

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 8 June 2010

(Extract from book 9)

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

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

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

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

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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Tuesday, 8 June 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Messages read advising royal assent to:

1 June

Environment Protection Amendment (Landfill Levies) Act
Fair Trading Amendment (Unfair Contract Terms) Act
Legislation Reform (Repeals No. 6) Act
Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act
Radiation Amendment Act
Therapeutic Goods (Victoria) Act

8 June

Child Employment Amendment Act
Education and Training Reform Amendment Act
Education and Training Reform Further Amendment Act
Health and Human Services Legislation Amendment Act
Justice Legislation Amendment Act
Prahran Mechanics' Institute Amendment Act
Water Amendment (Entitlements) Act.

QUESTIONS WITHOUT NOTICE

Rail: passenger safety

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Public Transport. I refer to the shocking case of a good Samaritan who was hospitalised after intervening in an incident involving thugs wielding broken bottles and another man at the McKinnon railway station, as first reported on Saturday. His is just 1 of 126 cases of violence against passengers on Victoria's train network reported in the last three months. I also refer to the minister's comment in the *Herald Sun* where he said, 'The record of safety on trains has been good and (is) getting better', and I refer to a media release from the Minister for Police and Emergency Services that states 'Victoria has a public transport system that is safer than ever before'.

Is the passenger witness at McKinnon station who spoke publicly not correct when he says that passengers

are being left to fend for themselves, as evidenced by the good Samaritan having to intervene in an incident, which led to his assault, because the government does not believe having 940 additional Victoria Police PSOs (protective services officers) at railway stations will protect the public and cut the violence?

The PRESIDENT — Order! The part where Mr David Davis said 'is the witness not correct' et cetera sounds more like seeking an opinion to me, and I ask him to review that part of his question.

Mr D. DAVIS — It is a question of whether the minister accepts as a fact that the violence is occurring and that the additional 940 PSOs would protect the public.

The PRESIDENT — Order! Mr Davis's question asks 'is it not a fact?'. That is satisfactory.

Hon. M. P. PAKULA (Minister for Public Transport) — I thank the Leader of the Opposition for the question. What occurred between Glen Huntly and McKinnon stations on Friday night was an appalling incident, and more strength to the arm of Victoria Police in identifying and apprehending those offenders.

Interestingly, I think this is the third time the opposition has, in one way or another, asked me to endorse its policy.

Mr D. Davis — Because what you are doing is not working.

Hon. M. P. PAKULA — We will see about that. It is interesting because it is now almost two years since the Leader of the Opposition in the other place promised to progressively roll out a transport policy between two years ago, when he made that comment, and the election. Since then the only transport policy we have heard from the Liberals has been the one to which Mr Davis refers: the protective services officers policy, which is undercosted, which cannot be paid for and which was opposed by those opposite before they supported it.

Mr Guy — Hang on. You will probably backflip and use it next week!

Hon. M. P. PAKULA — Mr Guy, let me tell you what we are doing.

Mr D. Davis — What you are doing is not working.

Hon. M. P. PAKULA — Let me tell you what we are doing in regard to public transport safety. We have a multifaceted approach to both safety and service for

public transport passengers. We have announced an increase to 250 transit police. That will be rolled out before the end of this month. We have announced 1966 new police across the community more generally — —

Mr Guy — Next week you'll be barracking for Collingwood!

Hon. M. P. PAKULA — That will never happen, Mr Guy. We have announced more premium stations, more staffed stations, the upgrade from analogue to digital of more than 3000 closed-circuit television (CCTV) cameras and, importantly, the intelligence-based deployment of both authorised officers and transit police so they can go to where the incidents might be occurring.

The facts are indisputable: the overall crime figures on public transport are down by 15 per cent despite the fact that patronage has grown by more than 50 per cent. That is in stark contrast to the one-size-fits-all approach of the opposition, an approach which is no good if you are on a train rather than on a platform or if it is before 6 o'clock at night. It is an approach which cannot assist passengers with information, cannot help sell tickets and cannot help drivers get their trains off on time.

What is more, the opposition has not yet indicated what will go if it is actually serious about implementing a policy that it cannot pay for and that it has incorrectly costed. Do the transit police go? Do the premium stations go? Do the new stations in growth areas go? How will it pay for its pie in the sky policy? Maybe that is why two years on this is still the only public transport policy we have heard from the opposition.

We have a multifaceted approach involving intelligence-based deployment, transit police, Victoria Police and better CCTV, and the result is that, despite the opposition's rhetoric, despite its attempt to scare the life out of people for votes, since 2007 crime on public transport has come down.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — After 11 years what you are doing is not working, and the evidence is before our eyes.

Mr Viney — On a point of order, President, I would have thought a supplementary question was not an opportunity for a member to respond to a minister's answer in the way that the Leader of the Opposition just did. He should ask his supplementary as a straight supplementary question relating to the minister's answer, not as a response to the minister.

The PRESIDENT — Order! The member asking the question is entitled to raise a supplementary question relating to the answer given to the original question. Given that the member has just started to ask his supplementary question, I will wait until he has finished the question before I pass judgement.

Mr D. DAVIS — The evidence before our eyes at McKinnon railway station and at so many other locations is very clear: there is increased violence on our network. I therefore ask: does the minister still stand by his government's statements and his position that rail safety is greater than ever before and is good, or will he now step back from those positions and reverse the policies that he has in place, which are failing?

Hon. M. P. PAKULA (Minister for Public Transport) — That is less a supplementary and more a repeat of the first question. It is in fact the same question asked another way, and my substantive answer to the substantive question stands.

Rail: Coolaroo station

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on the new station that has been added to the metropolitan rail network?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Elasmr for the question. On Sunday I was delighted to join him and indeed the Premier to officially open the new railway station at Coolaroo. It is yet another example of the Victorian government's commitment to delivering ongoing improvements to public transport across — —

Mrs Peulich interjected.

Hon. M. P. PAKULA — It was a well-advertised public event at which there were about 300 members of the public, people from the Broadmeadows Progress Association and numerous other individuals, and if Mr Guy had wanted to be there, he could have been there.

Mrs Peulich interjected.

Hon. M. P. PAKULA — Mrs Peulich, as I am saying, there were hundreds and hundreds of members of the public there. There was indeed a very large crowd of local residents. They came along to celebrate the opening. It was wonderful to see so many smiling faces there on Sunday.

It is a new, \$36 million station. It will provide access to train services for the local communities of Coolaroo, Dallas and Meadow Heights in Melbourne's growing north. Leighton Contractors began the construction work just a year ago, and the project has been delivered on time and within budget. The station includes 490 car parks — 90 more in fact than the 400 that were originally planned. It has been designed to meet all Disability Discrimination Act requirements, and links in with local bus, cycling and pedestrian routes. It is a station located in zone 2. Metro staff are going to be at the station for the first few weeks of operation to help commuters familiarise themselves with the new facilities.

The Premier and I were also able to unveil the artwork at the station, which was created by Melbourne artist Matt Johnson in collaboration with the children of Coolaroo South Primary School. It is a very modern station precinct. It is great that the local school could be a part of making the station such a landmark, and it is a great example of a collaboration between the government and the local community.

Mrs Peulich interjected.

Hon. M. P. PAKULA — And of course, Mrs Peulich, the opening of Coolaroo station also coincided with the start of the new metropolitan train timetable, delivering 211 new and extended services, focusing on the Frankston, Pakenham and Cranbourne lines in the south-eastern corridor, with the capacity to carry an extra 14 000 passengers in the morning and evening peaks each day. Those improvements have been made possible as we continue the rollout of the 38 new X'tropolis trains. Five of those new trains are now in service and two more are undergoing commissioning.

Those new trains, the new peak-hour services, the infrastructure works, the accelerated maintenance program and the new station at Coolaroo are all part of building a better rail network. Unsurprisingly, the new Coolaroo station has been warmly welcomed by the local community. It is part of major improvements right across the metropolitan rail network: more tracks, more stations, more services and a new fleet of trains.

Water: government performance

Mr DRUM (Northern Victoria) — My question is to the Treasurer. I ask: what action will the Treasurer take to minimise the wasted millions of Victorian taxpayers dollars that have recently been spent on infrastructure and irrigation projects that are now going

to have to be ripped out as these recently upgraded channels are closed down?

Mr LENDERS (Treasurer) — I thank Mr Drum for his question, which would be more correctly addressed to the Minister for Water. He is talking about particular water infrastructure projects. But I am always delighted in this house to talk to Mr Drum and the house about water and about this government's record on water.

Firstly, in case Mr Drum did not notice, we have had half a generation of drought. In some parts of Victoria the drought is not over; other parts have had good rain. In some parts, like the Murray system, we have 100 per cent allocation this year, but there are parts of the state where there are still shortages of water. We have had this drought for 13 years, in addition to it being a time of climate change, when we have seen stream flows reducing in Victoria.

In that context this government has proceeded with a Victorian water plan, a plan that has been criticised by many opposite but a plan designed specifically to address probably the greatest environmental, economic and social issue in regional Victoria — and I say those words deliberately: the greatest environmental, economic and social issue in regional Victoria. As part of that plan we have invested strongly in water infrastructure upgrades. They are projects that the state itself has invested in — projects like the Wimmera–Mallee pipeline, which is six years ahead of schedule — —

Mr Koch — A great Howard initiative.

Mr LENDERS — Mr Koch just interjected, incorrectly, 'A great Howard government initiative'. What Mr Koch missed is that it was driven by the state Labor government and delivered ahead of schedule, and the commonwealth reluctantly, squeamishly and with its tail between its legs eventually put in the money it tried to squib on. Leaving that aside, I take up Mr Koch's reference to a 'Howard government initiative' because — it is funny — I thought Mr Drum was from a party that was in coalition in the Howard government and actually supported water infrastructure projects.

What we have seen in the Goulburn-Murray system, particularly in the food bowl, are investments by the local water authority to upgrade a system on limited budgetary means. Beyond and above that we have seen the state of Victoria significantly intercede with further capital works to have a generational transformation project for water, to climate-change-proof parts of

regional Victoria. We have seen the investment of \$1 billion from the state of Victoria before we even start on the commonwealth's investment, which will free up 225 gigalitres of water which otherwise would have been lost in the Goulburn-Murray system.

Those opposite have a choice: they could get behind the infrastructure projects, making the difficult decisions to grow Victoria, or they could do a rain dance if they think it is a better way of dealing with the important issues of looking after regional communities.

This government unreservedly sticks by its policy of investing heavily in water infrastructure. For Mr Koch's benefit — —

Mr D. Davis interjected.

Mr LENDERS — Mr David Davis said no-one believes him, but I will take him through what it is. If Mr David Davis wants to stray to the north-west of the state — an area he seldom visits — and look at the Wimmera-Mallee pipeline, he will see the historical move of the Glenelg and Wimmera rivers — —

Mr Drum — On a point of order, President, the question asked was very narrowly about the millions of dollars being wasted on one government project because another government project will force the initial project to be shut down.

The PRESIDENT — Order! It is clearly not a point of order. Mr Drum may not like the answer the minister has given, but in my opinion it is relevant to the question he asked, and that is all it has to be.

Mr LENDERS — If we go back to the Wimmera-Mallee pipeline, Mr David Davis is sceptical — —

Mr Drum — Whether it be on another point of order or contrary to the previous point of order, President, the Wimmera-Mallee pipeline has nothing to do — —

The PRESIDENT — Order! Mr Drum knows full well that he does not get to debate any point of order. If Mr Drum wants to contest my previous ruling, then there is a method for him to do that, but he is not taking that particular route. If Mr Drum interrupts again with a point of order that is the same as this one, I will remove him. He can raise a legitimate point of order at any time, as long as it is on another matter; this one has been dealt with.

Mr LENDERS — I find it interesting that a member for northern Victoria, who purports to

represent farmers, would get up in this place to say there is no connection between the Goulburn system and the Wimmera-Mallee pipeline. He should try saying to the folk of Sunraysia who rely on water coming out of the Goulburn and water coming out of the Wimmera-Mallee pipeline that those systems have nothing to do with each other. I know why the opposition has been in opposition for 11 years: it is because it does not even begin to understand the economics of Sunraysia.

Let me take Mr Drum through what the Wimmera-Mallee pipeline does for the farmers in the north-west of his electorate. Before this Labor government was elected the previous works, which diverted the Wimmera and Glenelg rivers north into the Sunraysia rather than into the Southern Ocean, meant that 91 per cent of the diverted water — —

Mr Drum interjected.

Mr LENDERS — Mr Drum might not have heard. Of the water diverted from the Wimmera and Glenelg rivers going north into Sunraysia, 91 per cent was lost through evaporation or seepage. The great architects before this government was elected — the great Liberal-Nationals architects who dug the channels — dug open channels over sandy soil, and we lost 91 per cent of the water.

This Labor government has instigated the Wimmera-Mallee pipeline project, which pipes — that is why it is called the pipeline project, Mr Drum — the water north. There is now no evaporation and no seepage; they are negligible. Rather than only 9 per cent of the diverted water getting to farms and towns or mines, now close to 100 per cent gets to them. What that means is that the resource that has been made available by this Labor government's investment in infrastructure has delivered significant outcomes to the Sunraysia district. Not only has it delivered water more effectively, it is also cleaner water. If Mr Drum wants to come with me to Sunraysia and talk to some farmers who now do not have to unclog their sprinkler systems periodically because the water is foul — which is what the diverted water was before; it is now clean water — I welcome him doing so.

We will invest in infrastructure. We will not be naysayers who try to be all things to all people. The opposition says 'invest', but as soon as the government invests it starts nitpicking at the projects. We are

investing heavily. It will make an extraordinary difference. In the Goulburn system alone — for Mr Drum's benefit, that is the river in the eastern part of his electorate as opposed to the rivers in the west; it seems he has not worked out that they connect — will see 225 gigalitres of water that was just not available before freed up for use by farms, towns and the environment.

Ms Lovell interjected.

Mr LENDERS — The voice of respect speaks again. No doubt, we are going to hear the Lord's Prayer! What I say here is this: we will invest in infrastructure. We know those opposite seek to shoot it down.

Ms Lovell interjected.

Mr LENDERS — The last verse of the Lord's Prayer, Ms Lovell, or are you smashing plates today? Is it smashing plates or the Lord's Prayer? For Mr Drum's purposes, we will invest in infrastructure. We welcome scrutiny of the project, but we will invest, not like those opposite who will not make any decisions and seek to be all things to all people.

Supplementary question

Mr DRUM (Northern Victoria) — For the Treasurer's benefit I would like to inform him that the Wimmera-Mallee pipeline, as great a project as it is, does not get to the Sunraysia. I might take him for a drive one day. It actually works in the Wimmera Mallee region and not the Sunraysia.

The PRESIDENT — Order! Does Mr Drum have a supplementary?

Mr DRUM — As the minister danced around the previous question, I would like to try to reframe it. Is the Treasurer aware of the dollar value of the recently installed equipment for one government program, which is now going to be ripped out as a consequence of this second government program?

The PRESIDENT — Order! I am of the view that that was the first question. I am not sure that is a supplementary question, which has to relate to the answer.

Mr DRUM — The substantive question initially asked the Treasurer what action he is going to take to minimise the millions of dollars that are being wasted in the government's investments. The second question was: is the Treasurer aware of how much money is being wasted with the infrastructure being ripped out?

Mr LENDERS (Treasurer) — I have answered. I opened my response to the substantive question by saying to Mr Drum that these are questions for the Minister for Water, who is very ably represented in this place by my colleague Mr Jennings.

Mr O'Donohue — On a point of order, President, on many previous occasions the Treasurer has taken questions from members of the government's backbench with regard to infrastructure projects, whether they be school, water or other projects, and it is therefore in order for the Treasurer to answer.

The PRESIDENT — Order! My ears may be painted on, but I think I am hearing the minister actually answer the question.

Mr LENDERS — As I was explaining to the house while Mr O'Donohue was polishing his leadership speech, my colleague Mr Jennings represents the Minister for Water in this place.

Honourable members interjecting.

Mr LENDERS — Or perhaps that is his deputy leadership speech he is practising. I was explaining to the house and for Mr Drum's benefit. We have a thing called administrative arrangements — —

Mr Drum — On a point of order, President, if the Treasurer, who is the Leader of the Government, is going to pontificate to this side of the house as to who is best to answer questions on water, why does he not take notice of the government's own directive and — —

The PRESIDENT — Order! That is not a point of order.

Mr LENDERS — In response to Mr Drum, I think it is fair to say that I answered his question in my substantive answer.

Rail: new stations

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister provide an update on the progress of the New Stations in Growth Areas program?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Eideh for his question. The \$220 million New Stations in Growth Areas program is truly one of the most exciting elements of the Victorian transport plan. The government is building four brand-new stations, in addition to Coolaroo station, in

some of Melbourne's fastest growing areas: Lynbrook, Williams Landing — —

Mr Finn interjected.

Hon. M. P. PAKULA — Williams Landing, in Mr Finn's and my electorate; at Cardinia Road in Pakenham; and at Caroline Springs.

In the last month we have reached two significant milestones. We have released the concept designs for all four stations and we have opened the tenders for the contract to construct both the Cardinia Road and Lynbrook stations. We are currently doing further detailed design work on the Williams Landing station, and the tender for that construction will be opened shortly.

The concept designs of the new stations are available following the design work by Arup, in partnership with Cox Architects. All the stations are different, but each will include platforms with passenger shelters and seating; park-and-ride facilities and a drop-off zone; electronic timetable and passenger information displays; closed-circuit camera security surveillance; and pedestrian and bicycle access.

These stations will be a significant addition to each of the local communities they are designed to service, and they demonstrate our commitment to improving public transport across Melbourne, including out into the growth areas. This is not just about today. We are taking this step to serve not just current growth but future public transport needs and to improve for all those residents, both now and in the future, their access to jobs, study and entertainment.

The Department of Transport will be holding community information sessions in the months ahead to provide the local communities with further project details. We are taking action to meet the transport needs of our growing suburbs, and I encourage all members to go to the DOT website and look at the exciting new station designs for Williams Landing, Cardinia Road, Lynbrook and Caroline Springs.

Rail: new timetables

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Public Transport, Mr Pakula, and I refer to the new Cranbourne, Pakenham and Frankston line timetables that commenced on Sunday, 6 June. Bentleigh, Highett and Moorabbin stations are amongst those suffering cuts to their morning train services — in the case of Bentleigh, from eight to five Flinders Street-bound trains in the peak hour between 8.00 a.m. and 8.59 a.m. My

question is: why have the members for Bentleigh and Prahran in the other place, one of whom is a former Parliamentary Secretary for Public Transport and the other the cabinet secretary, failed to convince the minister not to make cuts in the number of trains serving these busy peak-hour stations?

The PRESIDENT — Order! I would like Mrs Coote to consider rephrasing that question, because I do not think it is possible for the minister to answer a question that asks why he has not been informed of something.

Mrs COOTE — I would like to know what representations the members for Bentleigh and Prahran made to the minister to make certain these people were not inconvenienced at peak hour.

An honourable member — Which people?

Mrs Coote — I will get up again. The minister for — —

The PRESIDENT — Order! Mrs Coote does not have the call.

Mr Viney — On a point of order, President, I am struggling to see how it is valid for a member to ask a minister about representations they may have had from other members of Parliament, because my understanding is that questions ought to be — —

Honourable members interjecting.

Mr Viney — The opposition might think it is funny, but I would have thought that questions to a minister must relate to the minister's administrative duties and to policy issues associated with the minister's administration of the portfolio. I do not know that a question about the actions of other members of Parliament directly relates to the minister's administrative responsibilities.

The PRESIDENT — Order! I am prepared to rule on the point of order. It is in order to ask what representations a minister has received in a matter that is directly related to his portfolio, and I think this does that.

Hon. M. P. PAKULA (Minister for Public Transport) — Thank you, President. Might I say what an entirely political question it is, but I suppose we are in Parliament so it is no surprise.

Honourable members interjecting.

Hon. M. P. PAKULA — All right! Relax! Mrs Coote asked me about the new train timetables for

the Frankston, Pakenham and Cranbourne lines. Let me provide the house with some facts about the new timetables. On the Frankston line in the morning peak there will be three additional peak-hour services. On the Frankston line in the evening peak there will be four additional peak-hour services. On the Pakenham and Cranbourne lines in the morning there will be two additional peak-hour services and in the evening five additional peak-hour services.

All the passengers along those corridors — the Frankston line, the Cranbourne line and the Pakenham line — will benefit from more services carrying more passengers, meaning greater reliability. Importantly, at all those stations, whether they be Bentleigh, Moorabbin or Highett, passengers will find greater reliability and less crowded trains because there are more peak-hour services.

It is a matter of fact that when you put more peak-hour services on and you want to ensure greater reliability, one of the things any timetabler will tell you is that you need to standardise the stopping patterns and reduce the interdependence of the Frankston line, on the one hand, from the Pakenham and Cranbourne lines on the other. One of the great complaints that Mrs Coote would know about and that all passengers along the Frankston corridor on the one hand and the Cranbourne and Pakenham corridor on the other would have had is that too often incidents on one of those lines impact unduly on the others.

One of the reasons for that is that at Caulfield station in particular the Frankston line trains on the one hand, and the Cranbourne and Pakenham line trains on the other, cross paths. One of the purposes of this new timetable is to remove that interdependence — not entirely, but to a great extent — so that incidents on one part of the corridor do not impact as seriously on the other. One of the things you do is you create more uniform stopping patterns between stopping-all-station trains on the one hand and express trains on the other.

That has meant we can put more services on those lines — more services on the Frankston line, more services on the Cranbourne and Pakenham lines — in both the morning peaks and the evening peaks. We have had opposition members out there trying to tell people that now there will be no more city loop trains on the Frankston line, which is not the case —

Mr Guy interjected.

