Office of Police Integrity and the Department of Justice that refers to the member for Albert Park and the now Minister for Roads and Ports, and material that refers to members of the Brumby and Bracks governments' ministerial staff, either current or past.

There are many things that could be said about that motion. I think Mr Viney's points are valid — that it does encroach upon the separation of powers for the Parliament to be calling for documents presented to a court. Mr Dalla-Riva makes the point that had the case proceeded, the documents would have been made public. The problem is that the case did not proceed, so the documents are not in the public arena. It is not clear to me that under the separation of powers between the Parliament and the courts this Parliament is entitled to call for those documents and interfere in the court processes in that way.

I am also concerned that part of the motion is focused on the member for Albert Park in the other place and the Minister for Roads and Ports. As important as their alleged involvement in the issue is, and as concerning as that may be, it should not be the only focus in calling for those documents. If the idea of the opposition is that it wants the whole case to be open to the public, that is what it should be calling for; but that is not what it is calling for, over and above what I have said about the concerns regarding the incursion of the Parliament into

the courts when they are meant to be and should be — for the good governance of the land and for natural justice — separate operations.

We find ourselves unable to support this motion even though we do have concerns about the mistake that was made by the OPI which subsequently resulted in the case not being able to go ahead and the courts being now unable to investigate all the issues that were alleged to have occurred with the deputy commissioner, members of Parliament and any other number of people. The courts are the place where those matters should be investigated. I would also suggest that it is unclear what this chamber would be able to do with those documents if and when it actually received them and whether the documents would in fact be able to be supplied.

While the motion does raise very important issues of public interest as to whether there was police corruption in that case and whether there was any other corruption in that case, it is not clear to us that this particular motion is the way to solve that problem. Maybe the opposition needs to think about the appropriate way to solve that problem. Even though the issues are very concerning and very important public matters, we are not convinced that this motion is the way to solve that problem.

I say once again that in this Parliament we should make sure that officers of the Parliament are overseen by committees of the Parliament, as is the case in every other jurisdiction. I hold the government and the opposition accountable for not supporting my motion to do that two years ago.

Debate adjourned on motion of Mr FINN (Western Metropolitan).

Debate adjourned until Wednesday, 31 March.

VICTORIAN FUNDS MANAGEMENT CORPORATION: PRODUCTION OF DOCUMENTS

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

That in accordance with sessional order 21 there be tabled in the Council by 4.00 p.m. on 13 April 2010 a copy of all documents relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation's payment of bonuses to executives, including any correspondence between the office of the Treasurer, the Department of Treasury and Finance or the Victorian Funds Management Corporation regarding the review, and any actuarial data, analysis or comparisons undertaken by the office of the Treasurer, the Department of Treasury and

Finance, the Victorian Funds Management Corporation or Dr Mike Vertigan.

In doing so I want to put on record, as I have in this chamber on a number of occasions already, my concern about the decision of the Victorian Funds Management Corporation to pay bonuses that were out of sync with community expectations and with its performance in the previous 12-month period.

The Treasurer released some of this information about the payment of bonuses to the Victorian Funds Management Corporation executives; it first appeared on *Stateline* late last year near the time of the tabling of the annual reports. Those executives clearly had not performed well, and the Victorian Funds Management Corporation had not performed at market expectations or levels.

The Treasurer ordered a review. I have no problem with the idea of a review of what occurred here or with the choice of Dr Mike Vertigan. What the opposition is concerned about is that the full information has not been put in the public domain and it should be. The analyses that were undertaken and the decisions that were made at that time should be in the public domain. The report by Dr Mike Vertigan has not been made public in full, and it should be. The recommendations have been made public, but the background material and the full report are not in the public domain; they should be.

This motion is a very simple mechanism to say that these documents should be in the public domain and that the Treasurer should come clean — and he has not come clean to date — on when he knew about these matters and what his actions were. He must have known that there were things wrong at the Victorian Funds Management Corporation somewhat earlier than he has alluded to in this chamber and on *Stateline*.

It is very clear that this organisation — an important one, given its major holdings on behalf of Victorians — must run seamlessly, must run at a very high standard and must deliver for Victorians. As part of that the Parliament must have an understanding of the performance of the Victorian Funds Management Corporation, the decisions that were made and the important review that has been undertaken. Those documents should be in the public domain. The analyses, comparisons and data that are held by those officers who are named in the motion ought to be in the public domain. I therefore commend this motion.

Motion agreed to.

HEALTH SERVICES: PRODUCTION OF DOCUMENTS

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

That this house —

- (1) expresses its concern at the government's increasing pattern of delay in releasing the six-monthly *Your Hospitals* report since it replaced the quarterly *Hospital Services Report* in 2005, and in particular notes that the *Your Hospitals* reports were initially released in April and September and that those release dates have now been pushed back to July and October;
- (2) notes that all the data used in the production of the six-monthly *Your Hospitals* report would have now been collected from hospitals and provided to the Department of Health; and
- (3) therefore orders that in accordance with sessional order 21 there be tabled in the Council by 12 noon on Tuesday, 13 April 2010, a copy of all documents and data collected for the period July to December 2009 from Victorian hospitals and health services that are used in the collation of the *Your Hospitals* report.

The *Your Hospitals* report is a woefully inadequate document for Victorians which, unfortunately, leaves so much out. Not only that, the release of the document is being increasingly delayed. We saw the government delay the release of statistics that should properly go out in a sensible and orderly way. They are collected from the health services within a month or two, in a reasonable period, and they ought to be released so that the community can see the performance of their health services within a reasonable time period.

An honourable member interjected.

Mr D. DAVIS — It could even be real time in some cases, but I am prepared to concede that information on some services may need to be collected a little slower. We know the data is collected; the question is, why is it not out? The government has a practice of releasing this data at a time that is inconvenient to the media and the community, a time when there is a major football match on or it is the day before Easter. Those sorts of time periods have become increasingly common.

It is interesting to note that the July 2008 to June 2009 figures were released in October 2009, the July to December 2008 figures in July 2009, the July 2007 to June 2008 figures in October 2008, the July to December 2007 figures in May 2008, the July 2006 to June 2007 figures in October 2007, the July to December 2006 figures in May 2007 — a long wait in that case. The January to June 2006 figures were released in September 2006, the July to December 2005 figures in April 2006 — again, a long wait. The January

to June 2005 figures were released in September 2005 and the July to December 2004 figures in April 2005. There has been a pattern of this information being released later than it should be. This data ought to be in the public domain now.

That is particularly important at a time when there is a debate on national and state reform in these sectors. The Prime Minister has put on record his view that there should be a partial takeover of the state health system. Whether you think that is a good idea or a bad idea is not the point of this debate, but the provision of information is an important part of the debate. The performance of our health services is an important part of that debate. I therefore believe these documents should be released in a timely way. Recently they have not been. I know the government will be tempted to hide this data in the lead-up to the election. It is important that the chamber sends a clear message that the data should be in the public domain and should be released.

Mr VINEY (Eastern Victoria) — Consistent with the position that the government has always taken on the first request for documents, it will not oppose an initial request for documents. The government will give appropriate consideration to the request and determine whether the documents can be released in accordance with the various criteria that have been set out on numerous occasions in this house and in correspondence from the Attorney-General — that is, where these documents can be released, they will be. Where they do not meet the criteria for executive privilege they cannot be released. Therefore, the government will not oppose this motion at this stage.

Ms HARTLAND (Western Metropolitan) — I state very simply that the Greens support the release of these documents. We think they go to the whole issue of knowing exactly what is happening in our hospitals. I sat on the hospital inquiry and I was quite disturbed by the lack of the ability of the government to talk to us, especially about waiting lists and the waiting list to get on the waiting list.

Motion agreed to.

GOVERNMENT: PRODUCTION OF DOCUMENTS

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

1. That this house —
 - (1) notes the failure of the government to comply fully with the resolution of the Council of 9 December

2009 to table a copy of the planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;

- (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 the government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the government has still failed 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 fully comply with the Council's resolution of 9 December 2009;
- (5) demands that the Leader of the Government urgently comply fully with the resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

Mr BARBER (Northern Metropolitan) — I move:

2. That this house —
 - (1) notes that the documents relating to the register of the exercise of powers delegated by the Minister for Planning ordered by the resolution of the Council on 24 February 2010 to be tabled in the Council by 12 noon on 9 March 2010 have not been received by the Council;
 - (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; and
 - (3) requires the Minister for Planning to comply fully with the resolution of the Council of 24 February 2010 and table by 12 noon on Tuesday, 13 April 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.

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

3. That this house —
 - (1) notes the failure of the government to comply fully with the resolution of the Council of 9 December 2009 to table a copy of the health services monthly and quarterly integrated performance reports for the 2008–09 financial year and the first quarter of 2009–10;

- (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 the government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the government has still failed 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 fully comply with the Council's resolution of 9 December 2009; and
- (5) demands that the Leader of the Government urgently comply fully with the resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

I wish to speak to each of these motions in this cognate debate. The three motions fall into a sensible category, because they are follow-up motions that deal with earlier motions in the chamber where the chamber has made its view quite clear. Motion 1, which is motion 35 on the notice paper, deals with planning applications and arrangements for a number of government housing projects where the Minister for Planning has made himself the responsible authority. The chamber has very simply said it wants to see the documents on which the minister is relying and how this operates. It wants to see those documents that relate to these developments.

The government has said it will seek to comply, but it is now a very long time since 9 December — January and February have gone by, and it is now March. We are a long way down the track, and the minister and the government have had all of that period in which to comply. I accept that a letter came back from the government, but even that is a long way down the track. It is not reasonable that the government simply dither and delay on this. Frankly I was hoping some of these documents would be brought to the chamber yesterday or today, but that does not appear to be the case. It is extraordinary that the government continues to defy the chamber on these simple points.

The question is: what does the Minister for Planning have to hide? Why will he not release these documents? If you have nothing to hide, you should have nothing to fear. The reality is this minister has plenty to fear. He has not taken sensible steps to comply with this order. The minister has not come back and said he has some of the documents, that there are further ones to come or that there is some difficulty. That communication has not been provided to the chamber. As we are all very aware, it is now 24 March. That is an extremely long

period for the minister to be dithering on this; hence this motion.

Let us be clear; the planning arrangements in this state are being subverted by this minister. We know his planning arrangements in the case of the Windsor Hotel were being driven by a media plan prepared for him by a media officer. We know there are real concerns about our planning process being subverted. These documents are important so that we understand how the planning process is occurring and have confidence in our planning process, if the minister could only be open with the chamber and provide those documents.

Motion 3, which is motion 37 on the notice paper, is in respect of the integrated performance data, which is baseline data provided for the department by hospitals. I make it clear to the chamber that the opposition is engaged in a series of FOI disputes at the Victorian Civil and Administrative Tribunal to obtain integrated performance data from this government, but the government is blocking that. It is using shenanigans and every legal trick imaginable, but we also know the data is available and can be provided. There is no personal information in it. It is all aggregated data about the performance of particular health services against similar health services.

I have copies of some integrated performance data and reports. I have a set of data from Southern Health. I have other integrated performance reports that have been provided to me by senior hospital executives, but again my point on the integrated hospital reports is that they should be in the public domain when we are making these decisions about the future of health care in this state.

Why on earth can the minister not provide this data? We know it sits at the Department of Health. We know the Department of Health has a copy of every one of these reports, every piece of data on which they are based and every aggregated report of the so-called integrated hospital performance data. The hospitals are required to provide this information under their statements of priorities. They are required to provide this information as part of their funding agreements. The information is provided at both the health service level and the Department of Health level. I ask the simple question: why is the minister not prepared to provide this data? What on earth is in it that is so damaging or devastating that he cannot provide that data?

The second point I wish to make relates to Mr Barber's motion, which is motion 34 on the notice paper concerning documents relating to the register of the

exercise of powers delegated by the Minister for Planning ordered by the resolution of the Council on 24 February. This relates to a more recent motion, and one might argue that the government may need some more time to deal with it, but frankly this is a very small class of documents. It is a set of documents that should be easily accessible by the minister in his department, and the chamber ordered the tabling of those documents on 24 February. There is absolutely no reason that data should not have been brought forward. There is no excuse. Instead of that, we hear deathly silence from the minister.

I indicate that the opposition will strongly support Mr Barber's motion. It is a very fair and important motion. Frankly this data should be in the public domain. With those comments in this cognate debate I seek the support of the house for motions 35 and 37 and indicate that the opposition will support Mr Barber's motion 34.

Mr BARBER (Northern Metropolitan) — Firstly, in relation to my motion, which is motion 2 and appears as motion 34 on the notice paper, to explain to members who are not completely familiar with the history, the minister provided to us his instrument of delegation — that is, the formal instrument by which his powers under the Planning and Environment Act are delegated down to more junior officers in his department. That document notes reasonably clearly that a record has to be kept of all such users of the delegation, and we requested that that record demonstrating which planning matters the minister himself signed off on versus those delegated to junior officers be provided for the four years that he has been in that role.

Given that it is a register, if you like, that is required to be kept, I am somewhat surprised the government would be having difficulty providing it. It is quite an important issue for the Parliament, because at various times we consider the powers of the minister and how he exercises them under the Planning and Environment Act. It would be nice to know whether he is signing these permits or constantly delegating them down to other people, and to know the level of scrutiny, rigour and probity that may go along with that issue.

On the original due date for the document the Attorney-General informed the house that they were working on examining our request. Again, by my reading of its description, it is a simple pre-existing register and therefore I cannot understand the purpose of the delay; I would love to hear from the government if there is some explanation for the delay. In any case, this motion reiterates our requirement for the Minister for Planning to comply with the original resolution of the house and

set a further date. But if the government is able to come in here and table the document some time today or tomorrow, even better.

In relation to the other two matters raised by Mr David Davis, which are also his pursuit of other documents he has requested, the Greens will support that pursuit.

Mr VINEY (Eastern Victoria) — The government will stick with its consistent position. My understanding is that the documents that Mr Barber requests in his motion are still being pursued. I understand that Ms Mikakos intends to speak on that matter more specifically, but my advice is that consideration of the request by Mr Barber is not yet complete. I have no other advice that I can give the house in relation to that.

I would expect that we would not be opposing — although I will have further discussions with Ms Mikakos — a motion proposing an extension to the time frame in which those documents should be provided, and that would be appropriate given that the house has been advised that the matter was under consideration and that the house would be advised as soon as the government was able to do so.

In relation to the two motions from Mr David Davis, motion 35 and motion 37 on the notice paper, the government's position is again consistent. It has repeatedly said in this place that where it is possible to release documents under the guidelines provided to the house by the Attorney-General, that it would do so and release them; but that where their release breached what it regards as some important principles in relation to executive government, such documents cannot and will not be released.

I suspect that if Mr Davis were to ever hold office as a minister of the Crown, he would have a very similar position. It is a longstanding principle and practice of the Westminster system that certain documents relating to executive privilege will not be released, however innocuous those documents may be. I am not and do not expect ever to be privy to those documents because I am not a member of the executive and therefore I cannot get those documents either, and nor should I. So I am not in a position to advise the house as to the nature of the documents or the basis upon which they cannot be released.

I am in a position to advise the house that the Leader of the Government takes seriously his position and the oath he took as a minister of the Crown to act appropriately and in accordance with what he is required to do as a minister. The Leader of the Government has a high degree of integrity in relation to

these matters; if it were possible for the executive to release documents to the house, the government and the Leader of the Government as the representative in this chamber of the relevant ministers is prepared to release them. But where he is required to honour his oath of office as a sworn member of the executive, to treat documents that are dealt with by the government as privileged documents, he will honour that oath.

I repeat: it is a very poor reflection on the house that the opposition continually moves motions of censure against the Leader of the Government for doing his job, for doing what he is required to do. The house noted a few weeks ago that the Greens voted with the opposition eight times in 10 minutes to censure the Leader of the Government on these matters.

Mr Barber has indicated again today that the Greens intend to vote twice to censure the Leader of the Government for doing nothing less than his job, nothing less than the position that he is required to take as an executive member of government in accordance with some longstanding principles of the Westminster system.

I repeat: if one thinks about this for more than 30 seconds in any context other than a political point-scoring exercise, one will recognise that this principle is a hallmark of good government across the commonwealth, whether it be here or in the UK, New Zealand or any of the other countries that operate under a Westminster system.

It is a fundamental principle that documents that relate to advice to government in its deliberations and decision making need to be held with a degree of privilege. The reason is that the best form of government is one that allows ministers of the Crown to consider advice given to them frankly and fearlessly. You cannot have frank and fearless advice given to ministers if that advice is going to be subjected to the kinds of political processes that we see take place in this house all too often, where the opposition continually moves censure motions against the Leader of the Government and gets them up because it has the political numbers in the chamber. That is the process that has been exercised here. If we were to go down the path where the government opens up its decision-making processes and where advice that is given fearlessly and frankly to ministers becomes exposed, that would undermine the important tenets of good governance.

That is not to say that there cannot be proper processes of accountability. We accept that there are equally fundamentally important reasons for accountability in

this chamber and for accountability of the executive. I just remind the house that this is the government that has put in place those accountability mechanisms in a way that has not been done in this chamber in particular for 150 years. It is this government that put in place the accountability mechanisms of a properly and democratically elected chamber. That was done in the context that we had a reasonable majority in the chamber for the first time in 150 years. To an extent the government disadvantaged itself at the following election by having brought on that reform. This is the government that protected the role of the Auditor-General and made the Auditor-General an officer of the Parliament, as it did with the Ombudsman.

Mr P. Davis — That is not actually true. It was the Kennett government that made the Auditor-General an officer of the Parliament. Before that he was an officer of the Department of Premier and Cabinet.

Mr Lenders — That is not what the people of Mitcham thought.

Mr VINEY — I think that Mr P. Davis might — —

Honourable members interjecting.

Mr VINEY — I do not think members of the opposition like it when I give them a history lesson. I do not think members of the opposition like it when I remind them that Bill Forwood was both Parliamentary Secretary to the Premier and chair of the Public Accounts and Estimates Committee. What a conflict of interest that was! I do not think members of the opposition like some of these history lessons. They do not want to remember the fact that the people of Mitcham delivered a 17 per cent swing against them when they were in government or that what they did at that time resulted in the coalition going from having a landslide victory in 1992 to a thumping defeat in 1999, followed by an even greater defeat in 2002 and 2006.

The people of Victoria do not trust the people on the other side to have integrity and accountability and to understand that the proper processes of running the state require that people hold true to the principles of executive government. This side of the house will continually defend the right of the executive to receive frank and fearless advice without that advice being exposed to the tawdry political shenanigans of the opposition.

Mrs Peulich — You have manipulated every process that exists.

Mr VINEY — We are hearing the yelling coming from the other side. It was not this side of the house that

set up a gerrymandered select committee to investigate the former Premier. It was not this side of the house that set up a gerrymandered committee, the Standing Committee on Finance and Public Administration, where 48 per cent of members of this chamber get 27 per cent of membership on the committee. That is not what happened. That was done by a coalition of 21 votes, which delivers whatever you like.

What we know is that the processes the opposition put in place when it was last in government are still alive and kicking in this place; the opposition is still proceeding with those processes. Members of the opposition have demonstrated time and again that what they did when they were last in government they would do again, because that is the methodology they use in this chamber. When they have 21 votes, they think they can do whatever they like: they can set up whatever gerrymandered committee they want; they can undertake any bodgie investigation they like; they can propose, as Mr Barber has done in the media, to physically drag a 25-year-old woman before a bunch of political headkickers. That is what they want to do — put an employee before a committee without any rights or representation. Tell me of another workplace in Australia where a 25-year-old employee would not be allowed to be represented at some sort of hearing into whether or not they made a mistake at work. Tell me of any other employer in Australia who would be allowed to do that. That is what the Greens in coalition with the Liberals and The Nationals on the other side want to do.

I am not going to be lectured about accountability and executive government by members of the other side of the chamber, because what members of the opposition have demonstrated is that 21 votes will continually deliver whatever they want. They have no respect for the processes of executive government and no respect for decency. There are 21 voters across there who have demonstrated that on countless occasions.

We on this side will not support the continuous censure of the Leader of the Government for doing his job; we will not support that under any circumstances. Government members will oppose the two motions of censure, just as we will continue to stand up for the rights of executive government and for accountability. We will stand up for the rights of a young person who makes a mistake at work to be accountable to their employer, not to some bunch of political headkickers on an all-male committee.

Business interrupted pursuant to sessional orders.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I draw to the attention of the house that we have a former member for Geelong Province in the gallery, Ms Elaine Carbines, whom I am sure I have embarrassed.

BUSINESS OF THE HOUSE

Photographing of proceedings

The PRESIDENT — Order! I advise members that, before we go to question time, a photographer will take the official photograph. The photograph is necessary because we have a new member in Mr Murphy.

QUESTIONS WITHOUT NOTICE

Planning: Hotel Windsor redevelopment

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister confirm that Labor mate Graeme Holdsworth has, according to the website of the Department of Planning and Community Development, his department sat on no other planning advisory committees and that the only committee listed bearing his membership is the one that reported on the redevelopment of the Windsor Hotel?

Mr Lenders — On a point of order, President, you have ruled on a number of occasions that in answering questions ministers should not be critical or overtly political. Mr Guy's question started off with the phrase 'Labor mate'. I put to you, President, that that is adversarial and argumentative and that it should be ruled out of order.

Mr D. Davis — Further to the point of order, President, it is a simple statement of fact; he is a Labor mate.

The PRESIDENT — Order! Mr Davis is debating. The fact is that it is unquestionably argumentative, and I ask Mr Guy to withdraw the 'Labor mate' aspect of his question.

Mr Guy — I withdraw that aspect of my question, President.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in these matters, and I look forward to Mr Guy's support for reforming the planning process at every opportunity in the future.

In relation to this matter let me make it particularly clear how the arrangements are put in place for the appointment of the independent panel process. Recommendations for the appointment to a panel come from the chair of panels, Kathy Mitchell. Kathy Mitchell was appointed to Planning Panels Victoria in, I understand, 1996, and she has worked her way through the panel hierarchy to take that decision as chair of Planning Panels Victoria.

The expertise within Planning Panels Victoria is of the highest quality. That expertise is based on merit and professional ability — no other reason. In relation to appointments to any panel process, those panel members are recommended to me by the chair of Planning Panels Victoria, Kathy Mitchell. I would caution the opposition about questioning the integrity of the independent professionals who make up Planning Panels Victoria, who work on Planning Panels Victoria and who are appointed to Planning Panels Victoria for particular matters. I would caution the opposition about challenging the integrity of these professionals because these professionals are of the highest quality.

Can I also make the point that Kathy Mitchell, who has recommended the appointment of this panel, is not only the chair of Planning Panels Victoria but is also the president of the Victorian Planning and Environmental Law Association. The opposition wants to be very careful about criticisms, as they go beyond me; they go right to the heart of the professionalism of the planning industry and the planning fraternity. If Mr Guy or anybody opposite wants to directly criticise the professionalism of the planning fraternity, I would caution them.

Honourable members interjecting.

Hon. J. M. MADDEN — Whilst I know opposition members have concerns about me, I would caution them, because what will happen is this will come back to bite them big time, because the industry itself will not take this. The industry itself will not allow its members to be directly criticised on the basis of their professionalism and their capability. I warn Mr David Davis and Mr Guy to be very cautious about this sort of criticism, because this goes right to the heart of the planning fraternity, and it will not forget it. When it comes to November, it will not forget it either.

Supplementary question

Mr GUY (Northern Metropolitan) — I note the minister has stated that he was the person to make a final decision to appoint someone to a planning advisory committee, and I ask the minister why he

chose Mr Holdsworth for the Windsor redevelopment — his only listed project — and why the probity auditor was not allowed to speak to those panel members as part of his report into the Windsor redevelopment?

Hon. J. M. MADDEN (Minister for Planning) — I think there are two parts to that question, and I am happy to answer the second part first. In relation to the probity arrangements, I have mentioned time and again in this place that the appointment of that probity auditor was through the secretary. For me to appoint that auditor would have been a conflict, so that appointment was something I was not going to undertake. The secretary appointed that auditor and set those terms of reference.

Mr Guy — There were two auditors, and neither of them looked at it.

Hon. J. M. MADDEN — In relation to both of those, Mr Guy, the secretary appointed them, and I am happy to stand by that appointment made by the secretary. I know from Mr Guy's questions that he would have been very happy for me to have appointed them so he could criticise me again, but can I make this point very clear: that appointment was undertaken by the secretary of the department.

I also make this point in relation to the other matters raised by Mr Guy: I appoint the panels on the basis of recommendations from Planning Panels Victoria. Any members of Planning Panels Victoria are appointed to Planning Panels Victoria initially on their professionalism, on their qualifications and appropriate experience, and on recommendations from Kathy Mitchell, the chair of Planning Panels Victoria, who is also the chair of the Victorian Planning and Environmental Law Association.

Mr Guy — But you make the final choice.

Hon. J. M. MADDEN — Mr Guy's criticism, goes to the very heart. That is what he is saying: he is criticising Kathy Mitchell and he is criticising the Victorian Planning and Environmental Law Association. I would caution Mr Guy and opposition members on their direct criticism not only of the chair of Planning Panels Victoria but of the Victorian Planning and Environmental Law Association.

Another comment I would like to make in relation to this panel, and the members of any other panel, is that one thing I do not do, which I am sure the opposition would like to do, is ask about their political allegiances in relation to any of these appointments. That would not be in any way appropriate.

Let me make this point very clear: their members professional allegiances are not of any interest to me in relation to the professionalism of these groups. I know that if I were to ask that question, the first group that would come out and criticise me would be the Liberal Party. We see the hypocrisy of the Liberal Party, the hypocrisy of the style of the Liberal Party, the Maclellanesque style of the Liberal Party rise from the ashes again. This is an opposition which will say anything, which will do anything, which will resort to anything in relation to these matters.