Hon. M. P. PAKULA — Mr Guy might not like the answer, but they are the facts. The fact of the matter is —

Mr Guy interjected.

Hon. M. P. PAKULA — We are delivering extra track at Westall and we are delivering extra track at Laverton. We are delivering extra track to allow short starter services. What this means for the Frankston, Cranbourne and Pakenham lines is that in both the morning and afternoon peaks there will be more services, less crowding and better reliability.

Supplementary question

Mrs COOTE (Southern Metropolitan) — Will the minister therefore take full responsibility for the confusion and dislocation that has resulted directly from the diminished timetable options he has just endorsed on the Cranbourne, Frankston and Pakenham lines?

Hon. M. P. PAKULA (Minister for Public Transport) — Mrs Coote talks about confusion. I think the confusion resides in those opposite. The diminished services do not exist. There are extra peak-hour services on the Frankston, Cranbourne and Pakenham lines in both the morning and afternoon peaks, meaning more services every morning and every afternoon, less crowding, better reliability and more trains, all as a result of our investment in new X'trapolis trains.

When Mrs Coote talked about the members for Prahran and Bentleigh in the Assembly — she did not mention the member for Sandringham in the Assembly, in whose electorate Highett station is located — is it not interesting that she did not praise them for the fact that Prahran is now going to be a premium station, Windsor is now going to be a premium station, Highett is now going to be a premium station and Parkdale is going to be a premium station, and so is Brighton North. There are more services, more peak-hour services morning and afternoon on the Frankston, Pakenham and Cranbourne lines, better reliability, more seats and less overcrowding.

Planning: Geelong

Ms TIERNEY (Western Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on any recent announcements that demonstrate how the Brumby Labor government is taking action to plan for a growing Geelong?

Hon. J. M. MADDEN (Minister for Planning) — I thank the member for her interest in these matters. I know she is particularly interested in what is taking place in Geelong, especially around the Armstrong Creek area. Last Thursday I was delighted to join the Premier, representatives of the City of Greater Geelong

and community and business leaders from across the region to unveil the two precinct structure plans for Armstrong Creek. I would like to think members of the opposition were enthusiastic about this initiative, because this is a great announcement not only in terms of housing in Victoria but in particular for the Geelong region. I would have thought opposition members from Western Victoria Region would have been enthusiastic about this, but obviously they are not.

The approval of these two precinct structure plans I announced with the Premier will generate more than \$3 billion of investment and more than 13 000 jobs through the construction of a new major business precinct and 7300 new homes and community facilities. What is particularly important — and I know the President is enthusiastic about it — is that it will provide job opportunities, boost housing supply and include a diverse range of housing mix, retail business and industrial space as well as new natural and cultural features.

The first release of land at the Armstrong Creek precinct is expected to take place later this year when the first of 500 lots go on the market. As well as that we will see an enormous amount of investment, not only around the construction and the jobs, and not only around the neighbourhood activity centres but also in terms of the business park precinct which is part of this development. We as a government, the City of Greater Geelong and the broader development community in that area have committed to providing jobs in that region not only for greater Geelong but also specifically for Armstrong Creek.

The combination of affordability, job prospects and the great lifestyle choice of living in provincial Victoria, particularly close to the Surf Coast, means people can have the lifestyle at an affordable price in a great part of the world, thereby carrying out our commitment — not only with the existing suburbs and existing communities but with our new suburbs and our new communities, particularly throughout regional Victoria — to continue to make Victoria and Armstrong Creek great places to live, work, invest and raise a family.

Schools: building program

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Treasurer as the custodian of the state's finances, who happens also to be the minister responsible for education in this chamber, and relates to BER (Building the Education Revolution) school projects. Mr Henry Grossek,

principal of Berwick Lodge Primary School, stated publicly today:

Our school, with a mixture of persistence and good fortune, has unveiled wastage of public money on an unprecedented scale. Reliable construction industry sources have ascertained, on our behalf, that Victorian government primary schools receiving template buildings are getting approximately \$2 value for every \$3 spent. That is a massive one-third wastage of value for money spent.

My question is: can the Treasurer confirm that one-third of the \$2.5 billion allocated for Victoria's government school BER funds is being wasted because of the state government's scandalous mismanagement of this program?

Mr LENDERS (Treasurer) — I find it truly extraordinary that when the commonwealth allocated this money and when the state government allocated money for our Victorian schools plan, the first person in the queue calling for money in every single school in her electorate was Mrs Peulich. There was not a word of caution about whether or not it should be spent. There was not a word of caution or a question about procurement, it was just hands out like Toad from Toad Hall wanting everything, and eyes glistening — —

Mrs Peulich — On a point of order, President, the Treasurer is completely fabricating this; he is absolutely fabricating it. I advise him not to mislead the house.

The PRESIDENT — Order! Mrs Peulich knows full well that that is not a point of order.

Mr LENDERS — If that is the case, I might unanswer some of the adjournment matters I got about school funding. What I say is this: this government, in collaboration with the commonwealth, has delivered on jobs in Victoria to deal with the global financial crisis. When the commonwealth issued its Building the Education Revolution (BER) directives it was clear, transparent and open in saying that this was primarily job creation which would deliver infrastructure for the long term.

Those opposite put out their hands and said, 'Put it into our electorates now. We need it urgently. There is no time to prevaricate or to procrastinate. Do it now'. That is what they said. Now after the event those opposite — —

Honourable members interjecting.

Mr LENDERS — I am very happy to go through the adjournment debates during budget time last year. I suggest to Mr O'Donohue that before he opens his mouth any further and gets in his boot down to his

knee, he should look at what adjournment matters he raised last year about speeding up these projects — —

Mr D. Davis — On a point of order, President, in effect the Treasurer is seeking to verbal the opposition. I sat through all those adjournment debates, and I do not remember anyone asking for a wastage of 30 per cent of the money on a local school.

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

Mrs Peulich — On a point of order, President, the Treasurer is debating the question because he is trying to divert attention away from the question I asked. I ask you, President, to bring him back to it.

The PRESIDENT — Order! Mrs Peulich is now debating, and there is no point of order.

Mrs Peulich — Debating is not a point of order?

The PRESIDENT — Order! It is not a point of order when the minister is not debating. How about that?

Mr LENDERS — If Mrs Peulich is asking me, when I apply for federal funding for proposals to build capital works projects in her electorate, to use a standard that slows down the projects at every juncture to the point that they may, two years after the event, pass a Mrs Peulich test — and she is an oppositionist who picks at every project and ignores the jobs that are created — if she wants the standard for her area to be that we slow down every single project, then reluctantly I would comply. However, firstly, I would say this — —

Honourable members interjecting.

Mr LENDERS — They ask questions, they scream at you if you answer and they come out with rampant assertions, so I might just as well sit down. The Building the Education Revolution funds that were delivered into pretty well every primary school in the state of Victoria have delivered jobs at a time of global financial crisis. If those opposite — —

Mr D. Davis interjected.

Mr LENDERS — Mr David Davis thinks he is the Clerk one moment and the President the next; and now he is the spokesperson for a school principal.

An honourable member interjected.

Mr LENDERS — He wants everybody's job — that is right. What I say to those opposite is this: they

may wish to criticise the BER process and they may wish to criticise template building programs designed to get speed and certainty, create jobs and reduce costs. If they are attributes that Mr Davis and Mrs Peulich think are not desirable in government, they should say so.

I stand by the BER program and I stand by the Victorian schools plan. They have delivered infrastructure into communities that those opposite slashed, burnt and took out. They have delivered jobs at a time of global financial crisis, and they will ongoingly deliver into community after community facilities that will be used by those schools to improve education and community access. It is a plus win, win, win.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Mr Grosseck further stated:

To date all the evidence on display in the media paints a devastating picture for advocates of state bureaucracies managing large-scale projects on behalf of school communities. The project management approach in Victoria, cloaked in an official shroud of secrecy, has made it difficult to challenge the mantra of —

the Treasurer and the —

Victorian education minister Bronwyn Pike. Her claim that it is this very fact of commercial confidentiality that guarantees best value for money is curious at best.

The question is: does the Treasurer now accept that, as the custodian of the state's finances, the only prudent and responsible course of action available to him is to request that the Building the Education Revolution program, as it relates to Victorian government schools, be investigated by the Victorian Auditor-General?

Mr LENDERS (Treasurer) — Clearly Mrs Peulich wants us to slow down, if not stop, construction in schools. There are 2300 schools in the state of Victoria, and — good on her! — she has found a principal who is critical, so her source of authority for closing down the school building program is 1 in 2300.

Mrs Peulich — On a point of order, President, it is my understanding that the particular person whom I am quoting is a former member of the Labor Party.

The PRESIDENT — Order! Any further points of order of that nature from Mrs Peulich will result in her being removed from the chamber for the appropriate amount of time.

Planning: government initiatives

Ms PULFORD (Western Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on the latest information that demonstrates how the Brumby Labor government is managing Melbourne's land supply?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Pulford's question. I know she has a quite extensive electorate that ranges right across rural Victoria to the west. I also recognise that Ms Pulford has a particular interest in some of the outer suburbs of Melbourne, because her electorate connects to the likes of Wyndham, Melton and that corridor. I recognise that Ms Pulford's interest in this matter is not only because she has a regional seat and is always interested in the region but also because she is interested in the outer metropolitan area, so I thank Ms Pulford for her question.

What is and should be of interest to everybody in the chamber is that in the year to September 2009 Victoria grew by 117 900 people. I suspect that is probably the strongest population growth we have seen ever in Victoria. What we know is that all these people in one form or another need a place to live, and of course they also need to live in a place that is affordable. We are very conscious of that. We are particularly conscious of maintaining housing and of maintaining our affordability advantage.

Our affordability advantage is due to this government's policies, particularly around the planning system and the diverse supply of housing we are providing not only in the growth areas but also in established areas. In the HIA (Housing Industry Association) publication *Population and Residential Building Hotspots — Australia's Fastest Growing Towns, Cities and Regions* dated June 2010 and released today the HIA reports that Victoria is the nation's biggest building hotspot.

Not only that, the report shows that Australia's top local building hotspot is Whittlesea North, where residential building approvals rose to a value of over \$484 million and there was population growth of 18.3 per cent. In second place is Wyndham South, where the value of work hit almost \$284 million and the population growth rate was 12.8 per cent. Pakenham and Melton East are also among the top five hotspots in the nation. This is very much a testament to and an endorsement of the work undertaken by the growth area councils and of course the Growth Areas Authority in response to our policy statement and policy commitment Melbourne @ 5 Million.

Encouragingly, the strong performance of Melbourne is not confined just to our growth areas. The Docklands and Southbank area is also in the top 20 hotspots, with \$335.1 million worth of residential building approved. For the likes of the opposition to say that Melbourne 2030 or Melbourne @ 5 Million is not working because there is not enough development in established suburbs or not enough development in growth areas is just wrong. It is not the government saying this; it is the HIA saying it in its report. Most importantly the fact that the HIA mentioned Docklands and Southbank is a strong endorsement of our policy around established suburbs as well. The results show that our plan to manage growth sustainability is working and we are striking that balance between established and growth areas.

I quote the HIA chief economist, Harley Dale, who is reported in today's *Australian Financial Review* as saying:

The success of Victoria is due to the fact that it was able to accommodate the increased demand for housing by getting land supply organised better than other states ...

It just goes to show that the opposition gets its questions straight out of the *Age* every day. I note that two or three of the opposition's questions today have been taken directly out of the *Age*, so that is its source of motivation for question time. What a shame it does not use the *Australian Financial Review* from time to time to source its questions in this chamber.

Harley Dale's comments are a great endorsement, but this is also about keeping housing affordable, and Melbourne's growth areas continue to perform extremely well. I will give you a few more statistics about the affordability of Melbourne's housing market. In the March 2010 quarter no less than 63 per cent of the national market of lots under \$170 000 were sold in Melbourne. The same survey reports that 55 per cent of the national market of lots in the \$171 000 to \$200 000 category were again sold — where? — in Melbourne. Victoria is leading the way in the affordability stakes. The reports released today prove that.

The report I am about to mention relates to the National Affordable Housing Agreement and is the performance report of the Council of Australian Governments Reform Council. It states that the proportion of homes in Victoria that were affordable to moderate income households, 40.6 per cent, was well above the national figure — the national figure was 27.5 per cent — and more than 5 per cent higher than the figures for the next best performing states, South Australia and Tasmania.

Put all these reports together and what do they demonstrate? They demonstrate that our planning system is reaping real results because of good planning and good policy in this state. Our planning system and our strategic planning work are the envy of other states and will be for many years to come, because they have to catch up and they have to come a long way to catch up. Our forward planning has secured the much-needed housing and community infrastructure and has also provided certainty to the development community and the construction industries during a time of global financial crisis.

That is why we have seen not only the affordability and supply but also the building industry going ahead in leaps and bounds. Again today what we have had confirmed by third parties is that Victoria is not only a great place to be, but it is the place to live, work, invest and raise a family.

Gas: exploration

Mr BARBER (Northern Metropolitan) — My question is for Mr Jennings, the Minister for Environment and Climate Change, and it relates to his recent approval of gas exploration in the Bay of Islands Coastal Park. Last week I met with the company Origin Energy Australia — in fact I met with its manager of exploration. He informed me that the various environmental studies the company has completed and which form part of its application to the minister contain, in the minds of Origin staff, useful information the public might want to know which is really uncontroversial. In fact they held it right there in their hands and said, ‘We would love to give it to you, but we have not yet received approval from the department’ — approval from the minister’s department to release their information. Despite a number of phone calls back and forth between my office and the minister’s, we have not yet been able to get approval from the minister to release that information. I ask the minister to tell me whether the information that details the possible environmental impacts of this activity is able to be released.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Barber for his question. In fact he thanked me for the announcement that I made in relation to the issue that was tabled in the Parliament last sitting week because it got him on telly and gave him an opportunity to be out there commenting on something about which he did not necessarily have anything relevant to say apart from the fact that he was concerned about making sure that environment protections were in place. I know he thinks there might be some virtue in kicking this story on, but I did not

mind the story running last sitting week and I do not mind the story running this week, because I think the environmental assessments and approvals that are in place will stand up to public scrutiny.

Interestingly enough the veracity of calls from his office to my office had not necessarily been drawn to my attention, but I will have a word to my people about that. I do not know whether this is a Telstra problem or a personal problem, but I will get onto that because from my vantage point we are very confident that the environmental assessment and approvals that will enable this piece of exploration will withstand public scrutiny and be valid in accordance with the assessments that we have made and the environmental practices that we will insist upon when the exploration is taking place. We are confident that the seismic testing activity will have little or no impact upon the reserve in question and that the community can be confident that the exploration regime will be undertaken within very strict and appropriate environmental guidelines.

I will have a look at the availability of this material, but as I take to my feet today I am not very anxious about whether or not that material should be publicly released, if I am able to do so, because I am pretty confident that it will withstand scrutiny by people in the community who are very concerned about environmental values and environment protection.

Employment: government initiatives

Ms MIKAKOS (Northern Metropolitan) — My question is to the Treasurer, John Lenders. Can the Treasurer update the house on how the Brumby Labor government is continuing to deliver on its commitment to jobs through a solid budget position and a strong Victorian economy?

Mr Guy interjected.

Mr LENDERS (Treasurer) — I thank Ms Mikakos for her interest in the economy, unlike some opposite who do not seem to get any joy out of a good Victorian economy. Last week the Australian Bureau of Statistics released the national accounts for Australia for the year, which are the most recent and up-to-date figures that are available. State final demand, which I am sure Mr Rich-Phillips understands — his shadow Treasurer might not — showed that in Victoria we had a 6.4 per cent growth, the strongest growth of any Australian state or territory in the past year.

Mr Guy interjected.

Mr LENDERS — Mr Guy is not interested in any of these things that create jobs, as indicated by his interjection, but it might assist Mr Guy, who seeks one day to be a planning minister of this state, to know that this state's economy grew faster than any other state's economy in the last year.

There is a big debate in which those opposite talk about mining taxes, but only 1.7 per cent of our state's economy is in mining. We do not dig things out of the ground; we rely on our people and their skills for this economy to go forward. I am delighted to say that the state final demand figures are as strong as that, but I am sure Ms Mikakos is much more interested in what this does for jobs and the ability of people to get jobs in her electorate and in our state.

I have said in this house before that in the last 12 months we have had almost 110 000 new jobs created in Victoria. I use the word 'jobs' because it is probably the single most significant word for most Victorians at a time of economic uncertainty. For them, a government that cares about jobs and has policies about jobs is one that is relevant to them.

It is interesting that it has been 453 days since Mr Baillieu has let the word 'jobs' come from his lips in this Parliament. It is 453 days since Mr Baillieu has actually asked a question of the government about what we are doing to generate jobs at a time of global financial crisis.

Mr Jennings — There is only one job he is worried about!

Mr LENDERS — There is only one job he is worrying about; that is right, Mr Jennings.

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy!

Mr LENDERS — In fairness to Mr Baillieu, he did mention the word once in February, but not in the context of what we are doing to generate jobs. What we are seeing here is that the opposition, or the Leader of the Opposition, has not asked a question about jobs in 453 days. That is how long it has been since he has actually asked a question about job generation in Victoria, which is the single most important issue to working families in this state.

We do the hard work. We have arguments in this place about water infrastructure, which creates jobs. We have arguments in this place about building schools, which creates jobs. We have arguments in this place about construction. I noticed that Mr Barber got very agitated

before when Mr Madden mentioned the Housing Industry Association, which has given a ringing endorsement of this government creating 19 000 jobs out of last year's budget and 24 000 jobs out of this year's budget through our policies to assist with first home buyers grants.

It is interesting that the Victorian model of off-the-plan stamp duty exemption to create construction has been partially copied by New South Wales in its budget today. The Victorian model actually helps to generate jobs in construction, and in doing that it makes more housing stock available, which deals with affordability issues — I thought Mr Barber cared about that. We generate jobs, we make housing more affordable and we assist first home buyers in their aspirations.

I am delighted on any day to talk about jobs in this place, and they are jobs for working families in Victoria, not those opposite jostling for positions for themselves. Creating jobs for working families is a critical part of making this state an even better place to live, work and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 10 534, 10 557, 10 615, 10 617, 10 640, 10 698, 10 700, 10 859, 10 942, 10 965, 10 978, 11 023, 11 148, 11 190, 11 192, 11 215, 11 234, 11 315, 11 356, 11 397, 11 463, 11 505, 11 507, 11 542, 11 557, 11 591, 11 615–36, 11 670.

PETITIONS

Following petitions presented to house:

Computer games: classification

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention community concern about the inadequacy of the current classification system used for computer games.

As games are frequently purchased and/or played by teenagers under 18 years of age and at varied levels of maturity, the petitioners urge the adoption of a more rigorous classification to regulate games that include violence, explicit sexual material, depict the use of drugs, criminal activities or cruelty.

Your petitioners request that the Legislative Council urge the Victorian Attorney-General to support the introduction of a

classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

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

Laid on table.

Environment: Blackburn site

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the Legislative Council's attention community concern about the contaminated Caltex site at 22–24 Blackburn Road, Blackburn, which has been vacant and derelict for 12 years.

The petitioners note that the Brumby state government and the Environment Protection Authority have failed to resolve issues related to the contamination of oil and groundwater over that 12-year period and have not finalised and implemented a remediation works program.

In consideration of the environmental contamination and the negative impact on customer perception and loss of amenity for businesses, staff, customers, visitors and commuters using the Blackburn shopping centre, your petitioners therefore request that the state government and the Environment Protection Authority take immediate action to have the site cleaned up and remediated.

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

Laid on table.

SELECT COMMITTEE ON TRAIN SERVICES

Interim report

Mr ATKINSON (Eastern Metropolitan) presented report, including appendices and minority reports, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr ATKINSON (Eastern Metropolitan) — I move:

That the Council take note of the report.

In moving this motion I wish to make some remarks in respect of the inquiry process, and I have no doubt that colleagues in this place will also have some remarks to add with regard to the deliberations of the select committee, which received a reference from this house to undertake an inquiry into train services. That was in the context of concerns held by the public and by

members of this house about the reliability of train services.

A number of significant incidents occurred where services were found wanting and in some cases passengers were put at considerable discomfort, and many would argue in a number of circumstances they were put at some risk of danger. That is not to exaggerate the circumstances but to recognise that events such as the Oaks Day debacle in 2008 and issues surrounding train services in January and February 2009 were not only the genesis of the train services select committee but also matters of very serious public concern.

You would be aware, Acting President, that the reference was given to the committee on 5 May. There has been a subsequent referral to the committee — an extension of the committee's remit to enable it to look into the myki ticketing system — and to that extent this report presented to the house today represents something of an interim report, because obviously the committee will now be going on to investigate the problems surrounding the myki ticketing system.

We will maintain a watching brief with regard to train services and the matters that have been canvassed by this report, but substantively we believe that most of the work with regard to the committee's investigation of the reasons for failures in metropolitan and V/Line train services has been canvassed in terms of the work done thus far.

At the outset I would like to put on the record my appreciation to members of the committee for their contributions and diligence over the period of examination by this committee. Attendances were very good at the committee hearings, and members participated constructively, I believe, in respect of those hearings.

I would also like to record thanks to Richard Willis as the secretary of the Council committees, to Anthony Walsh, who was the research officer, and to Sean Marshall, who was the research assistant. They certainly provided considerable support to the committee, and that was appreciated.

I also extend thanks to those people who made submissions and those people who appeared before the committee at hearings. The committee was presented with a good deal of information. The government and particularly the Department of Transport, along with the train operators, were forthcoming with a great deal of information that I think was helpful to the committee in its deliberations. It certainly enabled committee

members to examine thoroughly some of the issues related to the breakdown in train services over the nominated periods. Because of the life of the committee, it also encompassed some similar though perhaps not as substantial incidents that occurred in the summer of 2010 just passed.