Mr D. Davis — On a point of order, President, the minister well knows that it is question time which is an opportunity for him to answer questions, not to spend his whole time diverting attention by attacking the opposition.

The PRESIDENT — Order! The point of order is correct. The minister is now starting to divert criticism to the opposition to the extent that it is starting to become overt. I invite the minister to continue, relevant to the question and without overt criticism.

Hon. J. M. MADDEN — Again I would caution the opposition on these criticisms, because this goes to the very heart of not my role but the role of the planning profession. If Mr Guy's point is to criticise the planning profession in this state, he should make that public. He should do a press release and say it publicly rather than saying it under privilege in this place — in cowards castle.

Financial services: government initiatives

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Financial Services, John Lenders. Can the minister update the house on the strength of Victoria's financial services sector with specific reference to employment growth in the finance and professional services industries?

Mr LENDERS (Minister for Financial Services) — I thank Mr Elasmarr for his question and I thank the photographer for getting the attention of the house for me on this very important item. Financial services is the strongest growing part of the Victorian economy; through Mr Elasmarr's electorate and through the rest of the state, it is the strongest growing part of the Victorian economy. In fact in the year to February 2010 we saw thousands of new jobs in financial services as the Victorian economy grew.

This diversification of the economy, the financial services and other professional services that Mr Elasmarr is interested in, are a sign of more jobs for

Victorians, not just young Victorians but other Victorians who are seeking work. It is part of this Brumby Labor government's plan to strengthen financial services.

If you look to why we have strong financial services in Victoria, you see the largest part of our financial services is clearly our banking system which services a growing economy. It is also no coincidence that an incredibly strong and growing part of financial services is our funds management.

If we talk about long-term financial planning in the labour movement, we note it was the decision of the Hawke and Keating governments, with the trade union movement, in the mid-1980s to make superannuation compulsory that has delivered to Australia the fourth largest amount of funds under management on the planet. Melbourne is the centre of that management. Why is Melbourne the centre of that? It is because the funds management sector is based here and because of industry superannuation funds — which is a result of cooperation between the Labor Party and the trade union movement — which have actually seen this important sector grow.

It has also grown because we are dealing with risk mitigation issues, with niche products and with a good system where innovation in this state is seeing growth coming forward. This is tripartite: it is government, it is business, it is unions all working together to grow this sector.

There are some challenges to this growth. Sectors grow when you have strong institutions. Some of our best institutions, whether it be the Victorian Funds Management Corporation (VFMC), the State Trustees, the Members Equity Bank or whether it be in the professions or overseas education, all get repeatedly trashed by some of those in the state who have no regard for the importance of confidence in growing institutions and growing jobs in the state of Victoria.

I do not say this lightly. The trashing can come in two ways. It can come from the words of Jeff Kennett, who said in the *Age* of October 1996:

Sydney is where most of the financial operations now occur so there is no point in trying to deny the obvious.

This was as he rejected a series of back-of-house financial services that could have come to Melbourne; it was all too hard for him, he put up the white flag. But this Labor government will work to grow these jobs in Victoria. It is also the trashing of Members Equity Bank by the likes of Kim Wells, the member for Scoresby in the other place, the trashing of the VFMC

by the likes of half the opposition front bench, the trashing of State Trustees by the opposition and the talking down of professional services that risks this economy.

We will continue to talk up the state. We will not go to puerile antics such as of smashing plates with the face of the Premier on them which is part of the modern Liberal Party's culture of trashing Victoria.

Mr Viney — Who did that?

Mr LENDERS — It was actually Ms Lovell who did that, Mr Viney. At a Liberal Party fundraiser she smashed a plate with the Premier of Victoria's face on it.

If we are to grow the financial services sector, if we are to grow jobs in the state of Victoria, we need to be professional. We need to have a vision for the future and our mantra cannot simply be to trash everything in Victoria because a moment's thrill can be had out of it, as the opposition seems to do. Jobs are at stake and our state's reputation is at stake. Growing financial services will continue to offer jobs and make Victoria a better place to live, work and raise a family.

Minister for Public Transport: conduct

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Public Transport, Mr Pakula. It relates to something quoted in today's article about his fundraising activities for the ALP. His spokesperson is quoted as saying that any of these activities are 'governed by strict probity requirements'. I presume that can only be in relation to his ministerial duties. Can the minister describe for me, in relation to his ministerial duties, what are the strict probity requirements that he is governed by when participating in these activities?

The PRESIDENT — Order! Would Mr Barber demonstrate for me the link between his question and the minister's portfolio responsibilities?

Mr BARBER — You would expect that the minister in undertaking any meeting with any person would be governed by strict probity requirements. I am presuming that they arise out of live tenders and other issues that are before him as the minister. In this case the context is an ALP fundraising lunch. I do not particularly care what the context is. I am interested to hear from the minister, given his spokesperson made the claim, that he is governed by strict probity requirements.

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Barber for the question. Obviously I am aware of the story in today's *Age*. I am attending a lunch on the date reported in that story. I noticed some of the speculation in the story, which is a bit wide of the mark.

Mr Jennings interjected.

Hon. M. P. PAKULA — That is right; if anyone from this Parliament wants to talk to me, they can come up and ask me anything they like at any time. If a minister is meeting with any individual or corporation which is or may be involved in, for instance, a live tender, the normal course of events is that at the least there would be letters or emails exchanged between the parties to indicate that certain matters cannot and will not be discussed in any conversations. That is obviously an undertaking I have engaged in on some occasions, as have most ministers, because it is impractical to never meet with people who are or may be involved in tenders or projects now or down the track.

I can indicate to Mr Barber that in regard to this particular event, I am advised that there are no attendees who are involved in any live tenders with the Department of Transport.

Supplementary question

Mr BARBER (Northern Metropolitan) — Am I right in understanding that the strict probity requirements relate only to tenders? Are these guidelines written down somewhere? Do they arise out of statute, or are they a matter of departmental policy? Is there anything the minister can show us so we will be able to read the strict probity requirements that he is governed by?

Hon. M. P. PAKULA (Minister for Public Transport) — Obviously in these circumstances the level of care that needs to be taken will differ, depending on who is in attendance. We have had parliamentary committees which have dealt with these sorts of matters. If there is a perception that particular individuals have the capacity to improperly influence a tender or anything of that nature, then you take greater precautions. In certain circumstances you may insist on having departmental representatives or probity officers in attendance. As I have indicated, in regard to this particular event I am advised there is no-one who will be attending who is involved in any live tender through my department.

Productivity: Victorian Competition and Efficiency Commission

Mr TEE (Eastern Metropolitan) — My question is to the Treasurer. Can the Treasurer update the house on the work of the Victorian Competition and Efficiency Commission in improving efficiencies and on other approaches in this field?

Mr LENDERS (Treasurer) — I thank Mr Tee for his question about the Victorian Competition and Efficiency Commission (VCEC), which is a body that was set up by my predecessor as Treasurer, the now Premier, to try to improve productivity and efficiency in Victoria.

In effect Victoria is the only state that has its own mini productivity commission. VCEC has done a lot of good work. Just yesterday I tabled in the Parliament a VCEC review of better use of shared facilities and the government response. We have led the way in a policy sense where schools, which are the hub of community activity, can be better used by the community. Under the Building Education Revolution program federal Labor has built on to that the requirement that for public funding the primary school is a facility shared by the community. They are ideas that have come forward from hard work, a lot of grunt work and policy work that we as a government have done with VCEC as one of the bodies to do that.

There has been work by VCEC on streamlining local government regulation into environmental regulation in Victoria, the ‘green tape review’; and into regulatory impediments in the financial services. These are things that this government has done by way of inquiries where there is intellectual rigour: there is grunt. You get a professional body to work with you on policy to improve productivity so you can create more jobs for the next generation of Victoria.

There are alternative ways to deal with this. Firstly, I will refer to some of those people who subscribe to this notion. Just this week John Key, the New Zealand Prime Minister, Bill English, his Minister of Finance, and Rodney Hide, his Minister of Regulatory Reform, came forward and were looking at copying Victoria’s VCEC. They see it as a model for economic management that will deliver dividends for New Zealand.

We have also had Bill English come over here and look at our Gateway process, our public-private partnerships. I might say also that the new Western Australian government has come forward and said it sees Victoria

as a model of running efficient economies and efficient regulatory reform.

It is interesting that the greatest fan of the Victorian government, Barry O’Farrell, has come forward and said that Victoria has some of the best ideas on how to look forward and go forward. It goes back to my earlier discussion on where Labor, the political Labor and trade union Labor, brought in superannuation a generation ago. It is these ideas from Labor that have seen a transformation of our economy.

Mr Guy — What are you saying about New South Wales Labor?

Mr LENDERS — What I will say, Mr Guy, is that some others have different views about this. This house, for example, in a motion moved by Mr David Davis, called for a referral to the Victorian Parliament’s Economic Development and Infrastructure Committee to look into debt and tax. It is a big issue, and I congratulate Mr Davis on moving that motion, because if we are talking in the context of the question Mr Tee asked me about the alternative methods and ways of going forward, referral to a committee of important work to be done is a good thing to do.

Tragically a short two-page letter was sent to the committee by Kim Wells, the member for Scoresby in the other place, referring to his submission to the Henry tax review. That was a submission that was lodged when the Henry tax review was literally being printed — a 160-word letter — —

Mr Atkinson — On a point of order, President, there is such a document that has gone to that committee. As I am aware, that document has gone to only that committee and is therefore a document that is under consideration by that committee and ought not have been available to the Treasurer or to anybody else who is not on that committee. I ask you, President, to rule the matter out of order.

Mr LENDERS — On the point of order, President, my information is from the committee’s website.

The PRESIDENT — Order! I assume that if the committee has made it public on the website, it is clearly a document that is in the public domain and in order.

Mr LENDERS — In concluding, if we are to — —

Mr D. Davis — How many new taxes were on it? Twenty-six new taxes!

Mr LENDERS — It is amazing that Mr David Davis knows about this so-called confidential document. He and Mr Atkinson clearly are not singing from the same hymn sheet here; anyway I will not dwell on that. Mr David Davis as the shadow environment spokesman was the man who in this house went on for two years about Nowingi but never lodged a submission. At least Mr Wells has put in 160 words, as platitudinous as they may be.

The Victorian government has a methodology and has done the hard work to boost productivity. We have engaged bodies like our own productivity commission, the VCEC. The New Zealand National Party is looking to it as a model; the West Australian Liberal-Nationals-Independent government is looking to it as a model; and Barry O'Farrell, the Leader of the Liberal Party in New South Wales, says, 'We in New South Wales have a lot to learn from Victoria'. Yet the Victorian opposition puts in a 160-word submission to an inquiry it set up — and we wonder why business in this state is saying all the opposition can do is trash anything that exists. It smashes plates with pictures of the Premier on them, it trashes anything that works, while its colleagues across Australasia look to Victoria and say to the Victorian Liberals, 'Listen and learn'.

Crime: city of Monash

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Planning, the minister in this chamber who represents the Minister for Police and Emergency Services. I refer to the riot in Oakleigh on Friday night. Will the minister confirm to the house that community cabinet documents from the Monash community cabinet in 2008 show that since 2003–04 violent crime had risen by 14.4 per cent in the city of Monash, which contains Oakleigh, and will he explain why, with this rising tide of violence, the Brumby government took no action?

Hon. J. M. MADDEN (Minister for Planning) — As is the normal protocol in this chamber when questions are asked of ministers here for ministers in the other place, I am happy to take that question on notice.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — The minister does not like answering questions. When the minister takes this question on notice, will he also confirm that the Brumby government's own community cabinet figures show that only one extra police officer has been added to the Monash numbers

since 1999 in spite of the Premier knowing there was a massive rise in the violent crime rate?

Hon. J. M. MADDEN (Minister for Planning) — Again, the protocol in this chamber when questions are asked of ministers in this place for ministers in the other place is generally to take them on notice. I am happy to do that. However, I suggest it is not normal for matters that are brought before cabinet and that are under cabinet discussion in any shape and form to be aired in this place until a resolution is reached on any of those specific matters. I am not the Minister for Police and Emergency Services, but I am happy to refer those matters and that question to the Minister for Police and Emergency Services in the other chamber.

Mr D. Davis — On a point of order, President, the minister indicates that cabinet matters may not be aired. These are community cabinet documents that the opposition has sought and found under FOI, and the minister should rule them in.

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

Respect agenda: government initiatives

Mr SCHEFFER (Eastern Victoria) — My question is also to Justin Madden, the Minister for the Respect Agenda. I ask the minister to advise the house of what recent action the Brumby Labor government has undertaken to promote the respect agenda in regional Victoria and amongst young Victorians.

Hon. J. M. MADDEN (Minister for the Respect Agenda) — I thank Mr Scheffer for his interest in this matter.

Honourable members interjecting.

Hon. J. M. MADDEN — I detect a note of cynicism from the opposition.

Honourable members interjecting.

Hon. J. M. MADDEN — Sorry, President — it was not a note or hint of cynicism; the opposition is absolutely cynical in more ways than one. From the noise members of the opposition make, it is obvious they do not support the respect agenda. What this suggests is that while the government is acting on the cultural concerns of the community, members of the opposition are sceptical about them — and there is no doubt that they will be judged on their views.

The respect agenda is the key priority not only for me as minister but also for this government. It is about

respecting ourselves and accepting and valuing who we are; it is about respecting others by treating people fairly and appreciating different circumstances and views; and it is also about respecting our community by welcoming newcomers and doing something as simple as lending a helping hand. The respect agenda is about taking a proactive approach to many of the issues we are all concerned about — being proactive as well as investing in the reactive actions we need to take.

Just last week, as part of the Geelong community cabinet, I chaired one of a number of round tables with young people from schools around the area. I was supported at that event by Bronwyn Pike, the Minister for Education, and an AFL footballer from Geelong, Jimmy Bartel. He was able to relay his own circumstances and experiences, which was very useful for the discussion. I commended Mr Bartel because he was raised by his mother and is recognised as a strong leader, not only in the group he belongs to — the football community — but also in terms of his community and family. It was great to hear what he had to say to young people and how engaged they were in the discussion.

The important thing about that approach is that the views shared by these articulate and considered young people left me with the impression not only that the respect agenda is heading in the right direction but also that we can learn an enormous amount from young people who experience firsthand many of these cultural issues. Whilst the scepticism of the opposition is obvious today, the young people I spoke to were not sceptical about the respect agenda. They believe it is very important, not only for their own age group but for people in other age groups across the community whom they support or whom they look to have support from. I commend the young people who were involved in that discussion.

I also had the opportunity to speak to young people over the airwaves on Triple J radio last week. It was a national broadcast.

Honourable members interjecting.

Hon. J. M. MADDEN — Again we hear scepticism and cynicism from members of the opposition. I might have thought that Triple J listeners — having been one once myself — would be a fraction sceptical, but they were not. They were questioning of the respect agenda, but they also recognised that many of these issues are paramount to the way they have to interact with the community, particularly given the fact that young people — especially young males — are often the victims of crime. There may be high numbers of young

people recorded in crime statistics, but they also are often victims of crime. Many of the young people involved in this discussion knew firsthand that they could be on the receiving end of, in a sense, the whole lack of respect issue out there in the community.

They are very supportive of the notion. We are not telling young people how they should live their lives — by no means are we doing that. We are engaging in a discussion with young people and with older people — who could learn a lot from the respect agenda as well — in terms of how they interact with one another, how they develop a culture of respect in not only their own peer group but their broader relationships across the community.

This is very much a proactive approach. Let us not forget the reactive approach that we have undertaken as a government. We have increased police numbers, we have given police new powers, we have released Victoria's alcohol plan and we are also working to prevent violence against women through our document *A Right to Respect — Victoria's Plan to Prevent Violence Against Women 2010–2020*. We have also developed the Respectful Relationships education program in schools.

Many initiatives have already been undertaken by the government. We have gone from, in a sense, a reactive approach — and this is a cultural change — to being proactive. As we have referred before, it is a bit like the wearing of seatbelts. You can implement legislation and regulation, but over time you need a cultural change. That will not happen overnight, but it will happen. Regardless of the cynicism and scepticism of the opposition, we know this respect agenda is of prime importance to the Victorian community, and we will work harder on it to see it embraced more broadly by the Victorian community, to make Victoria the best place to live, work and raise a family.

Planning: Doncaster East development

Mr ATKINSON (Eastern Metropolitan) — My question is also to the Minister for Planning, Justin Madden. I note that the minister recently announced that he would fast-track planning assessments for 12 Woolworths home improvement store developments in Victoria. Woolworths has lodged an objection to the development of a new Aldi supermarket to meet local community needs in Jackson Court, East Doncaster — a shopping centre where, incidentally, Woolworths gained government approval for the conversion of its Safeway supermarket to a big box liquor store. I ask: does the minister intend to intervene to fast-track the

Aldi project, which does have the support of the community and the Manningham City Council?

Hon. J. M. MADDEN (Minister for Planning) — I note with interest Mr Atkinson's question in relation to retailing, and I know he has specific views on retailing and has written many articles for various journals on retailing. He has also publicly expressed his views about the big retailers — Woolworths and Coles — and I do not believe those views are particularly supportive in any general sense in relation to these matters. I just put that on the record.

I would have liked Mr Atkinson to have premised his question around his own specific interest. I would have liked Mr Atkinson to highlight whether or not he was paid for those articles in relation to the views in which he — —

Mr Atkinson — On a point of order, President — —

The PRESIDENT — Order! Mr Atkinson does not need to make a point of order. I advise the minister he made a totally inappropriate comment in inquiring whether Mr Atkinson was paid to write those articles, and I ask him to withdraw.

Hon. J. M. MADDEN — President, I withdraw.

Let me make this very clear; the government has taken great pride in making sure that it promotes jobs and economic development in this state. We are also proud of the fact that the planning system is rigorous and transparent. However, we are also conscious that when many large franchise-type arrangements, particularly in the retail sector, have large rollout programs, many of those projects are stalled not because of local residents or local community groups but because of the other commercial retailers. We are conscious that that is part of the game playing by the respective retailers in relation to competition. We are very conscious, too, that this should not delay competition in the retail marketplace.

We are also conscious that where specific retailers have a number of projects, local councils may only approve one of those applications once every 5, 10 or 20 years. They may not have the specific expertise to deal with a large retailer in their community, and it is a significant resourcing effort on their part to deal with these matters.

On the basis of approaches from retailing associations as well as retail groups, we believe they would like to see a more uniform approach on these matters across the state. That is important, particularly as a result of

the global financial crisis when jobs are at a premium and to continue the economic development in this state into the future. Where we have intervened in this space, it is important we have a proper process for considering the views and merit of local communities.

It also helps the resourcing of this approach at a local government level, and in many instances local governments have been enthusiastic about this approach — not all local governments, but many have been enthusiastic about it. What has been particularly important is that we have indicated to retail groups of all persuasions that we will not be enthusiastic about commercial game playing and about a lack of competition around retailing. We have made it clear that we are not enthusiastic about them using the system to their advantage and the same system to the disadvantage of others. It is very important that we are not enthusiastic about that, but we will have a process that deals with these matters accordingly.

Whatever announcements come out of these projects, we look forward to those announcements delivering more jobs and more economic prosperity for an economy — and I congratulate the Treasurer on this — that has stood out of the crowd not only within Australia but also in the greater developed Western world. Taking into consideration the global financial crisis, this has been an outstanding result for our economy because of the great work not only by the Treasurer, the building industry and the retail industry but also by the government to ensure that prosperity continues and to ensure the delivery of jobs, jobs, and more jobs.

Supplementary question

Mr ATKINSON (Eastern Metropolitan) — It always interests me when somebody comes into this house, particularly a minister who has the role of Minister for the Respect Agenda, and tries to ridicule somebody.

I make no apology, by the way, for my interest in my local community in Doncaster East, or for supporting small business. I also do not advocate that the minister should intervene in this matter. I note that the answer the minister has given shows an inconsistency in his planning decisions. He might be interested to know, given his comment on competition, that in fact Woolworths is a commercial objector to this Aldi store — which is of interest.

I therefore ask the minister on what criteria he decides to intervene and fast-track some developments in Victoria and not others, given that this Aldi project will

create new investment and jobs for the Doncaster East community — jobs, jobs, jobs! — as well as providing the grocery competition that he also mentioned in his answer.

Hon. J. M. MADDEN (Minister for Planning) — I am enthusiastic about competition in retailing, and particularly food retailing by the various groups, whether it be Woolworths, Coles, Aldi — any of those groups. At the end of the day, competition is a good thing. I am very conscious of the Doncaster East location that Mr Atkinson mentioned — —

Mr Atkinson — It was Safeway; Woolworths.

Hon. J. M. MADDEN — Safeway, and then it turned, as Mr Atkinson mentioned, that particular operation into a licensed liquor outlet. I am very conscious that in terms of retailing, the liquor licence-holder — which was Woolworths, Safeway or whatever we want to describe its brand name as these days — decided to no longer operate the grocery section of its supermarket chain there, but it decided to extend its liquor licence. I was very conscious of this and had been approached by many locals who saw this as an undermining of that centre. That was also one of the critical issues that we have asked for the retail review to consider.

But one of the things we do not do in the planning system is tell people specifically what retailing has to happen in a retail outlet. We might in relation to liquor, but we do not in relation to other matters. We do not specifically say, 'You have to sell coffee', or, 'You have to sell groceries'. In the planning system we do not tell them specifically whether they should sell clothes or food. But we are encouraging retailing, particularly retail competition.

As I mentioned before, one of the things we are very conscious of is that when large retailers look for investment they do compare planning systems with other planning systems. They do compare commercial opportunity here with commercial opportunity in other states. One of the great things about this state — and it is reflected in the economic activity, it is reflected in the building approvals, it is reflected in the planning approvals — is that we have a planning system which is better than other planning systems around Australia. What investors also look for is prosperity and opportunity. This state is a state of prosperity; it is a state of opportunity. The large retailers say, 'Where are we going to invest our millions of dollars? Let's invest in Victoria, because it has a better planning system and it is better able to resolve these matters. Not only that, good business is coming out of Victoria'.

We have been quite open and transparent about saying to specific groups who have come to us and said, 'We want these handled in bulk', that we are prepared to look at that, consider that and take advice on that. On the basis of the economic prosperity and the jobs that are generated from that we are prepared to consider those bulk and mass planning applications, which is not to say that we will allow every project to go ahead. There will be a process which deals with these in order to apply appropriate resources. What we have said to not only Woolworths and Aldi but to other retailers in the bulk retail group is that we are prepared to consider their bulk applications in relation to these projects but that we will decide on specific cases as they go through a process.

It is very important that opposition members recognise that this is about economic prosperity. If they want to condemn the retail sector, if they want to condemn the jobs that this government is delivering, they should put that on record — let us hear that one and all. If you are wanting to condemn a particular retailer over another retailer because you have an interest, declare it.

Mr Atkinson — On a point of order, President, the minister implied in his last remark that I had an interest in a particular retailer. It is absolutely untrue.

Hon. J. M. MADDEN — On the point of order, President, I did not imply that the member had one; what I said was if any member of the opposition had one.

The PRESIDENT — Order! I understood the minister to be referring to any member opposite who has an interest, and that does not imply anything other than an interest which could be on any number of matters. On balance, I do not think it was directed at Mr Atkinson specifically, and I do not think it inferred that there was some sort of either financial or personal interest or benefit.

Hon. J. M. MADDEN — We will unashamedly support jobs in Victoria and continue to do so to make Victoria the best place to live, work and raise a family.

Rail: Marshall car park

Ms PULFORD (Western Victoria) — My question is for the Minister for Public Transport, Martin Pakula. Can the minister inform the house of measures being undertaken to improve Marshall station for local commuters?

Mr Guy — Showtime! Hollywood Martin! Don't look now, the camera's on. Hollywood?

Hon. M. P. PAKULA (Minister for Public Transport) — I can tell Mr Guy that Hollywood would be a much sadder place if people like me were there.

I thank Ms Pulford for her question. I am pleased to say that last week during the community cabinet I had the opportunity to inspect the commencement of works that will expand the car park at Marshall station. I was joined on the day by Michael Crutchfield, the very hardworking member for South Barwon in the Assembly.

Mr Guy — Did you invite David Koch? Did you invite John Vogels?

Hon. M. P. PAKULA — In fact I think I saw Mr Koch go burning past me in his big white Territory down the Geelong road on the way back from Torquay.

Mr Crutchfield is passionate about improving public transport for residents in his electorate. Marshall station is set to receive an additional 300 car-parking spaces as part of the Brumby government's \$30 million program to upgrade regional railway stations.

Mr Koch — It's about time.

Hon. M. P. PAKULA — Marshall station, Mr Koch, is the first station to benefit from that program.

Mr Guy — You said Mr Koch passed you on the freeway. You were in the car. Shouldn't you get the train down?

Hon. M. P. PAKULA — I was coming from Torquay.

Those works will result in a major boost to the number of available parking spots from the current 100 up to 400 spaces. The new car park at Marshall station is being delivered in response to the increase in the local population and the continuing growth in the number of people choosing to travel by train from Geelong to Melbourne and back. Work at Marshall station will also provide improved facilities for those who want to walk or ride a bicycle, with a new bike cage that holds 30 bikes as well as upgraded pedestrian walkways. The works are being carried out by VicTrack. We will also include additional disabled parking spaces, upgrades to lighting, CCTV (closed-circuit television) security and landscaping.

Members, particularly those who represent Western Victoria Region, know that patronage on the Geelong line has grown by a massive 83.6 per cent over the past four years. That is a great response to the investment

we have made in the network. There is also the 7200 seats we have added to regional trains in the past four years. The Marshall railway station upgrade is just one more demonstration of the way we will continue to invest and improve the level of service we provide for communities in regional Victoria.

Government: goods and services tax revenue

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. Does the Victorian government support the hypothecation of Victoria's GST revenue, as proposed by the Prime Minister?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question. Treasurers will be having a series of meetings tomorrow and Friday, we have a Council of Australian Governments meeting in April, and clearly there is an active discussion between the commonwealth and the states on how we can deal with our shared interests going forward — which is to treat more patients more quickly and more efficiently. There is obviously a discussion going on between the states and the commonwealth.