I do not want to speak for a long time on this because I know that some of my colleagues also wish to contribute to the debate and I note that we have some other reports coming before the house today, but I want to make a number of remarks. This committee certainly found, I think in overview, that there are significant strains on the transport system. A great deal of that strain is related to a substantial increase in patronage over the past 10 years.

I guess most members of the committee were a little surprised that government witnesses, and in fact the government members on the committee, felt that they had been caught out by this patronage growth and it was all a bit of a surprise when in fact the government itself had set a target, at least in press release if not in strategy, that it would try and achieve 20 per cent of mechanised trips by public transport by 2020.

If you had that sort of a target, one would have thought that you would have been working towards it and ensuring that you had the capacity and the investment in a range of facilities and infrastructure — certainly in rolling stock and in people — to ensure that you were able to meet that sort of patronage increase.

The committee found that investment in infrastructure and rolling stock has not kept pace with the increase in patronage, and I think members of the committee did acknowledge that there had been an underinvestment over a number of years — not just in the term of this government — in some of that infrastructure.

Some of that is possibly understandable because until the last 10 years there was not an increase in patronage — there was in fact declining patronage of services — and that no doubt coloured the thinking of investment decisions by various governments. Indeed we note that, for instance, during the Cain-Kirner era significant tracts of land that had been allocated for future railway lines and so forth were sold off. A range of decisions were made based on the fact that the train services were not seen as having an ongoing significant role in moving people in and around Melbourne.

Clearly people in Victoria, and people in Melbourne especially, have recognised that train travel is an effective and efficient way of moving about the city, and that it is cost-effective. There have been a number

of trends, and the committee heard evidence on some of them, including the significant resurgence of the CBD, the Docklands precinct and areas around Melbourne that have become significant destinations in terms of workplaces and other activities and have also become residential hubs.

Each of us knows from our overseas travels that one thing that obviously drives successful rail systems is where there is a scale of residential development and activity in and around those rail centres, so that you end up with hubs and so forth and significant movement which drives those systems. To a great extent that has been a characteristic of Melbourne's CBD and surrounds in recent times and has been a significant factor in the increased patronage, as have volatile and rising fuel prices. There has been a recognition by people that they ought to play their part and try to reduce their use of energy sources that are starting to decline and certainly to have implications for our environment. There is a preparedness by people to travel more frequently on public transport provided that public transport can meet their needs.

The committee found there had been an improvement in rail services in the extreme heat conditions of the 2010 summer compared with the 2009 summer. Obviously between those two periods there was a change in the operator of the rail system from Connex to Metro Trains Melbourne, but I would have to say the committee was aware that, first of all, the extreme heat conditions were not exactly the same as they had been the year before; they were milder in 2010. The other significant concern was that even though Metro did its best to make sure that train services were maintained in that period, some of that effort relied on very temporary-fix solutions — for instance, we heard about doors of power plant areas being left open to provide some cooling of the plant and equipment so that it would not pack up. It worked, and that is good, but it is obviously a very temporary fix and not something for the long term.

The committee heard that the delays and cancellations related to infrastructure and rolling stock issues were the most frequent cause of difficulties with train services, but it also heard about periods where drivers had reported in ill and were not able to be replaced in a fashion that would allow those services to meet their schedules. We heard about incidents where passengers took ill and needed assistance for their health and wellbeing, which had implications for the system. We certainly heard about conflicts and incidents at railway crossings which also caused significant difficulties in maintaining timetables.

On the level of maintenance of trains at different periods, it was apparent that the level of maintenance of rolling stock was inadequate at times. There were issues with air conditioning in some trains. There were issues, which are ongoing, with respect to braking systems on some of the trains on the system, particularly the Siemens trains. In certain conditions they have some difficulty and are overshooting, or have overshoot, platforms.

The committee also heard that there were a number of issues, particularly in the summer of 2009, that appeared to relate to a less-than-constructive relationship between the unions and the operator, Connex. Some negotiations on industrial matters were proceeding at that time and the union adopted a strict work-to-rule policy, which may have resulted in train cancellations that in normal circumstances might not have been assessed by an independent party or a reasonable person as creating any sort of safety issue for the system and to passengers, and therefore perhaps the cancellation of those services might not have been necessary.

The committee noted that the government has undertaken a range of initiatives to meet the increased demand in rail services. We note that even this week timetables have been changed in an attempt to ensure that there are more services for passengers and that those services are more timely and reliable, and there are further changes to come. We note that Metro in particular has apparently put in place some new initiatives with the training of drivers. Going back to 2009, and prior to that, there appear to have been concerns in respect of maintaining an adequate pool of drivers and meeting some of the training requirements for those drivers to ensure the reliability of the system.

A number of initiatives have been adopted to address the braking system problem with the Siemens trains, which I have discussed. There has been some investment to date and there will be ongoing investment in facilities, lines and rolling stock. Those have all been acknowledged in this report. I understand that the minority report that has been submitted by members of the government suggests that those matters were not taken into account, but I believe the committee did consider them. Mr Viney will no doubt speak to the minority report prepared by government members, and I note that a minority report has also been lodged by Mr Barber.

The committee believes the government is responsible for effectively managing the franchises and ensuring the integration of services and collaboration between operators, relevant government departments and

government agencies involved in delivering transport services to commuters. We were encouraged to some extent by some of the initiatives that appear to have been taken. In its evidence Metro showed some enthusiasm for embracing initiatives that would improve services. Indeed it has made a number of management decisions that seem significant in trying to improve customer experience. Nonetheless, when it comes down to the key issue of reliability of transport services I note that, subsequent to this report being signed off by the committee, Metro consistently failed to meet the benchmarks for provision of reliable train services. That is a clear concern. Whilst a number of matters outlined in the report represent initiatives to try to improve services and get back to meeting the expectations that Victorians, this Parliament and, I dare say, the government would have, or certainly should have, there is still a shortfall in meeting the responsibilities of the franchise operator.

I note with some chagrin that in this election year the government has gone out very heavily with television advertising to promote its transport initiatives and suggest that all is going well — that we are pretty close to Utopia, if not Camelot — but I warn the government that when you oversell and overpromise but fail to deliver, there is a significant loss of credibility. The government might well have held its horses in respect of advertising and focused on working with Metro to make sure we do not have a repeat of the sorts of incidents that occurred as recently as the summer of 2010; in the summer of 2009, when services were significantly disrupted; in and around the cup carnival, and famously on Oaks Day, in 2008. The government should focus on some of the issues that have been raised in the committee's findings to ensure that there is an improvement in train services.

I had discussions with my committee colleagues from the Labor Party, who have prepared a minority report. Many aspects of this report might be subject to political conjecture. Nonetheless, the report is fair in its findings and in its representation of the information presented to the committee by those people who lodged submissions and attended hearings. In my chairmanship of this committee, I attempted to ensure that everyone had the opportunity to reach consensus positions on some of these issues and to establish a basis for agreement on some of the findings. On a number of occasions Labor members disagreed with the findings, and in some cases they chose to vote against them. No doubt their views on the matters they had concerns about are reflected in the minority report.

Overall, this was a constructive exercise. I do not regard it as a political exercise. I think the committee worked

effectively. There were obviously some competing interests, and the government was certainly under the hammer in terms of media attention regarding a number of incidents, as indeed was the operator — previously Connex and most recently Metro.

I note in respect of the coverage of Metro's performance that there is ongoing media commentary saying that the company has failed to reinvigorate the system, meet its benchmarks and perform any better than Connex. The committee's impression was that Metro certainly seemed to have the right intentions and it had been reviewing a range of issues in trade services — the network, the infrastructure investment, the interaction with government, the customer experience and so forth. Its intentions appeared to be in the right place.

I am under no illusion. No government tries to deliver an inferior service. We are all pointed in the right direction, but at this time there is a need for more management acumen and skill to be brought to bear. A number of findings presented in this report need to be taken into account to ensure that going forward the system performs better and meets the expectations of Victorians, as well as meeting the increasing patronage demand.

Mr LEANE (Eastern Metropolitan) — In speaking on this committee's report I begin by thanking the committee staff — Mr Richard Willis, Mr Anthony Walsh and Mr Sean Marshall — for their excellent work in supporting the committee in its endeavours to produce this interim report.

Despite the fact that we requested reams and reams of documents and paperwork from different government departments, had days and days of evidence and received a large number of submissions, the end result, you would have to say, is nothing world shattering or new so far as the failures in the train service system go. People proposed that this select committee be formed, but for what political end I am not sure. Perhaps they had an idea that this report would show we have a train system that is prone to failure and completely inoperable, but we found from the evidence we were given that this is far from the truth. Every week the Victorian train system provides thousands of services that successfully deliver people to their destinations. In saying that, I point out that when you have a system that originated over 100 years ago and has been modified and increased, with extra lines having been added — and in the case of the Kennett years, some lines having been taken away — and the end result is the system we have, it will be prone to failure in certain circumstances.

No-one denies that the system has been prone to certain failures, and some of those failures might be outside the operator's control. When you consider the age of the system, how vast and intensive it is and how the system has been updated with state-of-the-art technology, which is integrated with technology that is in some cases decades old, you will at times get component breakdown and similar effects.

No-one is saying that the system is not prone to having bad days. Obviously two summers ago there were a few bad days of extreme heat conditions and the system was under great stress. I was speaking before about how the system has been upgraded so that most of it is made up of state-of-the-art electronics. The basic electronics course that I did a number of years ago taught me that extreme heat is the natural enemy of electronics.

I will touch on the committee chair's contribution to this debate. He said that last summer technicians opened doors at power transformer stations or power plant stations to improve the system. That is not necessarily the case. Technicians were strategically placed at the signal control boxes that are exposed to the sun so they could open the doors and in some cases alleviate the heat to the electronics on days when the temperature was more than 35 to 40 degrees days. That helped cool the system and prevent it from failing. This is not unique to the train system.

If you drive around on any 40 degree-plus day, you have a good chance of coming to a set of traffic lights that will be flashing. The reason for that is that the control box has failed because of the heat, and a technician has to go out there and find a way to cool down the components. Sometimes that is as simple as opening the control box door.

No-one denies that we had bad days two summers ago, and I would be surprised if any government or potential government would stand on the platform of saying that it will run the system faultlessly so that it will never fail or that it will never experience bad days. If any incoming government, any potential government or any existing government were to stand up and say that, I would say that it was lying. There are a number of things that are always going to be outside the control of government or the operator.

We heard evidence around some of the things that are outside operator and government control. One of the obvious things is a power blackout. A branch can fall across high-voltage, high-tension lines and short out a transformer, which can take out the electrical supply to half a suburb. It could also take out the supply to one of the critical signal boxes or transformers in the train

network and take out that part of the line. That is not a unique occurrence.

We also received evidence around how the operator has to deal with ill patrons who happen to be on a train. The operator has to follow a procedure for the duty of care owed to those persons, and that can affect the line for a period of time while the person is being attended to. We also received evidence concerning much sadder incidents involving human interaction with the train system. That can obviously affect the line for a long period of time.

We also received evidence about other things outside the control of the government and the operator. Some of those things might be as unique as copper theft. About 18 months ago it was in vogue for people to steal the copper cables that ran along the train line ducts. If you look at those ducts, you can see that they are some of the oldest parts of the system. A lot of them are exposed and easily accessed. Some people — and I do not know how they did it because there was a high-voltage direct current running through the cables — found a way to cut long lengths of copper for sale, and the copper price was quite high at that time.

We also heard evidence about Victorian trains hitting livestock. When a train collides with a cow or sheep the train will be taken out of service for a couple of days to enable it to be treated and put back into the system.

We also heard evidence — and I do not think it is a bad problem; I think it is a good problem — of the amazing increase in patronage on our rail services in recent times. This has caused an issue with dwell times on train stations. The volume of people wanting to get on and off the trains has caused some issues. All of us here would be pleased about the increase in patronage on our rail service, not only for environmental reasons but also because of the alleviation of congestion on our roads and for a number of other reasons. To say that the service is a bad service does not necessarily take into account the increase in patronage. I suppose the coalition members would be pretty big on market forces working out whether a product is good or not.

The extra patronage is a good sign that the service is a good service. It needs improvement, but it is this government that has been prepared to provide record investment in the system and is prepared to commit to further record investment in the system in the future. The obvious thing in that regard is the purchase of new trains. A number of new trains are in the system now, which has allowed a new timetable to be developed for some of the critical lines in the system.

Despite the question from the opposition during question time today regarding the new services, no-one is unhappy about being able to catch an extra train service, no-one is unhappy about having a less crowded train. It is a strange argument that a new service is a bad thing; it is similar to the argument that schools hate new buildings. That is the sort of argument that has been run about education, and this is a similar argument. It just does not make any sense. New trains are being delivered into the system, with more, hopefully, over the next few months. That will allow another new timetable that will increase services on other lines as well. That is a good thing.

It is true that government members disputed some of the findings in the report, and that is shown in the body of the report. That led to a minority report from the government members. The minority report reflects a lot of the things I have spoken about already, so I will not go over it. Ms Huppert might want to touch further on the minority report from the government members.

In his contribution to this debate Mr Atkinson said we were on a watching brief as regards this report. I am not too sure what that means. I think it probably means that the non-government members will be watching for anything that might happen on the train services that might give them political mileage. I am not too sure what it actually means, but we will wait and see.

We have a new reference to look at, and I look forward to inquiring into that reference. Overall the committee worked well, and the chair was fair to all parties on the committee.

Mr BARBER (Northern Metropolitan) — Mr Leane sometimes accuses me of using words of which I do not know the true definition. I just looked up the definition of ‘sanguine’ in the dictionary. It means naturally cheerful and hopeful. That is certainly a good way to describe Mr Leane, but I think ‘utter complacency and confusion’ would be a better way to describe the government’s overall state of mind on this issue, certainly over the last four years, and I would argue that in some ways things have not improved.

In this inquiry I was determined to get to the bottom of the government’s various and shifting excuses for the poor performance of the train system. The majority report, which I support in broad terms, gets to the first or second order of reasoning to explain why we are seeing the failures we have seen in the system. I was quite determined to drill all the way down to the proximal causes, and for that reason I needed to submit a minority report that goes further to those systemic

reasons for the failure of our train services that it seems neither Labor nor Liberal want to face up to.

These excuses have been rolled out at various times. Some of them were not surprising, but even in this inquiry we were given a few more excuses that we had not heard before. Right up to this day the government continues to invent more excuses to explain why it cannot run the system we have to what would be a normal level of reliability in other cities and why it does not seem to have any clarity about where it is going to expand the system to deal with the kind of growth it will certainly experience.

I will briefly go through some of these excuses: summer heat, maintenance backlog and union tensions. According to evidence, a large number of the cancellations during the early 2009 heatwave were the result of vexatious union activity associated with the dispute in Connex and, apparently, positioning during the re-tendering of the train franchise. The union did not take the opportunity to appear before the committee to give us an alternative view, so we are stuck with Connex's testimony and the state government's response of, 'Do not ask us; how would we know?'

In relation to overcrowding, both the Department of Transport and the operators claim that the rapid growth in patronage has caused crowding that delays trains and that the system is the victim of its own success. That is just too convenient, because targets for the rapid patronage graph were set almost a decade ago but new trains are only just arriving now. The real cause of overcrowding is poor planning.

In relation to shifting risk and responsibility, in the franchising arrangements we have, the privatisation of our system has been fraught since its inception. Under the Kennett government we were told that the problem was aggressive underbidding that relied on a growth in patronage to fund the operations. Now we are being given indications that the pattern is being repeated, and at the end of the day we are simply told that the existing infrastructure has a physical capacity, which we have reached. When you ask questions around that issue you notice a fragmentation of responsibilities, not to mention a blocking of public scrutiny and participation, which has led to a quite inefficient use of existing infrastructure and even poor design in new infrastructure projects.

When you are willing to ask those questions, the conclusion must be that current management structures for our rail system complicate and confuse the process of planning and adequate response, even for the current level of growth that we have been having. If you want

to set the expectation that that is what we will continue to have — let alone the much greater growth we will need in public transport if we are to meet the challenges of climate change, peak oil, social exclusion in our cities as people move further out onto the edges ahead of any proper public transport provision, and the economic necessity of having a city, particularly an inner city area with a CBD and some very important industrial activities which runs itself efficiently without constantly coming up against the limitations of the motor car — we must negotiate an end to the current franchise arrangements by refusing to keep bailing out operators with more and more money that they keep coming back for and by using the available performance management provisions.

However, before we do that we need to be ready for an overarching metropolitan public transport authority to take control of public transport planning, with its aim being to deliver a network. We do not need a legacy system in which tram, train and bus services are run and planned in isolation from each other. We need a network that takes you where you want to go when you want to go there, which is what a motor car does. If public transport is to successfully compete with the motor car — or replace it, as we need it to do — it needs to be able to do what the motor car can do. A new public transport authority would need to engage constructively with the professional transport planning community, local government and ordinary citizens on the future directions of both investment and operational reform.

The performance of public transport had been in decline for quite some years before we set up this inquiry, and arguments had already been raging as to the real causes behind that decline. During the summer of 2008–09 — particularly during the heatwave of early 2009 — the rail system all but ground to a halt over several days, and effectively brought the CBD to a halt as well. It became obvious that such an inquiry into public transport had to occur. Earlier today Mr Leane said sanguinely, 'It is no big deal. We are onto it, and we did not find out anything new anyway'.

Let me point out that members of the committee found out quite a bit that was new, because the committee asked for and received nine months of data down to the level of individual train failures — some 2000-odd failures a month, or 17 000 individual records. All committee members had the opportunity to go through that material, as I did, and to understand the true cause of train failures, yet Mr Leane could stand in here this afternoon and say that branches can fall over powerlines and other little things can happen. Basically

he said that such events are acts of God and can happen in even the best managed system.

However, when you crunch the numbers — in my office there is a saying: in God we trust; all others bring data — you find that the causes of those 17 000 failures were predictable because they have happened time and again and are avoidable in the largest number of cases. Even those that are completely outside the control of operational managers and planners are manageable if you know they are coming and you have contingency plans in place.

To get that information on the record I have published in my minority report data on the major causes of train failures for the three-month period during which our new operator, MTM (Metro Trains Melbourne), has been in charge. Buckled rails make spectacular news pictorials, but they are strictly a minor cause for trains either not getting going in the first place or not stopping when they are supposed to. In that period the biggest cause of trains not starting or not stopping was faulty rolling stock. The kinds of faults found in those trains seem to occur again and again.

I should note that the data was not for the period during which Connex was responsible — Connex blamed a large number of its faults in trains on an aggressive fault-finding industrial campaign by a union. Data collected for the period that MTM has been the operator confirms that that was not happening during its period of operation, so these faults must be simply things going wrong in trains that continue to go wrong to this day.

Passenger issues include the categories of illness and accident, but the biggest subcategory is passenger misbehaviour. I point out that that problem is a function of how you manage and — dare I say it — staff a public transport system.

The next biggest category was train faults caused by interactions with V/Line trains. My minority report talks a little more about that when it comes to the issue of planning and our two separate bodies — the V/Line government-owned corporation versus the latest private operator, Metro Trains Melbourne.

There is also a large uncategorised set of causes for train faults. I should point out that the data in my report was obtained as it was logged at the train controller point, and the categories that train controllers allocate are not always consistent. There are a few hundred train circuit failures, mostly signalling and points issues, out of a total 4900 faults over this period. There are a couple of hundred incidents of vandalism and a couple

of hundred examples where the driver misread the roster or did not turn up at the right time. About 350 other incidents were associated with projects that were under way or speed restrictions and other track maintenance issues.

So what does it tell us when the shadow Minister for Public Transport gets up and says, ‘Yes, it is all due to decades of neglecting the infrastructure and you cannot blame the operator’? It tells you that he does not want to go to the root causes of the problem and the issue of privatisation itself. It also tells me that he, like the present government, will have a blank cheque ready because of his ideological commitment to keeping the public transport system privatised. It is because of that that we cannot address the fundamental issues and that we will keep paying out for the operational failures of privatised operators.

The arrangements are quite byzantine when you try to understand how things work between the government and the private operator. There are a number of things that need to be dealt with. There is the overall strategic planning of the system for future growth, almost up at the level of land-use planning, and what is clear is that nobody has been doing that. There is the conversion of those strategies into investment plans, which you would expect to be between planners and the operator. Then there are the tactical questions of how to actually get those trains moving, how to deploy personnel and how to deal with operational issues day to day as well as learning the lessons from each day. Somewhere in the middle there it becomes very cumbersome, to say the least. I simply asked both Connex and the Department of Transport straight out, and what they described for me was just a rolling series of meetings where they would contact each other daily, weekly, monthly and yearly, with information flying back and forth. What was never clear was who made the call and who made the decisions. You would never have got it out of them, but if you sniff around a bit you can see what happened.

In the middle of consistent patronage growth there was duckshoving back and forth between the department and Connex as to who was going to wear the costs of that growth. For a year they spent their time arguing about who was going to wear it; at which point they realised they were in it together. For a year they worked out what the hell they might be able to do about it and for another year or so they started, in drip-feed fashion, taking almost experimental steps to see what they could do about each problem. I am including things such as some minimal staffing increases, fault management protocols, better utilisation of the system and so forth, and starting to do things like taking Werribee trains out of the city loop. It was only really in the fourth year of

sustained growth that some of those measures started to appear, and they fall very far short of what we might expect if we are to get continued growth.

The common theme, of course, right up to this minute, is overcrowding. The government's submission says:

The underlying driver of ... (worsening performance in) cancellations and on-time running has been the growth in patronage ...

But as everybody knows, the government chose for itself — I think it was back in 2002 — a 20 per cent target for public transport to take as its share of all motorised trips. If the road lobby had come up with that its members would have done what road builders always do, which is to predict and provide — predict the growth in traffic and then go ahead and provide a road big enough for that traffic, which leads to extra growth in traffic. What is amazing here is that rail engineers did not get into the same game.