Mr Vogels interjected.

Mr LENDERS — Mr Vogels obviously has ideas on this subject. Perhaps he could share them with the house, or at least with Mr Rich-Phillips.

We are in an extremely serious discussion with the commonwealth on this issue. The GST revenue is a reliable source of income that this state uses to fund its health, education, community safety, transport and other sectors. The Henry tax review, operating at the moment, puts into question many of the future financial income streams for the states. We are not in favour of the vertical fiscal imbalance becoming worse. We will have a constructive dialogue with the commonwealth.

As the Minister for Health has already said quite clearly in relation to the commonwealth's proposal to deal with a new governance for hospital boards, there are some details we need to discuss but we are supportive; it is a Victorian model. The commonwealth's proposal for case-mix funding is something on which the details are an issue for us, but in principle we support it. The commonwealth's proposal to put more money into hospitals is also something we support.

When the Howard government came into power the commonwealth funded hospitals by 50 per cent and the states by 50 per cent. At the end of the Howard government the commonwealth was funding 39 per cent of hospital costs and the states were funding 61 per

cent. If the commonwealth government wants to get back to a 60:40 ratio in its favour, we will be part of that discussion.

In respect of the GST, all states will be part of a very serious dialogue with the commonwealth. We are supporting more funding for hospitals if the commonwealth puts more in, but we will be in very detailed line-by-line negotiations with the commonwealth on what the proposal is before we sign up to any of it. We want the same outcome, but we also want to make sure that this incredibly complex and detailed system does not disadvantage the states in the longer term. The appropriate vehicle for that consideration is a discussion between officials, between treasurers and between first ministers. That is how we will get a discussion on the details.

I again thank Mr Rich-Phillips for his question. We want better health care and we want secure finances for the states to deliver critical services.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his answer, particularly in relation to the GST discussions. Can the Treasurer assure the house that the Victorian government will not support a change in the rate of the GST?

Mr LENDERS (Treasurer) — I can give a simple answer of yes. Is Mr Rich-Phillips talking about the Victorian government today? I hope he is not thinking of us committing a future coalition government to that proposition. It is a question that is clearly designed to start a Kim Wells scare-style campaign.

The commonwealth has had the Henry review of taxation in which the GST was off the table. The only government that has any control over the GST rate is the commonwealth government, because in the end the goods and services tax is a piece of commonwealth legislation, not state legislation. Mr Rich-Phillips's question is a hypothetical one, and the position of the Victorian government on this issue has been made very clear on repeated occasions by me and by the Premier.

Department of Sustainability and Environment: firefighter numbers

Mr DRUM (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Mr Jennings. How many full-time firefighters are currently employed by the Department of Sustainability and Environment and how does that number compare with the 2002–03 financial year?

Mr JENNINGS (Minister for Environment and Climate Change) — I am going to have to take advice on the figure for 2002–03, but what I can say is that under the program I referred to yesterday, under which we have concluded the burning off of more than 66 000 hectares during the course of this financial year and somewhere of the order of another 30 000 hectares is currently being burnt off, I am advised that we currently have about 619 project firefighters on the books — —

Mr Drum — No, full-time firefighters.

Mr JENNINGS — They have been added to our team.

Mr Drum — It is a specific question.

Mr JENNINGS — I think I have given a pretty specific answer to Mr Drum up until now. He has been sitting there, champing at the bit to get his question up. I have been on my feet for about 50 seconds and I have been answering with a degree of detail. In fact I was even able to tell him many project firefighters we have. The figure is 619. Was Mr Drum expecting that answer?

Was he expecting me to be able to tell him that or was he expecting me to tell him that we have more project firefighters employed this summer than we have ever had before. We have had more than 700 employed in our peak period during this year, adding to the effort we bring to bear. We call upon somewhere of the order of 2700 staff during the course of the fire season, added to our project firefighters.

In fact we have a continual workforce somewhere of the order of 700 people who are brought to bear in this regard. That effort is pretty significant, and cumulatively more resources have been allocated to our fire prevention and firefighting capability this year than we have ever had before.

In terms of the specific number of full-time firefighters that were in place in 2002–03, I am going to have to take some advice about what that number was. Maybe Mr Drum has a view about what that number was, but I am going to take some advice on it. What I can say is that our firefighting preparation this year has been more extensive than in any other year in the last decade. There is no doubt about that. We have had more resources and more staff available to us cumulatively in terms of our fire prevention and firefighting response than we have had in the last decade. There is no doubt about that.

We might be haggling over what the employment profile of the department might be, but I can assure Mr Drum that the community is pretty clear about it. Our environment is full of smoke as we speak, as it was when we left the Parliament of Victoria last night. The first thing we are aware of when we leave Parliament House is the smoke in our nostrils as we all detect the extensive fuel reduction burning program that is currently being undertaken around Victoria. Some people on the other side would be very happy about that and some will be mortified about it, but nonetheless it is a very extensive program. That work goes on at a greater rate than we have seen at any time in the last decade, if not in most decades in Victoria's history.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for that answer. Irrespective of the way the minister would like to spin his response, evidence given to the royal commission would suggest that we have fewer members than we had in 2003–04 who are part of the full-time firefighting brigade. Is it true that even after the horrendous fires of 2006–07 and of last year's season, 2008–09, we now have fewer full-time firefighters, even though the government has acknowledged that we have a need to increase our prescribed fuel reduction burns from the current figure of approximately 150 000 hectares towards the 385 000 hectares that has been recommended by the Environment and Natural Resources Committee and supported by this government?

Mr JENNINGS (Minister for Environment and Climate Change) — I am not going to assume that Mr Drum has picked up the ticket of any organisation that might have an interest in this regard, but it sounds a bit similar to a certain industrial campaign that I may have heard once or twice. The important issue is my substantive answer, that the cumulative resources that we have brought to bear in relation to our firefighting prevention, our fire preparation and our emergency response have been greater this summer than at any other time in the last decade. In the time that I have been minister for this portfolio we have cumulatively grown our resources in this area since that effort.

Mr Drum — Even last year — less than last year?

Mr JENNINGS — If Mr Drum is suggesting that less resources have been allocated to the firefighting effort this year than last year, that is just beyond belief. If you are looking at the budget papers in relation to the expenditure, you will see the difference between what was committed at the beginning of one year and the expenditure at the end of the year in terms of the

emergency and the recovery effort in 2008–09. I hope it will be an all-time record for expenditure on the fire program, because in fact it was responding to the emergency. It was quite an extraordinary commitment.

Mr Lenders — Nine hundred million dollars.

Mr JENNINGS — As the Treasurer has indicated behind my back, close to \$1 billion was expended in that calendar year on our firefighting and recovery effort. I do not think we should be too confused about what is in the budget papers. This year we have cumulatively grown the program. We have grown the number of people who are engaged in those activities between last year and this year.

Sitting suspended 1.04 p.m. until 2.13 p.m.

GOVERNMENT: PRODUCTION OF DOCUMENTS

Debate resumed.

Mr VINEY (Eastern Victoria) — As I was saying, the government's position on these matters has been clear. What it has said in the past is that where it is appropriate to release documents, it will do so, but it will not under any circumstances breach the principles of executive government and the principles of executive privilege, as outlined by us on many occasions, including by the Attorney-General in letters. What we object to — —

Mr Drum — You've said it twice, if not three times!

Mr VINEY — What we object to, Mr Drum, is the continuation of these censure motions about the Leader of the Government. When I was speaking before lunch Mrs Peulich interjected across the chamber and described me as 'a short angry man'. Is Mrs Peulich saying that was not true?

Mrs Peulich — That is not what I said.

Mr VINEY — It was quite clearly said. Maybe Mrs Peulich would like to clarify what she said.

Honourable members interjecting.

Mr D. Davis — On a point of order, President, the member is straying a little bit off the motions and heading into banter across the chamber, and he should be brought to order.

The PRESIDENT — Order! I note that Mr Viney is the lead speaker. I am not quite sure how long he has

been speaking, but as lead speaker he should be given a little bit of licence. I remind all members that when making contributions they need to be relevant.

Mr VINEY — I thought it was fairly standard to be able to respond to interjections across the chamber, but nevertheless I am not one in this place to take offence and ask for withdrawals. I am reminded of an occasion many years ago when I saw Michael Parkinson interview Yoko Ono and they were discussing her height. He asked her, ‘How tall are you?’, to which she replied, ‘I am very tall!’. I do not get stressed about these things, Mrs Peulich, and that stuff can be thrown across as much as you like — —

Mr Jennings — Can you sing?

Mr VINEY — I do not think Yoko could either, Minister! I did not mind her husband, but I am not sure about her singing. I am not stressed about these things. Mrs Peulich has indicated across the chamber that she did not say what I thought she said, so I will not take it any further.

Mrs Peulich — I never shy away from what I say.

Mr VINEY — I am happy for Mrs Peulich to advise me whether she said or did not say it. The government will stand tall on the fact that it will not allow the house to censure the Leader of the Government, without response, on matters where he is doing no more than honouring his oath of office to uphold the principles of the Westminster system.

The government will make sure that the ability of public servants to advise ministers of the Crown in a fearless and frank way is not compromised by a parliamentary process that is little more than a political sham in attempting to drag up documents — just as the opposition has threatened to drag a young, unrepresented woman before a committee for allegedly making a mistake at work, in a way that is not applicable to any other employee in the country. Any other employee in the country is entitled to representation at a hearing about whether or not they have made a mistake at work, but these people do not want to provide that.

We will stand tall on that, we will stand tall on the issue of opposing the censuring of the Leader of the Government for doing his job and we will stand tall in opposing the two motions of Mr Davis that seek to censure the Leader of the Government.

Mr P. DAVIS (Eastern Victoria) — I will be very brief. I just want to put on the record the lies that have been uttered in this place today about the Auditor-

General. The Auditor-General became an officer of the Parliament on 1 July 1998 as a result of legislation which was passed by the Parliament in December 1997 and which emanated from a review of the office of the Auditor-General in 1997 as a result of competition policy adopted by the state and federal governments in 1995. Fred Hilmer conducted a review under the auspices of the Labor Prime Minister, Paul Keating — —

Mr Drum — We are lucky we have got you, Mr Davis.

Mr P. DAVIS — Luckily I can remember some things. The long-term memory is pretty good; the short term I wonder about.

The Keating government’s national competition policy framework, which was adopted by all governments in 1995, led to a requirement that 430 acts of the Victorian Parliament be reviewed for their competition implications. One of those was the Audit Act, which I think dated back to about 1967. The Audit Act review ultimately recommended, in part, that the Auditor-General become an officer of the Parliament. That position was adopted by the Kennett government and the Parliament but with opposition from the Labor Party. The Labor Party opposed the legislation which in fact made the Auditor-General an officer of the Parliament. For those people who do not remember this, it is easy to explain why they do not remember: there are only three members of this house who were here — —

Mr D. Davis — Four.

Mr P. DAVIS — Sorry, four. Mr Peter Hall, Mr David Davis, Mr Bruce Atkinson and I were the only members of this house who are now present who were here at that time. Those people opposite keep telling lies. Mr Viney is absolutely unblushing. He comes into this place day after day telling lies. The facts are on the parliamentary record.

The PRESIDENT — Order! It is totally inappropriate for Mr Philip Davis to use that reference in respect of a member of this chamber. I ask him to withdraw the reference to telling lies and use another reference if he wishes. Perhaps he can be innovative.

Mr P. DAVIS — Thank you for your wise counsel, President. I withdraw my comment that Mr Viney tells lies, but I do assert that Mr Viney misleads the house persistently, as do many other members of the Labor Party. He is not on his own; he is in good company. There are lots of members of the Labor Party who mislead this house and mislead the public.

The facts of the matter are that there was a process which was put in place by a federal Labor government which the coalition government in Victoria followed, and as a result of competition policy review changes were proposed and adopted relating to creating some competitive tension in the way that audits were conducted in Victoria. Not least of that was to ensure and entrench a separation between the executive and the Auditor-General, because the Auditor-General up until that time was in effect part of the Department of Premier and Cabinet and was therefore potentially subject to significant influence by the executive. By putting in place those arrangements we now have in terms of that separation — that is, that the Auditor-General is an officer of the Parliament and that the Auditor-General's budget is sourced through the budget of the Parliament — a certain independence in that role, which I think is important.

I am pleased to see that Mr Viney has left the chamber. He is embarrassed at being caught out for telling untruths. I am sure the President will not object to me making that statement because it happens to be a matter of fact.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to be able to make a brief contribution in relation to this debate. I particularly want to focus on the motion that Mr Barber has brought before the house. I note that Mr Barber's motion was actually tabled on 24 February 2010, which is only a very short period of time ago, and yet he has already brought it on for debate, feigning outrage at the government.

I am happy to put on record that the government is still considering Mr Barber's request for particular documents and that it will be processed in due course. Nevertheless I wish to remind Mr Barber, who is greatly buoyed by the results in the Tasmanian election — in fact he was making the point only yesterday that the Greens are no longer a minor party in our political system — that if a party seeks to represent itself as a major political party and wants to be taken seriously, its members obviously need to be mindful of the responsibilities of executive government and need to understand, as Mr Viney has correctly pointed out, that ministers have responsibilities as ministers of the Crown to ensure that they do not breach the responsibilities of executive government and do not release, for example, documents that cannot appropriately be released. That understanding is necessary for a party that hopes one day to be part of a government. Of course Mr Barber himself relishes the prospect of one day being a minister.

Mr Barber — I was in government in Yarra.

Mr Jennings — He was the government of Yarra!

Ms MIKAKOS — Mr Barber reminds us that he was at one point in government in the City of Yarra, and so he should well understand the responsibilities that ministers have in complying fully with the responsibilities of executive government.

The other point I wish to make, and which Mr Viney very robustly covered in his contribution in relation to the other motions, is that the government rejects outright these repeated censure motions that are being brought before the house attacking the Leader of the Government and the government for doing their job in ensuring that they are acting in a responsible manner in relation to their executive responsibilities.

If Mr Barber wishes to be taken seriously in the future in relation to these motions, he needs to ensure that he does not use the kind of language he is using in this motion, where he wished to suggest that the government is not mindful of accountability and the need for transparency in relation to its conduct.

This government is in fact a very accountable and transparent government, and in relation to the points that Mr Philip Davis just made about the Auditor-General, we on this side of the house remember very well that it was the Kennett government that sought to nobble the Auditor-General and that previous members of the opposition were involved in that process as chairs of parliamentary committees and as members of that previous administration which sought to take away the rights of the Victorian public to be informed about the conduct of the Kennett administration.

We on this side of the house are very proud of our record in strengthening the powers and the resources of the Auditor-General, the Ombudsman and other officers of the Parliament so that they can do their work in a robust way. Our ministers are very much prepared to provide transparency in relation to their work, where it is appropriate to do so.

For example, the Minister for Planning turned up to give evidence to a parliamentary committee, only to see it shut down and hear himself being criticised by members of the opposition for wishing to offer an explanation on the conduct of his staff. Mr Madden should be commended for fronting up to the committee and being prepared at the first opportunity to offer an explanation to members of that committee. But what happened? The non-government members of that committee shunned the minister and denied him an opportunity to provide that explanation.

I find it quite hypocritical of the opposition and the minor parties to come to this debate today seeking to make assertions about the Brumby government's willingness to provide information to the Parliament in various ways. The government will be opposing the motions moved by Mr Davis and the motion moved by Mr Barber.

Mr LEANE (Eastern Metropolitan) — Mr Viney has covered the government's position on the production of documents in a fine fashion a number of times, so there seems to be no need for anyone else on this side of the house to replicate his contribution.

Today I would like to touch on one of Mr Davis's motions in this cognate debate, notice of motion 35 on the notice paper, with regard to applications for public and social housing developments. I think this is in line with a constant position that the opposition has shown of not supporting increases in public and social housing. That position has been obvious for quite some time. If members of the opposition see the increase of stock in public housing as a potential wedge issue for them, as a potential political football for them, I think it is a bit of a shame that they feel that desperate. It is a shame they feel they have to be that grubby around an issue that we should all support — that is, the increase in social housing stock.

I would like to touch on some experience of this desperation and grubbiness in Eastern Metropolitan Region. One such experience was with a social housing project in Ferntree Gully, which is alive and well — actually the builders are forging ahead with it now. When that project was in its early stages the Liberal member for Ferntree Gully in the other place, looking sad, stood out at the front of that project with a number of other people. He was standing behind the statements of one of the people quoted in an article about the project who said that the government was building a ghetto in Ferntree Gully. There were big headlines that read 'Ghetto in the Gully', and there was Mr Wakeling in the half-page picture — that was until he went into reverse at a million miles an hour when a few good people who run housing associations and who work for charities and other organisations, who work out there with people who are desperately looking for housing, actually came out in disgust at the position that was taken.

The member for Ferntree Gully then ran a million miles an hour backwards. There was even a Liberal member out in the Knox area, Sue McMillan, who ran for the federal seat of Aston and came out in the local paper attacking the position taken by the leaders in the Liberal Party in that area. That Liberal who ran for preselection

in Aston came out and attacked that position and was then attacked by the people in the Liberal Party because of their position, or their anti-position, on social housing.

Some statements were made by the member for Warrandyte about a project in Larissa Avenue, Ringwood. These were smokescreen statements about, of all things, garbage collection. There was a photo in the local paper of dozens of hired wheelie bins lined up in front of that project. People were lined up behind those wheelie bins, again looking sad and saying, 'This is what Larissa Avenue is going to look like every Tuesday on garbage collection night if we build a social housing project there'. I was in shock. I was thinking, 'Have these people never heard of a dumpster?'. It amazes me to hear all these smokescreen statements about increasing our social housing stock and the position of the Liberals on that. I know a member of this chamber moved a motion, which she withdrew, which was really quite negative about increasing social housing stock. Obviously she was dragged by her party leaders for only being honest. I suppose all she was being was honest.

There was a debate on health yesterday between the federal leaders, Mr Rudd and Mr Abbott. In the aftermath of that it was interesting to hear the federal opposition health spokesman, Peter Dutton, say that the reason Tony Abbott did not do well and the worm went down when he spoke was because his hands were tied because the coalition has no policy. There might be a bit of a clue there from the Liberal Party's federal health spokesman. Every Wednesday — welcome to our world, Peter Dutton! — we have these debates. Motions get moved; opposition members want to pick a topic for debate. But then their hands are tied because they have no policy. I think Mr Dutton is onto something. It is very hard to get into a debate on policy when the opposition does not have a policy. Opposition members' hands are tied.

Mr Atkinson — On a point of order, President, I have noted, as no doubt you have, that this has been a fairly wide-ranging debate. They are obviously fairly straightforward motions, and some members have brought in other material, but I think there is a question of relevance in the matters that Mr Leane is now raising in his contribution.

The PRESIDENT — Order! I concur. I ask Mr Leane to be relevant to the motion.

Mr LEANE — I was just about to get there, President. Rather than us having debates and the opposition hiding behind its call for documents —

opposition members are calling for documents so something insidious must be going on, like increasing the social housing stock; shock, horror! — and hiding behind paperwork and motions, why does Mr David Davis not tell us his party's position on increasing the social housing stock? He should tell us how he would increase the social housing stock. Give us a policy. Unfree your hands, Peter Dutton-style, and tell us! Have a go at it, and then maybe we can have serious debates on these Wednesdays.

Mr ATKINSON (Eastern Metropolitan) — I just want to contribute briefly to this debate. I want to indicate from the outset that the opposition's position in pursuing these motions and no doubt Mr Barber's position, given the argument that he put in debate on his motion today, is very much about what this government lauds itself over, which is its transparency.

The rhetoric is manifest from this government about its transparency, about the fact that decisions are made on their merits and about the fact that there is due process involved in all of these decisions, and yet this government not only fails to provide information to the opposition, to the Greens or to the Parliament as a whole but fails to provide information to the community, which I think is very important to the community.

Mr Koch interjected.

Mr ATKINSON — Yes, I dare say that its own members are not entirely informed. Some of the contributions that are made in these debates indicate that they are bereft of fact and are simply standing up and singing from the hymn sheet. In terms of some of the projects that have been the subject of this debate in terms of social housing projects, there has been a great deal of disquiet, as I understand, amongst some of the members of the government about the decisions that have been made.

The problem is not that there is an increase in social housing. Let me say emphatically that the Liberal Party supports additional social housing. Given the economic trends at this time and the cost of housing, the challenge in the future is certainly going to be to rethink many of our housing policies and perhaps some of our financial incentives, which in my view appear to be distorting some of the housing market and making it increasingly difficult for many people to enter the housing market. That clearly is going to put a lot more pressure on governments and agencies to support people in terms of social housing going forward.

The Liberal Party has always had a very strong record in social housing. The Liberal Party is not opposed to social housing. The Liberal Party is not opposed to investment and development, as the Minister for Planning would often have this house believe. What the Liberal Party does believe is that these processes ought to be proper, these processes ought to be transparent and these processes ought to be subject to public scrutiny. The executive of this government is in fact not above this Parliament. That is something that I am not sure that the executive understands, especially when we have officers such as the Attorney-General running around giving legal advice to people that would put them above this Parliament.

We need to recognise that this house has a right to scrutinise government and to obtain information upon which members of this house can assess the value of projects, whether taxpayers are getting a good return on the money that they pay in taxes, whether or not the residents of Victoria are getting the best and most efficient services available, and whether or not this government is abiding by processes that are fair and are subject to proper process.

In other words, does the process involve a fair playing field, a level playing field, as far as the participants in those decisions made? That is where the concern comes in, particularly at the Progressive Business lunches that give unfettered access to ministers and an opportunity to get them off the record and have a great chew in their ear. Whether or not it is an open tender at this stage is irrelevant. The fact is that it is a position of access to a minister, which calls into question the integrity of some of the government processes, but this government does not get it.

Some of the information sought by these motions is fairly basic information. We have been hit around the ears with a wet lettuce leaf, with the suggestion that we are going to depend on some of this information to create policies. I can assure members that our policy processes are well advanced at this point. I am not going to be apologetic in saying that, yes, some of these statistics might well inform the opposition's policies, because they ought to.

An honourable member — And the voters!

Mr ATKINSON — They certainly might inform the voters' intentions as they go to the polls. If circumstances are revealed in these documents, and in many ways statistics are sought by these motions, then we ought to be finetuning policy. We ought to be making sure that the best policy outcomes are achieved for Victoria, and not just by our side but by the

government as well. I would have thought the government would rely on the statistics to finetune its policies. This sort of dismissiveness is really not on.

More importantly, when you look at the social housing projects, the school projects and a range of commercial projects, you see that while the Minister for Planning has personal responsibility for hundreds of planning decisions, they are essentially given cotton wool treatment and are not subject to substantial public consultation, the sorts of consultation processes that are required under the legislation which the minister promulgated and which he insists everyone else ought to be subjected to, particularly local government authorities and those people who are not part of his call-in regime.

There is the inconsistency of everybody having to go through all the hoops — months and months before councils and the Victorian Civil and Administrative Tribunal. Sometimes they are also involved in discussions with the minister's department and some other state government agencies, while some other decisions are fast-tracked. The minister does not see a problem with that. The minister does not see how there is the potential for that process — this twin-track process where either you go the fast-track with the minister or you are stuck in the slow lane — to undermine the integrity of the planning process. It seems the minister believes he is above any sort of scrutiny when it comes to the decisions that are being made on school projects, social housing projects and a range of other projects that he calls in and puts through the fast-track process.

One of these motions calls for the details. Let us understand which decisions the minister is making, because the community deserves nothing less and this house deserves nothing less in terms of understanding the function of our planning process under the minister and this government. We need to understand those decisions are being made with due regard to the integrity of the planning process.

When it comes to Mr Davis's motion in respect of health services statistics and integrated performance reports, they have been outstanding for a considerable time. We are now nine months away from the end of the last financial year in 2009. We are six months away from the first quarter of the current financial year. The house sought information in December, but here we are in March and we still do not have what are basic statistical reports. They exist. Somebody does not have to sit down and compile them from scratch; they do not have to do any new work; they simply have to make them available because they already exist.

I do not understand why a government that touts itself as a champion of democracy and a champion of transparency is so tardy in releasing fairly basic reports. What is there to be concerned about? Is this another case of the executive saying it is worthwhile frustrating the actions of this house and this Parliament because, after all, it really is not accountable to it? During the last sitting week Mr Madden said in debate that he did not respect this house. I wonder how much that sort of attitude permeates throughout the ministry, through other government ministers who also have a disrespect for this house and its job of scrutinising government and the executive.

These motions are not about great policy position debates, as Mr Leane would have us believe. It was interesting to listen to Mr Viney's spin on things this morning and after lunch. These motions are fairly basic motions about information that ought to be available to the house. It ought not create a whole new workforce because the statistics are already compiled and available; they simply need to be made available to the house. I do not believe there is any excuse for the government not doing so. I urge support for each of these three motions.

Mr D. DAVIS (Southern Metropolitan) — In concluding this cognate debate on Mr Barber's motion on the planning register documents and the powers of delegation, the motion on the social housing planning applications that the Minister for Planning was the responsible authority for and the motion seeking documents on the integrated performance report, I must say it is clear that this is a government that is resistant. It is a government that has a lot to hide. It is a government that is fighting and determined to resist the house and the community in terms of bringing it into its confidence and providing the data and information that should be in the public domain.

I conclude with the integrated performance and activity report of Southern Health dated August 2007. This is a copy of one of the documents that this government is seeking to prevent the release of. This document is exactly the type of document that we are seeking through this motion for health services around the state. It is a simple document. I put on the record what the document says:

The Integrated Performance and Activity Report (IPAR) presents performance data related to emergency care, elective surgery and financial performance. Produced monthly, it is used to monitor the performance of public health services against the expectations agreed in the statement of priorities.

The statement of priorities is a public document. It continues:

There are 20 public health services in Victoria, consisting of 15 metropolitan public health services and 5 rural public health services.

The IPAR also presents a range of activity data that relates to the programs and performance of public health services. This includes activity data for emergency care, elective surgery, outpatients and subacute services.

The production schedule of the IPAR accounts for the submission time frames of the relevant data sets and reflects the desire to have timely reports on performance.

Peer groups are used throughout the report to provide performance comparisons between like groups of hospitals or health services. See appendix A. For definitions ...

This is a simple management document which the department and the health services have; the government should not be afraid of this document.

It may be that the report contains data or information about the financial position of hospitals that the government finds embarrassing. It may contain information that relates to the performance of certain hospitals and health services that the government finds deeply embarrassing, and perhaps the government is determined to prevent the release of this information — —

An honourable member — That is not very transparent.

Mr D. DAVIS — It is not very transparent and not very accountable. This is a reasonable motion. On 9 December last year the original motion passed, there was a piece of correspondence at the start of February, and we are now almost at the end of March. The data is moving on; it should be provided to members. The Leader of the Government has been resistant on this. You have to ask why the government is so determined to block the release of this information.

These are reasonable motions, which the government is flouting for entirely political purposes. The reality is that the house has had enough of this, and we will have to push many of these issues further, because the government has a responsibility to this house, the Leader of the Government has a responsibility to this house under sessional order 21, and more importantly still the government has a responsibility to the people of Victoria. For those reasons I urge members to support motions 35 and 37, and I indicate on behalf of the opposition that we will support Mr Barber's motion.

House divided on motion 1:

Ayes, 21

| | |
|----------------|---------------------------------|
| Atkinson, Mr | Kavanagh, Mr |
| Barber, Mr | Koch, Mr |
| Coote, Mrs | Kronberg, Mrs (<i>Teller</i>) |
| Dalla-Riva, Mr | Lovell, Ms |
| Davis, Mr D. | O'Donohue, Mr |

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

Noes, 19

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

Motion agreed to.

Motion 2 agreed to.

House divided on motion 3:

Ayes, 21

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

Noes, 19

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

Motion agreed to.

GOVERNMENT: PRODUCTION OF DOCUMENTS

Order of the day read for consideration of following letters from Attorney-General:

ORDERS FOR THE PRODUCTION OF DOCUMENTS

I refer to the Legislative Council's (Council) orders of 24 February 2010 relating to a new order for the production of documents, and certain other orders for the production of documents made by the Council in 2008 and 2009.

Register of the exercise of delegated powers order (24/2/10)

In respect of the new order made by the Council on 24 February 2010 regarding 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, I advise that government is in the process of compiling and reviewing relevant documents and is therefore unable to meet the Council's deadline of 9 March 2010. Government will respond to this order as soon as possible.

Solar energy feed-in tariffs (11/3/09 & 16/9/09) CPRS #1 & #2 (1/4/09, 16/9/09, 6/5/09, 11/11/09), Clearways (1/4/09 & 16/9/09), Better Place (6/5/09 & 11/11/09), Alpine resorts (3/6/09 & 16/9/09), Carbon trading institutes (29/7/09 & 16/9/09), DoT ministerial briefings (29/10/08 & 11/3/09) orders

In respect of the solar energy feed-in tariffs, CPRS scheme #1, clearways, CPRS scheme #2, Better Place, alpine resorts, carbon trading institutes and Department of Transport ministerial briefings orders, I confirm that the government's response to these orders has been completed. I also confirm the claims of executive privilege previously made in respect of certain documents that are relevant to these orders.

Coal exports (11/1/09), Working Victoria & Shine (14/10/09), Crown Casino (24/6/09 & 16/9/09) & Desalination (12/8/09) orders

In respect of the coal exports, Working Victoria & Shine, Crown Casino and desalination orders, I advise that government is still in the process of compiling and reviewing relevant documents and will respond to the orders as soon as possible.

Desalination gateway review order (23/6/09)

In respect of the desalination gateway review order, I confirm that the only documents that are relevant to this order are:

1. Report from gateway review team to Department of Sustainability and Environment, 'Gateway review 2 — business case' (23 May 2008); and
2. Report from gateway review team to Department of Sustainability and Environment, 'Gateway review 3 — readiness for market' (23 May 2008).

Moreover, I advise that the reason why release of these documents would be prejudicial to the public interest is because their release would reveal the high-level confidential deliberative processes of executive government.

ORDERS FOR THE PRODUCTION OF DOCUMENTS

I refer to following orders made by the Legislative Council (Council):

- (a) 25 November 2009:

That in accordance with sessional order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of all agendas and minutes of the financial and/or audit committees and the investment committee (or its equivalent) if in existence, of each of [132 listed] Victorian health services, networks, hospitals and small rural services for the financial years 2008–09 and for

meetings held in 2009–10 to date (providing the required information for each health service entity where appropriate and for each hospital or site where a separate or additional committee/s exists) (health services order).

- (b) 9 December 2009:

That in accordance with sessional order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010, a copy of the 'Report of the Local Government Investigations and Compliance Inspectorate on Colac Otway Shire Council' (Colac Otway order).

Health services order

The government does not possess any documents that are relevant to the health services order.

Colac Otway order

In my letter to you of 28 October 2008 I noted the limits on the Council's power to call for documents. These limits centre on the protection of the public interest. In that letter I set out factors that the government would consider in assessing whether the release of documents would be prejudicial to the public interest.

The executive government has now assessed the 'Report of the Local Government Investigations and Compliance Inspectorate of Colac Otway Shire Council' dated 6 November 2009 (report) against the factors listed in my letter. The government has determined that the release of the report would be prejudicial to the public interest.

The executive government on behalf of the Crown makes a claim of executive privilege (public interest immunity) in relation to the report on the ground that it would reveal high-level confidential deliberative processes of the executive government.

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

That the Council take note of the letters from the Attorney-General dated 9 March 2010 concerning to the production of documents.

These letters are significant. They point to a real pattern of behaviour by this government, and I draw the house's attention to some issues that are developing in this matter of the production of documents by the government or, in many cases, the non-production of documents that are legitimately ordered by the chamber.

I am particularly aware, with a number of these, that the government has tried to play a sneaky little game of hooky. The letter dated 9 March, to Mr Tunnecliffe, as Clerk, related to the motions of the Legislative Council of 25 November. I think it is worth putting on record the majority of the motion, the so-called health services order:

That in accordance with sessional order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of all

agendas and minutes of the financial and/or audit committees and the investment committee... of the Victorian health services.

There was a schedule attached of networks and hospital and small rural services for the years 2008–09, and for meetings held in 2009–10.

Let us be very clear about this: these health services and hospitals exist. They are state-owned entities. They are set up under statute, they are funded by the state government, largely — although that may change, but at this point in time they are funded largely by the state government. They report to this Parliament. Their annual reports are tabled in this Parliament. They operate under statute in Victoria, and each of those health services has, at a minimum, an audit committee or a financial committee, and we know that those audit committees and financial committees have a critical role to guarantee the financial viability of these services.

In November last year the Auditor-General reported to Parliament about the financial position of these hospitals. In his report *Public Hospitals — Results of the 2008–09 Audits* he very closely went through and looked at the financial sustainability of our hospitals and health services, and I pay tribute to the work the Auditor-General has done there. This is very important work.

He has pointed to long-term challenges, and some of these have been pointed to by others — I know the Victorian Healthcare Association has made number of points along these lines. The difficulties that are pointed to in the Auditor-General's report are encountered at a micro level in each of these health services and by those audit committees.

Lest you think those committees do not have minutes and agendas and all of those things that the motion called for, I have copies of some of those minutes and agendas, so they do exist. The health services exist; they are government-run entities, they are funded by the government, they report to this Parliament, they are audited by the Auditor-General, the copies of the financial documents surrounding the finance committees exist, and the government's view on this is that it does not possess any documents that are relevant to the health services order.

If sessional order 21 is to mean anything, the Treasurer and the government need to provide these basic financial documents that are in the possession of the state government through its health services and hospitals. To argue that the government does not

possess any documents that are relevant to the health services order is simply nonsense.

You have to ask what the government has to hide. Why is it determined not to provide information? The truth is if you have nothing to hide, you should have nothing to fear. The government does not want to release this information because many of our health services are in some financial difficulty. The auditor pointed to that very directly. I invite members who doubt me in any way to peruse the tables at the back of the auditor's report from November and to look at the sustainability, liquidity and capital position of some of our hospitals. Members will see a significant deterioration in the underlying liquidity results.

A very simple method of looking at this is to look at the average number of days cash that is available. If we look at some of our very large health services, we see that at the end of 2009 Austin Health had 8.84 days cash on hand and the Royal Children's Hospital had 9.74 days cash on hand. These health services are concerns worth hundreds of millions of dollars. They are huge operations that provide basic and important services to our community, and their financial position is critical. According to the auditor the Royal Women's Hospital had 1.72 days of reserves on hand; you would not want to breathe wrongly at 1.72 days. Less than two days financial reserves on hand — it is extraordinary. In 2009 Barwon Health had 5.21 days of cash on hand. I note Echuca's hospital is seeking a significant upgrade, and I understand why it would run such a campaign against this government. Echuca Regional Health had 7.2 days of cash available. I could go on.

I invite anyone who wishes to examine this more closely to pick up the auditor's report, read it in depth and see and understand why this motion would be brought to the chamber, because those documents — from the finance and audit committees of many of our health services and health networks — are a key to what is going on in those networks. Those audit committees also have a role in overseeing the performance of the networks beyond the finances. They have a broader role in many of the hospitals and health networks, and I pay tribute to that broader role and to the people who put in enormous hours as members of those committees. That is also why these documents are important.

Looking at the other part of the motion regarding the investment committees, it can be seen that the auditor has made recommendations about the operation of investment committees in his report, so through this motion I have sought greater detail from the government on the operation of these investment

committees. We know a number of networks made investments prior to the global financial crisis that turned out to be quite unwise and a number of networks lost money — taxpayers money. If the importance of this house in scrutinising the activities of executive, government, state-owned enterprises and state-controlled enterprises does not include following the loss of public money, it is extraordinary. This government is seeking to hide, to block and to prevent access to critical information.

Looking at the order resulting from Mr Barber's motion, which was brought to this chamber and passed by this chamber, about the Colac Otway Shire Council, it is also extraordinary that that document has not been provided. I quote from the Attorney-General's letter:

The executive government has now assessed the report of the local government investigations and compliance inspectorate of Colac Otway Shire Council dated 6 November 2009 (report) against the factors listed in my letter. The government has determined that the release of the report would be prejudicial to the public interest.

The executive government on behalf of the Crown makes a claim of executive privilege (public interest immunity) in relation to the report on the ground that it would reveal high-level confidential deliberative processes of the executive government.

For goodness sake, we are talking about local government. Why that order was not released is a real question. You have to ask why a deeper explanation was not provided to the house on why that ought not be in the public domain.

I could go on, but I think I have made my point that the Attorney-General's interventions in this, as in so many other activities concerning scrutiny, belie his claim to be open and transparent. He is a key agent in preventing the release of information to the public in this state. His determination to block and prevent the release of information has become a key problem in Victoria. This is a corruption of the processes of this place.

The Attorney-General's intervention preventing information being provided to parliamentary committees is equally concerning. The Attorney-General is fast becoming a significant problem for openness and transparency in this state, and he needs to be held to account. In this case, on this short take-note motion, it is important to say that the Leader of the Government should show some leadership and ensure that these documents are provided to the house as has been ordered and as should be ordered.

Mr VINEY (Eastern Victoria) — We spend countless hours on Wednesdays going through motion after motion about documents. We have before us a

couple of letters from the Attorney-General who is required, under his role as a minister of the Crown, to assess the requests for documents against criteria that have been well and truly documented to this house on many occasions by him, by me and by the Leader of the Government. It is the Attorney-General's role to make that assessment, and he has made that assessment, outlined the basis of his assessment on those various requests and given appropriately worded courteous advice to the house in relation to that assessment. I am not sure what we are taking note of other than that the Attorney-General has done his job, made the assessment, made a decision and appropriately advised the house in a timely fashion of that assessment. That is about all we can take note of.

In Mr Davis's contribution to this debate he made particular reference to health services in Victoria. As someone who was Parliamentary Secretary for Health when we came to office in 1999 it is a little rich to hear Mr Davis talking about the financial difficulties of various health services when I know that one of the first things we had to do was restructure the health system because it was in such dire straits. Mr Davis talked about how many days cash were available to various health services such as the Royal Children's Hospital and so on. I can advise the house that when Professor Stephen Duckett undertook a review of health services in 1999 he found that in many cases they were insolvent and were selling assets to fund their current expenditure under the Kennett government, so to hear Mr Davis expressing that concern is somewhat like seeing him cry crocodile tears.

I assume that health services get their funding in a timely manner, not dissimilar to the way Mr Davis gets his salary. Presumably a few days before he gets the next cheque he only has a few days of cash left. That is, presumably, the way it works. Mr Davis operates his cash flow based on the cash coming in, as I am sure just about every member of the house does. What we know, though, is that the advantage for Mr Davis is that if he appropriately manages his budget, he will not have the same problem that the health services had when his party was last in government. He knows the next cheque is coming and his cash flow is going to work. The cash flow under the Kennett government was not working for our health services, and they were selling the silver to fund operations.

I am happy to engage in yet another health debate in this chamber. Mr Lenders will remember that in the last Parliament we had regular Wednesday debates on health issues. I remember that Ms Darveniza and I used to participate frequently in those debates with Mr Davis and we had some comprehensive victories in terms of

the points we were making about the performance of the Kennett government compared to the investment Labor governments have put into health services in Victoria.

We will stand on our record on health services, we will stand on our record on accountability, we will stand on our record on democratic reforms in this state and we will stand on the record of the Attorney-General appropriately assessing documents in accordance with the criteria he has outlined to the house on many occasions and determining, based on those criteria, whether or not they can be released.

Finally, Mr Davis needs to remember that the government has released far more documents than it has not released under the powers the house has given itself in terms of documents. As I have outlined to the house before, the number of requests for documents has ballooned and is tying up hundreds and hundreds of hours of public service staff time in assessing individual documents as to whether or not it is appropriate to release them. The opposition has made a decision to use the house to allow it to conduct a massive fishing expedition to try to unearth documents. Hundreds of documents have been released, and they far outweigh the number of documents that have not been released, so let us put all of this into context.

In relation to the issues Mr Davis has raised, the current funding of health services in Victoria is far superior to what we inherited from the previous government. The process of openness and accountability of this government is far superior to that which preceded it in the form of the Kennett government, whereby FOI was closed down, there were attempts to nobble the Auditor-General and this house operated under a particularly undemocratic system.

Mr Davis needs to remember the performance of this government in terms of opening up the accountability of executive government through every minister being required by the government to attend PAEC (Public Accounts and Estimates Committee), which is something that did not exist under the previous Kennett government.

Mr Barber interjected.

Mr VINEY — I could not hear the interjection. In any case I am more than happy to stand on the government's record on that matter. This government has ensured that every minister appears before the PAEC. That did not occur under the previous government. This government has democratically reformed this house. It has even allowed members of

the Greens, who like to interject on these matters and take the high moral ground, to be here in the first place.

Honourable members interjecting.

Mr VINEY — The Greens would not have been here under the old system, that is for sure. They had no voice in this chamber under the old system. This is the government that created a democratic process that allowed the Greens and other parties to be properly represented in accordance with the proportion of votes they get. I also point out that it is this government that enshrined the powers of the Auditor-General. This is the government that renewed and reformed in a positive sense the freedom of information laws in the state that were completely nobbled under the previous government.

Mr Barber does not seem to like the facts, but that is what has occurred over the last 10 years under this government. I am happy to take note of the Attorney-General's correspondence to the house, because it again outlines the approach that the government is taking to the issues of accountability and executive government. It is very proud of its record in terms of the funding of health services in Victoria, as Mr David Davis could not possibly have been when he was last in government. This government is very proud of its approach to accountability.

Motion agreed to.

LAW REFORM COMMITTEE

Reference

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

That this house requires the Law Reform Committee to inquire into, consider and report no later than 30 September 2010 on the arrangements for security and security information gathering at the state government's desalination plant under construction at Wonthaggi/Kilcunda and other similar construction projects and whether —

- (1) the rights of Victorians, including those engaged in peaceful and legitimate democratic expression, are being respected by these new arrangements, with particular reference to:
 - (a) contractual conditions relating to security information collection and sharing; and
 - (b) memorandums of understanding signed by the AquaSure consortium and firms with similar arrangements at other projects with government agencies and instrumentalities; and

- (2) any breaches of privacy have occurred or are likely to occur under these or associated arrangements and whether these arrangements are in the public interest.

I am pleased to move this motion. If members would like to go back a few years, when it mattered it was former Premier Steve Bracks, and desalination was a 'hoax'.

Things change quickly with the Victorian government, because only seven months after the re-election of the Bracks government on 19 June the then Premier announced that the government would build the biggest desalination plant in the Southern Hemisphere at an estimated cost of \$3.1 billion. Subsequently, Tony Shepherd, the chairman of the consortium that was awarded the contract, said the total cost including financing is now estimated to be \$4.8 billion — an incredible \$1.7 billion cost overrun, which is not surprising on the part of this government.

Shortly after the announcement of the project's site I received an enormous number of representations from concerned constituents about the desalination plant proposal and its location. At the time, together with the then shadow Minister for Environment and Climate Change, Mrs Coote, I visited landowners affected by the proposed desalination plant, and I vividly recall a discussion with a couple whose land was to be compulsorily acquired. In the preceding 12 months they had moved down from Melbourne to build a bed and breakfast and in effect start a new life in country Victoria. Sadly, despite everything they had done to build a small business and an environmentally sustainable property and to become part of the community, shortly thereafter their land was compulsorily acquired, and off they went.

That is the sort of story that was repeated over and over by people who were caught completely unawares by this project. As the size and scale of the project became apparent, more and more people voiced their objection to the desalination plant, its location and its size, and groups such as Your Water Your Say formed and took up the charge against the government and the desalination plant.

It is worth putting into context who these people were, because later in this debate when I come to talk about the memorandum of understanding and the powers that have been given to AquaSure and the department, together with the police, it will be worth considering who we are talking about.

I had a lot to do with Andrea Bolch and others. Ms Pennicuik, in a previous debate about this matter, and Mr Hall, in a previous debate about the

memorandum of understanding, spoke about Ms Bolch and others associated with Your Water Your Say. I found the members of that group, predominantly local people who do not like the concept of industrialising the Bass Coast, to be intelligent, respectful and committed. More than that, they do not like the heavy-handed approach of government where the Premier arrives in his helicopter to announce a project unbeknownst to anyone else — and everything flows from there.

That is a complete reversal of normal process where consultation takes place, sites are negotiated, strengths and weaknesses are evaluated, input is taken and considered, and finally a decision is made. We had the reverse: a decision was made and everything else followed. These very good people — most of them, in my assessment — objected to what the government had proposed. Members will recall that the government used the threat of enforcing an order for legal costs which in effect shut down the Your Water Your Say group and later led to the formation of Watershed Victoria.

That threat of enforcement of costs against Your Water Your Say regrettably made it mute. It was a demonstration of the very heavy-handed tactics of the government with regard to people exercising their legitimate right to protest and put their opinion about a project that could significantly change their lives and transform the Bass Coast landscape. That is the background to this debate in which the memorandum of understanding should be evaluated.

The memorandum of understanding is a most interesting document. The parties to it are Victoria Police, the Secretary of the Department of Sustainability and Environment, and AquaSure. The memorandum states:

The use of intelligence will play a significant role in enforcing the law at construction sites or along the construction corridors in relation to the project.

The secretary and Project Co personnel, contractors and subcontractors will be relied upon to gather and disseminate intelligence to Victoria Police in a timely manner for the purposes of both proactive response and general enforcement.

In other words, Victoria Police will not be the lead agency for intelligence gathering. Much of that function will be given to the state government and AquaSure. If we think of the usual way these things take place, Victoria Police has significant powers upon which it can rely to prosecute people who break the law. Members of the community can ring the police, and companies can ring the police if they are in fear of trespass. That is the normal procedure, and I would

assert that the police have the powers to deal with the manner of confrontation that is contemplated in the memorandum of understanding.

I will be interested to hear if the Minister for Environment and Climate Change has anything to say on this, because the government together with AquaSure determined that the usual standing procedures or legislative powers of police were not sufficient and that a memorandum of understanding for information sharing, in effect corporate spying on individuals, was required.

The memorandum of understanding at paragraph 4.6 sets out the need for a 'proactive response' and states:

Where intelligence has identified persons known or believed to be involved in organising or conducting protest action and proactive measures are considered appropriate, a joint operation is to be considered by the secretary, project company's manager and Victoria Police.

'Secretary' refers to the secretary of the department. It continues:

Victoria Police resources which may be considered for use in such a joint operation include the search and rescue squad and the security intelligence group.

The security intelligence group goes out and conducts counter-terrorism operations; it tries to stop extremist cells from perpetrating a terrorist act against the state of Victoria or against Victorians. By and large the people we are talking about are scientists, farmers, local residents or people who have a legitimate gripe about the actions of the government. These are not people who intend to blow up the desalination plant or who intend, so far as I am aware, to cause serious injury or serious harm to infrastructure, people or things.

It is completely over the top to even contemplate that this group is needed. More to the point, this material — the information from AquaSure that they gather in their surveillance of individuals — could then be handed over to such a specialist group. You really have to question the motive and the thinking behind what led to this.

The *Sunday Age*, in an article of 14 March 2010, quoted Michael Pearce, SC, the president of Liberty Victoria as saying:

The whole thing is very murky and seems to be part of a massive state government over-reaction to protests which are, for the most part, lawful and legitimate ... 'It was ludicrous to equate desalination protesters with terrorists by engaging a counter-terrorism outfit such as the Security Intelligence Group ...

The president of the anti-desalination group Watershed Victoria was quoted in the same article as saying:

I find it astounding ... It is putting AquaSure on some sort of standing that we've never extended to a private consortium.

The government's response in the same article was interesting:

Government spokeswoman Emma Tyner said the government respected the right of all Victorians to protest.

Yes, the government respects the right of all Victorians to protest. Yes, it may, but at the same time the company that is building the desalination plant will be gathering intelligence on you. It will be spying on you. It will be passing that information to the police; it will potentially be passing that information to an antiterrorist division of Victoria Police. What a ridiculous overshoot or way to deal with legitimate protesters! One has to again question the thinking of this government.

If the government has material which may illuminate the reasoning behind why it decided to sign this memorandum of understanding, I would be very interested to hear about it. I would be very interested to hear in particular from the minister or from any member of the government if they can justify why this memorandum of understanding was signed and why the individual rights and liberties of individuals have been compromised to such a degree.

If the government has material that is contrary to my understanding — that members of WaterShed Victoria or the former group Your Water Your Say have designs to commit acts — it should clearly state that to the house so that we can understand why the liberties of individual Victorians are being trampled to such a degree.

Perhaps the reason is the old chestnut we have in Victoria of there just not being enough police officers on the beat. Matt Dunn wrote in the *Great Southern Star* newspaper of 23 March 2010:

The region's top cop has called for eight more police officers to deal with a predicted desalination plant-linked increase in crime.

Bass Coast police service area's Inspector Brian Curley told the *Star* the extra police officers would be needed to cover the needs of a ballooning population, with the workers constructing the Wonthaggi desalination plant expected to contribute to a tripling of vehicles, and potential accidents, on the roads in and around Wonthaggi, increased pub violence and other social problems.

The article goes on to quote Inspector Curley:

... The problem is not so much that they won't agree with me —

that is, police command —

but where they can get those resources from —

He means the additional police being requested —

It may mean taking them from other places. There's a set number of police the government funds us for.

I've asked for up to eight extra staff. It's just a matter of seeing what we can do within VicPol (Victoria Police). Perhaps the government could give us some temporary funding to create fixed term positions, or whatever.

This is an issue perhaps not central to the memorandum of understanding, but a core issue for the desalination plant is the way the government has failed to deliver the additional resources required to accommodate such an enormous project, whether it is construction of a new ambulance station at Grantville; whether it is the upgrade of roads, particularly the Bass Highway and other roads in and around Wonthaggi; whether it is addressing the increased demand that will be placed on Wonthaggi hospital and local schools; or whether it is the housing crisis in Wonthaggi where rents are going through the roof, forcing people on low incomes to leave the area because of the lack of affordable housing in and around Wonthaggi with the influx of desal workers who are on very good wages.

There are clearly not enough police on the Bass Coast. The desalination plant is going to increase the demand for police services, but we have no guarantee from the government that it is going to deliver them. I congratulate Inspector Curley for being prepared to speak out about the need for more police in the Bass Coast region. Notwithstanding that, there is no excuse for the government to outsource its policing responsibilities to AquaSure or anyone else, and the government must provide the police resources required on the Bass Coast.

I come to the question of the referral to the Law Reform Committee. As I alluded to earlier, this place considered in detail the issue of the memorandum of understanding in a debate on 9 December 2009. As I said, Ms Pennicuik, Mr Hall, Mr David Davis and others spoke at length about the issues, some of which I have canvassed in this debate. What is clear is that a number of issues have been raised. In my opinion, and in the opinion of members from this side of the house, some of those issues require further analysis. They include the impact on privacy — and I would be interested in the opinion of the privacy

commissioner — and how many other locations around Victoria have memorandums of understanding for infrastructure projects being signed.

We saw from comments made in a radio interview that Deputy Commissioner Kieran Walshe, the Minister for Water, Mr Holding, and others had conflicting views about memorandums of understanding, the extent to which they have been used, their powers and the like.