I had to produce as an attachment to my minority report — but I had already provided it to all committee members at our first meeting — the actual chart from the 25 March 2003 draft of the government's metropolitan train plan where it estimated what it would mean for patronage numbers if there were to be a steady linear growth towards the government's plan of 20 per cent of all motorised trips being on public transport by 2020. That attachment forms the last page of the select committee report. Having done the exercise of understanding what it would mean in terms of patronage, the same group, with people from the Department of Infrastructure, then looked at the actual rolling stock the government had and when it would need to buy more. A series of bars were placed underneath that rising patronage number in this document to indicate how many trains we were going to need and when certain trains that were getting old might drop out of service. Here is their important conclusion — this was in 2003:

If the decision to proceed with the next major rolling stock purchase is aligned with new franchise agreements in 2008, then it is likely that the rolling stock will not be on track until 2010, leaving a substantial amount of unsatisfied growth demand in the years leading up to that time ...

It is right there in the chart. You can actually see how patronage growth in 2007, 2008 and 2009 gets ahead of the available rolling stock. In 2003 it could not have been made clearer to the government that if it did not get cracking, it was going to need trains at exactly this time. Why was that such a concern? It was because the franchise was going to run out and we were going to be in the middle of bids for a new private operator. Of course that is the point when the private operators tend

to lose the plot a bit. They are not really interested in making major investments when they know they might not even have the contract. That chart shows exactly what happened.

Mr Viney, who is frowning over there, should take the opportunity to have a look at the nice little table at the bottom of the chart, which actually tells the government how many trains to buy at each stage. Phase 1: 2003 to 2008, 10 trains; phase 2: 2009 to 2013, 64 trains; and phase 3: 2014 to 2020, 103 trains — a total of 177 trains. What I would like to see right now is that plan extended into the future so that there can be no doubt as to exactly how many trains we are going to need and when. This document, the train plan, never shrugged off its draft status. In fact copies are as rare as hen's lips; you have really got to know a bloke who knows a bloke to get hold of a copy. If the government had taken the report, signed the bottom of it and simply thrown it over its left shoulder at the bureaucracy saying, 'Implement it', we would not be having this conversation.

This was only a strategic document. It ran to about 30 pages, and it did not get into all the other things that would have to be done. But that is the point; the government got the strategy and the broad numbers. The government looked at them but did not like what they said, so it just forgot about them. Now government members are going to get up and ask us, 'Who could have predicted this patronage growth? It all kind of snuck up on us'. So much for overcrowding.

The Siemens brake failures have no doubt been a problem, but even as individual instances were coming to light of brake failures and overshoots, Department of Transport staff who were sitting in on those hearings were saying it was the first they had heard of it. A question from Mr O'Donohue to Mr Betts about that is referred to in the report. For the benefit of Mr Leane, who said the committee heard nothing new during its inquiry, the committee did find out something. It was given the original specification for the Siemens trains between the time of their ordering and their purchase. Page 131 of the report includes a document titled *New Trains for National Express*. It is very hard to read some of the smaller text, but the date seems to be 17 October 1999.

Members should note that it was National Express, which was a private operator of the trains, which was commissioning the new rolling stock that we are stuck with to this day. I do not have any better information about who exactly signed off on the train order or when, but clearly it straddled the period between the Kennett and the Bracks governments. Who even knows

whether public servants were signing off on these trains at the moment this thing appeared? It did not matter, because that was all the private operator's problem. That was the whole beauty of the privatisation — the invisible hand of the market was going to produce not so much competition for transport services but competition for the playing field on which they would then operate, or so the ideology went. It hardly produced an optimal outcome in this case.

The section headed 'Electric braking performance' states:

All rates specified herein are net rates on clean, dry, well-maintained level track. Braking performance is achieved under all conditions of line receptivity from 0 per cent up to 100 per cent.

On the next page under the heading 'Pneumatic braking performance' we see the exact same text. I am not a braking expert or an engineer, but this material is out there in the public arena for the first time. If people in the know believe that specification was satisfactory to buy trains, relying as it seems to have done on a specification of 'clean, dry, well-maintained and level track', then we might be able to understand the genesis of our problems with the Siemens trains. But the true genesis of this has to be the privatised system that said an operator — and one that did not last much longer — could make these major capital decisions for us.

Excuse no. 4 is about the shifting of risk and responsibility, which is why I believe we cannot provide any warranty on the existing franchisee seeing out the end of its contract. Strangely, the first thing the Department of Transport had to say when it appeared before the committee was that the buck stopped with it. It is the thing you say when there is some doubt as to exactly what that would be, but the quote is:

... the government is accountable for the performance of the public transport system. We plan the system, we fund it, we regulate it and we choose the private sector firms with whom we partner. The buck stops here ... The ultimate accountability is clear and undisputed.

That is interesting because the 2009 cross-party Senate committee investigating investment in public transport found it necessary to conclude that:

Australian government funding for transport initiatives should be conditional on reforms to state and territory planning departments to create central coordinating agencies along the model of the Public Transport Authority of Western Australia.

There are no prizes for who the committee was thinking about when it said reforms are needed to copy the Western Australian model. In its own evidence the government said:

It became apparent in 2001 that the franchise operators were losing money, or were about to start losing money. They bid very, very aggressively in the 1999 franchising process to the point where their business plans were effectively unsustainable in the absence of additional financial support from the government. National Express, which held three franchises, had bid more aggressively than anybody ... National Express made a whole series of demands for additional money and for the state to take more commercial risk.

As we know, National Express fell over. That was because the state government refused to countenance these endless demands for more money. However, amazingly we then received testimony from MTM in this round of hearings that its aim was for patronage to double over the life of its franchise. It did not tell us it had a plan for capacity to double over that period, but in its boosterish view, no doubt speaking not so much to the committee but to its parent company back home, it thought it could double patronage over the remaining period of its franchise. Yet when you ask the government what plan it has in place for that, it cannot give you one, which brings us to excuse no. 5 — the capacity of the existing infrastructure.

In the last public transport plan, Meeting Our Transport Challenges — not the current Victorian transport plan — the government's solution to growing patronage was a third track from Caulfield to Dandenong at a cost of \$1.5 billion. There was a protracted debate as to whether or not that was necessary. But that proposal, which was at the heart of Meeting Our Transport Challenges, seems to have been quietly shelved or is being done in small nibbles such that when the Victorian transport plan comes in we will have another big bang, which is the regional rail link and the metropolitan tunnel from Footscray to St Kilda Road, ultimately going down to Caulfield, which has been costed conservatively at \$4.9 billion.

By the way, the capacity constraint has been the reason for the go-slow or opposition from the government to regional rail extensions out into some of the new and growing suburbs. I am going to be a strong supporter of more investment in Melbourne's rail system. It is interesting to note the success of the government's proposals to Infrastructure Australia for that investment, whereas its freeway tunnel proposals, which basically had negative cost-benefit ratios, did not get funding at a federal level. That does not mean I will not carefully scrutinise each proposal and also the alternatives to each proposal.

The committee had the great benefit of hearing from Edward Dotson, who had been a consultant to the government on its bids for extra rail funding and for the Victorian transport plan. Before that he worked for rail

planning authorities in other countries, and most recently for the World Bank.

He confirmed that funding from the World Bank is under a great deal of pressure, and not just for transport projects in developing countries but because of the need for water, education and other essentials in those countries. He brought to this exercise an incredible level of discipline in terms of funding and business cases for funding. It was his view that if it adopted the right approach, the government would be able to squeeze a lot more trains onto the existing system. In any case he took the view that if major infrastructure projects do not receive federal funding when they need it or meet with some other delay, the low-hanging fruit should be picked first.

I have received even more information, which I did not have time to put into this report about the government's business case for seeking federal funding for the two major rail projects. It lays out another set of assumptions — a slightly different set of assumptions from what we have seen presented to the public in the past and what we heard through this committee — as to how many trains it thinks it can run on the system.

If all these excuses were not enough, government members of the committee had to bowl up another one for us. In the extracts of proceedings the latest excuse is, 'We cannot run any more trains; we cannot increase significantly the number of trains we would run, because it would mean the boom gates would be permanently down and there would be traffic congestion'. It never ends.

I was at my local railway station on the Upfield line this morning, and I timed how long the boom gates were down. They were down for 30 seconds to allow one train through. Theoretically if two trains had been passing each other, they might have been down for a total of 60 seconds. That is really very little different to a typical traffic light cycle. Amazingly when cars meet cars and they have to stop and wait for each other at traffic lights that is seen as okay. Nobody is suggesting we cannot run a road system unless every single intersection in Melbourne that now has traffic lights is given an underpass or overpass. Yet with trains — and admittedly if we take out the safety issues associated with level crossings, which is not the argument the government was making — if a few cars have to sit there for 30 seconds while 1000 people come flying past on the train, that is seen as an impediment to growth in the system.

The government's approach to this is to constantly make more excuses and attempt to confuse the public

about what is really going on. In the contribution from Mr Leane we heard a very casual and sanguine approach to the current challenges facing our rail system. In relation to the government's minority report — and I think Mr O'Donohue is going to speak about that — Mr Atkinson used the word 'utopian' to describe the way the government looks at its current operation. The people who authored the minority report — not to mention the constant fronting of these failures by a range of different characters, including three public transport ministers in this government — is more akin to something from cloud-cuckoo-land. To stand up and say, 'Yes, we have a bunch of problems, but every rail system has problems' is not so much cloud-cuckoo-land as it is heading off to the day spa where people from cloud-cuckoo-land go when life has been wearing them down a bit and they need a recharge.

Firstly, the government got lucky this summer. There was not the same level of heat that we had in the early part of 2009, but when we did have stand-alone 43-degrees-plus days its performance was no better than on stand-alone 43-degrees-plus days in the earlier period. The government just got lucky with the weather. Amazingly, though, some of the causes for train cancellations during the 2010 heatwave were wholly different from the causes of the 2009 cancellations.

Secondly, growth is likely to continue, and in fact growth has to continue to untangle this city. We are talking about persistent, compounding-on-itself growth in patronage of the rail system. Thirdly, the level of coordination between different systems is, to be kind, still weak. That is not the experience of Ms Huppert when she gets off at her railway station and sees many buses running in and out of that station. Certainly wherever high-frequency services meet high-frequency services you need coordination, but for people for whom it is the only service or the last service of the night running out to the far distant reaches of their suburb, coordination is essential, and at the moment there is no mechanism to deliver it.

Anybody from either the Labor or Liberal parties who thinks it is simply a matter of managing the private operator a bit better and getting ourselves through the remaining term of this franchise should look at the history both in Victoria and in other countries where this experiment has been tried, look at the statements from Metro Trains Melbourne, which is out there promoting a doubling of patronage when in its first six months it has not even been able to run the existing timetable to an acceptable standard.

For those reasons I think the report has been very valuable. It has put on the record new information that was not available before, and it has been able to connect the dots at least somewhat for members of the public who now take an enormous interest in public transport where once they simply took it for granted. The public is going to this election understanding clearly that this government has been very complacent and has not communicated its strategy for the continued growth of public transport, and understanding that it has been offered next to nothing by the alternative government, the Liberal-Nationals opposition.

Mr VINEY (Eastern Victoria) — I would like to open by thanking the chair of the committee, Mr Atkinson, for his diligence as a chair of a select committee on a difficult issue. I believe he chaired the committee in a very professional manner, one which I have become used to from Mr Atkinson. I also acknowledge the work of the committee staff in assisting the committee.

It is worth pointing out that the government members of the committee have seen it necessary to produce a minority report which sets out our position. In the time I have been sitting here I have also noted the minority report from Mr Barber and listened to some of his comments. I am a bit disappointed at some of Mr Barber's gratuitous criticisms of a couple of government members in both his report and his comments, particularly his comments about Mr Leane and his unnecessary criticism of Ms Huppert. I believe that the government members approached this committee process with a great deal of cooperation. Even though we did not consider it an appropriate manner to deal with some of these issues, we tried to cooperate with the deliberations and considerations of the committee.

I note Mr Barber's comment that government members do not acknowledge some of the issues. I point out to him that in the minority report we say specifically in the first sentence under 'Key findings':

While the government members accept that there have been areas of underperformance in the train system ...

I do not think it is right to be suggesting, as Mr Barber has been, that the government members were not cognisant of the issues and concerned about the fact that there have been areas of underperformance and the impact on the public of those performance areas. I do not believe that in the last 60 years there has been a government in Victoria more committed to public transport, and that commitment is supported by all members of the government, including the three

government members — Mr Leane, Ms Huppert and myself — who served on this committee.

The issue of the delivery of public transport is very complex. It is probably one of the more complex areas of service delivery in government, and I have been a parliamentary secretary in several of these areas, including human services and health delivery, which are pretty complex in themselves.

The complexities of public transport are derived from the interplay of infrastructure, human need, changing human behaviour and of course the very high use of private transport arrangements in this society. One of the things that is often said about our public transport system, and particularly the train system, is that we ought to just change the timetables and increase the number of services. That does not recognise that that has an impact on all other forms of transport in the state. By way of commentary, significantly increasing the number of train services on the system will mean that, where there is no grade separation between rail and road and there are boom gates in operation, to allow the public transport to go through, the boom gates will be down a lot more, stopping the flow of private vehicle traffic more frequently.

You have to find the right balance between allowing the public transport system to operate effectively, giving appropriate priority to public transport users, and the need to make sure that there is still adequate traffic flow for private transport. Adopting the simple suggestion that we increase the number of train services could potentially result in a gridlock of private motor vehicle traffic. We need to not put a priority on either form of transport but try to make sure that there is a balance, so that we do not create a massive problem in one area of transport as a result of our decision to increase services in the other area. There is that complexity.

There are the complexities also that we need to have adequate infrastructure, and to a large degree there has been an unexpected boom in passenger patronage in the last 10 years. Mr Barber claims that that should have been predicted, and to an extent it was, but I do not think that any government would have reasonably predicted in 1999 that there would be an almost doubling of the patronage on the metropolitan train system — from 124 million passenger boardings in 1999 to 214 million passenger boardings this year. That was not predicted by anyone, and of course the difficulty has been that that massive boom in patronage, which the government welcomes — and we think it has been a great development for our city and our state — has occurred on a rail system that has been underfunded since the Second World War. In some years it was

severely underfunded and in other years it was cut back.

It is clear from the evidence given to the committee in this process that the first serious investment in the public rail system in this state since the Second World War has been put in by the Bracks and Brumby governments. That was absolutely clear from the evidence that we have had and from the objective evidence that anyone reasonably looking at the system would conclude.

We have not only had that massive boom in patronage of the metropolitan train system but there has been an equally massive boom in patronage of the regional rail system. As someone who uses that system regularly, I have seen the boom in passenger numbers in that regional system. There is a close relationship between the boom in patronage and the investment that the government has been putting into the system. On the one hand the investment is responding to increased demand and on the other hand it is creating increased demand. As you put in more services, improve the trains and the tracks, speed up the connections and improve the connections between bus and rail, then more and more people use the system. As that growth in the system has occurred, the government has been not only playing catch-up with the lack of investment for the 50 years prior to its election but also having to respond to the growth in demand.

That has seen the investment in the X'trapolis trains, the V/Locity trains on the regional system, and of course the massive investments in upgrading of track and grade separations such as the one on Springvale Road in Nunawading, where not only was there the grade separation but also a new rail station. There is the new Southern Cross station, the North Melbourne station and new stabling facilities in Cranbourne. We have had extensions of rail to the growth areas, construction of new tracks and future plans for the building of a new rail tunnel, upgrading stations — as the minister advised the house in question time — and increased numbers of staff. The investment that the government has been putting into this system is the largest investment in the rail system in Victoria's history. As I have said, it has been in response to the increased demand from passengers, but it has also been necessary because of catch-up.

Much has been made by members opposite over the last couple of years of the cost of the regional fast rail project. That project, as originally announced, was nothing compared to what was eventually done. Essentially if you have to rebuild the entire system it will cost a lot more than putting faster trains on the

system. In coming to government, we identified that the deterioration in the rail network into regional Victoria was substantially worse than we had expected to find. Only yesterday when I was driving alongside the rail track from my home in Drouin to my office in Warragul I noticed hundreds of concrete sleepers lying along the track for the latest upgrade that Minister Pakula announced just a couple of weeks ago. That is already under way and is but another example of the massive investment that we have been putting into the regional system.

As I have said to this house before, about 11 years ago I happened to be in Bairnsdale on the day that the community there hijacked the last train to come into Bairnsdale when the Kennett government announced that it was closing that rail line. It was a protest by the whole community. People were there protesting about not just the closure of the rail system but also the closure of their kindergartens and schools and the reduction of health services, so it was symbolic at that time. But just a year or so ago I was in Bairnsdale in my electorate, as part of the celebration of 10 years of the return of rail services to Bairnsdale under this government. That was as symbolic as the closure of the rail service by the Kennett government. It demonstrated the commitment of the government to regional Victoria not only in our rail services but also in improved schools, rebuilding every public school in the state, the massive rebuilding that has occurred in our public hospital system, the extensive work going into road projects and of course the fantastic boost to public transport.

We have had in this state many years of neglect of our public transport system, as the society in those years from the Second World War to the year 2000 moved very dramatically from public transport to private transport. In more recent times the society has been, equally dramatically, moving from private transport back to public transport. This government has been at the forefront of managing that return and investing in those things that the people of Victoria think are important. One of those things is our public transport system. What we had as evidence before the committee was that that investment has already occurred at a substantial rate; it is the largest rebuild and investment in our public transport system in Victoria's history. We also had evidence of the \$38 billion Victorian transport plan which, as I said, is extending rail out to growth areas, constructing new tracks to separate regional and metropolitan trains, building the new rail tunnel, delivering new trains to increase capacity, upgrading stations and providing more staff.

I conclude by making the observation that I remember travelling, as a child, on the old red rattlers on the rail system — I used to go to the footy on the old red rattlers. Those trains were on the rail system until the election of the Cain Labor government, when they were replaced. Now we have the situation where this government is replacing the old fleet with modern trains as well, with 38 new X'trapolis trains coming onto the system. It has been Labor governments that have been investing in the public transport system.

I note some of the findings in the majority report in relation to overall coordination, and I think Mr Barber made some comments on this issue as well. There has been a failure by the opposition to understand that there is a coordinating authority for the delivery of transport in Victoria. That is the Department of Transport, and particularly in relation to public transport, it is the director of public transport. That is the coordinating authority, and we do not see it as necessary to create another one.

What I think has been the most revealing element of this process is that out of all of this work, out of all of the public hearings — the days and days of public hearings — and the 140-odd pages of the majority report, there is not one recommendation to do things differently. There is not one recommendation from the opposition as to how it would do it. There is not one policy suggestion from the opposition as to what it would do with the public transport system. There are no suggestions in this report as to how things should have been done differently. There are no suggestions in this report as to how the government's policies should be different. There is not one suggestion as to how the \$38 billion Victorian transport plan should be different. There is not one suggestion as to whether there should be a new track anywhere. There is not one suggestion as to what sort of trains should be put onto the system, not one suggestion about staffing levels, not one suggestion about the investment in the upgrades to the system. There is not even a suggestion about signalling. There are no recommendations and no suggestions in the majority report from the opposition in relation to the public transport system.

All the opposition is able to do on the issue of public transport is criticise. Why would it be only in a position to criticise? Because when it was last in government it mucked it up. When it was last in government it franchised the system and within five years — I think less than five years — of it franchising the system one of the operators had walked out. One of the operators it had put in place walked out on the system under the then government's franchising arrangements.

Mrs Peulich interjected.

Mr VINEY — The opposition has demonstrated why it is still in opposition after 11 years. The reason it is in opposition after 11 years is that it has no policies, it has no suggestions, it has no recommendations on one of the most critical areas of government service delivery in Victoria. One of the most critical areas is to help people move from where they are to where they want to go through a public transport system. It has been only the Bracks and Brumby Labor governments that have been delivering and investing in those systems, and the opposition has not been able to make one suggestion. Mr Mulder, the shadow Minister for Public Transport, has not been able to make a commitment to any aspects of the Victorian government's \$38 billion transport plan, so the opposition is again caught a long way short in this area of service delivery.

On 11 June 2008 the Leader of the Opposition in the Assembly announced that he would deliver his own transport strategy for Victoria.

Mrs Peulich interjected.

Mr VINEY — Here we are today on 8 June 2010 — three days short of the two-year anniversary of that commitment by the Leader of the Opposition. Here we are today tabling a report three days short of the second anniversary of Mr Baillieu's promise to deliver a transport strategy for Victoria.

Mrs Peulich interjected.

Mr VINEY — Here was his opportunity to present at least one idea of how things should be done differently, one simple idea of how things could be done differently — —

Hon. J. M. Madden — On a point of order, Acting President, there is a lot of noise coming from the opposition bench, and I note that the opposition member is not in her place — she is in Mr Finn's place — and she is interrupting and interjecting. You have not called her to order. I would ask you to direct that if she is going to interject in such an unruly manner, she should do it from her place, Acting President.

The ACTING PRESIDENT (Mr Somyurek) — Order! I deem Mrs Peulich to be in her place; however, Mrs Peulich is starting to push it a little bit. And Mr Viney should not provoke the opposition.

Mr VINEY — I take your point not to provoke the opposition, Acting President, but it is very difficult not

to do that when making the point that we are three days short of the second anniversary of Mr Baillieu making a promise to deliver a policy. Here was an opportunity to present what he would do, here was his opportunity to make some suggestions about what he would do in government, here was his opportunity to make a submission to the committee, here was the opportunity for the shadow Minister for Public Transport, Mr Mulder, to make a submission to the committee or for any member of the opposition in this place to make a suggestion to the committee as to how the opposition would do things differently if it were in government, how the opposition would do things differently on public transport if it were in government. It has made no such submission.