This is an important issue. If Victorians protest at a new infrastructure project, they have a right to know who is looking at them, taking a dossier on their background and preparing a brief on them as individuals. This is something the community has a right to understand: where the rights of individuals are to be compromised, what is the justification for compromising those rights; when the information will be used; and whether it will be passed onto third parties and under what circumstances? These are questions that can only be canvassed in passing in a debate on this matter, but they are issues that can be properly considered by the calling of witnesses and the taking of evidence by a parliamentary committee. Given that many of these issues are legal in nature, the Law Reform Committee is the appropriate committee to consider them.

To take up what has been said in debate on previous motions today and on other Wednesdays, the allegation from the government is that the Standing Committee on Finance and Public Administration is some sort of opposition stunt to try to score cheap political points. I refute that allegation. The opposition is suggesting today that this matter be referred to a committee where the government has a majority. The government should not try to hide behind the fact that a committee is not a government-controlled committee. The Law Reform Committee has a government member as chair — Mr Scheffer is a member of this place — and the government has the numbers on the committee. I cannot see any reason why the government would resist this reference. It will provide an opportunity for these matters to be considered in a way that cannot be done in an opposition business motion in debate in this place.

The government is proud of its Charter of Human Rights and Responsibilities, and we often hear its members speak about the protection of freedoms and rights that has flowed as a result of the passage of the charter. What I do not understand is how on the one hand the government can sign the memorandum of understanding that it has with AquaSure and Victoria Police, which is clearly diminishing the rights of individuals and compromising the ability of individuals to protest freely and fairly in a legitimate fashion, and on the other hand crow about the Charter of Human

Rights and Responsibilities. I hope government members can address this issue of how they can on the one hand talk about increased protection of rights under the charter and on the other hand defend a document that sells rights down the drain.

Mr Viney has spoken of opposition witch-hunts being like the Salem trials. This memorandum of understanding has all the bearings of Big Brother, of the state looking over your shoulder, and it is reprehensible that this sort of behaviour would be condoned by the government, let alone entered into voluntarily.

I encourage all members of the house to support the motion, as the Law Reform Committee is an appropriate venue for these issues to be considered in greater detail. People should have the right to protest in a lawful fashion without fear of third parties collecting dossiers on them which will then be passed on to Victoria Police and other parties at a later time. I commend the motion to the house.

Ms TIERNEY (Western Victoria) — I wish to indicate to the house from the outset that the government will not oppose this reference going to the Law Reform Committee. However, in saying that I would like to place a couple of points on the record. The memorandum of understanding (MOU) between Victoria Police, the Department of Sustainability and Environment and AquaSure is about protecting public and worker safety while this important water project is being constructed. Victorians expect the police to be prepared, they expect workers and the public to be protected, and they expect major projects such as the desalination plant to be properly managed in the event of many things, protests included.

The MOU formalises the exchange of information to manage these events. When they have such information the police may warn AquaSure that activists intend to protest and trespass. Anyone knows that any MOU cannot override things such as the Privacy Act or the Police Regulation Act; personal information about individuals is protected.

MOUs apply to the Sugarloaf pipeline project as well as forestry projects, and similar arrangements are also in place for critical infrastructure such as power stations where police will inform operators of threats to supply. The MOUs are entered into by Victoria Police at a regional level.

The reality is that the desalination plant, including the pipeline and power supply is a very large construction project and will assist in securing our water supply. It stretches over 87 kilometres — that is, 84 kilometres in

pipeline and 87 kilometres in power. The government believes it is critically important that police are regularly updated on what is happening on the project and whether there are any incidents on site. Having made those points, I wish the committee well in its future deliberations.

Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).

Debate adjourned until later this day.

GOVERNMENT: PERFORMANCE

Debate resumed from 24 February; motion of Mr DALLA-RIVA (Eastern Metropolitan):

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

Mr P. DAVIS (Eastern Victoria) — What a delight to have the opportunity to speak on this motion. Firstly, I set out initially that I wish to dwell on the subject of country Victoria in my comments on the motion, and my comments are also relevant to the government's annual statement of intentions, which I would describe as a statement of undeliverables, which the Premier presented on the first sitting day of Parliament this year.

In its actions and on its agenda the government is dismissive of country Victoria and demonstrates disdain for country interests, for country Victoria as a rich resource, for its people, land, industries and businesses, its work ethic, productive capacity and environment and lifestyle.

This is the Victoria which the government ignores in its preoccupation with Melbourne and the commuter dormitories of regional cities. We have the rhetoric but no action and in all the talk in the past two statements of government intentions about regional development blueprints, one fundamental question has not been asked — that is, what is this for? Why is there a need for a new blueprint when for over a decade the government has run the line that it has been responsible for a boom in country Victoria?

The government's main avenue for supporting country growth, according to its own rhetoric, is the Regional Infrastructure Development Fund, but inexplicably that remains dramatically underspent. The establishment of a ministerial task force, the setting up of consultative forums and the release of a discussion paper in 2009 just happened to succeed a year in which we were presented with a hotchpotch of regional plans.

On 27 May 2008 the Minister for Regional and Rural Development announced a parliamentary inquiry into the future investment needs of regional Victoria. On 3 June 2008 the Premier announced \$68 million for regional and rural Victoria under a program launched in a document called *Moving Forward Update — The Next Two Years 2008 to 2010*. In a secondary announcement on the same day the Premier established a regional and rural growth ministerial task force. In the latter part of 2008 there was the release of a glossy document called *Victoria's Nature-Based Tourism Strategy*, and in December that year there was the release of the *Regional Tourism Action Plan 2009–2012*. These all overlay, if not conflict with, the purposes of the Regional Infrastructure Development Fund, the Small Towns Development Fund and something called the Provincial Victoria Growth Fund. In the Moving Forward update announcement the Minister for Regional and Rural Development commented that the update package:

... allocates priorities for moving forward at the halfway point of the government's five-year blueprint for regional growth ...

So there already was a blueprint. What then is the point of the blueprint that blithely found its way into the Premier's statement of intentions for two years in a row? To pre-empt the direction of the blueprint as well as to confuse the whole scenario even further, the government announced on 20 January this year the creation of a super-ministry, combining regional and rural development with industry and trade. Minister Allan claimed this would make it easier to attract more investment to regional Victoria, notably omitting any reference to rural Victoria.

The more likely event is that the interests of country Victoria will be swamped among the competing metropolitan interests within the super-ministry portfolio. The blueprint is simply a contrivance and a device for more delay and inaction after 11 years of inactivity. In line with the normal practice of the Brumby government, which has continued in the same vein as its predecessor under former Premier Steve Bracks, the blueprint will be merely another avenue for the production of a set of expensive, glossy brochures and self-promotional radio and television advertisements, and no doubt it will be timed to come out just before the formal election period.

What is really needed for country Victoria is a complete reassessment, an overhaul and realignment of regional development policy and programs.

Mr Lenders interjected.

Mr P. DAVIS — I will come to that later. I will start again.

What is really needed for country Victoria is — —

Mr Lenders — Big piles of firewood.

Mr P. DAVIS — What is really needed for country Victoria is a complete reassessment, an overhaul and realignment of regional development policy and programs of the state of its infrastructure and of the extent and quality of its public services, in particular education, health, transport, public housing and care for vulnerable children — which is a much higher priority, may I say, Treasurer, than firewood.

To cite some specific instances: I have endeavoured to get the government to dedicate a segment of the regional development program to assist development and promotion in small and more remote centres. I have identified towns such as Mallacoota and Omeo, which are distinctive for their historical significance and potential for tourism development, especially of nature-based tourism, which I have spoken about in here at length from time to time — and I will continue to do so.

The Minister for Regional and Rural Development advised me that money has been allocated for both those towns from the Regional Infrastructure Development Fund, but she will not answer the call for help with development planning and promotion, which is currently being run on a limited scale by small groups of local volunteers.

I have also sought a commitment from the government to a strategy to capitalise on the declaration of national landscapes for tourism development and international promotion, two of which are in my electorate — Australia's coastal wilderness, on the far eastern coast of Victoria and extending into southern New South Wales; and the Australian Alps, also spanning the two states. The third is the Great Ocean Road.

The commonwealth, through Tourism Australia and Parks Australia, as well as the New South Wales government and landscapes task forces, are actively engaged in this program, which was announced 18 months ago. In sharp contrast there is no evidence whatsoever of any activity or support on the part of the Victorian government.

The timber industry, which is another mainstay of the far east of my region, is also experiencing difficulty and uncertainty on a scale that is deterring investment, all because of ineffective government policy and practice. The new timber industry strategy, released in

December, rates a mention on page 43 of the annual statement of government intentions. It states:

In 2010, the government will begin implementation of the strategy, which will include:

identification of working forest areas and development of working forest plans, which will create a secure and competitive environment for investment and employment and allow VicForests to offer supply contracts of up to 20 years duration ...

Yet the VicForests auction system is flawed, ad hoc, high-handed and seems incapable of foreseeing demand over the next 10 years, let alone the 20 years that is being claimed. In light of the claims the government is making, why is Fenning Bairnsdale unable to get a guaranteed wood supply to export a large volume of part-processed timber to China over the next decade? Why is a small family sawmill at Maramingo being locked out of VicForests supply system for sawlogs and firewood? Why is it that firewood contractors in the east of the state where VicForests is the supplier refuse to deal with VicForests? I just wonder if the Treasurer is satisfied that I have referred to the problems of firewood and will now desist from interjecting.

I turn to the shortcomings of internet services as another important area in which country businesses and communities are being left behind. The Labor government is standing by and relying entirely on the commonwealth's initiative to build the national broadband network to speed up and fill the many gaps in Victoria's broadband services. It has spent a paltry \$20 million 'to support the development of fibre to under serviced regional locations'. There has been no serious effort to look at the internet service needs of the state as a whole and work towards meeting those needs; there has just been the fallback that Victoria is waiting on the national network.

The Victorian Competition and Efficiency Commission assessed the status of internet access in Victoria in its October 2008 report *A State of Liveability — An Inquiry into Enhancing Victoria's Liveability*, drawing on data that the McCaughey Centre prepared for the livability study. The commission found that in Melbourne 80.8 per cent of people have access to the internet, and the coverage could in fact cater for the entire population. This compares with 72.1 per cent in provincial areas not including Geelong, Ballarat and Bendigo. But quality is the real test, and it is here that country Victoria suffers a significant disadvantage. In Melbourne 65.8 per cent of people have broadband internet and only 14.6 per cent — I cannot do this; there are too many statistics — are on dial-up.

Hon. J. M. Madden — I can help you with numbers.

Mr P. DAVIS — How high is it, Justin? How many floors does it have? Delete that. We will just edit that out, shall we? If you do not interject, I will not pick you up.

In Melbourne 65.8 per cent of people have broadband internet and only 14.6 per cent are on dial-up. In country Victoria the proportion of people with broadband is almost a third below Melbourne at 45.2 per cent, while 26.6 per cent continue to rely on dial-up services. In many country areas wireless provides the only accessible service, and it is expensive and erratic.

The government's formal response to the livability report released in April last year failed to even acknowledge this inequity. The government's lack of concern for the standard of technology connectedness in country Victoria is reflected in that the Moving Forward program for provincial areas launched in November 2005 provided only \$6.15 million for providing broadband access. The program targeted just two areas — Central Highlands and Grampians Loddon. No progress report is evident, which would indicate that little if anything has been done, and there have been no further announcements on broadband access projects for other country areas.

As I mentioned, the release last year of *Moving Forward Update — The Next Two Years 2008 to 2010* was an exercise in self-promotion and self-glorification that simply repackaged the original 2005 announcement and incorporated funding allocations of \$68.3 million drawn from across the 2008–09 state budget. Within this 60-page document there was just one mention of broadband — the appointment of a broadband project officer, jointly funded with the commonwealth, for two years to identify opportunities for new and improved broadband access. The project officer may as well put his or her feet up and take it easy, because should they identify any such opportunity, the Moving Forward update made no mention of any funding being available to implement it.

To support my contention, I cite the example of the communities of Leongatha South and Nerrena in South Gippsland, just an hour's drive from Melbourne. Their local telephone exchanges are not capable of supporting broadband internet connections, and Telstra has refused so far to upgrade them on the basis of cost versus customer numbers. Residents and businesses in those communities have been advised to take up satellite or

wireless services, of which the first is too expensive and the second is too unreliable.

These are small communities, but communities with aspirations — indeed, communities where there are people keen to set up small home-based businesses. They are hampered by genuine disadvantage, as are people in the many more distant and remote centres across East Gippsland and in the alpine region.

Especially in country areas, community libraries are important points of internet access, as recognised in the state of livability report. The commission not only views libraries as essential providers of direct access but believes they should serve a wider purpose through the installation of wi-fi hotspots. Libraries first need the capability for improved access to broadband and then the provision of more extensive broadband services. To do this, they desperately need an increase in government funding. But libraries have become the forgotten community service under this government. The proportion of the recurrent funding for libraries met by the government has slipped steadily to around 30 per cent, leaving councils to bear the overwhelming burden of cost as well as the capital cost of buildings.

The Victorian Competition and Efficiency Commission makes two pertinent judgements in its report on livability. Firstly, it states:

The commission finds that improved transport, the availability of emerging communications technology and other services such as health and education will help to consolidate and enhance the attractiveness of provincial Victoria and lead to more effective integration with Melbourne and improved livability throughout Victoria.

And it reinforces this basic message by stating:

The livability of all Victorians in the future could be enhanced by government investment in the factors that contribute to an interdependent Victoria — in particular, services for provincial Victoria and improved transport and ICT —

information and communications technology —

services both throughout provincial Victoria and between Melbourne and the larger provincial cities.

The Brumby Labor government wasted a golden opportunity to establish Victoria on a sound footing through the long economic boom of the late 1990s — I should say the boom that commenced in the late 1990s, because we know that the real boom in Victoria occurred after the Kennett government re-established a sound economic footing. We tend to forget the malaise the state suffered from in the 1990s and the kick-start that the Kennett government gave to it, which led to record revenue to the state government through the last

decade. That record revenue stream in state taxes, GST disbursements and commonwealth grants came into the public till. The Brumby Labor government was more intent on creating media opportunities and running self-promotional advertising on so-called policy initiatives and grand pipedreams than on fixing the daily problems that Victorians experience and creating a highly productive and competitive platform for long-term security.

When the global lightning storm struck, the Brumby government was the first to put up its hand for federal stimulus funding for what it referred to as 'shovel-ready community infrastructure projects'. There has been pitifully little to show for this. The consequences of lost opportunity are evident across the spectrum of life in Victoria. The metropolitan area is choking. The infrastructure that supports business activity, transport and community development is failing. Inadequate investment in communications infrastructure has left much of the state with second-rate internet services, and the state's educational health services are wanting in terms of meeting demand and on the score of standards.

In education the government has owned up to the fact that there is a disparity in educational outcomes between the city and country Victoria. That much was acknowledged in the Premier's statement. It is in fact a twin disparity. A far smaller proportion of country students compared to city students make it to year 12 — 67.2 per cent of country students compared with 85.8 per cent in the metropolitan area. According to the education department figures that were revealed only a little while ago, the year 12 gap has widened by 5 percentage points since 2002. The second area of disparity which was disclosed in a study for the local learning networks last year is that a far higher proportion of students in the country compared to those in the city do not proceed to tertiary education.

In health there is a shortage of country doctors, with no workable solution, and there are issues with mental health. The government's commitment to provide better support for Victorians with a mental illness has not transformed into action. Furthermore, it is widely at odds with my perception of the mental health services and the pleas for help that I regularly receive, both from individuals and from a regional advocacy group based in Gippsland, Barrier Breakers.

The fact is that in Victoria, especially in country Victoria, anyone who suffers from a critical mental health episode is more likely to end up in a police cell than in a hospital bed. There are not enough acute-care hospital beds for the mentally ill. There is not enough accommodation, not enough community-based support

and not enough backup for carers. A recent ABC *Four Corners* program revealed that Victoria has received around \$25 million in federal funds to provide 70 new supported accommodation places, but none of the money has been spent. No additional places are becoming available to ease the state's accommodation crisis for people with mental health problems. In a statement made on the *Four Corners* program the chairman of Barrier Breakers, Mr Gordon Arthur, pointed out that the Gippsland region has more than 100 fewer beds for people with mental illness than it had in the decade to 1976. That is a 62 per cent reduction in beds, and in the intervening time the region's population has grown by 40 per cent.

If the government needed any reminder of the scope of the problem statewide, it was there in stark detail in the Family and Community Development Committee's lengthy report of last December entitled *Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness*. The report says at page 215:

In addition to the significant concerns about accessibility of specialist mental health services, the committee heard about gaps in the mental health service system that have implications for people with a mental illness who need support and accommodation ...

Furthermore, the evidence received by the committee suggested that the issue of accommodation for people with a severe mental illness has not been fully resolved since the closure of institutions.

On page 228 the report referred to the challenges faced by Victorians with a mental illness in regional and rural Victoria as follows:

These challenges relate to shortages of available services and reduced accessibility of services due to distance and location.

The report comments that this is complicated by the distance to or location of country mental health services. It adds:

The inability to access supported accommodation in rural communities may force people to find support in another town. The committee heard that this is not an ideal situation since individuals with a mental illness are forced to leave their family and community, which are important aspects of their social support networks.

It is also worthy to note the collapse of the public denture scheme as dental technicians abandon it because the government has reneged on a commitment to align rebates for dentures with those of the commonwealth Department of Veterans Affairs, an issue which I have raised several times in this place in reference to the Minister for Health's obligations. A

satisfactory resolution has not yet been found at a state level.

In regard to an issue which I often note, land management, the Premier has foreshadowed plans in the land and biodiversity white paper which he said would increase the government's effectiveness in delivering better and more responsive management of land and water biodiversity. Land management is one of the most disastrous failures of the Labor administration. If you consider bushfire preparedness, you see that that failure has resulted in several million hectares of the state's most significant natural environment being burnt to ashes in the past decade, and it has left us bearing a high future risk. The benefits of increased fuel reduction burning in contrast to the government's hopelessly inadequate prescribed burning program is one of the most common themes of evidence being presented to the bushfires royal commission. While even the front-line authorities are finally coming to an awareness of the need for protective action, the government shows no sign of demonstrating leadership or the political will to act.

There has been a degradation of parks from the failure to manage them in regard to a whole range of aspects: weeds, feral animals, wild dogs and simply the basic management of access. Parks should be for people, but they are not being properly managed to enable ready access. This is a reflection on the poor performance of Parks Victoria.

I note that over the last weekend and several days on either side of last weekend Parks Victoria rangers were organising groups of volunteers to clear an almost untrafficable section of the Australian Alps walking track which runs through the Baw Baw National Park. I have walked along the track and found that the only way through it has been literally by bush bashing. People have complained to me about the poor state of that track, and that is why I am interested in investigating it. What should be an enjoyable walking experience in a national park is almost a nightmare, particularly for those people who are not used to walking in uncleared country.

While maps show walking tracks that people follow, if the tracks are not in a proper state there is a risk of people becoming lost, particularly those who are not experienced bushwalkers. Not only is Parks Victoria denying access to its parks, when its remit is to provide access, but in my view it is putting at some risk vulnerable people who seek an outdoor experience.

In regard to water, I have raised many issues in this place about the Snowy, Mitchell and Thomson rivers

and other streams in this state, particularly the Gippsland Lakes, but I want to focus on the government's own focus on big-ticket projects. This is purely aimed at lifting water restrictions in Labor's biggest market, the metropolitan area, where it holds the majority of its seats, and doing so before the election — and we have seen recent announcements to that effect. This is impacting country Victoria, in particular Gippsland, with regard to the Thomson River's environmental flow.

There is a bitter irony about the government's degradation of the Thomson River given the Premier's statement that the government will 'legislate to ensure environmental water entitlements are directed to the highest statewide priority areas via an independent body'. Instead the government has pandered to its metropolitan constituency by announcing the relaxation of water restrictions while restoring only a trickle of the environmental flow that has been diverted from the Thomson River. A diversion of 17 billion litres per year will continue indefinitely. The most obvious conclusion to be drawn from this is that the government is using this water to top up Melbourne's water supply to underpin its relaxation of water restrictions. In the meantime the diversion poses grave risks to the environment of the Thomson River and the Gippsland Lakes.

In regard to the Snowy River, there has been no action or even a substantive explanation, despite the Minister for Water being prompted a number of times over the past year.

Looking at the state of Victoria today — the legacy of 11 years of Labor's meddling, muddling administration — we find ourselves gazing at a dispiriting picture. Victoria's social capital has been eroded, and Victoria's economy and the government's financial position present a picture which is far different from the thriving picture that Labor keeps portraying — and, I might add, it keeps decrying critics who dare to question it. The shortcomings Victoria is experiencing are the responsibility of the government. They are Labor's problem, having been in office for the past 11 years and three-quarters of the past 30 years. The accountability rests squarely with Labor.

The government has been derelict in providing for Victoria's population of 5 427 700 in four fundamental areas: the services that attend to everyday special emergency needs; the infrastructure that underpins a thriving society and economy; the meeting of community and lifestyle needs; and supporting those people who live in country towns and on the land in a time of great difficulty.

Instead Labor has wasted money and opportunity. In the process the compact of Victoria's social democracy has been degraded and the basic trust that is one of its mainstay principles has been betrayed. Labor engages in the practice of freedom of disinformation to avoid open disclosure. It is good at recycling programs — programs which, by their design, avoid the need for action — under new fancy, feelgood names. The regime that the Premier presides over has become one notable for inaction. If that is the best we can expect — the best we will get — it is inescapable that Labor's and Brumby's best is not good enough for today's Victoria.

The government has failed the critical test of responsible management for the good of the community and of future vision. Essentially the government's approach has been to buy time and paint a rosy picture in the hope that things will get better, but that time has now run out.

Mrs KRONBERG (Eastern Metropolitan) — I rise with a degree of pleasure to support Mr Dalla-Riva's motion, which asks the house to note the failure of the Brumby Labor government to respond to key community problems. From my perspective as a member for Eastern Metropolitan Region, I intend to focus on the problems that people bring to my attention on a daily basis.

One of the issues that just will not go away for me or for the people who are suffering as a result of the government's inaction is that of the disabled and their carers. I have raised my concerns about their ongoing suffering and high levels of anxiety on a number of occasions, but the government has not responded in any material way or even demonstrated its understanding that there is a problem.

For the record — and this is something the government might take notice of — it is important to note that one in eight Victorians are directly affected by disability. That 12.5 per cent of the population would be sitting up and taking notice when the government is letting down and failing the disabled. If we add the number of carers who support the disabled to the very best of their ability, and often to a state of complete exhaustion, we have an incredible multiplier.

Let us look at organisations such as the Araluen Centre in Lower Plenty. Its hardworking and dedicated staff are utterly devoted to making the lives of the intellectually handicapped adults who attend the centre on a daily basis, or who are residents of the centre, more meaningful, especially through diversion programs. The government has cut funding for such programs, which has led to difficult circumstances for

residents, daily clients and staff. It is akin to leaving people with nothing meaningful to do during the day, and the suffering there is immeasurable.

The committees of management, the community and the Rotary groups are doing their very best to work in a cohesive manner to raise funds to provide diversion programs to fill the days of these people, but it is just not enough. I ask the government to take note of the lack of diversion programs in centres such as Araluen. Anyone who was there and could see what happens to those individuals during the day would have to be made out of wood not to be moved to tears by the whole sad process.

Another area where the disabled are let down is the total inability of the government to provide adequate shared supported accommodation for adults so they can have the opportunity to live an independent or semi-independent life apart from families and carers. People are in a state of despair because this is not forthcoming. That means ageing carers are left in a quandary and faced with the dilemma that their offspring — their sons and daughters who need such accommodation — will not be provided with that benefit in their lifetime.

Many of these parents are aged in their 70s and 80s. They are physically prevailed upon, and they are exhausted and disappointed because the funding, which I have been asking for since I first entered Parliament, has not been forthcoming. Their need is acute. Over 1200 people are on the urgent waiting list in this state. This is a disgraceful form of neglect on behalf of a government that likes to thump its chest about such matters.

The Victorian community is also being let down by the clever spin the government is attaching to the concept of foisting extra train stabling facilities on the good people of Eltham. This is a quick-fix solution to avoid a harsh environment being imposed on new communities which are being constructed along the Epping line. In order to avoid the new and probably quite praiseworthy potential rail link to South Morang and its razzle-dazzle station being spoiled by the industrial ugliness of a train stabling facility and all of the infrastructure that goes with it, the government has seen fit to engineer a set of circumstances where it will foist such a train stabling facility on the people of Eltham.

The Eltham major activity centre is in a narrow valley surrounded by low hills and densely wooded areas, with the Yarra River, the Plenty River and Diamond Creek interspersed with homes, sensitively placed on allotments. The activities district is quite contained. The people of Eltham have looked to maintain the

environmental integrity of their central activities district. They do not want to see a great sprawl, with fingers of unnecessary development thrusting into their woodland areas and the areas around those three important streams. There is literally not a lot of room to move, and they do not have much choice. They are proud of the decisions they have made to maintain the environmental integrity of Eltham, and they vehemently oppose this government's proposal to stable between 5 and 12 additional train sets there overnight.

To a large degree the local commentary on this issue is that not only does this measure foist the despoiling elements of train stabling facilities on an established environment such as Eltham, keeping the Epping line's new suburbs free of such things, but the government is also seen to be toeing the line according to the dictates of the train drivers. Some people feel that the siting of the train stabling at Eltham is purely for the convenience of train drivers so that they are just a hop, step and a jump from the train they might want to take out for the first service of the morning. That is not good enough, because it contravenes the strategic plan of the Nillumbik Shire Council. It has other plans for the precinct around the station. It has other plans that will go a long way to ameliorating the state of neglect, to reinvigorating and to making this area an activities centre that will provide true value for scarce land use in a tight space.

The people of Eltham want to add a new vibrancy to the station precinct with enhanced retail activities, places to have coffee and restaurants with outdoor areas. This plan is falling on deaf ears, whether it is the current transport minister, the former transport minister or the planning minister. It is a striking example of this government and its ministers failing to respond to key community problems. It will not go away. However, the people do not want it, so if it is foisted on them by the government, there will be ongoing disquiet and, I am sure, an appropriate electoral response in time to come.

The Eltham Chamber of Commerce and Industry does not want the train stabling in Eltham because it says it will take up a good proportion of public car parking spaces that serve the commuters who use the train station to travel to their jobs. The train stabling will take up a good proportion of the car parking spaces, which will mean commuters will have to park in other parts of the business district. Cars will be parked in the central business activities area all day, hindering people from doing business in that area. One can see why there has been an extremely strong reaction from the chamber of commerce and industry and other associated entities.

We conducted a survey in Eltham among a number of residents in the catchment area immediately around the Eltham station precinct. The response was quite startling, because 72 per cent of people surveyed were totally opposed to train stabling in any form. Furthermore, whenever this is raised with the government, its ministers rush to try to criticise us, suggesting we are in some way damaging the prospects of improved public transport.

I am an avowed and passionate supporter of improved public transport, and I have talked about the need to improve public transport almost on a weekly basis during this whole parliamentary term, and I will not tolerate being accused of not supporting public transport. I support the introduction of extra public transport, better public transport, uncrowded public transport, extra trains, trains that fit on stations and trains that drivers are happy to drive. We need increased train services travelling down from Hurstbridge so that people do not find that the maximum number of patrons has been squashed onto the train before they even get to Eltham. That is occurring because of the limited train services. The problems of the Epping line should not be the problems of the Hurstbridge line.

I also feel this government has ignored the increasing road congestion in and around Eltham for far too long. There are a number of road problems. A number of over-dimensional vehicles and articulated vehicles are driving at high speeds, damaging roads and creating dangerous conditions at any time of the day or night, with exhaust brakes being applied outside residences. There needs to be a complete overhaul of truck routes around and through Eltham, because the people have had enough. They are frightened to drive into their driveways; they cannot get out of their driveways; they are trapped because of the poor traffic flow planning around Eltham.

We also see a complete trammelling of the rights of residents who live in properties that adjoin school sites where the current Building the Education Revolution projects are under way. A number of residents of Highfield Road and Rowallan Court, East Doncaster, whose properties back onto the Donburn Primary School, have come to see me and raised this issue; they are in a state of utter despair. The damage to their property during this construction phase is quite significant. Paling fences are being wrecked because materials are being propped up on them, residents' privacy is being totally eliminated because of school buildings overshadowing their backyards and a brick wall that anyone in this chamber could push over with their elbow remains as a dangerous hazard.

This government has certainly failed to respond to the problems that this community in East Doncaster is having, because they are being totally ignored. I have asked the Minister for Education to come and have a look at the site and the problems for the residents; unfortunately the response has been very disappointing.

A number of higher density residential accommodation building projects are also under way. Many of these building projects have been approved without any consideration for the planning authority of the local government entity. As a result, the knock-on effects of those construction projects are already creating serious problems for traffic flow, for safe access and egress from people's properties, and even for the state of the road in terms of soils and clays being moved all around suburbs and over road surfaces. With such projects being close to activity centres, many car parking spaces are being completely eliminated.

Last week a contingent of people from the Wesley Central Mission who visited me had a very important message for the Minister for Planning. That group of more than 100 is having tremendous problems because car parking that was once available to them has been removed because of the project in Ringwood.

The people at the Wesley Central Mission are quite distraught because they are a front-line agency dealing with every social problem that one can imagine, especially with people who are victims of family violence, people who are in a state of extreme distress and disadvantaged people who need advice and immediate assistance, and perhaps access to crisis accommodation; I am talking about people at the really pointy end of suffering in Melbourne.

When the consultants from the Wesley Central Mission in Ringwood are dealing with their clients they have to interrupt whatever they are saying or whatever advice they are providing because they need to go out every few hours to move their cars. They asked me to appeal to the Minister for Planning about this project.

I am pleased that the Minister for Planning is in the house. I ask him to look at the parking problems the project in Larissa Avenue is creating for not-for-profit agencies who are on the front-line of dealing with people in crisis and the disadvantaged citizens of Melbourne's east. They are extremely distressed.

Another not-for-profit centre in the same building is the Calvary Silver Circle service which also finds its staff are now very distressed by having to find car parking quite a distance away. They work outside of the normal 9.00 a.m. to 5.00 p.m. span to supply support services

to members of the community, including many aged and disabled people, and people who are isolated. The staff are regularly getting parking infringement fines of around \$60 a day. This is an obscene impost on people who are working for disadvantaged Victorians and being truly responsive in the not-for-profit sector. That is an area where there is a direct causal relationship between the building projects and the problems they are experiencing.

The response from members of the business community in the Ringwood area is they are concerned because car parking for the staff has been eliminated. They are all coming to me and telling me that when the leases on their premises expire, they will be leaving the precinct. So much for inspiring job creation opportunities and activities in the Ringwood activities precinct! People are leaving because the rights of local government and its planning authority have been trammelled.

The community saw extensive reporting of the terrible riotous and outrageous behaviour by groups of young people who were upset about the Easternats drag racing not being held; apparently there was absolute mayhem in Oakleigh. A gang fight in the Box Hill shopping centre late on Thursday afternoon went off the radar, so I am glad there is to be a promotion to raise greater awareness of the problems associated with people carrying weapons. The bravado and boldness of the gangs that started this fight and another form of mayhem in Box Hill on Thursday afternoon, and their preparedness to be involved in a gang-based fight was due directly to the fact that we lack front-line police in this state.

I understand that the riot was highly destructive. I am not going to mention the actual ethnic groups involved but there were two distinct groups. One group was from the Pacific Islands and another was from the Horn of Africa. As I said, the riot was highly disruptive. People going about their business in the Box Hill shopping centre were terrified, chairs were thrown around, a lot of damage was done to businesses, to the extent that many people have no confidence in shopping in that precinct — again a direct result of not having enough police on the beat.

To sum up my contribution to the debate today in support of Mr Dalla-Riva's motion, members of the community know there are a lot of problems with this government, that there are no trains, and the ones that do operate run late and are crowded. They encounter traffic congestion and know of people living in cars because of the lack of affordable accommodation. They can experience the extensive elective surgery waiting

lists in public hospitals, and they understand that the Box Hill Hospital will not be rebuilt. They can observe drug dealing on railway stations, especially Ringwood and Eltham stations, because I know about those activities in considerable detail.

People do not understand that this government continues to let the Victorian community down because it does not have the proper IT architecture to allow it to manage information and statistical inflows — the left hand never knows what the right hand is doing. A lot of the decision making is affected by these systems being over budget and woefully late. In general this government's IT system architecture is out of date and redundant before it is completely implemented, commissioned and becomes a viable system so that the government can draw upon information, create programs and allocate funding based on up-to-date information that can be relied on.

These are all of the hidden problems where the ineptitude of this government is at its zenith; I encourage members to support Mr Dalla-Riva's motion.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until later this day.

LAW REFORM COMMITTEE

Reference

Debate resumed from earlier this day; motion of Mr O'DONOHUE (Eastern Victoria):

That this house requires the Law Reform Committee to inquire into, consider and report no later than 30 September 2010 on the arrangements for security and security information gathering at the state government's desalination plant under construction at Wonthaggi/Kilcunda and other similar construction projects and whether —

- (1) the rights of Victorians, including those engaged in peaceful and legitimate democratic expression, are being respected by these new arrangements, with particular reference to:
 - (a) contractual conditions relating to security information collection and sharing; and
 - (b) Memorandums of Understanding signed by the AquaSure consortium and firms with similar arrangements at other projects with government agencies and instrumentalities; and
- (2) any breaches of privacy have occurred or are likely to occur under these or associated arrangements and whether these arrangements are in the public interest.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to rise to support Mr O’Donohue’s motion to refer the matter of the memorandum of understanding (MOU) between the secretary of the Department of Sustainability and Environment, Victoria Police and AquaSure to the Law Reform Committee. This memorandum has come to light, as I understand it, as a result of a freedom of information request by the opposition. The opposition was able to gain the release of the document entitled *Standing Operating Procedures: Demonstrations — Protest Action* between the three parties I have just mentioned.

This is an appropriate issue for referral to Parliament’s Law Reform Committee. It is an issue of public importance and public concern as can be seen by the comments that have been made in public by members of Liberty Victoria and representatives of the protest groups that we would have to say are the target of this memorandum of understanding.

Age journalist Melissa Fyfe wrote an article about the release of the document to the opposition and the contents of that document. In that article she quoted — and Mr O’Donohue referred to this — Liberty Victoria president Michael Pearce as having said it was improper to use a private firm to collect intelligence on the lawful protest activities of citizens of Victoria. We all know that the protest activities that have been undertaken by citizens of Victoria against the desalination plant have been lawful. There has not been any protest activity that would warrant the sort of incursion on people’s rights and privacy that we have seen not only in this ‘Standard operating procedures’ memorandum but in a memorandum that came to light late last year that was also the subject of debate in this chamber on 9 December. That was the memorandum by which information about certain people could be shared between the department, the company and the police in a way that is unprecedented in the state.

I do not want to rehash that debate at all, but I remind the house that at the time the government was questioned about that particular memorandum about the sharing of information, including photographs, video and private information about individuals, between the private company, the police and the department, the Minister for Water, Mr Holding, declared that it was a routine thing that was done. I said at the time that if it is a routine thing that is done, it is not known to the community that it is a routine thing for such MOUs to be signed with private companies for the sharing of police data.

It has been done in secret. It came to light not through the government releasing the MOU and putting it up on

the website saying, ‘This is what is going to happen’ but under freedom of information. That particular memorandum and the memorandum we are talking about here infringe on people’s rights and are a matter for the Law Reform Committee to look at, because it is not clear that they are even legal activities. The Law Reform Committee should be looking very seriously at the issues that arise from these two memorandums. These are secret memorandums, and the contracts between the government and the company that is going to build the desalination plant are secret. It is unknown to the community that these activities are going on.

There is more scrutiny being applied to the citizens of Victoria who oppose the desalination plant. As Mr O’Donohue said, many local citizens have formed a group under the banner of Watershed Victoria, and they have support and membership from around the state. As far as I can make out there are more people opposed to the desalination plant than there are in favour of it, and so there should be, because it has been a secret operation so far. The cost has escalated, as Mr O’Donohue said, to \$4.8 billion. We can look at the escalating costs of something like the channel deepening project, which started out at \$200 million and ended up at \$1 billion. I do not expect the \$4.8 billion cost for the desalination plant to be the last word on the matter; I am sure it will cost more. What value are the citizens of Victoria to get for that?

Many reports have shown that the government should have moved more on water efficiency, water recycling and water tanks for houses. We can imagine how many water tanks we could supply for \$4.8 billion dollars. There would be no need for this desalination plant, which as we know is going to belch out greenhouse gases into the atmosphere and add to our already very high greenhouse gas emissions.

There are some things of concern in the memorandum. On page 3, point 3.2 talks about the secretary of the department and AquaSure maintaining ‘accurate intelligence and records of protest action in relation to the project’. This is of concern to me because I suggest that that is the role of the police. It is not the role of a private company to maintain records on private citizens, and it is not the role of the Department of Sustainability and Environment. That is the role of the police, if anybody, to gather that information.

That particular part of the memorandum also says this is to ensure that Victoria Police ‘maintain an awareness of protest action in relation to the project’. My information from the group Watershed Victoria is that it maintains liaison with the police anyway and when it

is planning a protest action it lets the police know, so it is very difficult to see why any of this is needed.

Page 4 of the memorandum states:

The secretary will provide an appropriate representative to coordinate all planned responses to identified protest action. The appropriate representative will be responsible for liaising with Victoria Police —

and with AquaSure —

and the protest organisers and leaders as required.

I suggest that police liaison is a role for the police and not for the secretary.

Appendix B is quite concerning in and of itself. It talks about guidelines for undertaking proactive operations, and it describes these guidelines as being able to be subject to improvisation and adaptation as required by the particular situation. That leaves them wide open to be interpreted in any way deemed by the three parties to be acceptable to them. Mr O'Donohue mentioned the involvement of the special operations group, which is again completely heavy-handed and not warranted in this situation, because we are talking about ordinary citizens exercising their right to protest against the building of a desalination plant on the pristine coast near Wonthaggi at Kilcunda. Many people are concerned that not only is the desalination plant not needed but it is going to cost so much, it is going to cause greenhouse gas emissions to continue to rise rather than fall, it is also being built on what is at the moment a wilderness coast and it will be pumping waste products into the water.

When asked by Melissa Fyfe about the memorandum, Mr Stephen Cannon, the president of the anti-desalination group, Watershed Victoria, said that people would be uncomfortable with the consortium taking on the role of gathering intelligence. The article quotes Mr Cannon as saying:

I find it astounding ... It is putting AquaSure on some sort of standing that we've never extended to a private consortium.

That really is the nub of the matter: a private company, AquaSure, is being given roles that are not envisaged by the laws of this state. It is a very serious matter that infringes on the legal rights and privacies of Victorian citizens, so it is an appropriate matter for this committee to look at. The Greens are pleased to support Mr O'Donohue's motion and thank him for bringing it to the attention of the Council.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to support this motion of referral by Mr O'Donohue to ensure that many of these serious

points about the relationship between this government and its business partners and the sharing of information in a non-public way are thoroughly investigated. What is clear is that these new and extraordinary memorandums of understanding that contemplate the sharing of information, the spying on legitimate protesters and demonstrators by multinational firms and the use of this information by those firms and by this government are things that are very worthy of investigation. The community is uneasy about this information. It is uneasy about large multinational firms, some of whom have dubious international reputations, working in such a way as to collect information through processes that are not public, to collect information through potentially espionage-type modes and to strike arrangements with Victoria Police. That is not something the community has overwhelming confidence in.

I welcome this opportunity for the Law Reform Committee to look at these matters, and I make the point that this is a committee that the government dominates. It is important. The desalination plant is a huge industrial project, and it has a series of partners which are associated with the AquaSure consortium. I wish to make a point about these memorandums of understanding that have recently come to light. There was one which the opposition released before Christmas and that brought many concerns to the fore in the community, and, following a FOI application to the privacy commissioner, one released in the last week or two by the opposition.

The truth of the matter is that it should not be left to the work of the opposition to ferret out Premier Brumby's secret deals and secret arrangements with these firms. It should be a matter where there is a firm and predictable basis for these matters, and the committee will be in a position to make recommendations about how these matters could be structured into the future. Equally the committee will be in a position to get to the bottom of what has occurred between Premier Brumby and his government and Premier Brumby's deals that have been struck. We have seen the arrangements struck with AquaSure, and we know that there is a significant question mark over how that was arranged.

We have already seen a production of documents motion in this chamber flouted by this government, a motion that sought information about appointments, deals and arrangements with Philip Staindl and Progressive Business. We have seen that motion flouted in this chamber and the government's total failure to provide documents sought by this chamber. This is another attempt to get to the bottom of what is going on at the desal plant. There are other major projects of the

type; the north–south pipeline in this state comes to mind. Those arrangements need to be fully investigated.

We are talking about the civil liberties of the community; we are talking about the right of mums and dads to legitimately protest and to do that in a democratic way without the intrusion of spies sent to look out at them by multinationals under the cloak of some deal with the Brumby government. It is a very unsatisfactory state in Victoria and hopefully this committee can go some way to getting to the bottom of it.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to sum up and thank all members who have contributed to the debate. I have to say at the outset that the government's response to this motion is quite startling. Ms Tierney spoke for the grand total of approximately 3 minutes and failed to address any of the substantive issues. She spoke around issues of water security and the like. We are happy to have debates about the government's inaction during the course of its period in government to secure Victoria's water supplies, and it is my contention that that failure led to the panicked decision to announce the desalination plant without any proper planning or process. Ms Tierney failed to address substantive issues relating to the memorandum of understanding and the rights of protesters to protest. I make my conclusions on the basis of her very limited contribution, and the fact that Mr Scheffer, as a member for Eastern Victoria Region, and also as chairman of the Law Reform Committee, failed to speak in this debate and failed to address this critical issue. I was surprised to hear the government's response, but I am pleased that the government will not be opposing the motion.

Ms Pennicuik and Mr David Davis also spoke about some of the issues pertinent to this issue, and I congratulate and thank them for their contributions.

This is an important reference that will be made to the Law Reform Committee. The committee, which has a government majority, will have the capacity to investigate these issues in a way the Legislative Council cannot during the course of this type of debate. I welcome the support of the house, and I look forward to the work of the Law Reform Committee with this reference.

Motion agreed to.

GOVERNMENT: PERFORMANCE

Debate resumed from earlier this day; motion of Mr DALLA-RIVA (Eastern Metropolitan):

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

Ms PULFORD (Western Victoria) — I am pleased to rise to speak on Mr Dalla-Riva's motion, which has been debated over the course of a few sitting weeks. I believe I am the last speaker.

Mr D. Davis — Other than the right of reply.

Ms PULFORD — Other than the right of reply, which I of course look forward to. I thank Mr David Davis for his assistance.

An incredibly wide-ranging discussion has ensued in this debate. The motion suggests that the government is not listening to Victorian communities and has failed to respond to key local community problems, so a speaker has a broad brief in this debate. I will just talk about a number of things that have emerged as key local community problems or issues in my discussions with Victorians.

Probably first and foremost for people is the importance of having a job: a secure job, a high-skilled job, a job that provides a breadwinner and his or her family with some confidence about the future. That may be confidence to buy a home, to make a series of plans about the future, to save for their retirement, to educate their children, to take a holiday, to keep a roof over their heads or to put food on their tables.

It must be noted that Victoria is driving the nation's recovery from the global financial crisis. Two-thirds of the jobs that have been created in Australia in the last nine months have been created in Victoria. There would be few things more important than that. In this place we talk about the things that are the most important, the top priorities, and providing economic security is incredibly important for Victorian families. This government has provided the right environment for employers to have the confidence, in spite of great global upheaval, to be able to employ people or to be able to continue to employ people. Where companies have had to reduce their workforce as a result of the global financial crisis the government has worked with them in a cooperative way to retain as many people in the workplace as possible. Twelve months ago we saw a number of organisations employing people for reduced hours or reduced days in the week so as to continue to support their employees and their families through a period of economic downturn, but also importantly for those organisations to retain the skills that their employees have built up over the years.

In the area of health the government has continued to work with our health boards. This debate has taken a few twists and turns in recent times, with the federal

government's discussion about how it might involve itself in the delivery of hospital services. For the Victorian government the top priority in health will always be the wellbeing of patients and the accessibility to the type of treatment that people need, when they need it. The government has made a record investment in cancer services. There would not be too many Victorian families that have not been touched by cancer at some point or another.

A great deal of work has gone into preventive health. In that respect the government has developed the WorkHealth initiative whereby we at the Parliament and people at many other workplaces have been visited and provided with a free health check. Victoria has 2.6 million workers, and a great many people have been checked. It is always a little scary having one's waist circumference measured, but that measurement is an important indicator for all of us of the risk of contracting diseases as we age. The government continues to respond to that important community concern about illness and chronic disease. Preventive health measures are of particular importance in preventing illnesses like type 2 diabetes and many types of cancer.

Still on health, in response to what has been a remarkable baby boom in Victoria the Royal Children's Hospital is being rebuilt, and Victoria now has a state-of-the-art and new women's hospital providing important services to a great many people.

In the last 13 years Victoria has experienced a prolonged period of drought that has had a profound impact on many Victorian communities. The government has embarked on a massive infrastructure program to ensure Victoria's water security into the future. In Ballarat, where I live, water security has been provided by the goldfields super-pipe, which also provides water to Bendigo. The Liberal Party at times has rubbished this important project. The federal funding component would not have happened without a change in the federal government and the \$90 million contribution from the Rudd government. If there had not been a change in government and if the fun and games of Malcolm Turnbull, the then federal Minister for Environment and Water Resources, had continued, Ballarat water users would have been paying a very high price or that project would have been put at risk.

The Wimmera-Mallee pipeline has been a great success for so many communities in my electorate, as has the Sugarloaf pipeline, and the story continues. The government is continuing to connect our water resources through an evolving water grid that will enable us to provide water where it is needed, when it is

needed. This is in addition to the construction of the desalination plant.

There is a topical issue in my electorate which is a little related to water infrastructure, though it is a little tangential to the question of providing water fit for human consumption and water for industry and is more related to the category of water projects for public space and amenity. There has been great discussion going on in Ballarat in the last couple of weeks about whether or not Lake Wendouree ought to be topped up. This has certainly captured the imagination of many people in that community and is the topic of many discussions around the water cooler or barbecue in this beautiful autumn weather.

The government has already provided funding for the upgrade of the northern treatment plant and has supported the Redan Wetlands project, both of which will ensure that Lake Wendouree does not go dry again. These projects provide an augmentation to the water in Lake Wendouree; combined with rainfall and other stormwater harvesting projects, it will ensure that the lake is sooner or later returned to its former glory.

Local community fundraising continues, and debate rages about whether topping the lake up is a good use of money, because the current projects will certainly provide for the lake to be filled within a number of years. But I can understand the impatience of those who would like to see it filled yesterday; I have absolute sympathy for that wish.

In the area of housing affordability, Victoria, importantly, is one of the most affordable places in the commonwealth to buy a first home. The first home bonus has been provided now for a number of years, since June 2004, certainly enabling people to get a toehold in the housing market. It is incredibly important for many people to be able to have their own piece of turf on which to build their house. In providing the first homeowner's bonus the government has again responded to the needs of the community.

The government is working with the business community to reduce red tape and regulation. Legislation that seeks to streamline processes, that supports nationally consistent legislation and which enables businesses to invest with confidence and to grow passes this place regularly. I think the proof is in the pudding when you look at the jobs figures that I referred to earlier.

The government has provided protection, importantly, to working families. It has provided a range of measures to ameliorate the harshest impacts of

WorkChoices and has now provided Victorian employees with a stable and secure employment safety net through the negotiations with the Rudd federal government and the referral of industrial relations powers to the commonwealth.

In the area of police, it is important to note that the opposition when last in government promised an additional 1000 police officers but instead cut the size of the police force by 800. This government has delivered 1400 police officers, with a further 350 in this term of government and, as members are well aware, is to provide an additional 120 officers who will be charged with the task of responding to an increasing prevalence of alcohol-fuelled violence and unruly — ‘unruly’ is probably too kind a word — or socially unacceptable behaviour by some people.

Education has long been a priority for this government. As members are well aware, the government is undertaking a rebuild, modernisation or refurbishment of every school in the state. If that is not a key local community issue, I am not sure what is. As I drop my kids off at school every day and navigate around the building site where the playground used to be I am reminded of this.

It was only last week that I was at the Girrabanya Children’s Centre with the Minister for Children and Early Childhood Development, where I was again reminded of the investment the government is making in essential services for families in child care, supporting kindergarten provision and importantly bringing services together into co-located community facilities so that people who need to access maternal and child health services, child care and kindergarten can do so in the one location. In many places this also includes public meeting spaces and other important services.

The government has overhauled the way people attain skills through a shift to place-based funding in higher education.

The government has invested \$56 million over four years to support its commitment to closing the gap in Aboriginal health outcomes, to improve indigenous leadership in business and to protect indigenous cultural heritage.

This week Victorians go a little bit more sports mad than in many other weeks of the year, and the government has worked with sporting communities and clubs to assist them in meeting their needs and to support them in having the kinds of facilities they need. The government has done this through the country

football and netball grants program, which is just so important in very small communities where these clubs are the lifeblood of communities; through sport uniform grants; and in many drought-affected communities, through assistance to get the playing surfaces right or drought proofed, from the bowling greens to the footy fields.

The government is very interested in the progress of Australia’s World Cup bid, and nothing less than the cycling world championships are coming to Geelong later in the year; I am particularly excited about that sporting event. There are many other highlights, but a few that absolutely stand out are the government’s community renewal program, which has provided incredible support to communities most in need in a number of areas across the state. There is also community engagement plans and programs, including one very dear to my heart in Horsham North.

The government supported communities that were affected by the worst bushfires in the country’s history. The government has rewritten the rule book on domestic violence, and we are starting to see the results of considerable changes in the way domestic violence is reported and responded to.

In my electorate there has been a great improvement in regional rail. It is something the Liberal Party pooh-poohed. The regional rail upgrade has been so important to so many regional communities. The rail freight buyback has been incredibly important as well, and regional rail services will be further improved in coming years with the construction of the regional rail link.

The government has increased the number of women on public boards and has decriminalised abortion. We have supported an incredibly wide-ranging number of industries — for instance, we have supported water programs, water-for-industry programs and networking facilitation for people who work in industries where they are not with their workmates or colleagues, such as people who often work alone in research or in IT. We are working to meet the challenges posed by climate change, including providing shopfront access for residents to practical information about how they can help to reduce their greenhouse emissions, including the shopfront Ballarat Renewable Energy and Zero Emissions, known as BREAZE, which was celebrating the funding announcement last week. We are also working with the renewable energy industry.

Mr Philip Davis was rubbishing the blueprint for regional Victoria and the Regional Infrastructure Development Fund (RIDF). I would like to respond to

that in a couple of ways. In rubbishing the blueprint for regional Victoria, which Mr Davis has not seen, I feel he is insulting the communities that have been working incredibly hard to bring together their regional plans. It is astonishing to hear his talking down of RIDF. The Regional Infrastructure Development Fund has restored pride in regional Victoria after the Kennett government shut 178 schools, 12 hospitals and 6 regional railway lines and had unemployment in regional Victoria in the order of 12 or 13 per cent. And dare I remind members of Mr Kennett's comments about the 'toenails' and the 'beating heart'.

Mr Vogels interjected.

Ms PULFORD — Yes, I can remember it well. I was at school in Bendigo. I remember well the destruction that the Kennett government wreaked on regional Victorian communities. PricewaterhouseCoopers undertook an evaluation of the Regional Infrastructure Development Fund.

Ms Darveniza interjected.