One is left with the conclusion that the only reason it is not prepared to make that policy position clear to the people of Victoria is that it would do what it did last time — cut it and sell it off.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to make a contribution to the debate in regard to the tabling of the first interim report of the Legislative Council's Select Committee on Train Services. I start by thanking the committee staff — Richard Willis, Anthony Walsh and Sean Marshall — for their diligent work. I echo the comments of Mr Viney: Mr Atkinson has done a terrific job as chairman of the committee, and he has done so in an even-handed fashion.

In that vein I cannot help but pick up on some of the comments made here by both Mr Leane and Mr Viney and reflect on some of the comments made in their minority report. I thought the problems of the world were caused by the Kennett government, but now I understand they were caused by Adolf Hitler and the Japanese! The problems in our train system go back to World War II. If World War II had not occurred, there would have been more investment in 1945 and therefore the train system would not be as bad as it is now. What a joke! The second-last paragraph of page 158 of the report begins by saying:

The government members on the select committee also find that the opposition-controlled majority members — —

and I take up this point. It is Labor and the Greens that are in coalition in Tasmania; there is no opposition-controlled majority. There are three coalition members — me, Mr Drum and Mr Atkinson — three government members and Mr Barber. The committee is not controlled by the opposition. The minority report continues by saying the majority members:

... failed to recognise the responsibility of successive governments to adequately invest in Victoria's rail system between 1945 and 2000 ...

If only Adolf Hitler had not invaded Poland, we would have a better transport system. If only the Japanese had not bombed Pearl Harbour, we would have a train system that actually operates. If only Adolf Hitler had not taken over France and the rest of Western Europe, we would have a train system that operates properly. It is not the fault of the Kennett government; it is the fault of Adolf Hitler, the Japanese and successive governments from 1945. I have often reflected in this place that I was in school when the Kennett government came to power and I had just finished university when it lost power; I was not even a glint in my father's eye when the Japanese bombed Pearl Harbour or when Adolf Hitler invaded Poland.

Mr Viney — I do not think verballing is actually a point of order, but what I would say is that the member is completely off the topic talking about Adolf Hitler and the Japanese in response to my saying there has been a lack of investment since the Second World War. I think it is a little bit rich.

The ACTING PRESIDENT (Mr Somyurek) — Order! It is not a point of order.

Mr O'DONOHUE — The substance of the government's minority report and of the assertions we have heard today has been that there are problems with the system, the problems are longstanding, going back to 1945 — I note that we did not receive evidence about the Second World War; the government members obviously drew their own conclusions about this — and are the fault of successive governments. The government has said, 'That is just the way it is. The system is complicated; we are doing the best we can, and one day in the future — one day when the transport plan is implemented, when we invest that money we promised two years ago or 18 months ago now — the problems will be resolved'. The government suggests there will be a Utopia — Mr Atkinson referred to this — and all the problems of the system will be fixed.

I put it to you, Acting President, and to the house that the comments and the minority report of the government members show an absolute disconnect from the evidence that the committee heard and from the everyday reality of commuters who get up at 5.30 a.m. or 6.00 a.m. so they can drive to an outer suburban train station, get a car parking space before the car park is full at 7.00 a.m., get on a train and stand for 45 minutes, squashed in like sardines, as the train goes to Melbourne. The government seems to think 45 minutes is an acceptable length of time for people to

be standing on a train. This also demonstrates the government's disconnect from reality and from the evidence we heard.

The committee made a number of recommendations in the report. I note that notwithstanding the commentary from Mr Viney and Mr Leane, the government accepted most of the findings of the committee. In summary, the committee found that the train system is stressed, that it is pushed to its absolute maximum, and that when something goes wrong the system can fall apart. We saw that on Oaks Day 2008 and we saw that with the summer air-conditioning issues that are discussed extensively in the report. We found that the system is at breaking point. If something goes wrong, the system can collapse.

One of the other problems we saw — and the Oaks Day example demonstrates this very well — was that if something in the system goes wrong, the contingency planning is not up to scratch and does not adequately deal with the issue that has presented. Oaks Day was some time ago, but I think it was just last week on the Frankston railway line that commuters were stuck on the train for 90 minutes after an incident. They did not know what was going on and were stuck standing for 90 minutes, which can be very difficult if you are elderly or have other issues. It is not good enough.

The contingency planning is not good enough. The Premier said that we will notice a difference with the appointment of Metro Trains Melbourne from day one. We have not noticed a difference from day one, and that underlines the government's clear misunderstanding of the problems associated with the system. The fundamentals of the system cannot cope. The basic infrastructure investment has not been made. The operator, whether that is Connex or Metro, can only deal with the assets it is given. Metro has been given a run-down system, an overstressed system, a system that cannot cope with the demands placed upon it, and it can only do its best.

This report is a good one. It brings to the fore much of the evidence that was presented before the committee. I thought I had heard it all when I heard the government say the problems of the world were caused by the Kennett government; I did not realise that the problems of the world and the problems with Victoria's rail system go back to 1945! It is time this government took responsibility for its decisions or its lack of decisions. It is time that we invested and had a better public transport system. I commend the report to the house.

Ms HUPPERT (Southern Metropolitan) — I want to make a few brief comments on the report of the Select Committee on Train Services. I start by thanking those who made submissions to the committee and who appeared before the committee as witnesses. They provided the committee with a variety of views on the causes of underperformance in the train system and on possible ways of improving performance. I would also like to thank the staff of the committee, who assisted ably with receiving submissions, managing the public hearings and producing our reports. I would also like to thank Mr Atkinson, the chair of the committee, for his work and — as previous speakers have commented — the fair manner in which he chaired the committee.

As pointed out by Mr Leane and Mr Viney, the establishment of the committee was part of a political process and not a genuine investigation. Despite this, the government members of the committee took an open approach to the evidence that was received by the committee and found that there had been some underperformance by the train service, both metropolitan and regional, over a number of years. We found that the main reason for this was the massive patronage boom on both metropolitan and regional rail systems. There are a number of different reasons for this patronage boom, which have been referred to by previous speakers here today. I also point out that one of the main reasons for the increase in patronage over the last few years has been the fact that this government has returned many regional rail services which were cut by the Kennett government.

The minority report pointed out that the train service has suffered from a lack of spending in infrastructure by successive governments over many years. Although Mr O'Donohue referred to this in his rather fanciful contribution here this afternoon, it is clear that for a number of years there has been no infrastructure contribution. Like Mr Viney, I remember travelling to school on red rattlers. I remember when those trains were replaced, and I am now pleased to see that new trains are coming on to our system.

The committee was presented with evidence that the increase in infrastructure spending has come only with the Bracks and subsequent Brumby governments. It is this government which is spending on train services. In particular, the committee heard evidence that referred to the introduction of 1734 new weekly services since 1999 — 1099 of which have been added since 2004. A series of other infrastructure improvements are listed on page 156 of the minority report.

The minority report also disputed a number of the findings set out in the report that has been tabled today.

They are listed on page 157 of the minority report. Mr O'Donohue in his contribution seems to have confused findings with recommendations. The findings were about the current state of the rail system, and in part they were about what this government is doing in terms of investment into the rail system, in particular the \$38 billion Victorian transport plan. The government members disputed a number of findings, and they are listed in the minority report.

The committee heard plenty of evidence that the Victorian transport plan is one for the future; it is not just about planning for trains but it is about planning for transport in a way that is coordinated with land-use planning, which is something that will make a big difference to those Victorians who are living on the outer edges of our city. We heard today during question time the Minister for Public Transport talk about new stations in the urban growth areas. We have heard the Minister for Public Transport talk about the new train timetables, which will increase the punctuality and reliability of passengers coming in on the Caulfield group of lines. These are just a few examples of the way in which this government is taking action to address the issue of crowding on our railway system.

In conclusion, I would like to point out that the government's plan is one for improving the reliability and effectiveness of our railway system. The opposition has not made any recommendations or any suggestions as to how this can be done. It has no policies or recommended solutions that will lead to any improvement in the system. The committee was controlled by the opposition, which had a majority of members. That opposition control was evident — and Mr O'Donohue has forgotten this — when there was a deadlock, because the chair, who is a member of the opposition, was able to exercise his casting vote. That constitutes control of the committee.

Opposition members failed to adequately recognise the responsibility of successive governments to invest in the rail system over a number of years. They attempted to make out that this failure was the responsibility of the current government. They ignored evidence provided to the committee about the largest investment in the rail system in Victoria's history, made no findings about this massive investment and made no practical recommendations for any change or investment that would lead to service improvements. I suggest that members read the minority report as it contains some important information about our train system.

Mr DRUM (Northern Victoria) — I start my contribution to the debate on the report of the

Legislative Council Select Committee on Train Services by reiterating a point that was put forward by Mr O'Donohue. It is absolutely ludicrous to say that somehow or other the opposition had the numbers or dominated this committee. There were three members of the government, three members of the coalition in opposition and Mr Barber, a member of the Greens party, who was there looking at each of the issues and making up his own mind. He neither sided with the government nor with the opposition; he simply made up his own mind on each individual issue. I must admit that Mr Barber brought substantial knowledge to the process and his interest was genuine. His ability to look at these issues on their merit was a credit to the way he conducted himself.

This whole process was well organised and run by Mr Atkinson as the chair. He made sure that politics stayed out of the process; he made sure that the witnesses were well respected; he made sure that the members of the committee were well behaved; and he made sure that politics were kept out of the questioning. The interrogation of any witnesses and the teasing out of the facts was done along the lines that we needed to get to the bottom of the investigation into why we have had such poor outcomes in our train system over the last few years. In no way was there any coalition of the Greens, The Nationals and the Liberal Party. It did not happen that way. For the government members to suggest that there was a coalition is deceitful; it is clearly wrong and inaccurate. We need to put that on the record. Each and every issue and each and every witness's evidence was handled in a manner which was commensurate with the nature of that evidence. We need to be very clear about that.

Government members also talked about the fact that we did not put up any recommendations, but we did come up with an extensive list of findings. I do not necessarily think it was the job of the committee to offer a whole range of government policy recommendations. We have acknowledged that there was a whole range of findings. If the government wants to read those findings and work its way through them, I am sure it will be able to come up with some policies to overcome those issues. More importantly, we found that:

The committee believes the root cause of this failure —

that instigated the inquiry was the lack of —

strategic planning and investment, despite growth being part of the original franchise agreements and the Victorian government's policy commitment of 20 per cent of mechanised trips on public transport by 2020.

The evidence was very clear that when the government signed those franchise agreements and looked at where it was going to go in the near future, the growth we had experienced was factored in. In 1999 it was factored in, and the government knew that if it were going to achieve the targets, then the growth that we experienced was always going to be experienced.

The claim that goes right through the departments, departmental staff and the government, time and again, that, 'We are a victim of our own success, we are a victim of unprecedented growth and we have been caught on the hop because we have become so popular' is a pack of lies and we need to accept that. Again, looking at the evidence we received, for the government to suddenly claim that we have unexpectedly been ambushed by a whole raft of public transport travellers is clearly not right. The government knew, wholeheartedly, what would happen.

It was clearly pointed out that there was no single reason as to why there was that extent of patronage growth. There was a very strong correlation between the significant increases in petrol prices going back to approximately four to five years ago and a very significant increase in public transport patronage. At the same time there was an extensive population increase in this state. Those people had to get to work somehow. Again there was also a very strong correlation between the increase in population growth in metropolitan regions and the increase in public transport patronage. Public transport has picked up this patronage, and with that came further delays.

The government said public transport has had trouble with dwell times, which has added to the problems. Evidence upon evidence, witness after witness, it keeps coming back to the fact that the government has been caught on the hop, saying one thing but effectively being too slow to get its plan into practice. I am not suggesting at all that this is a simple process of just ordering a couple of trains and having them turn up next month. However, it is part of the skill and credibility of being in government to be able to get the job done.

We need to acknowledge that it is a very serious service industry. There is a long dwell time period from the time you order a train from Poland, from the time you put the order in, to the time it turns up here. However, when the system is choking at the seams, when members have constant emails and the phone never stops ringing because people are stuck in traffic and cannot use public transport because trains have been cancelled, they want to know what in the hell you are

doing in Parliament, what is going on — and that is when you hear excuses from the government.

The driving factors towards conducting this inquiry no doubt centred around that horrendous Christmas and summer heat of 2008–09, and that included the Oaks Day fiasco and a number of cancelled trains. It was extremely concerning for me to hear the evidence in relation to that three to four-month period and the extreme number of train cancellations. We heard that the issue was not so much mechanical or maintenance problems with the trains, but that Victorians were effectively being penalised as a result of an ongoing, behind-the-scenes rift between the then operator, Connex, train drivers and the transport union. The unions were responsible for up to 80 per cent of all the cancellations we had in that four, five or six-month period.

By the time this evidence came to the committee the government was saying its issues had already been put to bed. After the event it was effectively telling us, 'We had a bit of a rough time back there when the unions were holding us to ransom. We were not able to give the union what it wanted. It had no legal means to go on strike because we had an agreement. The union decided to keep putting the trains into the sick bay and refused to put them into service. Up to 80 per cent of the services that were cancelled involved bogus claims'.

This is the type of process that is going on behind the scenes with this government. Victorians are totally in the dark and Parliament was totally in the dark. We were led to believe this was about the poor state of our trains, the poor state of our infrastructure or the poor state of our air conditioners, which is another issue. In that prime period when the performance of train services in metropolitan Melbourne, with the flow-on effect into the regions, was so bad that we had to have this inquiry, it was unknown to everyone that the driving aspect behind 80 per cent of those cancellations was bogus union claims. That was effectively the evidence given to us.

We have all heard about the events of Oaks Day two years ago and how those problems were primarily caused by ageing infrastructure. We have also heard how a series of failures set off a concertina effect which caused other problems and further delays. The processes that should have been put in place to protect patrons' safety were not put in place on Oaks Day, and an unbelievably dangerous situation developed where commuters took it upon themselves to jump off stationary trains and walk along railway tracks because they thought that was the best way to get home on what

was an extremely hot day and a day on which the implementation of contingency plans did not occur.

The committee also heard evidence that the braking systems installed in the Siemens trains are not appropriate for Melbourne's metropolitan railway network, which has caused some concern about trains skidding past railway stations. The Siemens trains seem incapable of braking consistently when they are supposed to brake and stopping where they are supposed to stop.

Faults with air conditioners on trains have been the cause of many cancellations and delays. A situation developed where the government blamed the operator and the operator blamed the government. Everybody blamed everybody else, but the commuters were the ones who were stranded on railway stations as their trains were delayed, cancelled or postponed. The committee was able to flush out that the installation of air conditioners on trains is the responsibility of the state government and once those air conditioners have been installed on trains it is up to the operator to maintain them. An opportunity now exists for the government to step up and replace many air conditioners that do not work in all conditions and which are unable to be used in periods of peak heat during the year. We heard evidence that once temperatures reach 32 degrees Celsius the air conditioners become unreliable. Why on earth are we using these sorts of air conditioners during Australian summers?

A similar situation exists because of the use of timber railway sleepers. During the collecting of evidence comparisons were drawn between the tracks used on the Western Australian rail system and those used in Melbourne. In Western Australia hundreds of kilometres of new tracks have been laid in recent years using concrete sleepers, which have proven to have far greater resistance to extreme heat than red gum sleepers. The buckling that occurs on Melbourne's railway tracks during periods of extreme heat is due to the predominant use of red gum sleepers in our system, which is one of the reasons Victoria needs dual summer timetables. Members of the public are never sure what V/Line timetable they will be forced to abide by. On some occasions trains run to the normal timetable, but if temperatures rise above a certain point, all of a sudden in the middle of the day V/Line services can swing to a reduced-speed timetable, which throws everything out of whack, particularly when V/Line trains miss their windows of opportunity to move through the metropolitan system efficiently. That is what causes the problems we have experienced over the last few years.

Metropolitan train commuters endured a poor standard of service delivery during the 2008–09 summer, and we all know that that poor standard was due to union disputes with the operator of the system, Connex, even though a memorandum of understanding had been signed between Connex and the union that resolved that both parties would work around the problem.

Coalition members are hopeful that the regional rail link will separate the regional rail systems from the urban systems for three of our five tracks. We are looking forward to that development because it will be a major improvement in V/Line's ability to deliver on-time services.

The performance of V/Line services on the Bendigo line has been horrendous. My constituents continually let me know that only once in 32 months has the target of 92 per cent punctuality been met. For a train to be considered 'on time' it can be up to 6 minutes late, and within normal operating schedules there is time when trains can make up time that they have lost. Even when they get out of Melbourne slightly behind schedule they have an opportunity to regain time. In that context it is unfortunate that that rail service cannot reach its target of 92 per cent punctuality. Victoria has a very poor record in this regard.

I appreciate the way in which the committee conducted its hearings. It is a shame that the government members of the committee have opted to present a minority report, because doing so sends the wrong message. Government members would have us believe that everything is okay and the situations that have developed are not their fault. They say, 'We are acting quickly enough and we have got it under control', when the evidence clearly tells us that the situation is not under control.

If we want to take this city into the future with a world-class public transport system, we need significant changes. We need a raft of improvements that it seems the government is not prepared to work towards. It is very simplistic for the government to say things are all okay and are all part of the plan. We all know that the Victorian transport plan is predominantly unfunded. If Victoria keeps this government, we will continue to have headaches. The report of the committee is a wake-up call for the government. It certainly means that we have to look at the findings very carefully. Evidence was gathered from many witnesses and experts in the public transport field.

We need to make sure there is greater integration of the various services — buses, trains and trams. We heard of some ridiculous situations in which lack of integration

means that train travellers are stranded at train stations only 2 or 3 minutes after a bus has pulled out. We need to genuinely work on integrating the links between different modes of transport so they operate together over the whole city.

It is a pleasure to speak on this report, because it was a fulfilling duty to serve on this committee. The evidence gathered is extremely useful and valid, and I look forward to the next stage of the committee's inquiries where we will move on to consider the impact on services as a result of the purchase, operation, implementation and oversight by the government of the myki ticketing system, including an examination of the performance, costs and integration of the system. It will be interesting to investigate how that has been handled from its inception to the present day and how it progresses into the future.

Motion agreed to.

DRUGS AND CRIME PREVENTION COMMITTEE

People trafficking for sex work

Ms MIKAKOS (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms MIKAKOS (Northern Metropolitan) — I move:

That the Council take note of the report.

In doing so I would like to make some remarks about this very important report. I would like to begin by expressing the sentiment that I am sure most members of the Victorian public would be shocked, as I was when participating in this inquiry, to learn that sex trafficking is occurring in our state. Sex slavery and people trafficking is a heinous violation of human rights that requires attention and I am very pleased that the government saw fit to give a reference on this issue to the Drugs and Crime Prevention Committee.

Evidence before the committee suggested that Melbourne is second only to Sydney as a destination for sex-trafficked victims. There is a lack of research to quantify the extent of sex trafficking, although evidence presented to the committee from non-government organisations (NGOs) such as Project Respect

suggested that it has been underestimated and is a growing phenomenon.

I note that in evidence presented to a commonwealth parliamentary inquiry conducted in 2004, Project Respect claimed that up to 1000 women in Australia might have been trafficked at any given time. Evidence was presented to the committee that trafficked women — and I should point out that overwhelmingly they are trafficked women and not men — are reluctant to report their situation to authorities for fear of being deported or for fear of repercussions from their traffickers.

A considerable amount of research has gone into looking at the issues canvassed in the report in relation to international experience and trying to quantify the extent of the problem internationally. The report concludes that international research has found that the number of people trafficked and the number of prosecutions has been increasing between 2003 and 2007. The report also tries to quantify the extent of the problem in Australia and concludes that the real extent is unknown and debatable. Different points of view were presented to the committee about the extent of this problem.

The committee heard evidence that the women who are trafficked into Australia predominantly come from South-East Asia, in particular from Thailand and South Korea and, to a lesser extent, China, Indonesia, Malaysia and the Philippines. While I acknowledge the debate about the number of women who are being trafficked into Australia and into our state, it is my contention that if only one woman is being trafficked into our state for the purposes of sex slavery, that is one person too many.

This is a very serious issue and the experiences of the victims speak very strongly. For this reason I would like to read parts of a quotation entitled 'An open message of thanks to the Justices of the High Court of Australia' on page 36 of the report. It was a statement made by trafficked women in response to the High Court decision in the case of *The Queen v. Tang*, the Wei Tang case, which remains the leading Australian case on sex slavery and sexual servitude. I will read from that statement:

What happened to us was a nightmare. We can never forget. It comes back to us in dreams. This will affect us till we die. It has changed us.

We were treated very badly. We worked from 11.00 a.m. to 3.00 a.m. or 4.00 a.m. We slept only 3 or 4 hours a night. Sometimes some of us worked for 24 hours. For four or five months, all we did was prostitution. Even when we had our period, we had to work. Sometimes we worked until we

couldn't walk. We had to work until we were very, very sick and the customers refused to take us. Only then were we allowed to rest, for one day.

Some owners were not so cruel, but even when they were friendly, they still treated us as slaves. We were made to feel like animals. Customers were violent. Some of the customers were crazy. They treated us like animals. We were sexually abused, we were dragged, we were hit. Some of us were given drugs so we could work all the time. Some of the women we know have become drug addicts and now they have to keep doing prostitution to pay for drugs.

They go on to say in their statement:

Some of us thought we could be killed. We blamed ourselves for what happened, because we had wanted to come to Australia.

This changed our lives.

This is a very strong statement and it is hard not to be quite affected by it. The report goes into issues around how women are being trafficked into Australia. It discusses the fact that coercion through abduction or kidnapping is relatively rare. Women are being deceived with promises of legitimate employment; they are being duped into believing that they are coming to Australia to work in the entertainment industry, to do dancing or stripping. Even when they know they are going into prostitution they are not made aware of the extent to which they will be indebted, intimidated, exploited and controlled.

The committee heard evidence from witnesses who work with Project Respect and who talked about the extent of debt bondage. They gave evidence that women are being indebted for amounts between \$40 000 and \$60 000 for the so-called costs in getting them to this country, which may in fact be only the cost of an airline ticket. Members might be aware that there is already a federal offence for debt bondage, but the committee recommends that an offence for debt bondage similar to the federal offence be established in Victoria to send a very clear message that sex trafficking is not tolerated in our community. We heard evidence about the complexity of achieving a successful prosecution where witnesses do not speak English or are fearful of court processes.

For this reason the recommendations that relate to the issue of victim support are really quite critical in my mind. I do not want to go into all the recommendations in huge detail. I note that recommendations 19 to 24 relate to issues around victim support and support services, because without these kinds of support services women will be reluctant to come forward. We were very fortunate to have an opportunity to meet with a lot of very good NGOs whose members are doing tremendous work in this area. We heard evidence from

people at the Salvation Army safe house based in Sydney, in particular about an appropriately funded refuge that provides very useful support to women in Sydney. I hope we can provide similar support services in our own state.

The report also addresses the federal response. The commonwealth government is the body that to date has primarily been addressing the issue of sex trafficking in our country. In 2002 the federal government became a signatory to the United Nations Palermo protocol on trafficking, which established a uniform definition of what constitutes sex trafficking. There has also been federal legislation passed in response to this issue.

In June of last year, in response to criticisms about the lack of support for victims, in particular the link between a victim's willingness to give evidence or to participate in a prosecution, the federal government reformed the victim support area, and I am very pleased it has done so. The report makes a number of recommendations relating to the federal jurisdiction. Given that we are a state parliamentary committee, we have seen fit to encourage state ministers to work with their federal counterparts to strengthen the federal regime that applies in this area. It is also very important that the federal government works at things like the millennium development goals and addressing poverty in our region, as clearly poverty is driving a lot of this in the countries these women are coming from.

The premise for the report is that the state government has a key role in the issue, given that it regulates legal or licensed brothels and the sex industry in Victoria. We heard evidence from NGOs that sex trafficked women are in both legal and illegal brothels in Victoria. The terms of reference for the inquiry did not require that we look at the broader issue of the regulation of prostitution in Victoria, but I have personal sympathy for the view that prostitution is inherently exploitative.

In preparing the report, the committee looked at the legal or regulated licensed brothels in Victoria and found there are 95 licensed brothels in the state. There was not any concrete data on the number of individual sex workers in Victoria, but the report concludes that to date all the cases of trafficked women have related to people discovered in legal brothels. It should be cause for some alarm that this is in fact occurring in a so-called licensed and regulated industry.

The committee looked at the mobility of sex workers, licensees and managers across legal and illegal brothels. Our regulators certainly need to have regard to that evidence. Currently a number of agencies are involved in regulating the Victorian sex industry. There were

some criticisms from some quarters about the confusing nature and lack of coordination of the system. The regulators include Consumer Affairs Victoria, Victoria Police and local government.

The committee has recommended that a whole-of-government unit be established in the Department of Justice to be referred to as the sex industry regulation policy and coordination unit. The purpose of establishing such a body would be to look at the close connection between sex trafficking and the legal and unregulated sex industry, and to develop strategies to deal with issues such as sex trafficking. It would have a very broad-ranging responsibility for liaising with federal and state agencies and really take a whole-of-government approach to this issue.

The Victorian system is based on a harm minimisation approach. The fact that we had evidence of sex trafficking in legal brothels suggests that currently the system is not achieving this aim. The committee heard evidence about the need, as a basis for providing a very strong deterrent, to penalise brothel owners by removing a permit if sex trafficked women have been working there, and this is picked up in recommendation 7. The committee also heard evidence relating to the need for police to be able to make spot checks in brothels, and that is picked up in recommendation 10 of the report.

The report includes a number of recommendations also on education, training and awareness. It refers to the need for people who work in the various regulatory agencies to have a greater understanding about the issues relating to sex trafficking. These are contained in recommendations 12 to 18.

There is also a recommendation to provide greater community awareness about the nature and extent of sex trafficking. I note some local councils have already adopted a system of putting up signs in brothels to warn potential customers that the women they are purchasing services from may in fact be sex trafficked. This was picked up in a bill we had before this house fairly recently, and I am very pleased to see that that system will now be in operation across the state. However, community awareness is also related to the issue of demand. The fact that the committee has been prepared to make a recommendation on potential customers knowingly purchasing the services of a sex trafficked woman is really quite significant.

Recommendation 6 recommends that:

... intentionally, knowingly or recklessly obtaining sexual services from trafficked women is criminalised in Victoria.

No-one wants to go back to the days of the vice squad and raids by police and the victimisation of victims who, in my view, are the women working in this industry, but clearly it is time for our community to begin a debate about the exploitative nature of our so-called sex industry. As I said earlier, while the terms of reference were around sex trafficking, in my view sex trafficking and the prostitution industry go hand in hand.

I note in particular that we heard evidence from Professor Sheila Jeffreys. Page 124 of the report quotes from her submission to the committee. She said:

The problem of eliminating trafficking in women for prostitution in Victoria is exacerbated by the legalisation of the industry. Legalisation creates the conditions for the rapid expansion of the industry and creates the need for the supply chain of vulnerable women through trafficking.

She went on to discuss research in other jurisdictions, and the report quotes her as having said:

... Legalisation of the prostitution industry makes trafficking in women more profitable. The European nations that have legalised have the highest numbers of trafficked women.

The report makes some references to the Swedish or Nordic model. As most members would be aware, Sweden is regarded as a very small-I liberal progressive society. Since 1999 Sweden has sought to adopt a neo-abolitionist approach to prostitution. Sex workers in Sweden cannot be penalised for soliciting or offering sex for payment but clients and procurers can be charged. Page 159 of the report states:

In Sweden, prostitution is officially acknowledged as a form of male violence against women and children and to society at large ...

Page 160 of the report further states:

In short, commercial sex work is incompatible with the official Swedish goal of gender equality ...

I am very sympathetic to that sentiment, and I am expressing some personal views about these issues, issues we did not touch upon in any considerable detail in our inquiry because they were outside the scope of our terms of reference. In my view there is some very strong evidence that suggests we need to start to look at the link between the legalisation of prostitution and the phenomenon of sex trafficking in our state.

I conclude by thanking all those organisations which provided evidence to our committee on this very important issue. I acknowledge the hard work of the staff of the Drugs and Crime Prevention Committee for their fine work, in particular Mr Peter Johnston, the

senior legal research officer. I commend the report to the house.

Mrs COOTE (Southern Metropolitan) — It gives me great pleasure to speak on the report from the Drugs and Crime Prevention Committee on its inquiry into people trafficking for sex work. We should not underestimate the work that committee staff do to produce such a report. At the outset of my contribution I put up front my acknowledgement of the enormous amount of work undertaken by Sandy Cook, the executive officer; Pete Johnston, the senior legal research officer; Dr Cheryl Hercus, the research officer; and Ms Stephanie Amir, the committee administrative officer.

This was not an easy topic to get information about. We received 18 written submissions, which were extremely important. The committee staff also came up with a comprehensive group of people for us to meet. We had meetings with people from a range of organisations including the Castan Centre for Human Rights Law, the University of Melbourne, the Coalition Against Trafficking in Women Australia, the Fitzroy Legal Service, the Asia Regional Trafficking in Persons Project, the Salvation Army, the Department of Justice, the Victorian Multicultural Commission, the Anti-Slavery Project, the Scarlet Alliance, the Urban Realists, the Samaritan House of the Salvation Army, the City of Sydney, the Australian Federal Police, the commonwealth Attorney-General's Department and the Australian Institute of Criminology.

These meetings gave us an opportunity to have a look at what is a far greater problem than most Australians would ever want to acknowledge. The committee members found that people were surprised there was such a thing as sex trafficking in this country. It would appear there are about 1000 women trafficked for sex in this country each year, and the number is growing. It is exceedingly difficult to obtain prosecutions or an understanding of what it is about, because for obvious reasons it is done in a clandestine way and the women concerned are particularly anxious about family members or about their own status in this country.

The committee found the countries of origin of these women were Cambodia, Laos and Thailand. Most importantly, there has been a huge increase in the number of women coming from South Korea because prostitution has been criminalised there and therefore these women are coming here with the specific purpose of working in the sex industry.

We also found there were two types of people coming here for sex work: those who knew they were coming

to work in the prostitution area, understanding that prostitution is legal in this country; and those trafficked through contractors in their countries of origin who believed they were coming to this country to study but then found themselves trafficked into the sex industry. As Ms Mikakos so ably said in her contribution, those who come here come with huge payments hanging over their heads. The sex and debt bondage issue is a major problem: these women have no realisation that they do not have to pay contracts to work in the brothels because you can work in a legal brothel in this country.

The committee found many of the women who were alerted to their rights were helped by the punters themselves. This is not something we would perhaps ever think of, but the men who go to legitimate brothels do not want to have to deal with women who have been trafficked. It would appear from the evidence we were given that many of these men try to help women get out of these circumstances.

It would appear that once the authorities became aware of what is going on, those running the sex trafficking move the women. The women are put onto a bus and sent off to Sydney, they work there for two months or a little more, and then they are brought back to Melbourne. It is very hard to try to make a prosecution because they are so organised and because the women themselves are so terrified. Ms Mikakos read some stories from the great deal of evidence that we heard, and they are truly tragic. This is happening not far from this very building, and it is something we do not believe should be happening in Australia at all.

There is a reason for there being fewer prosecutions than there should be, and that is that no-one really seems to want to take responsibility or at least there does not seem to be any demarcation of who is actually responsible for this. The Australian Federal Police is obviously involved, local councils are also involved and Consumer Affairs Victoria is involved. The difficulty is that no-one is quite certain who is ultimately responsible. One of the recommendations that we made is recommendation 4 on the protocols, which says:

The committee recommends that clear protocols outlining areas of responsibilities and methods of collaboration and communication be developed between relevant state agencies. This includes local councils, police, consumer affairs, and health inspectors. Protocols should be reviewed on a yearly basis to ensure that staff maintain awareness about trafficking and sexual servitude.

To make certain there is a level of responsibility that everybody can adhere to, the committee also recommended that a special unit be set up in the

Department of Justice to work in the sex industry area and particularly with trafficked women. This would give everybody very clear guidelines as to who was responsible for what, and, as recommendation 4 on protocols has suggested, a whole-of-government approach is the only way in which we can address this as a very real issue.

The committee's major concern was the health of these women. If they are in the country illegally and are too terrified to speak to people, obviously it is very difficult for them to get adequate health checks because the people who are operating these brothels do not want them to have a lot of consultation with outside people. It is very difficult.

In the past it would seem that all these women's documentation would be taken from them the minute they got into the brothels. Because of the good work of a lot of the NGOs (non-government organisations), Project Respect being one of those, now they are at least able to have their documentation. It was found that if the police did swoop and the women did not have their documentation, it was like a flag that said, 'These women are there under false pretences', and the police were able to do further investigation and would often come up with the fact that these people were being trafficked. The fact that the women can keep their passports and can at least produce some documentation is a welcome step forward, but obviously there is a long way to go.

The NGOs have done some excellent work on languages and making certain they go in on a regular basis with translators. There is a lot of suspicion and concern because many of these women are sending money home to their families and they do not want to speak about what it is that they are doing. Many of them feel ashamed about what they have been forced to do. There were some quite extraordinary stories about how many sexual acts they had to commit to pay off their debt. I do not remember what that figure is offhand, but it was an enormous number of sexual acts. They were able to keep the proceeds of the work they did on a Sunday to send home to their family, and the rest of the money was usually sent to the contractors and the people who were trafficking them.

This was a disturbing issue to work on for the committee. As I said, I think we were all surprised at the sophistication and depth of what was happening under the very noses of the authorities in this country. There was genuine concern from us and all of the people who gave evidence, either written or in person, because we really do want to address this issue and make quite certain that it does not develop into

something larger, become more sophisticated or become part of very well-organised crime and that as a community we do not allow this to take hold in our country. It is an indictment of the people who are perpetrating these crimes.

Our recommendations are very authoritative. I hope the government takes them up because we put a lot of thought into the recommendations and we believe they are very sound and very well-thought through. Once again I commend the committee's executive officers because they helped us to come to the conclusions which we did and they are a very professional group of people. This inquiry is certainly something that has opened my eyes. I encourage members to read the report so that they have a better understanding of this issue because it could be happening in their own electorates.

Mr LEANE (Eastern Metropolitan) — I very much enjoy being a member of the Drugs and Crime Prevention Committee. The executive officers and staff are fantastic and great to work with, Judy Maddigan, the member for Essendon in the Assembly, is a great chair, and all the members of this committee give very good support on the terms of reference that we are given and work together very well, no matter what political party they come from. In saying that, sometimes we are given some difficult terms of reference. I think this is probably the most difficult reference that we have received in the last three and a half years during which I have been a member of this committee.

I reiterate Mrs Coote's sentiment that attending the public hearings and listening to the evidence about people being put in these circumstances was quite distressing and depressing. One week we had two full days of hearings, one after another, and I went home very depressed about the lack of humanity associated with such evil acts. These people were forcing women from their country to another country, where they probably do not even speak the language, and into situations where they are forced to prostitute themselves for no recompense. The money that is earned by these women does not go to them. It goes to the evil people who are trafficking them from their country of birth to Australia, and it happens in our own state.

We heard evidence from the Australian Federal Police, from Scarlet Alliance, from Project Respect and from a number of organisations about this actually happening in our state; and if you sit down and think about that reality, it is absolutely horrifying.

I have two daughters aged in their early 20s, and if I put myself in their shoes and think about them being treated like this, I find it horrifying, depressing and appalling. What depresses me even more is the fact, as one of the international experts from whom we heard told us, that there is still good work we can do in this state to eradicate the situation — and we should do that — but the reality is that these evil people across our globe just move to another country where they can traffic women and get away with it.

It was a heavy duty reference, it was depressing, but this report is important because we need to identify that those sorts of cases are occurring in our state. There are some good recommendations around how we can help to eradicate this practice, and the best recommendation the committee made was to consolidate and give one authority the responsibility for prostitution, whether it be legal or illegal.

It is strange speaking to people who own brothels and hearing them talk about illegal brothels like they are a matter of fact. I always thought that if something was illegal, it was illegal and you got rid of it. However, the way this industry works is amazing. There needs to be one single authority that takes the responsibility for the operation of this industry and in so doing makes sure that it eradicates horrible practices such as people being trafficked from overseas to work as sex workers in our state. It needs to be eradicated, and someone needs to take responsibility.

I recommend this report to the house. I want to especially commend the work done by the committee staff. We, as members, were going home after the hearings feeling pretty depressed, so I cannot imagine how hard it must have been to sit down and form a report of hundreds of pages on this subject. Therefore I commend Sandy Cook and Pete Johnston, Cheryl Hercus and Stephanie Amir for their work on this report. I commend the report to the house.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 8 of 2010, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 18.

Melbourne City Link Act 1995 —

M1 Corridor Redevelopment Deed Third Amending Deed, 24 May 2010, pursuant to section 15(2) of the Act.

Melbourne City Link Twenty-eighth Amending Deed, 24 May 2010, pursuant to section 15(2) of the Act.

Parliamentary Committees Act 2003 — Government Response to the Outer Suburban/Interface Services and Development Committee's Report on the Impact of the State Government's Decision to Change the Urban Growth Boundary.

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

- Bayside Planning Scheme — Amendment C104.
- Boroondara Planning Scheme — Amendment C106.
- Brimbank Planning Scheme — Amendment C86.
- Campaspe Planning Scheme — Amendment C74.
- East Gippsland Planning Scheme — Amendment C76.
- Golden Plains Planning Scheme — Amendment C54.
- Greater Bendigo Planning Scheme — Amendments C125, C140 and C142.
- Greater Geelong Planning Scheme — Amendments C206, C207 and C211.
- Indigo Planning Scheme — Amendment C21.
- Knox Planning Scheme — Amendment C83.
- Manningham Planning Scheme — Amendment C87.
- Maroondah Planning Scheme — Amendment C68.
- Mitchell Planning Scheme — Amendment C66.
- Moorabool Planning Scheme — Amendment C55.
- Stonnington Planning Scheme — Amendment C137.
- West Wimmera Planning Scheme — Amendment C20.
- Yarra Planning Scheme — Amendment C135.

Statutory Rules under the following Acts of Parliament:

- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 29.
- Building Act 1993 — No. 32.
- Forests Act 1958 — No. 30.

Road Safety Act 1986 — No. 33.

Transport Accident Act 1986 — No. 31.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 27, 29, 32 and 33.

GOVERNMENT: PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General, dated 31 May, 2010, with attachment dated 27 September 2007, relating to production of documents:

I refer to the order made by the Legislative Council on 5 May 2010 titled *Further Demand to Lodge Various Documents and Appointment of Independent Legal Arbitrator*.

In a letter dated 27 September 2007, a copy of which is attached, I advised you that where executive privilege is claimed over documents the Legislative Council has no power to order their production to the Council. Moreover, the Council does not have the power to direct that such documents be produced to any Council-appointed official or anyone else. Consequently, the Leader of the Government in the Council is not required to comply with the Council's order and will not be producing the documents sought.

In relation to the Council's orders for the production of documents identified in the following table, I confirm the claims of executive privilege previously made in relation to those documents.

Name of Order	No. of privileged documents	Date of government response
<i>Water infrastructure</i>	1	11/6/08
<i>Renewable energy feed-in tariffs</i>	73	31/3/10 & 10/10/09
<i>Department of Transport</i>	11	11/11/08
<i>Carbon pollution reduction scheme #1</i>	112	4/6/09
<i>Clearways</i>	63	28/07/09
<i>Carbon pollution reduction scheme #2</i>	42	24/6/09
<i>Better place</i>	53	14/10/09
<i>Alpine resorts</i>	1	28/07/09
<i>Desalination Gateway review</i>	2	11/8/09
<i>Crown Casino</i>	-	1 st tranche on 11/08/09
<i>Carbon trading institutes</i>	81	11/11/09

The government is continuing to prepare its response to the *Crown Casino, Desalination Lobbyists, Working Victoria and Shine, Brown Coal Exports* and *Health Services — Integrated Performance Reports* orders and will respond as soon as possible.

Finally, I confirm that the government does not hold any documents that are relevant to the Council's *Health Services — Minutes and Agendas of Finance/Audit/Investment Committees* order.

The attachment headed 'Public lotteries licence' reads:

I have been provided with a copy of your letter dated 19 September 2007 directed to Mr Terry Moran, secretary, Department of Premier and Cabinet.

I have been requested to respond to you on behalf of the executive government. The executive government on behalf of the Crown makes a claim of executive privilege in relation to each document that would fall within the terms of the resolution of the Legislative Council agreed to on 19 September 2007.

Sessional order 21(6) purports to direct that documents ordered to be produced are to be delivered to you even where executive privilege is claimed. The sessional order cannot do that.

I have previously advised the Select Committee on Gaming Licensing in a letter dated 21 June 2007 that the powers of the Council to call for production of documents are determined by reference to those held by the House of Commons in 1855, subject to any later modifications by a Victorian act of Parliament.

In 1855, a responsible minister's claim of executive privilege over documents, particularly documents of a government department, was a sufficient reason for refusing to produce the documents to the House of Commons and its committees. A sessional order cannot alter that position, nor can a sessional order expand the power of the Legislative Council because the order is not an act of Parliament. In these circumstances, the claim for executive privilege on behalf of the Crown having been made, the documents will not be produced to the Legislative Council. I understand that the Minister for Gaming intends to certify for the purposes of the code of conduct under the Public Administration Act 2004 that disclosure of the documents for which executive privilege has been claimed would be prejudicial to the public interest, and will direct those persons having custody and control of the documents not to provide the documents to the Council.

Further, the confidentiality provisions of the Gambling Regulation Act 2003 abrogate any powers of the Legislative Council to compel a 'regulated person' to produce documents or to disclose 'protected information' where those documents or that information was obtained by the person in performance of functions under relevant gaming legislation.

All of the documents referred to in the resolution are held by 'regulated persons'; all of the documents relate to the performance of functions under relevant gaming legislation; and many of the documents also include 'protected information'. The confidentiality provisions of the Gambling Regulation Act 2003 have the same operation in relation to the Legislative Council as they do in relation to the select committee: they override and displace any power that the Council or its committee might otherwise have to require production of documents. With good reason the Gambling Regulation Act 2003 permits disclosure only if the Minister for Gaming certifies that disclosure is necessary in the public interest. The proper administration of licensed gaming requires a rigid adherence to probity requirements and in

many cases the cooperation of interstate and international law enforcement and other regulatory bodies. Clearly it would not be in the public interest to place the probity of the licence application process or the current or future cooperation of law enforcement and regulatory bodies in jeopardy by providing protected information into a non-secure environment. I have been informed that, consistent with the above position, the Minister for Gaming will not be authorising any disclosure of documents to the Council under that act.

Mr D. Davis — On a point of order, President, I note this response from the Attorney-General. The actual motion of the chamber was to seek an arbitration on these matters under sessional order 21, and it sought the assistance of the Leader of the Government in this response. The reality is that this response by the Attorney-General, whilst rejecting a number of requests for documents and so forth, is not about the matter of the Leader of the Government responding.

The PRESIDENT — Order! What is your actual point of order?

Mr D. Davis — My point of order is that this document does not deal with the order that it purports to deal with.

The PRESIDENT — Order! I have taken advice from the Clerk on the matter and he advises me that it is not really a matter for me to adjudicate on, but a matter for the house.