Ms PULFORD — Ms Darveniza, I think Mr Koch and Mr Vogels are probably a little embarrassed by the rubbishing of RIDF by their colleagues, and so they should be. I can hear the protests.

In 2008 PricewaterhouseCoopers undertook an evaluation of the economic impact of RIDF. The findings were that RIDF-funded infrastructure projects completed between 2001 and 2007 created 393 full-time jobs each year and added an annual \$10.9 million to the gross state product. Infrastructure boosted employment in regional and rural Victoria by nearly 4000 jobs on average each year and now adds an additional \$116.5 million a year.

Mr Vogels interjected.

Ms PULFORD — As Mr Koch pointed out, Mr Vogels does not hold back from blaming me for something he thought the Labor Party did when I was still in school, and so his colleagues ought to hang their heads in shame for their record on this.

Mr Vogels — I don't hang my head in shame at all.

Ms PULFORD — I am glad your conscience is clear, because I would suggest a great many of your colleagues who represent regional electorates have a slightly less clear conscience on the establishment of RIDF.

Mr Vogels interjected.

Ms PULFORD — That is right. Ms Broad was here. You abstained, so you were embarrassed!

The ACTING PRESIDENT (Mr Finn) — Order! We may be attempting a world record here for the most speakers at the one time, but I would really appreciate it if we could just stick to one. Ms Pulford has the call.

Ms PULFORD — I thank the Acting President for his assistance. These are important issues and everyone has something to say about them.

Finally, Regional Development Victoria's annual report noted that from RIDF's establishment until the end of the last financial year, June 2009, it has committed \$466 million towards 255 infrastructure projects, with a total value of \$1.32 billion of new investment in regional and rural Victoria. This includes things like biofuels infrastructure; arts and cultural heritage, which is so important to so many regional communities, including the fantastic arts precinct at Hamilton; the Local Roads to Market program; the intermodal freight infrastructure program; local ports infrastructure; the extension of natural gas to a number of communities; and improvements to the Great Ocean Road walk, which is just a remarkable tourism offering in our state.

It has also funded a significant upgrade to Sovereign Hill; the Regional Aviation Fund; the recently announced improvements in Warrnambool, Ballarat and Hamilton; the regional electrical access program, which provides electricity to carrot farms in Kaniva and many other places; stock overpasses and underpasses; our road safety program; the important Water for Industry initiative and the water and energy efficiency programs. That is what the Regional Infrastructure Development Fund does. If Phil Davis wants to knock that, then he is a courageous regional MP indeed.

The government has been incredibly responsive to the needs of Victorian communities and will continue to be. It will continue to work with communities across the state to respond to their key issues. We will continue to work hard to that end despite the efforts of the Liberal-Nationals coalition to talk down the state at every opportunity.

Mr VOGELS (Western Victoria) — I was not going to say anything, but after listening to Ms Pulford for a while I just cannot help myself. Let me say at the outset that the Regional Infrastructure Development Fund has done a fantastic job since it has come into existence. Regional Development Victoria has also been a great support for local councils across the state, and I do not think anybody would argue about that — I am not arguing about it, anyway. However, what we

are talking about is the fact that since this government was elected it has collected and spent \$300 billion. It will collect another \$42 billion over the 12 months of this year, which is more than \$100 million a day. Of course the government should be spending it out in country Victoria, in the regions and in the community. That is why it collects the money in the first place: to spend it wisely. That is the first issue. Of course the government should be spending the money wisely.

The main reason I want to contribute to this debate is because I heard Ms Pulford talk about Lake Wendouree. I clearly remember the 2006 election. If I had time to run up to my office, I could probably find the promotional document put out by Labor. The document says that in 2009 Lake Wendouree would be full. In 2006 Labor promised that by 2009 Lake Wendouree would be full of water; there would be regattas, there would be boats, there would be people doing all sorts of water sports; there would be water fowl, and the lake would be beautiful. The lake is dry! In fact over those years the local Ballarat council has spent approximately \$150 000 a year in controlling fairy grass, which it would not have had to do if the government had kept its promise. There have even been fires in the fairy grass in Lake Wendouree during the summer months. We have heard Ms Pulford say, 'Trust us, Lake Wendouree will be in full bloom again' — there must be an election coming on.

The government built a treatment plant in Ballarat. The water from the treatment plant was supposed to fill the lake, but it cannot be used because it is too salty. You do not have to be Einstein to work out that you can build a treatment plant to make the water that comes out of it at least of a quality to be put into a lake. Even if the water is not potable, it could be used for regattas, boating et cetera. We could not even manage that; the water is too salty to be put into the lake. How dumb is that!

Ms Pulford also talked about police officers, and about how many police it has put into the force since 1999 and what a wonderful job the government does. The crime statistics for Ballarat are the worst they have ever been. The police on the beat in Ballarat tell me they are understaffed and overworked, and I believe them. Just about every day there is another violent crime in Ballarat. Last night there was another robbery. Someone was attacked with a gun and a knife. On it goes, and it is not the fault of the police in Ballarat; they do a wonderful job, but they are understaffed. The government should listen to them. The government says it has put on hundreds of police, but it can talk all it likes. I listen to the police on the beat, who keep saying to me, 'John, we can't cope. We need more

help'. This government stands up and says, 'No, you're all wrong'. Geoff Howard, the member for Ballarat East in the other place, is on the record as saying that policing in Ballarat is fantastic.

I do not know why this government does not do what it promised and move the Emergency Services Telecommunication Authority to Mount Helen. The building is there; it is a wonderful piece of infrastructure. I am sure Ms Tierney and Ms Pulford have been there. It is fantastic. If the government used it, the 10 police officers answering the phone while sitting in the small office at the D24 unit would be able to do real police work out on the beat.

The government should not stand up in this house and talk about what a wonderful job it is doing. It has spent \$300 billion. It is getting \$40 billion a year in revenue. When Jeff Kennett lost government the state revenue was \$19 billion. The government has more than doubled the revenue, so it should be at least doubling the effort, if not better.

Ms TIERNEY (Western Victoria) — I rise to speak in opposition to the motion before us today. I wish to refer to and place on the record some of the programs and projects this government has been working on in regional Victoria, particularly over the last three and a half years since my election to this house. During that time the Brumby Labor government has been clearly committed to working with local communities. I am familiar with many projects and programs that address local issues throughout the electorate of Western Victoria. Many of them tackle problems in that region. We are a government that does not look at problems or issues with rose-coloured glasses. We understand we have pockets and areas of disadvantage that are systemic and intergenerational. As a result of that we have a deep and thorough community development program.

Part of that community development comes from the neighbourhood renewal programs. There are a number of them in the Western Victoria Region. I know Mr Koch, Mr Vogels, Ms Pulford and Mr Kavanagh are aware of them. Members on the other side might not want to talk that much about the programs for those specific communities, but they are there, and they are doing amazing things in those communities, whether it be in terms of engaging disengaged youth; organising, stripping and then redistributing second-hand computers; teaching people how to use computers; running language courses; teaching community development skills; encouraging community empowerment; or conducting community leadership programs. You name it; this government is well and

truly there in ensuring that those communities are supported and facilitated. They are breakthrough developments in respect of community development.

We also have the regional managers forum, which is cross-departmental. It is along the lines of the departmental boundaries — for example, in South Barwon we have a regional managers forum that has identified three key communities which require cross-departmental support in that area, which extends almost to the South Australian border. One is west Portland, the second is Colac and the third is Corio-Norlane.

In respect of Colac, the major initiative is the merger of the schools and bringing about a shift in the educational-cultural paradigm in that township. As we know, and as everyone in Colac knows, there are a number of issues in Colac. It has low literacy rates, high teenage pregnancy rates and low school retention rates. Knowing that, the government has been working across all departments to put in place an education system that will support a major shift and will provide future leadership in the township of Colac, significantly improving opportunities for teenagers.

Many people could talk for a long time about the breakthroughs occurring in Corio and Norlane. That is not to say that it is easy. It is difficult, and it will take time, but we are now seeing communities take on their own problems and work out the best solutions, with the government providing facilitation for them.

In terms of West Portland, the beginning of that discussion is taking place. The parliamentary Rural and Regional Committee sat in Portland last week, and a number of people who appeared before the committee advised it of the work that is being done in that area.

I wanted to start my contribution by saying the government notices and recognises the issues and is working with communities to ensure that in those communities that are finding it tough — they have found it tough for generations — there are opportunities for engagement, which will see significant changes in their future directions.

Coupled with this we have also seen major investment in our schools. Whether it is new schools or significant upgrades, all of us can narrate good stories about how there has been significant investment in Victoria's education system. All of that will assist in providing much better opportunities for Victorian young people.

The government has also included early childhood in the education department. That is because we understand that early intervention is the best possible way to put young people on a good footing. We have

seen a major investment in children's hubs and children's centres throughout Victoria. Even in the last four weeks I attended the opening of the redeveloped and extended Warrnambool children's hub and walked through the soon-to-be-completed — I think it will be completed next month — \$2.5 million state-of-the-art children's hub in Portland. All these things are being put in place. It is not just a matter of bricks and mortar, although that is important, but also about making sure interventions occur at an early stage. This is not only because we know that is the way to get the most bang for our buck but also because this is an opportunity to build genuine links and engage with families early in their children's development.

In terms of schools, children's hubs, preschools and dealing with the disadvantaged in our community, the government has already demonstrated that it works very closely with individuals, families, communities and of course institutions such as schools. We are about making sure that we foster vibrant communities. We do not expect teachers and schools to be the only people or institutions to take responsibility for the behaviour of individuals on school premises. It is a partnership between all levels of government, individuals, families and the organisations with which people engage. It is also the responsibility of the media to play a positive and active role in ensuring that people get the right message about what is acceptable and not acceptable.

I commend, not for the first time, the *Geelong Advertiser* on the role it has played in the Just Think campaign, making sure that people get the message about the antisocial drinking problem that Geelong has had. The Warrnambool *Standard* also played a significant role in the FebFast campaign last month. It is not just a matter of government; it is a matter of all of us understanding that wherever we are and whatever role we play in society, we have a part to play in engaging with our communities and taking them forward. All that is ample demonstration that the government is keen to be amongst it and to be heavily involved in what is going on not only in regional Victoria but also in metropolitan Melbourne.

When the opposition was in power community development either did not occur at all or it was seen as a fluffy pink add-on without much substance. I have to say, from my discussions with most members of the opposition in my three and a half years here, I do not think the opposition has advanced all that much. Whether it be at meetings of the parliamentary committee on which I sit or elsewhere, I have not seen any evidence from members on the other side of the chamber that they are serious about Victorian communities, that they understand community

development or that they understand that government has a role to play in intervening and ensuring that people's voices are heard and that they can change the situation they are in. We do not hear anything like that from the other side.

The government is also about making sure that people get the right message in a number of other areas. A number of statements have been made about the carrying of knives, and I think there has been a fairly consistent message out there about hoon driving. We also have ensured that our community-building youth initiatives are taking up the challenge of antisocial behaviours by youth and placing importance on leadership in adolescent and ongoing years.

The government is absolutely committed to community building, so much so that the community-building initiatives (CBI) program is targeted at those areas in the state that have low socioeconomic pockets. I know that in Portarlington alone several programs cover ageing, youth, transport, health and a number of other areas. There are community building initiatives in Terang and all over my electorate, and every single one of those CBIs can tell a really good story about what they consider to be their priorities, how they are getting them met and how they have brought the community with them, to take responsibility and forge links among themselves to get a lot of work done.

In regional Victoria some areas have boomed. The population of Warrnambool has increased significantly, and in the south-west generally it is going to increase, particularly given the work that regional development is doing with local government in terms of the alternative energy hub that we are pulling together. We are working across departments and across local government areas to ensure that we do have industry development, regional development and jobs in south-west Victoria. In doing that we are also ensuring that those opportunities are realised for their communities so that those who could potentially fall through the gaps realise what those opportunities will bring to them.

We have also invested heavily in health. The Labor government went to the last election saying that it would rebuild the Warrnambool hospital, and Mr Vogels always says to me, 'It is forward estimates, Ms Tierney!'.

Mr Vogels interjected.

Ms TIERNEY — Bricks and mortar, so many storeys high, and nearly ready to be opened, Mr Vogels, is not forward estimates. We are very excited about that fantastic facility in Warrnambool, and we also have

made substantial improvements in terms of investment in the Geelong Hospital and a number of smaller hospitals. The government has provided equipment in a whole range of facilities.

We are ensuring that the infrastructure is being built in regional centres, but there is also a realisation that smaller communities are declining in population. We do not shirk from that fact, but how do we deal with it? As a government we cannot and should not legislate to force people to live in certain areas. No government can do that, but we can have a government that is responsive, that listens and implements programs to ensure that the livelihood of the people in those areas is supported. The Small Town Development Fund is a perfect example of that. Members who bag that fund do not understand it, and have their eyes and ears closed to it.

We have transport connections to ensure that those vulnerable communities — —

Mr Vogels — It's fantastic!

Ms TIERNEY — It is fantastic. Thank you, Mr Vogels. It is a fantastic program because it ensures that those in smaller communities, where it does not necessarily make sense to have a huge bus, have the use of smaller minibuses. The older people in the community who do not have cars or driving licences get around on these minibuses, not just in their own towns but in the connecting communities as well. In a real way this government is in there, doing a whole range of things in a number of areas.

In the area of regional development Ms Pulford touched on all of the services, but I will highlight how we have invested in regional airports. I have mentioned alternative energy hubs; we are working with local government in terms of regional planning; we have set up regional advisory committees; we are there in regional Victoria, listening to and working with communities, and it is very unfortunate that we have another Wednesday debate where the two sides are in two parallel universes when it comes to looking at the benefits of the Labor government.

There is not even a list of agreed facts — perhaps numbered 1, 2 or 3 — where we could have a decent debate because the opposition is in absolute denial. I urge members to vote against this motion, and I call on government members to keep up the good work and let us get in there for regional Victoria.

Mr DALLA-RIVA (Eastern Metropolitan) — I am very pleased, in my right of reply, to sum up an extensive debate over two days of sittings. It is

important to reflect on what the motion is: it is pretty simple in the sense that this house believes the Brumby Labor government is not listening to Victorian communities and has failed to respond to key local communities.

The last speaker summed up where Labor is — the world is rosy, it is all happening. She also summed up where Labor is not at — everyone else is at fault, it is the former Kennett government that caused any problems, it is everyone else's fault but Labor's. Labor members say, 'We have done the best we can to try to resolve the issues. We are still working but there is more to be done'.

More specifically I will start with Mr Leane. In his contribution on 24 February he was more interested in Mr Finn than in the motion. There was some debate across the chamber, and Mr Finn quite rightly pointed out that Labor hates the west — and we know what happened there; it is called Altona. Mr Leane said he was listening, but my view is that Mr Leane should go to see the Premier, because the Premier is not listening. Mr Leane says, 'We will need a magic wand', and the opposition says, 'Where is it? And where is your policy?'.

The Liberal Party has been releasing policies. In excess of 60 policies have been stolen by Labor over the period of its term, including for the desalination plant. I seem to recall that the government pooh-poohed that plant before the last state election. But what is happening? The desalination plant is going ahead.

We heard from Ms Tierney and others about hoon driving. What a great initiative of the Labor government — but in fact it was our policy at the last state election. Action on antisocial behaviour was also one of our policies, as was our proposal for 1000 extra protective service officers on every train station, seven days a week after 6.00 p.m., because we are serious about dealing with crime in our suburbs and in our regional centres.

The Minister for Public Transport sits opposite, contemplating his imported trains. Even when he was the Minister for Industry and Trade, with responsibility for manufacturing, the government was importing trains. This is a government with responsibility for that area. Victoria has three train manufacturers, yet the government brings trains into the state in the dead of night from overseas, and when they arrive here they do not work. The government is not listening to the local community and its concerns.

Mr Leane talked about access to ministers through the community cabinet meetings. We know all about that — it is called Progressive Business. It is reported again in the paper today, that the only way you can get to see a minister is by putting — —

Hon. M. P. Pakula — Careful!

Mr DALLA-RIVA — Why should I be careful, Minister? Talk to me.

Hon. M. P. Pakula — I've got all your material for your fundraising activities. Just watch it!

Mr DALLA-RIVA — What, we're not allowed to fundraise?

Hon. M. P. Pakula — The Liberal Party observers breakfast, The Nationals premium corporate package — \$5500 a head!

The ACTING PRESIDENT (Mr Finn) — Order! Minister, please!

Mr DALLA-RIVA — We heard the minister today. There are no protocols in place for ministers. There is no process in place. It is interesting to listen to what the minister is saying. It is all right for the Labor Party and Progressive Business to do it; they are all above board. However, if we do it, he says it is all underhand. It is just hypocrisy from the government members; after 10 years you would think they would wake up to themselves, but no.

Mr Leane said he is prepared to listen to all stakeholders. Mr Leane should come on down. I suggest Mr Leane take up the Premier's challenge and let him know what people are starting to think. Government members should do the right thing and dump the Premier.

Ms Hartland made a contribution to the debate on this motion last month. She spoke about some of the reforms, such as the abortion law reform, the same-sex couples and the relationship register. Those are social reforms, there is no doubt about that, but as Ms Hartland says, Labor loves the west. She was disappointed about the dying with dignity bill not being progressed. She made some criticisms of the train tunnel and spoke about the lack of buses on Sundays. She raised the issue about Point Cook, which was a fair call. She also raised the issue of new suburbs being established with no major infrastructure. She talked about Footscray station, including the fact that the station has only one lift, and about someone getting stuck on a platform.

Other issues raised by Ms Hartland included the enforcement of traffic rules for trucks; the Williamstown and Alamein rail line; the container deposit legislation; and a number of issues about Brimbank. As she said, residents have been complaining about the behaviour at Brimbank council for 20 years, noting that the issues had not inched closer to resolution. Ms Hartland also spoke about the feed-in tariffs, the Ombudsman and the establishment of a broadbased anticorruption commission.

Mrs Coote, in her usual way, gave an erudite speech and spoke about the community's concern about clearways. We are told the government is listening — but is it? This is a classic match to the issues raised in the motion. The government did not listen, and it did not consult. That is what Mrs Coote said, and I agree. There was a 40 000-signature petition on that issue. It is another example of the government not listening.

In her contribution Mrs Coote raised the issues of cost shifting to councils, transport and violence, the government not listening on planning issues, development assessment committees, the Camberwell railway station and the 38-storey development on the corner of Toorak Road and Chapel Street. My understanding is that input from the community was sought about that development but that not much consideration was given to that input. The government was not listening.

Mrs Petrovich spoke on the motion. She called the government lazy and disconnected. Over 10 years it has become tired and old and has ran out of steam. She mentioned the Wallan-Kilmore bypass and said it was a constantly moving feast. Overburdened with trucks and traffic, the community wants the bypass, but there have been five years of talk and nothing has happened. She spoke about the pipeline, using the word 'quasi-terrorist'. She referred to a certain individual from the other place calling people who raised the pipeline issue as 'ugly, ugly people'.

She also spoke about Wallan, its medical ancillary services and the lack of planning around the community. The Wallan Secondary College is at capacity. There are no sporting facilities, and she said the community had no hope for a solution for that problem.

Mrs Petrovich spoke about concerns in her electorate about the growth areas infrastructure contribution. She said people are terrified of the punitive action this government will take. We have seen this government continually attacking those who stand up to it. This is a government that sits on the other side of the chamber

and says it is listening. It failed to listen on the issue of land management, despite record numbers of reports suggesting there needed to be burn-offs in certain areas. In questions without notice today we heard the minister espousing the value of burn-offs. Again, it is playing catch-up. As Mrs Petrovich said, the government should not be playing catch-up; it has had 10 years to deal with it.

Mrs Petrovich said 400 or 500 people attended the huge public meeting in Sunbury about the electrification of the rail line and V/Line train security, with only four days notice. In her electorate there are issues about the neighbourhood safer places. We have heard some concerns raised on that issue. She also raised issues about health and education.

The matter of police numbers was raised by government members. They talked about the increase in those numbers, and yet per capita the number of police in Victoria is the lowest of any state. If we look at the raw figures, we see we are about 200 or 300 away from what the number of police is in Queensland. Government members talk about history or what they have done, but they have not actually planned ahead. As Mr Vogels said before, \$300 billion has been spent, so you would expect there to have been an increase in police numbers. As Mrs Petrovich said, the police numbers in Bendigo are the same as they were in 1987. Surprisingly, in that time Bendigo has gone from 60 000 residents to 100 000 residents, and yet the number of police officers has remained the same.

Mrs Petrovich — The same as 1987!

Mr DALLA-RIVA — As 1987 — I have that written down in my notes. The police in Sunbury cannot fill their rosters. The government is not listening to the local community concerns. We know that crime is rampant. Every time I hear a Labor member say there has been an improvement in the crime figures, I cannot get over it. It just staggers me. It must be in one street in one suburb in one location; that is the only rational explanation.

Mrs Petrovich finished by saying, and I have written it down in my notes, 'I do not believe this government has been listening for a very long time'. I agree wholeheartedly, and that statement confirms the motion before the house.

Ms Huppert then said that the government has a good record on consulting. It occurred to me that if you were going to stand up and oppose a motion, you would say the government had 'an excellent record' on consulting. No, it was only 'good', according to Ms Huppert. I

thought that was interesting. I wrote in my notes 'Was that a Freudian slip by the member?'. If you were going to defend the government on a motion against it, you would say it had an excellent record on consulting, but we know its record has been only 'good', according to Ms Huppert. As I said, it might have been a bit of a Freudian slip.

An honourable member — Slightly okay.

Mr DALLA-RIVA — It might be slightly okay — 'Not good, but we are getting there'.

Ms Huppert mentioned that consultation is complex and that not all views are accepted. She mentioned no policies, and this followed a week in which an independent broadbased anticorruption commission had been discussed on the previous Sunday. We had a very clear policy position on that; I indicated earlier that we also had a policy position. This government just does not care about a whole range of things.

Ms Huppert said her major concern is for jobs; I agree, but then she went into spin, as the house saw from some other government members today. It seemed to me that they had made very good contributions, delivered with passion. Ms Tierney made a good and passionate contribution when she was talking from the heart, but then she had to go back to the line provided by the spin doctors. I observed the same unfortunate happening last month with Ms Huppert; she had been talking passionately about an issue, but then had to mention what the spin line was and started making her set speech. She changed her speech from one that I would say had passion to one that contained just rhetoric. I was disappointed to see that in her contributions to debate.

As Mrs Peulich said, 'They should listen and then act'. What Labor does is to act and then listen. The government does not listen and then act; it acts and then listens. In her contribution to the debate Mrs Peulich said that the government should change the words in part of its policy from 'listens then acts' to 'listens and acts without the contribution of others'.

Mrs Peulich referred to former Premier Bracks not being disrespectful. She said that he did not do much, just spent lots of money. I guess that is the measure of a true socialist. It is always easy to spend somebody else's money. Members on the other side of the house are very keen to spend other people's money, as Mrs Peulich said during her contribution.

Earlier I mentioned hoon behaviour and the lack of policing. Mrs Peulich mentioned Narre Warren. Another place she mentioned that might ring true with

members on the other side is Frankston. There is a problem down there with law and order; we know that the Frankston City Council is under pressure because this government does not listen and does not act; the council is now having to engage a private security firm to deal with issues there.

Concerns were raised about violence. It is fair to say that Mrs Peulich raised that issue very well. She raised planning issues, the total absence of respect and the stage-managed process that is necessary to get into community cabinet. I heard an interjection from the Minister for Public Transport earlier; he got very sensitive about the community cabinet. But it was pointed out by Mrs Peulich in her contribution to the debate that getting into community cabinet is a stage-managed process.

She spoke about respect and about the licensing reforms. She mentioned visiting Mordialloc and spoke about a number of other issues. She also spoke about the Brookland Greens estate and how the government had left its residents high and dry — again, there was no political leadership or contribution on that issue.

Mrs Peulich went on to talk about the Dingley bypass and a whole range of issues, including Moorabbin; it is fair to say that her in-depth contribution as a member for South Eastern Metropolitan Region was very important.

In his contribution to the debate Mr Kavanagh expressed a range of reservations. He said that the government may not have been very good but it could have been even worse. I do not know where he was going with that remark but he was talking about there being no consultation on water supplies and on policy related to that issue.

He spoke about complaints regarding the wind farms process and the fact that the government was not listening. He reaffirmed his support for the motion before the chamber. He mentioned concerns over the new liquor licensing regulations and said that the government's policy seemed to be putting people out of business rather than supporting them. He also referred to the demonstration that 15 000 people attended.

Mr Kavanagh also spoke about the growth areas infrastructure contribution legislation and the attitude of a government that has been in power for 10 long years. He said that his presumptions may be misguided but that genuine democracy is determined by local representation and decided by a will to listen.

In her contribution to the debate Mrs Kronberg said that the government has never learned to listen. She went on

to speak about a whole range of things including Eltham and the government's lack of capacity. She mentioned the myki ticketing system. If ever there was a government that is not listening, this is it. Victorians are sick and tired of the government spending on the myki ticketing system.

As Mrs Kronberg correctly pointed out, this government is ducking and weaving. She said the government seems to be more focused on spin — for example, \$20 million on fairy lights for the West Gate Bridge — while choking off essential services. She said it is bread and circuses, and finished off by talking about the Brumby gift shop that is proposed for the front of Parliament House.

Mr Barber was concerned about the feed-in tariff. He said the government just does not listen. In his view the feed-in tariff is a classic example of a government that does not listen to the community. He said, 'I do not see any signs of the government changing'. He spoke about the issue that he is passionate about — his concern for the environment.

In his contribution Mr Atkinson said that the community must have input into what needs to be done. He spoke specifically about planning issues, about progressive business, celebrity footballers and the like.