Ordered to be considered next day on motion of Mr D. DAVIS (Southern Metropolitan).

STANDING ORDERS COMMITTEE

Review of standing orders

Mr VINEY (Eastern Victoria) — By leave, I move:

That the Standing Orders Committee be required to review the standing orders and make recommendations for new and/or amended standing orders.

I will speak briefly on the motion. I think that it is appropriate that in each Parliament the Standing Orders Committee undertakes a review of the standing orders to consider how our operations are working and where improvements might be made. Also, in this Parliament we have had introduced some significant sessional orders that have made changes to the standing orders previously agreed by the last Parliament.

It is probably appropriate that the Standing Orders Committee goes through the process of reviewing how those sessional orders have worked and whether any of them are capable of being incorporated into the standing orders. In particular, having already

considered and recommended and reported to the house on a new committee structure for the upper house, it would be worthwhile the Standing Orders Committee considering any changes that might be needed in the standing orders in terms of our operation, our times of operation and other matters. I think members of the committee have an interest in considering a range of things, from the order of business through to matters such as speaking times. Given the experience of the Standing Orders Committee in looking at committee structures, the cooperative nature of that review and the bipartisan position that we were able to reach, I think it would be useful for us to go through a similar process in relation to the standing orders for the operation of the house. I commend my motion to the house.

Mr D. DAVIS (Southern Metropolitan) — The opposition will support this motion. There has been a tradition in this chamber that towards the end of a parliamentary term there has been discussion between the parties about changes to sessional orders. We certainly believe there is scope to make changes that are agreed by all parties, and we will make a reasonable endeavour to seek to find some of those matters. There is a balance to be struck here between the chasing of minor details to an extreme limit to tidy up the standing orders to a massive degree and sensible points being made as each Parliament goes through this experience. This time the chamber has a different nature from previous occasions. That can be sensibly taken into account and practices that have developed can be reasonably incorporated into orders where they are agreed by all parties.

We will endeavour to work our way through this in a collaborative manner. All members of the chamber may have suggestions and ideas they wish to put forward that can be worked through.

Ms PENNICUIK (Southern Metropolitan) — As a member of the committee, I am happy to support the motion. As the Legislative Council has evolved, it has certainly changed a lot since the previous Parliament, the 55th Parliament, and in the 56th Parliament it is very different. As Mr Viney mentioned, we have trialled new sessional orders. I believe some of those have worked well and could be transferred into the standing orders, but there is a range of views amongst members of the committee and no doubt amongst members of the chamber.

I agree with Mr Davis that members on all sides should put forward suggestions to their members on the committee, so that we can take them into the Standing Orders Committee and discuss those and come forward

with some recommendations towards the end of this Parliament to take us into the new Parliament.

Mr HALL (Eastern Victoria) — I add my support to the motion. This Parliament is the first elected under the current system for the election of upper house members and with that change in election system there has been a change in practices and the way the house operates. Further, after consideration, the Standing Orders Committee has suggested that a completely new committee structure should operate in the next Parliament. Therefore I think it is timely that the standing orders and the way this house operates be reviewed. I have the personal belief that there are some inefficiencies in the way the house now conducts its business. It is appropriate that that be reviewed with the opportunity for all members to have some input and make suggestions as to how we might more efficiently conduct business in this house.

I welcome this motion and encourage members to express their views via the party members who represent them on the Standing Orders Committee. This is an important change for the establishment of the ground rules for the operation of the next Parliament.

Motion agreed to.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 9 June 2010:

- (1) the notice of motion given this day by Mr D. Davis seeking the production of certain documents relating to a review of Ambulance Victoria;
- (2) notice of motion 77 standing in the name of Ms Pennicuik relating to a civilian-managed body to investigate police shootings and complaints against police;
- (3) the order of the day 16, resumption of debate on the motion moved by Mr D. Davis relating to ambulance services; and
- (4) notice of motion 64 standing in the name of Mr Vogels relating to the smart meters project.

Mr Viney — On a point of order, President, and I am doing this with genuine cooperation, I am not clear as to whether Mr Davis actually gave his notices of motion.

Mr D. DAVIS — I did.

Mr Viney — I did not hear you complete them because there seemed to be some confusion about whether you had the correct ones.

Mr D. DAVIS — The second one was knocked back, but the first one — on Ambulance Victoria — was not.

Mr Viney — Today? Are you not proceeding with the other one you were wanting to propose on documents?

Mr D. DAVIS — No. It will be put on the notice paper for moving in a later week.

Motion agreed to.

MEMBERS STATEMENTS

Chase and Tyler Robinson

Ms LOVELL (Northern Victoria) — I offer my deepest condolences to Vanessa and Scott Robinson, who have suffered a loss no parent should ever endure — the tragic deaths of their two precious sons, Chase, nine, and Tyler, seven.

This tragedy has saddened the Goulburn Valley community and shocked it to the core, and resulted in an outpouring of support for Scott and Vanessa, their family and friends. Mooroopna Primary School moved swiftly to offer immediate counselling support to students and staff affected by the deaths of Chase and Tyler. I commend the principal, Steve Rogers, on the leadership he has provided to the school community through this difficult time. Goulburn Valley Health, where Vanessa works as a financial clerk, has also been very supportive of the Robinson family and hospital staff affected by the tragedy.

The extent of the community's support is evident on social networking sites, including Facebook. A tribute Facebook page called 'RIP to the two boys of Mooroopna!' was established just hours after the news broke of the brothers' deaths. The page has attracted more than 5000 members, some friends of the Robinsons, others strangers, but all wishing to show support to the grieving parents. A Robinson memorial fund has also been established for people wishing to donate funds to assist Scott and Vanessa through this tragedy.

I commend the Goulburn Valley community on its solidarity and the support it has shown Scott and

Vanessa in this time of crisis. I extend my deepest sympathies to all those affected by this tragic accident.

Dr Geulah Solomon, OAM

Ms HUPPERT (Southern Metropolitan) — I rise to pay tribute to Dr Geulah Solomon, OAM, who passed away on 24 May 2010 at the age of 80. During her life Geulah made a significant contribution as both an academic and a leader in the Australian Jewish community. As an educator Geulah established programs for gifted and talented students and she also established courses in teaching gifted and talented students, women's studies, multicultural education and community education. Geulah also held a number of significant leadership positions within the Jewish community as a member of the Jewish Community Council of Victoria and the Zionist Council of Victoria and she was a supporter of the Jewish National Fund of Australia.

I first met Geulah in the early 1990s when I joined the National Council of Jewish Women of Australia. Geulah was president of the Victorian branch of that organisation as well as serving as national president. Following her role as national president, she joined the executive of the International Council of Jewish Women in the portfolio for the status of women. She represented the National Council of Jewish Women of Australia at the United Nations conference against racism in 2000. In 2005 she was one of two non-government organisation members of the official Australian delegation at the 49th session of the Commission on the Status of Women in New York.

She was a great inspiration to me and many other leaders with her role in the community. She will be greatly missed.

Ovarian cancer: Shine a Light fundraiser

Ms PENNICUIK (Southern Metropolitan) — Last Saturday, 6 June, I attended Shine a Light, which was a special event at the Lomond Hotel to shine a light on ovarian cancer and was sponsored by Ova2You. A host of Melbourne's finest women musicians performed at the event, including Suzannah Espie, Kerri Simpson, Rebecca Barnard, Kelly Auty, the Egan Sisters, Julia Messenger, Diana Wolfe, Tracey Miller, Sally Dastey, Sarah Carroll, Barb Waters, Heather Stewart, Andy Baylor's Blues is Poetry, Monique Brumby, Marissa Wigley and the Shine a Light House Band.

Apart from the great music — and by the way, the Lomond applied for and has had its live music high-risk conditions removed by the liquor licensing

commission, and it was clear on Sunday that they were never needed — the event was a fundraiser for Ova2You. It is a new community-based organisation dedicated to raising awareness about ovarian cancer and its symptoms, to alert young women to those symptoms before they reach the age of highest risk, to promote research into diagnosis and treatment of ovarian cancer, to lobby federal and state health authorities to increase funding for research and to support women with ovarian cancer.

The issue of ovarian cancer has been raised in this place before, but it is timely to be reminded of the toll it is taking. Every 11 hours a woman in Australia dies of ovarian cancer, and 1 in 70 women will develop ovarian cancer in their lifetime. I encourage members to support Ova2You in its important work in raising awareness of ovarian cancer.

Peter O'Rorke, OAM

Mr KOCH (Western Victoria) — I rise to pay tribute to Peter O'Rorke, OAM, one of Lake Bolac's and western Victoria's most extraordinary men. Peter died as a result of a road accident on Wednesday, 26 May 2010. Peter made an immense contribution towards the betterment of his local community and the region, and he will be long remembered.

I had the privilege of knowing Peter for many years. He was one of the region's most respected figures. This was demonstrated last Friday when over 1000 people attended his funeral; it was the largest number seen in western Victoria for decades.

Peter served on both the Shire of Ararat and the Ararat Rural City Council between 1974 and 2004. He was past president and mayor respectively on more than one occasion. He worked tirelessly on the Lake Bolac recreational committee for over 30 years, serving 10 years as president. He was a lifelong member of the Country Fire Authority and was the Lake Bolac brigade chairman and captain from 1971 to 2009. Peter's involvement with Lake Bolac Secondary College spanned 24 years, and he served on the Lake Bolac foreshore committee for over 40 years.

Peter was a stalwart of Surf Life Saving Victoria and his local football club. He maintained a lifelong interest in aviation, being a strong advocate for the retention of Essendon Airport. In 1998, in recognition of his contribution to the western Victorian community, Peter was awarded an OAM — a just recognition. He will be sadly missed. I extend my condolences to his wife, Margaret, and to his children, Megan, Simon and Anne, and their respective families.

Eastern Metropolitan Region: Koori grants program

Mr TEE (Eastern Metropolitan) — I want to congratulate the government on the announcement of \$43 000 for the local Koori community grants programs in the Eastern Metropolitan Region. These programs are about a commitment to overcoming indigenous disadvantage and improving justice outcomes for the Koori community. I particularly want to welcome the grant to the Mullum Mullum Indigenous Gathering Place in Ringwood, which will receive \$23 100 for its Deadly Leaders project to support Koori youth to undertake leadership training and become role models for their community. These programs are about helping kids build social skills, stay at school longer, get qualifications and gain employment.

The program will be organised in conjunction with the Box Hill TAFE. It is about helping the expanding young Koori community, particularly those in the 10–13 age group, who are entering high school and are in an at-risk period of their lives. The program is designed to improve numeracy and literacy, year 12 completion rates and to develop pathways to employment. It is an important initiative, and I welcome it. I thank the government and congratulate all those involved in putting together this important project.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Middle East: aid flotilla

Mrs COOTE (Southern Metropolitan) — I do not condone the killing of innocent people under any circumstances, but I am most concerned that the reporting of the deaths on the so-called ‘flotilla for freedom’ last week in the Middle East has become a one-sided, hysterical account of the incident. Where has the scrutiny been on the people who were on that flotilla? What was their motivation for being there? What were their backgrounds? What was their association with the Palestinians? Can we be certain that there were no provocateurs amongst them? Who amongst the press and international community are asking these questions?

Forgotten in this anti-Israel outpouring is the truth about Hamas bombings from Gaza on towns such as Siderot. I have seen firsthand the crude but deadly pipe bombs dropped into Israel. It is no wonder the Israelis wanted to ensure that the cargo of the flotilla did not contain material for bomb making.

It is very disturbing to see so many angry people in our streets demonstrating against the action of Israel. It is important that in our country we maintain a balance. We must remember the huge and historical contribution the Jewish community has made to our society. We should also expose Hamas for the violent regime it is. As Australians we must make certain we are balanced, objective and fair.

Plumbing industry: training awards

Ms MIKAKOS (Northern Metropolitan) — On 2 June I was pleased to present the inaugural plumbing industry training awards at an event organised by the Plumbing Industry Commission to recognise the achievements of Victoria’s plumbing practitioners in professional development and adopting greater sustainability practices.

The focus the plumbing industry now has on energy and water saving is one of the most important developments in the building and construction industry. The environmental sustainability training of plumbing practitioners is vital for driving jobs growth in Victoria’s plumbing sector. With the recent \$175 million investment by the Brumby government in the state budget for the initiative outlined in *Jobs for the Future Economy — Victoria’s Action Plan for Green Jobs*, thousands of green jobs will be secured for Victorian plumbers.

I take this opportunity to again congratulate all the recipients of this year’s plumbing industry training awards, who are: Norman Anderson of NSG Plumbing Pty Ltd for the employer’s award; Simon Wilson of Efficient Environmental Solutions for the environment award for energy; Steve Rocco of the Plumbing Trades Employees Union for the return to study award; William Lane of Air-Con-Tech Pty Ltd for the individual award; Scott Dowsett of Cook and Dowsett for the environmental award for water; the Bendigo Regional Institute of TAFE plumbing department for the innovation award; and Yu Xiong Lu of Lu’s Development for the challenge award. Lastly, the minister’s choice award was awarded to the Plumbing Industry Climate Action Centre for leading the way in sustainability.

Congratulations also to the Plumbing Industry Commission and the plumbing industry commissioner, Mr Tony Arnel, on hosting the event and for their dedication to ensure that Victoria’s plumbers have continuing access and opportunities to be inspired to undertake training beyond traditional apprenticeship studies. I wish all the recipients of this year’s plumbing industry training awards well for the future.

Peter O'Rorke, OAM

Mr VOGELS (Western Victoria) — Last week, along with more than 1000 other mourners, I attended the funeral of Peter O'Rorke, who was tragically killed in a road accident on his way home after spending time with his granddaughter at a grandparents session at kindergarten. Peter, the recipient of an Order of Australia Medal, spent a lifetime working for the community of south-west Victoria.

From a young age Peter became involved in surf-lifesaving and for his efforts was a life member of two clubs, Warrnambool and Port Campbell, not to mention holding senior positions with the sport's state and national bodies. Peter spent 30 years as a councillor for the Rural City of Ararat and the former Ararat shire, including many terms as mayor and shire president. He was a Country Fire Authority member for 52 years, an aircraft pilot for 40 years, pioneered the use of planes for fire spotting and was a director of the Australian Airports Association. He was a valuable member of the community which, after years of receiving knock-backs, delivered the all-emergency rescue helicopter for western Victoria.

Peter O'Rorke was a friend and mentor to me for many years. He was a straight shooter who told you exactly what his views were on the issues with which he was familiar. He was just as comfortable when talking to the premiers of Victoria on local government issues, rural health services or emergency services as he was when mixing with the nippers at surf-lifesaving clubs across the region. Peter is survived by his wife, Margaret, his son, Simon, his daughters Megan and Anna, and grandchildren Leopold, Darcy and Fraser. May he rest in peace.

Rosebud West: community renewal project

Mr SCHEFFER (Eastern Victoria) — I congratulate the Rosebud West community on the successful forum and dinner held on 1 June to celebrate the achievements of the Rosebud West community renewal project and to discuss next year's work plan. The Minister for Community Development, Lily D'Ambrosio, and councillors Susan Beveridge and Leigh Eustace participated in the working groups, reviewing successes and identifying further initiatives. The Rosebud West community renewal project has succeeded in devising some terrific initiatives, such as the development of the Vern Wright Reserve, and there is huge enthusiasm for the development of the community hub. The forum was delighted to hear Rosebud Secondary College singing student Olivia Fisher perform her piece the *Wetlands Song*.

Country Fire Authority: Paynesville brigade

Mr SCHEFFER — On another matter, I congratulate the Paynesville fire brigade on the 70th anniversary of its establishment, which was after the 1939 Black Friday fires. I also congratulate the brigade and the Paynesville and East Gippsland communities on the official handover of a new \$350 000 2.4C tanker. I was honoured to officially present the keys and join in the celebrations with the 75 members of the Paynesville brigade: Craig Ingram, the member for Gippsland East in the Assembly; the mayor of East Gippsland Shire, Cr Michael Freshwater; and members of the community.

The brigade was formed on 31 May 1940 as the Paynesville, Eagle Point, Forge Creek Bush Fire Association, and the equipment that was offered at that first meeting included beaters, drums, a knapsack, hand pumps and the use of two private trucks and cars. While the equipment was primitive, the fires were as ferocious then as they are today, and the brigade members of the past 70 years and the 75 current volunteers deserve our high praise and deep gratitude.

Premier: performance

Mr GUY (Northern Metropolitan) — Premier John Brumby has decided to shed the mantle of Action Man. Self-proclaimed as that title was, it is now gone and he has decided to anoint himself Mr Backflip — Backflip John Brumby. The Premier has now mastered the about-face, the U-turn, the change of heart and the backflip. He is the man who stands for everything one week and the totally opposite thing the next. He is the man who has more faces than the Flinders Street station clocks.

Let us look at Mr Backflip and his government's most recent performances. He backflipped on ending suspended sentences. John Brumby, the man who bagged the coalition's policy, decided to adopt it. He has backflipped on police numbers, bagging the coalition's promise, and then the next week adopting it himself. He backflipped on hoon drivers, despatching Bronwyn Pike, the Minister for Education, to shriek that our neighbour's car would be crushed, and then he backflipped and supported it.

Of course the biggest backflip of them all is the anticorruption commission backflip. The Premier who declared to the Parliament, 'We will not be establishing an independent commission against corruption' now unveils a Clayton's independent commission against corruption. What will be next? Will there be a backflip on wind farms policy or an urban growth backflip?

How about a backflip on allowing Labor staff to appear before the Hotel Windsor inquiry?

What is clear is that Victorians cannot believe anything Labor says. Labor governments have always been addicted to spin, but this government is addicted so completely that its members have blown away any principles that Labor ever had. No wonder members of the public are openly bagging this government. This government is tired, old, has no soul and, worse still, it stands for nothing.

National Volunteer Week

Mr ELASMAR (Northern Metropolitan) — On Thursday, 11 May, I attended as part of National Volunteers Week a function organised by Volunteers of Banyule in Holden Street, Heidelberg. I salute those volunteers. They are amazing people with fantastic skills who come from all walks of life and who are really making a difference by helping others.

Clyde Street community hall, Thornbury: opening

Mr ELASMAR — On another matter, on Thursday, 20 May, along with some of my parliamentary colleagues, I attended the opening of the refurbished Clyde Street community hall in Thornbury. This event was organised by the City of Darebin to celebrate the refurbishment of the hall, which is part of the community hub. The hub also includes a kindergarten and a community house. A grant of \$135 000 was allocated by the federal government for the renovations, and the building was officially opened by the federal Minister for Resources and Energy, the Honourable Martin Ferguson.

City of Darebin: citizenship ceremony

Mr ELASMAR — On yet another matter, on the same day I attended the evening citizenship ceremony held by the City of Darebin in Preston. As always, I was delighted to welcome new citizens to our nation's best place to be — Victoria. I congratulate and thank the mayor, his fellow councillors and the officers of Darebin council for making this event memorable, as always.

Australian Labor Party: performance

Mrs PEULICH (South Eastern Metropolitan) — Labor is great at pushing out propaganda and stonewalling, but it is very reluctant to provide answers to questions that are asked and to provide information, and it is very keen to quash dissent, hide behind public relations and propaganda. We saw a recent example of

this when a number of Labor MPs in marginal seats were reluctant to provide answers to legitimate public policy questions asked by the *Sunday Herald Sun*.

If these questions were of a personal nature about various personal behaviours and habits, it would be understandable that those MPs would be reluctant to comment, but given that they were public policy questions, it is deplorable that virtually all of those MPs refused to provide a response, including no. 14, Janice Munt, the member for Mordialloc in the Assembly. Janice Munt sits on a margin of 3.55 and is very keen to get out with the government-funded advertising. She is very keen to have photographs taken wearing hats and fluoro jackets, but loath to fess up with the truth and often reluctant to be truthful.

Recently we also saw a story about how she used children to take home pro-Brumby propaganda. These types of behaviours are condemned by local electors, and a number of the comments made about various local politicians on that website deserve to be read. I will not have the time, but I would encourage local newspapers and local voters to ask each and every member of Parliament what their answer is to questions about whether they support Christine Nixon, the introduction of the myki ticketing system or the establishment of an independent commission against corruption.

Broadmeadows justice service centre: opening

Mr MURPHY (Northern Metropolitan) — On Friday, 21 May, I attended the launch of the Broadmeadows justice service centre, which was held in conjunction with the launch of the mobile justice service centres. Three new high-tech buses, which will take information on the justice system to people in regional areas, were launched by the Attorney-General, Rob Hulls. As part of the launch those in attendance were given the pleasure of witnessing performances from the Koori Youth Will Shake Spears Aboriginal Dance Group. The Koori Youth Will Shake Spears Aboriginal Dance Group was formed in 1988. The Spears perform traditional Aboriginal dances in a traditional costume of lap-laps and possum skin belts, and they use ochre to mark their bodies with the traditional designs of their clan groups. Vibrant sounds and colours filled the room and gave a great sense of spirituality and belonging to all gathered.

The performances from the young Koori men were inspirational and performed with great pride. It was a great way to launch the Broadmeadows justice service centre and mobile justice service centres. As a community Victorian people are very fortunate to share

such a rich history with our Koori brothers and sisters, and it is great to see young Koori people promote their culture and heritage in such an enthusiastic way. I congratulate all the young people involved in this group, and I encourage all members of the community to see a performance from the Koori Youth Will Shake Spears Aboriginal Dance Group.

Further, I encourage any members of the community seeking information on the justice system in regional areas to keep an eye out for the mobile justice service centres, another great initiative of the Brumby Labor government.