Mr Finn, who made a contribution, spoke about the Minister for Planning and the development of the Sunshine RSL. I think we have since had a question without notice about that. He raised the issue of Brimbank and listening but no-one replying. He spoke of the arrogance of the government and particular ministers and asked that the government lead by example. He said this government just does not care, and in respect of policing and law and order that is fair to say. Mr Finn praised the new station at Tarneit, but as he said, there is not one police officer to put in it. He said the Sunshine police station is undermanned and the staff overstretched, a comment which has been made elsewhere, and that is fair to say.

We have heard about these issues. Mr Finn raised the issue of the Minister for Police and Emergency Services and talked about gangs in the western suburbs and the fact that Labor is in denial. He mentioned 3DB, but I think that might have been a blast from the past.

Mr Finn interjected.

Mr DALLA-RIVA — It was a long time ago. Ms Lovell in her contribution summed up some of the concerns and went through all the issues about her area. It is fair to say she was passionate about the issue of the government not listening.

Today the debate continued, and we seemed to have a theme about regional and rural Victoria. It started off with Mr Philip Davis's impassioned plea, which he finished by saying the government's time is up. Then Mrs Kronberg also spoke.

When Ms Pulford spoke from the heart she showed her genuine belief, but then she went on with the government spin and spoke broadly and not specifically to the motion. It seemed her speech did not relate to the motion. She probably needs to brush up on the motions a bit and understand what the motions before the chamber are. Mr Vogels contradicted Ms Pulford on a range of issues. He spoke about and clarified the Lake Wendouree matter; he had to do that because Ms Pulford has obviously not been listening, and that is symbolic of where we are at.

Ms Tierney also discussed some of the issues. She said the government does not look through rose-coloured glasses and spoke about pockets of disadvantage. She mentioned the merger of schools in Colac, which in the end are forced closures by this government, but the spin comes across. She was passionate, but then she came back into line like some of the other Labor members and spoke generally about the government. She spoke about the hoon driver legislation. It is a great policy, and we thank her for supporting us. She spoke about antisocial behaviour — another great policy, and we again thank her for supporting us. She said they do not hear anything from the other side. If they do not hear anything from the other side, why are they praising us for our policies?

This is a motion that will probably replace the statement of government intentions, because we know that is a farce anyway. This motion is sensible and has passion behind it. I am very pleased that members made their contributions, and I ask them to support the motion.

House divided on motion:

Ayes, 20

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

Noes, 18

| | |
|---------------|------------------------------|
| Broad, Ms | Murphy, Mr (<i>Teller</i>) |
| Darveniza, Ms | Pakula, Mr |

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

Pairs

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| Lovell, Ms | Mikakos, Ms |
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Motion agreed to.**Remaining business postponed on motion of Mr KOCH (Western Victoria).****ADJOURNMENT**

Mr JENNINGS (Minister for Environment and Climate Change) — I move:

That the house do now adjourn.

Merino: bush nursing centre

Mr KOCH (Western Victoria) — My matter is for the Minister for Health and relates to the lack of support offered to small regional communities struggling to gain improved health facilities in their towns. Merino, a small rural centre south of Casterton, services a vibrant, sustainable community that continues to offer attractive opportunities to those who relocate to south-western Victoria. Like many small communities in western Victoria, Merino battles to attract government grants to renew infrastructure and retain local services. Against this trend, funding has been made available to relocate and redevelop the existing, well-supported Western District Health Service (WDHS) bush nursing centre in Merino.

Property has been identified and purchased to undertake this important redevelopment in High Street. Located on these sites are the former RSL and Scouts' facilities, which have been vacant for many years and are in urgent need of repair. For the redevelopment of the bush nursing centre to proceed, these buildings would have to be demolished. Unfortunately this project has been frustrated by a small number of residents objecting to the proposal. Many long-term Merino residents are disappointed with the objections to this important project.

Past president of the Merino RSL and long-time local identity Les Millard has acknowledged that when the RSL branch lapsed in 2001, members recognised that the old buildings would either fall down or need to be demolished. There are no recognised heritage values

that warrant the preservation of these buildings over the redevelopment of health services in the town.

Appropriate health services in isolated areas are paramount to the wellbeing of residents. In the absence of services in Merino, locals would be forced to endure a 100 kilometre round trip to Hamilton, or the smaller but closer Coleraine. This would be a disastrous result particularly for the aged in that community. Not only do I support the redevelopment of the WDHS bush nursing centre in Merino but I believe it is important that the Minister for Health supports WDHS in retaining this important service for the Merino district community. Over the last 20 years Merino has developed a well-used and supported full-time service. It would be detrimental if these accomplishments were to be eroded.

To ensure the further development of the health services infrastructure in Merino, I call on the Minister for Health to act quickly by supporting the initiative of the WDHS bush nursing centre in Merino. The services provided by the nursing centre are essential to the wellbeing of those who live in and around Merino; for it to stall at this point in its development cannot be justified.

Thomson and Macalister rivers: black wattles

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Water in respect of his responsibility for Victoria's catchment management authorities. Farmers along the lower Thomson and Macalister rivers are facing problems with a dense growth of black wattles along the verges of the two rivers. This is a consequence, firstly, of the alpine bushfires of the summer of 2006–07, which burned fiercely and destroyed a vast area of the high country; and secondly, severe flooding in the final days of June 2007 washed large numbers of wattle seeds out of the higher forested country.

These have germinated along the edges of the Thomson and Macalister rivers and in under two-and-a-half years have grown to around 4 metres high. Over the coming winter when higher water levels can be expected, the mass of wattles will affect flows, diverting water toward the banks and causing severe erosion.

I understand the West Gippsland Catchment Management Authority has no funding available to remove the young wattle trees. When farmers in the Macalister irrigation district approached the authority about the problem, they were advised the authority was unable to carry out maintenance on the two rivers at present and that it would need to conduct a feasibility

study to determine the best way to control the wattles — that would be a bright use of money!

By the end of the year these young trees will be 6 to 8 metres high, presenting an even more formidable problem. Farmers in the meantime have resolved that if nothing is done soon about the wattles, they will start bulldozing them to prevent erosion damage. That is a move which I do not exactly enthusiastically applaud, but I understand their frustration to take the matter into their own hands.

Therefore, I ask that the minister act to initiate a remedial process for this problem between the relevant administrative areas of the Department of Sustainability and Environment and the West Gippsland Catchment Management Authority, and in consultation with the affected landowners.

Wind farms: Bald Hills

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Planning. It concerns the Bald Hills wind farm, and in particular the detailed plans of the changes approved by the minister in December last year. Given that residents are unable to secure such documents, the action I am seeking from the minister is his assistance in providing me with a copy of those finalised detailed plans.

By way of background to this issue, the minister approved what my constituents and I believe are some significant variations to the planning approval for the Bald Hills wind farm, in particular the approved increase in the total height of the wind turbines, increased turbine capacity and increased blade length of the turbines. Although there were very significant changes, the minister decided by his own accord that there would be no requirement for a supplementary environment effects statement for those changes. That is not a view shared by people who reside in that local area.

Moreover when these people who will be impacted upon by this wind farm have sought in recent times from the local planning departments a copy of the finalised detailed plans outlining those changes, they have been told by the local staff at the planning department that those plans have not been finalised.

That therefore poses a question: if the plans were not finalised, exactly on what basis did the minister make his decision to approve the changes? It would be of great interest too if the minister were able to explain by way of his response to this issue the exact process he employed in assessing the application for these changes

to the planning permit. What documentation did the proponents put before the minister to give the minister a basis on which to make this particular judgement?

The action I seek from the minister is for him to supply me with the final detailed plans of the approved planning stages to the Bald Hills wind farm so that I can convey that to my constituents who have been unable to secure it from local departmental planning officers.

Buses: western suburbs

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport. I note that SmartBus route 902 will start operating after Easter, providing residents from Chelsea to Airport West with a significantly improved public transport service. I also note that the extension of SmartBus route 901 is due to start early next year, extending the existing Frankston to Ringwood route to the airport. But what has happened to extending the SmartBus route west of the airport through Sydenham and Sunshine to Werribee?

When SmartBus routes were first announced in 2006 this outer western SmartBus route was proposed to commence in 2010–11, which is the coming financial year. But in 2008 the Victorian transport plan put this off. Our outer west SmartBus route became just an optional route. None of the other proposed SmartBus routes was treated like this, only the one through the outer west. Why can residents of the west not have the same services as people living in the east? The eastern suburbs will get a public transport link to the airport next year, but the west misses out yet again.

I understand that the Department of Transport might be a bit uncertain about a SmartBus route between Deer Park and Werribee, because that is the proposed route for the regional rail link; but for the route between Deer Park and Sydenham and on to the airport there is no excuse. The SmartBus route could be brought into service much more quickly than the rail line.

The Brimbank-Melton bus service review last year discussed route 902 with the community. The bus review consultants reported their recommendations back to the community in May last year. This route was presented as the core north-south public transport link through the region. It has now been 10 months since that report-back meeting occurred.

The action I ask of the minister is to urgently release the final report of the Brimbank-Melton bus service review and to ensure that the western part of SmartBus

route 902 is funded and implemented in the coming financial year.

Mitchell Rangers Football Club: facilities

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs and relates to the lack of soccer facilities in the Mitchell shire. I was recently approached by committee members of the Mitchell Rangers Football Club. This club was established in 2003, currently has 139 members and is completely run by volunteers and dedicated parents.

To encourage young people, this group runs free coaching clinics in schools; it fundraises and has endeavoured to advance the game of soccer by making it available to young people in Mitchell shire. Members of the club currently play on the oval at the Broadford Secondary College, which has kindly been made available by that school community because there are no other facilities for soccer available to the club in the whole shire.

They have no home ground, no female toilets, no change room and no lights. The children are currently changing in the one toilet block, which is for everybody. In spite of this, on most weekends during the season the club hosts six to seven clubs and 200 to 300 players, family members and supporters.

I am astounded that this community, which is one of the most rapidly growing in the state, has no plans or a strategy to provide for appropriate facilities for this popular sport. The action I seek is that the minister meet with Mitchell Shire Council, the football club and me, along with the member for Seymour in the other place, Ben Hardman, to resolve this ridiculous situation.

Regional and rural Victoria: blood supplies

Mr DRUM (Northern Victoria) — My issue is for the Minister for Public Transport and has to do with the Green Star parcel system that is in a state of uncertainty at the moment. Perhaps it may already have been cancelled.

Over the past decade the Red Cross has been heavily reliant on public transport to deliver blood components and products to regional Victoria. V/Line has been progressively separating passenger and freight rail. In line with V/Line changes, blood service packages now look like they are to be transported only on trains that have a dedicated freight compartment.

The problem with this is that the new V/Locity trains do not have this compartment. It looks like the rail

service will be replaced with a courier service, and those working in the system have grave fears that this will reduce the number of services and add extra time to the delivery to regional Victoria of blood and blood products, and also the results of pathology tests which need to be done in Melbourne. Country people will have to wait longer for urgent blood and for test results.

This has been borne out by people who work in the current system. It is not unusual for a hospital conducting a very dangerous or delicate operation to order blood supplies of a certain type to be on stand-by, which will come up in the morning and be available should they be needed in the case of an emergency. It seems that this service is no longer going to be available.

On 2 February it was reported that a spokesperson for the minister had said the Green Star parcel system would in fact continue, but I am led to believe that that is not the case. My request is that the minister clarify the status of the Green Star parcel system. If it has been cancelled, will he state a financially comparable way in which these blood products can be made available for people who need them? If the service is still functioning, can he explain what sort of security he is prepared to place around the Green Star parcel system and the work it does?

School buses: eastern suburbs

Mr ATKINSON (Eastern Metropolitan) — I wish to raise a matter with the Minister for Public Transport, and it concerns school bus services in the eastern suburbs, particularly in and around the suburbs of Donvale, Park Orchards, Ringwood North and Croydon.

I have been approached by a family in the Donvale-Park Orchards area which is most concerned about the level of school bus services and believes that if the government were to review the existing services and provide additional buses, there would be an economic benefit in terms of school transport as well as obviously the benefit of parents not having to drive their children to schools in the area.

As has been pointed out by the constituent who has written to me, the bus services at the moment are fairly limited despite the fact that the area I have described — Croydon, Ringwood North, Park Orchards and Donvale — is a significant catchment for a number of key schools in the area, such as Luther College, Good Shepherd Lutheran Primary School, Yarra Valley Grammar School, Rudolf Steiner School, Parkwood

Secondary College, Warranwood Primary School, and Kalinda Primary School, as well as a number of others.

The people who are using the existing limited bus services to attend schools have expressed concern about safety aspects of those buses. Many of the students travelling on them are forced to stand. The constituent who has raised the issue with me — and who lives in Park Orchards, as I said — says that by the time the children in the area where they live catch the bus, all of the seats are taken and the children have to stand. Having so many children standing in the bus is quite dangerous, and I know this is an issue that has concerned a lot of my colleagues over a number of years.

I request that the minister review the school bus services in the area that I have described and consider adding further services not only to allay the problems associated with safety on existing services but also to encourage more people to use those services.

Clyde Road, Berwick: duplication

Mr O'DONOHUE (Eastern Victoria) — The matter I raise this evening is for the attention of the Minister for Roads and Ports and concerns the traffic bottleneck that is Clyde Road, Berwick. Members will be aware that Clyde Road, Berwick, between Kangan Drive and High Street, is a single-lane road. To the south of Kangan Drive, it is duplicated. Where that duplication merges into a single-lane road, it causes a significant traffic bottleneck, which is exacerbated by the level crossing at the railway line several hundred metres further to the north.

This has been an issue for a long time. In doing research for this adjournment matter tonight I noticed that Mr Rich-Phillips in the previous Parliament presented a petition with over 1000 signatures calling for the government to action the matter. I also noticed that the previous member for Narre Warren South in the other place, Mr Wilson, raised the matter on the adjournment and in the Parliament on several occasions, sadly all to no avail.

The government has spent some money conducting a feasibility study, and I am keen to see what that feasibility study recommends. But the time for studies and the time to look into things is over. This is now compromising the small businesses of High Street, Berwick, and surrounds, as has been stated by the chairman of the Berwick Village Chamber of Commerce, Mr Harry Hutchinson. It is also compromising people's ability to access the TAFE College, the university, Casey Hospital and other key

infrastructure assets. The action I seek from the Minister for Roads and Ports is that he expedite the duplication of Clyde Road, Berwick, between Kangan Drive and High Street, as a matter of urgency.

BreastScreen Victoria: mobile unit program

Mrs COOTE (Southern Metropolitan) — My adjournment issue this evening is for the Minister for Health, and it is to do with BreastScreen Victoria. The mobile breast screen unit has been located about 100 metres from my office in Bay Street, Port Melbourne, for about the last month and has been screening about 40 women a day. I understand that men suffer from breast cancer as well but on the whole it is women who are going to the mobile unit.

These women are from all walks of life. We have those who come from the social housing complexes that are around the area, we have the shop owners and shop staff and we have women from the affluent streets of Middle Park, Albert Park and Beacon Cove. These women do not want to go into the city. They do not want to go into a large hospital. They really like to have the flexibility of having a mobile unit very close to where they work and where they live, so it is really important to have these mobile units.

This service is free and, as we all know in this chamber and beyond, the early detection of breast cancer can mean literally the difference between life and death. Early detection of breast cancer offers a person the best chance of successful treatment and recovery. It is an essential service.

The problem is that while the equipment in these mobile units is still operable and works, if we want to be world class and follow world best practice we really need to have digitised screening units. I know that is costly, but it is essential going into the future if we are to make certain that this program, which I have to say is recognised around the world as an excellent program, is to maintain its excellence.

There is also a suggestion that this mobile unit program will be scrapped as a result of funding cuts. I implore the Minister for Health to ensure that the BreastScreen Victoria mobile unit program continues its vital service, and I ask him to upgrade the equipment as a matter of urgency.

Wind farms: health effects

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Finance, WorkCover and the Transport Accident Commission in his capacity as minister for workplace safety. Last year

the minister undertook to do a study of the possible health effects of wind farms. Some affected people from my electorate are concerned that this study has apparently been restricted to reviewing literature on the subject. Some of them want on-site investigations. They want investigators to see, feel and hear the effects of the neighbouring wind farms. The action I seek from the minister is an undertaking to have on-site inspections done of wind farms by work safety inspectors.

Electricity: smart meters

Mr VOGELS (Western Victoria) — I raise a matter for the Minister for Energy and Resources regarding the rollout across western Victoria of the government's so-called smart electricity meters, or time-of-use interval meters. The government has mandated that between 2009 and 2013 all households and small businesses across Victoria will have their electricity meters replaced with the expensive new smart meters. This will affect an estimated 2.4 million homes and businesses. The cost of this rollout would be paid for by electricity consumers, families, pensioners and small business operators whether they have a smart meter installed on their premises or not. The cost of rolling out the smart meters was originally estimated by government to cost \$800 million, but following project cost blow-outs — for which Labor is renowned — it is now expected to cost Victorian households and small businesses some \$2.25 billion. This is almost three times the original estimate.

Western Victorians are already being asked to pay for these new smart meters even though their houses may not be fitted with a smart meter for another two years. The Australian Energy Regulator last year determined the average customer would pay \$68 extra in 2010 for electricity as a result of the smart meter rollout; however, retailers may impose their own charges on top of that. The Victorian Auditor-General report indicates it may mean an annual electricity cost increase of between \$100 and \$150. When you break down the \$2.25 billion cost of meter rollout for over 2.4 million premises with meters in place, it equals an extra \$938 in cost to be paid per household or small business. What happens to farmers and businesses with more than one meter? It would be an even higher cost. I know many farms and businesses which have four separate electricity meters — for example, for the house, for pumping water, for cooling the milk and for running the dairy — and if you multiply \$938 by four it comes to \$3752 for those businesses.

My request to the minister is that he advise our householders and small business owners with multiple

meters whether people will be able to save money on their electricity bills both before and after 10 December when there will be such high installation costs and ongoing costs to use and run the smart meters?

Donburn Primary School: building project

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education. I have previously raised the issue of the detrimental impact that the current building project of the Donburn Primary School in East Doncaster is having on the neighbourhood. Unfortunately, because the minister has not yet been able to arrange for a personal visit to the site, it is felt that there is no appreciation of the problems the residents are enduring.

Last week a group of residents in Highfield Road, which runs along the eastern boundary of the school, and the residents of Rowallan Court, on the northern boundary, showed me the damage to their properties. I witnessed firsthand the invasion of their privacy, which is compromised by the schools' new buildings and an inappropriate siting of the basketball court.

It is laughable for there to be any form of reliance on the project managers upholding the minister's expectations for them to respond to residents' concerns and community liaison in general. By way of example, *inter alia*, a letter from Mr and Mrs Van Leuvan of 27 Highfield Road on 24 January 2010, addressed to the Southbank address of Coffey Projects, has received no acknowledgement, let alone a solution or consultation.

The causes of the impact and actual damage include the construction of a very large-scale building, much of which is unbelievably positioned within 1 metre of the common fence line and from which a canteen will operate for users of the facility on up to seven days per week. The common fence has caved in, affecting the privacy of this family's unbelievably beautiful, manicured garden with an adjoining conservatory, which creates a real haven for these people. There is a need to urgently attend to the dangerously cracked brick wall next to their garage that is likely to collapse at any time.

This problem is the direct result of compacting works on the school site. Residents expect an immediate form of redress and repair to and/or replacement of elements of their properties and the restoration of their privacy by extending the height of the adjoining fences; and to make safe the brick wall at 27 Highfield Road.

My request is for the minister to immediately deploy departmental inspectors to assess the property damage

with a view to restoring all of the affected properties in Highfield Road and Rowallan Court to their original condition. Residents use language such as 'This is jackboot communist treatment' and 'We are hoping we do not have to move'. These residents built their homes from 1966 to 1972, a full year before Donburn Primary School was even constructed, thus providing an unbroken involvement in the neighbourhood for 44 years.

Planning: Bonbeach development

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Planning in relation to a matter I raised not so long ago. It concerns the development in Zephyr Place, Bonbeach that is currently attracting quite a lot of concern among the local residents because of the scale of the proposed development and because there is some uncertainty about the process that applies and the rights of objectors not only to be notified but to be able to lodge objections with the Kingston council, which I understand will be considering the application.

There is also uncertainty about their ability to lodge objections with the Victorian Civil and Administrative Tribunal. It appears there is an anomaly in the manner in which this has been dealt with in the past through a rezoning process that may deny objectors the opportunity of actually exercising their third-party appeal rights.

I would like to read a contribution from Stuart Littler of Bonbeach that may have actually been in the *Age*. It reads:

Justin Madden, I'm noticing a pattern with you, your department and its statutory authorities. Here in Bonbeach, VicUrban developed the old Chisholm TAFE site for 79 lots: with 78 to be single dwelling. The 79th was designated for medium density, with a maximum 19 units. Your department appointed a panel to handle objections, which removed the maximum unit number because it considered VicUrban not to be 'a speculative developer who would onsell to another party with a different development objectives after the rezoning is approved'.

A plan is now before Kingston Council for 82 units —

that is, from the initial 19 —

with 87 car parks, on this 79th lot — an outrageous expansion and clearly speculative. This is particularly so given that VicUrban sold the other 78 lots on the understanding there would be no more than 20 dwellings on the final lot.

There is clearly a lack of clarity about the processes that applied in this rezoning. I believe this would merit referral to the Legislative Council's Standing Committee on Finance and Public Administration, which is currently looking into Mr Madden's media plan that has unearthed this corruption of due process.

There are certainly concerns about this being an example of a corruption of due process, because it denies local residents their third-party appeal rights. There may have been a pretend consultation at that point of time with some predetermined outcomes. I believe there is a need for independent scrutiny by this committee of the process, not only now but that applied in the initial rezoning. I ask the minister to refer the matter to that committee.

Rail: Ivanhoe communications tower

Mr GUY (Northern Metropolitan) — Tonight I raise an issue for the Minister for Public Transport concerning the erection of a new digital train radio tower in the Ivanhoe station area. I am aware that this new digital train radio system is being rolled out across the metropolitan network, particularly up the Hurstbridge and Glen Waverley lines. I know the government says it will deliver benefits, but like any new radio system, there are communication devices that will need to be installed on towers. My issue tonight concerns the erection of a new tower in Ivanhoe rather than the use of existing train and mobile phone towers, which would be a much more sensible option.

It seems that every new communications device needs a new tower. It staggers me that existing infrastructure is not optimised. In the example I raise tonight there are a number of issues about which the community has genuine concerns. The obvious one is radiation. The telecommunications tower is only 50 metres from several houses in Toora Street, Ivanhoe, and residents have genuine concern about electromagnetic radiation transmitted from the tower. There is also genuine concern from local residents that this new tower will end up being a complete mobile phone tower which will extend the level of radiation coverage to around 400 metres in all directions. It is an issue of concern that locals have raised with me directly.

The proposed tower will also be located next to a large, established silver eucalypt tree, which is around 40 feet high, on the west side of the Ivanhoe squash courts, overlooking many local houses and backyards. This silver gum tree will be cut to accommodate the tower, and the very large hole that needs to be dug for its foundations may in fact kill the tree, which is of concern to many local Ivanhoe residents who consider it part of their neighbourhood's key aesthetics.

Importantly, locals feel that the process of consultation has been inadequate. By any measure, you would have to say that that has been the case. Residents received letters from the state government informing them of the tower's impending construction only on 13 March 2010. The letter stated the erection of the tower would take place from 29 March 2010. No reasonable

assessment would say that a 16-day community consultation period is at all fair and reasonable. My understanding is that the Banyule City Council also feels it has not been adequately informed.

It is astounding that the Department of Transport told residents on 22 March they were not obliged to consult the community over this tower. Locals took their concerns to the minister, the parliamentary secretary and the local MP in the other house, Craig Langdon, but are concerned about the lack of response from all three parliamentarians.

There are alternative locations: on the other side of the squash courts, close to the Marshall Street level crossing or in the Ivanhoe station car park, where a number of existing large trees would act as a buffer, because putting it right behind residences would clearly make no sense.

Tonight I ask the Minister for Public Transport to intervene, halt the construction of this tower and relocate it to a more appropriate location.

Hospitals: violence

Mr D. DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Health. It concerns the issue of safety in hospitals, in particular in emergency departments, and elsewhere in and around hospitals.

I rely in part on a document from Eastern Health and the Box Hill Hospital. It is a report on the emergency codes called in the 10-month period to October 2009. The report shows that there were 535 code greys called in the Box Hill Hospital. For the benefit of the house and the minister, a code grey is a hospital-wide internal security response to actual or potential aggression involving a weapon or a serious threat to a person's safety. Five hundred and thirty-five is a large number of code greys, and it certainly means that many staff are concerned about their safety at Box Hill Hospital.

The reality is that we have had a 40.2 per cent rise in violent crime in the state — a rise from 31 372 occasions in 1999–2000 to 43 971 in 2008–09. As I said, that is a 40.2 per cent increase under Labor. I note also that an article that appeared today in the *Whitehorse Leader* quotes Dr Hemley, the president of the Australian Medical Association in Victoria, as saying:

Many public hospital emergency departments are experiencing problems with lack of staff and resources ...

He said that hospital emergency departments are becoming more violent places, and stated that:

This means health-care workers have diminished ability to cope with violent or aggressive patients ...

The Box Hill Hospital staff were not able to disentangle the code greys to identify the breakdown in a sufficient way.

What is clear is that violent crime is spilling over and causing problems in our public hospitals, particularly in the emergency departments. Our hospital staff have every right to feel safe, and patients have a right to feel safe.

The minister claims to have taken actions, but they are clearly ineffective. He needs to act in a way that actually gets a reduction in the number of incidents at our emergency departments. What I am calling on the Minister for Health to do is review these matters and look anew at the matters of hospital safety, staff safety and patient safety, and to do this as a matter of urgency.

Responses

Mr LENDERS (Treasurer) — I have a written response to the adjournment debate matter raised by Mrs Coote on 23 February. I will refer the 15 items raised tonight to the respective ministers.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 7.01 p.m.