Housing: Ashwood Chadstone Gateway project

Mr D. DAVIS (Southern Metropolitan) — I wish to make a statement about the Gateway project in Ashwood, a government project that seeks to build an intense housing development. Everyone supports social and public housing in the right context, but it needs to have proper community support and to go through proper planning processes with real consultation with the community, and it needs to be in sympathy with the community. The truth of the matter is that the Gateway project in Ashwood is not such a project.

I have attended two meetings held by a community group determined to seek some amelioration of that project. There is a proposal to build a seven-storey tower and 277 units within a very short distance from each other. The seven-storey building is completely out of sync with the community. At the meeting last Thursday night it was interesting that only 5 of the 65 people in the room felt they had been consulted about the true nature of the project — that is, the proposal to build a seven-storey tall tower in an area of moderate density. The Liberal candidate for the lower house seat of Burwood, Graham Watt, is fighting for his community, but Bob Stensholt, the Labor member, who is tired, slack and lazy, has allowed the planning minister to sign off without — —

Mr Lenders — On a point of order, Acting President, I take offence at the way in which Mr Davis has referred to my parliamentary colleague, and I ask him to withdraw.

Mrs Peulich — You can't take offence on behalf of another member of Parliament.

Mr Lenders — Yes, you can. Read the standing orders. It might be a change.

Mr D. DAVIS — Acting President, it is true: he is tired, slack and lazy.

Mrs Peulich — On the point of order, Acting President, under the standing order cited by the Treasurer there was a recent ruling by the President that another member could not take offence on behalf of another member in the chamber, so on that standing order he should be ruled out of order.

Mr Lenders — On the point of order, Acting President, the President's ruling was quite clear. The ruling was if the member was sitting in the chamber. I do not see Mr Stensholt, the member for Burwood in the Assembly, sitting in the Legislative Council chamber.

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order. I ask Mr Davis to withdraw.

Mr D. DAVIS — I withdraw that the member is tired, slack and lazy.

Australian International Beer Awards

Ms PULFORD (Western Victoria) — The Australian International Beer Awards were established to showcase excellence in the Australian beer industry. The awards are presented by the Royal Agricultural Society in association with the University of Ballarat and this year the awards ceremony was held on 20 May at Crown Palladium. This prestigious event is eagerly awaited each year by beer lovers worldwide. It is firmly established in the international brewing calendar and promotes the Australian beer industry to the world. The expert panel of judges awarded 16 trophies. This year there were 1170 entries received from 243 breweries across 34 countries, including Germany, the United States, the United Kingdom, Singapore, Chile and Australia.

The Premier's trophy is funded by the Brumby Labor government as part of a Food Industry for a Regionally Sustainable Tomorrow program and is part of the way we support our essential food and beverage industry. The winner of the greatly coveted Premier's prize in 2010 for the best Victorian beer was 2 Brothers Brewery of Moorabbin, with its beer called Voodoo — a very scary black beer. Voodoo is a Baltic porter-style dark lager with characteristic notes of coffee, espresso and liquorice with some alcohol warmth.

The 2 Brothers Brewery started when two brothers bought a brewery in New York, shipped it to Melbourne and set up their innovative and exciting brew house. One of the brothers, Andrew Ong, an aeronautical engineer with a passion for brewing, studied at Australia's only internationally accredited

training course in brewing science at Ballarat University. Congratulations to the two brothers, David and Andrew Ong, on their richly deserved win and for their contribution to an industry that is important to many Victorians.

BUDGET PAPERS 2010–11

Mr LENDERS (Treasurer) — I move:

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to have this opportunity to speak to the budget this evening. The budget, in its most basic form, is simply a statement of what the government expects to collect in revenue in a given year and what it expects to spend in that same year. But of course budgets, as we now consider them in this Parliament, are very different documents. In this case the Treasurer's speech on the budget runs to 12 pages and I make it a further 1086 pages of supporting documents which set out the government's vision and direction as well as its spending plans for the next 12 months and for the next four years. So it is more than just a straight statement of expected revenue and expenditure; it is a visionary document. It lays out the plans and it lays down the direction for the economy as well as for general service delivery across government.

We have seen in recent times that budgets can be important documents, especially when governments get them wrong. The most recent example of that was the week after the Victorian budget when the federal budget was brought down, announcing the new resource super-profits tax (RSPT). This has turned out to be a debacle not only for the commonwealth government that proposed it but also a major impediment for the resources sector in Australia and more generally for the Australian economy in the way in which stock markets and currency markets have reacted to the announcement of that resource super-profits tax.

We know that the federal government and others have sought to deflect the impact of this tax on markets by talking about the events in Europe, which of course have had a significant impact on markets in Australia and around the world. But it is interesting to note that the Australian market and the Australian currency have fallen further against European markets and currencies than is the case in other markets. It would seem that the reason for that more dramatic fall in the Australian currency versus the Euro has been the impact of concern within markets about the commonwealth's ill-considered and ill-designed resource super-profits

tax, the fact that it was announced without consultation and that the model is a particularly regressive one.

There is widespread concern, not only in the resources sector but also in the Australian economy more generally, about the way in which the federal government is willing to impose such measures without consultation and without appropriate consideration of how they will impact on the national economy. We have seen in that example the worst impact of a budgetary measure. This highlights why it is important that governments get budgets right when they put them together.

This is the last budget the government will bring down before the 2010 election. As such, I thought it was appropriate to look back not only at the government's performance in relation to the Victorian economy in the last 12 months but also at the performance of the Victorian economy over the life of this government. Eighteen months ago the leader of the coalition of the Liberal and The Nationals parties in the other place, Ted Baillieu, set out a five-point vision for a future coalition government. The five points were a competitive and growing economy, services that work, a safe and connected community, secure water supplies and a healthy environment, and government you can trust. Since that platform was set out 18 months ago the Leader of the Opposition has filled in the detail and is continuing to do so. It is the first point, a competitive and growing economy, that I want to direct my speech to today.

Mr Lenders interjected.

Mr RICH-PHILLIPS — I will take up some of the Treasurer's press releases in due course as we go through this presentation this evening. The first overall point I would like to pick up on relates to the government's overall stewardship of Australia's \$300 billion economy.

In question time today we heard the Treasurer's comments on last week's national account figures. Indeed last Wednesday he put out a press release about the state final demand figures. I note he has elected to use state final demand as a proxy for economic growth, which is not entirely a direct comparison, as I think he would concede. Nonetheless, he has used state final demand and he has referred to last week's Australian Bureau of Statistics figures showing state final demand growth in Victoria of 6.4 per cent for the year to March 2010 and to the fact this is the strongest in the nation. What the Treasurer does not talk about in his press release, and what he does not talk about when he refers to other statistics relating to the Victorian economy, is

the performance over the 10-year life of this government.

Mr Lenders interjected.

Mr RICH-PHILLIPS — I will come to that, Treasurer. If we look back at state final demand over the life of this government — back to 2000 — compared to the most recent figures released last week, we see the Victorian economy has been the second worst performer in the nation in terms of growth in state final demand from 2000 to 2010.

Mr Lenders interjected.

Mr RICH-PHILLIPS — The Treasurer refers to the last millennium, and it is in fact the case that this government has been in power since the last millennium. If ever the Treasurer was making an argument for change, I think he just made it. The fact is the government and the Treasurer do not talk about performance over the long term.

Mr Lenders interjected.

Mr RICH-PHILLIPS — To take up the Treasurer's most recent interjection, and I should not do that because we will be here all night, I think if you were to compare the performance of the Victorian economy in the 17 years of the Bolte government with infrastructure investment and economic growth over the 11 years — back to the last millennium — of this government, the Bolte government could well and truly stand on its record.

I turn to some of the individual sector performances over the same period, because again the government likes to trumpet the performance of the Victorian economy when it looks at year-on-year figures. But it never considers the long term. Over the long term — the 10-year life of this government back to the previous millennium — we have seen Victoria's share of the total mining sector decline by 35 per cent. We have seen Victoria's share of manufacturing decline by almost 12 per cent, and its share of national construction has declined by 13 per cent. Even in the information and communications technology sector Victoria's share has declined by 4.5 per cent, and with respect to financial services, there has been a decline of 7 per cent in its share.

When we look at the economy as a total, in 1999 — benchmarked back to the last year of the Kennett government — Victoria accounted for 26.5 per cent of the national economy, and at that time we had almost 24.8 per cent of the national population. So in 1999 Victoria was kicking above its weight. We had two

percentage points more of the share of the economy than we had of population. If we jump forward to the last annual figures available for Victoria, being the June 2009 figures, the Victorian economy as a share of the national total is now down to just 23.25 per cent and we still have 24.8 per cent of the nation's population. Victoria is now underweight in its total contribution to Australia's economic performance. I think when we hear the Treasurer talk about year-on-year figures we need to look at the long-term trends that have occurred in the Victorian economy. Over that 10-year period there has been an 11 per cent contraction in Victoria's share of the national economy.

We have heard previously the argument put forward about the two-stage, two-speed economy — that is, the reason Victoria's relative share is declining is because of the growth in the resources states. It is interesting to take the resources states out of the equation and to look at the non-resources states of New South Wales, Tasmania, Victoria and South Australia, because even excluding the major resources states over the last 10 years the Victorian economy has still declined in relative terms. In 1999, of the non-resource states, Victoria accounted for 38 per cent of the economy and 35.8 per cent of the population. Jump forward 10 years and our share of the non-resource economy is down to 36.6 per cent and our population is up to 37 per cent. Again, we have gone from a situation of Victoria punching above its weight 10 years ago in terms of its contribution among the non-resource states to a situation where our contribution to output is less than our proportion of population.

In terms of taking out the effect of population and in terms of the basic measure of standard of living — economic output per head of population — a decade ago when the coalition left office Victoria ranked second in the nation in terms of gross state product per head of population. It was second only to the Australian Capital Territory. We now rank sixth in the nation, and that is a dramatic fall in Victoria's positioning among its fellow states and territories. It is a reflection of the performance of this government when you see states like New South Wales, which has had an incredibly poor government and an incredibly poor performance over that period, that Victoria has still declined relative to the rest of Australia's states and territories.

One thing this side of the house recognises as important in this particular issue is productivity. It was interesting to hear today in question time, and at other times in debate in this place, the Treasurer criticise the opposition and the opposition leader for not mentioning jobs. I would level the same criticism at the Treasurer, because if you look at his budget speech with respect to

productivity, the word ‘productivity’ is only mentioned once and that is to say we need to have some. The Treasurer recognises we need to have some productivity, that it is worth having some productivity growth, but there is nothing in the budget speech about how the government sees the Victorian economy improving its productivity performance.

It is a matter of record that, again over the last decade, Victoria’s productivity performance in terms of output — gross state product — per worker has declined substantially. It is a lot lower under the current government than it was under the previous government. When the coalition parties were in power growth in productivity was around 2.5 per cent per annum. It has been 0.6 per cent per annum for the 10 years of this government, and more recently it has been around 0 per cent. There has been very poor performance on productivity across the Victorian economy over the life of this government, which demonstrates that although we have the headline announcements in the 1000 or more pages of the budget papers, we do not have the policy platform that is positioning the Victorian economy competitively compared not only to our peers in Australia but also to our peers in the region.

I would like to turn to the issue of business confidence and investment. In the opening remarks of his budget speech the Treasurer said:

From day one, this government made the call to invest in job securing, productive infrastructure for the benefit of all Victorians, and we have sustained that investment during the global downturn.

I would beg to differ with the Treasurer’s assessment of what the government has achieved. When the house last met and in response to a Dorothy Dix question from the government backbench with respect to business confidence the Treasurer got up and recited a number of press releases issued by various pundits and business groups among others in Victoria about business confidence and about support for this government’s budget.

It is one thing to put it in a press release, it is quite another to act on those assessments. The best test of business confidence in Victoria is not what a lobby group may say in a press release or what another group may say to the Treasurer, it is what businesses are doing with investment in this state. Again, if we take a 10-year horizon and look back at private business investment in Victoria in 1999, in 1999 Victoria attracted 25.3 per cent of all private business investment in Australia. Proportionate to Victoria’s share of the national economy, \$1 in every \$4 came to Victoria. The most recent statistics for the year ending June 2009 and

the March quarter update released last week show that that figure is now down below 22 per cent, so just on 21 per cent of total private business investment in Australia now comes to Victoria. We have gone from a situation of attracting \$1 in every \$4, to attracting \$1 in every \$5.

The Treasurer says business confidence in Victoria is high and has been sustained, but that is simply not reflected in the investment trends across Australia over the last decade. Businesses are no longer investing in Victoria at the rate they were a decade ago. What does that mean in dollar terms? In the last three years alone the difference between the 25 per cent we used to attract and the 21 to 22 per cent we now attract is \$15 billion in private sector investment that Victoria would have had if we had maintained our investment rates at the same level they were a decade ago versus where they are now, sitting in the low 20s.

Turning to some of the budget forecasts, the Treasurer has made a number of comments about suggestions made by the opposition 12 months ago that this year the Victorian economy would be in recession and the fact that those forecasts have not come to fruition. I raise this because the former and current Treasurers and the government, with all the resources of the Department of Treasury and Finance and no doubt access to the federal Treasury as well, have consistently and grossly misforecast the key economic variables in budgets prepared in the last decade.

I will run through the last five or six examples to make the case. In the 2004–05 budget the then Treasurer and now Premier, John Brumby, forecast economic growth in Victoria would be 3.25 per cent. It ended up being only 2.33 per cent. In 2005–06 the then Treasurer forecast growth of 3 per cent; in reality it was 2.6 per cent. In 2006–07 the forecast was 3.25 per cent; the actual figure was 2.7 per cent. In 2007–08 there was again a forecast of 3.25 per cent; the actual outcome was 3.2 per cent. In 2008–09, as the global financial crisis hit, the forecast was 3 per cent and the actual outcome was just 0.8 per cent. For 2009–10, which is the year in which the Treasurer criticised the opposition’s suggestion that the Victorian economy could slip into recession, the government itself forecast growth of only 0.25 per cent against what appears to be the latest forecast for the current financial year of 2.25 per cent.

With the exception of the 2009–10 year, the government has consistently overestimated economic growth in its budget forecasts by around 102 basis points. Only in the 2009–10 year would it appear that the government underestimated its forecast. It is a bit

rich for government members to come into this chamber and criticise the opposition for its forecast when our forecast was only 0.25 per cent different to the government's last year and when the government's own forecast appears to have been in error by two full percentage points. The government, with all the resources of the Treasury, has averaged an error in its forecasts of over a full percentage point. It seems a bit rich that it comes into this chamber to criticise the opposition for having set a forecast only a quarter of a per cent different to that of the government, which ultimately turned out to be 200 basis points in error.

Turning to the key metrics of the budget, budget management, in the 2010–11 budget the Treasurer has forecast that revenue will be a massive \$45.759 billion but expenditure for the year will be \$44.887 billion and the surplus will be \$871.9 million. The reason I raise this is I want to reflect on something the Treasurer said last year in his 2009–10 budget speech. Talking about the current year and the next two years beyond that, he said:

We have restrained expenditure growth over the forward estimates period.

It is worth reflecting on where we are versus where the Treasurer said we would be when he gave his budget speech last year. When he said, 'We have restrained expenditure growth over the forward estimates period', he had introduced a budget which forecast spending growth of 8.3 per cent for that budget year and spending growth of 1.5 per cent in the following years. Turning to what occurred with the 2009–10 budget versus what the Treasurer said in his speech last year, the estimates in the budget papers this year show that the government is now looking to spend \$1.12 billion more than the Treasurer said would be spent last year — that is, spending growth of 11.1 per cent year on year in a period where the Treasurer said, 'We have restrained expenditure growth over the forward estimates period'.

Over the period 2010 to 2013 — that is, the forward estimates period — comparing last year's budget with this year's budget, the government is now expecting to spend an extra \$9.4 billion. In 12 months we have raised the forward expenditure estimates by \$9.4 billion. Last year the Treasurer was saying, 'We have restrained expenditure'; this year for that same forward estimates period — out to 2013 because we are excluding the extra year we get in this year's forward estimates — the extra spending is \$9.4 billion over what was going to be a restrained expenditure period.

I say, as I have said before, that we should judge this government not on what it says it is going to do but on

what it actually does. We are seeing that trend of increasingly growing expenditure continue into the future, despite what the Treasurer said last year. Over the life of the Labor governments, from 1999 back 10 years to date, spending growth has averaged 7.7 per cent per annum. Over the last four years, though, that has accelerated to 8.6 per cent per annum. Over the forward estimates to 2014 — the latest version of the restrained forward estimates — spending growth is to be on average 3 per cent per annum; this is versus the restrained 1.5 per cent we were told we would get this year.

Not that I would doubt what the Treasurer has said, but I would again say, judge this government not on what it says but on what it does. Although we are now being told spending growth over the next four years will be 3 per cent per annum, the reality is that the lowest spending growth this government has brought home in the last decade has been 5.9 per cent. There has not been a year where the budget has grown by less than 5.9 per cent compared to the previous year, but we are now being asked to believe that for the next four years growth will only average 3 per cent, nearly half what the minimum growth has been over the period that this government has been in office.

What do these headline figures mean? They mean we are now back in an era of big government. When the coalition left power in 1999 spending by the Victorian government was a little over 11 per cent of gross state product; we are now in a situation where government spending is over 14 per cent of gross state product. That is a growth of 25 per cent in the size of government relative to the Victorian economy, and that of course has to be paid for.

We are seeing how it is being paid for — by the lack of tax reform that has taken place under this government, notwithstanding the opportunities it has had as a consequence of federal tax reform undertaken a decade ago. We continue to see and continue to hear from businesses about the impost of land tax and payroll tax. We hear from families and first home buyers seeking to enter the property market about the impact of stamp duty on property purchases. All of these are a consequence of the government failing to restrain expenditure over its 10-year life and even failing to restrain expenditure in the forward estimates, as the Treasurer committed to do in his budget last year.

I now turn to the issue of budget surpluses. As reported at page 2 of the budget speech this year the Treasurer said:

Today's surpluses are tomorrow's infrastructure. That is why — with so much uncertainty and some big challenges

ahead — the Brumby Labor government continues to budget for and deliver surpluses, making sure that we can directly fund the projects Victoria needs for the future.

I ask the house to consider what the Treasurer is saying there. He is committing the government to using budget surpluses to fund infrastructure. In budget paper 4 on page 10 we have the surpluses set out for the next four years — the budget year and the three budget estimates years. We see that for 2010–11 the estimated surplus is \$871.9 million, for 2011–12 it is \$650.4 million, increasing to \$1.387 billion the following year and then to \$1.493 billion in 2013–14.

Those figures are not inconsequential amounts of money; in fact they run, certainly in the out years, to several per cent of revenue. Yet curiously in this budget we see the Treasurer has not restored his short-lived but more meaningful target of a budget surplus of 1 per cent of revenue. The question has to be asked: why? We have instead the earlier surplus target of \$100 million.

When the government came to office and set that target in its first year, \$100 million represented 0.44 per cent of budget revenue; it is now down to 0.23 per cent of budget revenue. We are seeing that target erode in real terms over the life of this government. To his credit, and I said this last year, in the 2008–09 budget the Treasurer changed the target from \$100 million to 1 per cent of revenue, which was a more meaningful measure that reflected the fact that we had a growing budget each year, and the target should grow accordingly.

Last year that target was abandoned because the budget was expected to come under pressure as a consequence of the economic environment, and we reverted, in what was in my view a retrograde step, to the \$100 million target. We now see going forward that although large cash surpluses are being forecast the surplus target has not been restored; it remains at \$100 million and not the 1 per cent of revenue previously stated. I think members of the house and members of the public are entitled to ask why the government has not restored its higher surplus target of 1 per cent, which for this year would mean the target would be \$457 million rather than \$100 million. Why have we not had that extra \$357 million in the minimum surplus target?

The only thing this side of the house can conclude is that despite what the Treasurer says in his budget speech about using surpluses to fund infrastructure, it is the intent of this Treasurer and government to go on a spending spree before the next state election. The best example of that was the announcement a week after the budget was delivered that the government would abolish suspended sentences. This is a policy position

that the government was forced into by the coalition. It is a position that we announced. It is a flip-flop by the government. In January this year when the coalition announced it would abolish suspended sentences, the Premier came out and said, 'We can't do that; that would cost hundreds of millions of dollars'. We have seen another flip-flop — one of many — from the Premier, and the government is now saying it will abolish suspended sentences.

In the Public Accounts and Estimates Committee hearings on the budget estimates it was put to the Attorney-General that the Premier had said the abolition of suspended sentences would cost hundreds of millions of dollars and he was asked: where is the funding for that provided in the budget? The Attorney-General conceded that it was not in the budget, and he went on to say it would have to be accounted for in the budget update.

That, I might add, is at odds with what the Treasurer said in the course of an answer to a question asked in the house during the last sitting week. On that occasion he said the necessary programs and steps associated with abolishing suspended sentences had been funded in the budget. So we have a complete conflict between the answer given by the Attorney-General — and bear in mind it is his portfolio and so we would expect him to know — when he said it is not there and it would have to be funded in the budget update, and the Treasurer saying it had already been allowed for in the initiatives the government had built into its budget.

We have a contradictory position from the Treasurer and the Attorney-General as to how that announcement, which copies another coalition policy, will be funded. But what is clear, particularly from the Attorney-General's comments, is that it will come out of the surplus. It will not be put aside for the purposes of infrastructure as the budget speech suggests; it will be something that goes to fund election promises. That is why the government has not restored the higher surplus target; it wants the extra \$357 million that it would not have with the higher target in order to splash the cash around ahead of the November election.

I now turn to the issue of state debt, which the government has been embarrassed about. The opposition has consistently maintained its position with respect to state debt, and the government has been forced to respond in the budget papers this year. The issue that I touch upon is the level of net debt that will accrue in the non-financial public sector over the forward estimates period. This is forecast to reach \$31.7 billion by 2013–14.

The government likes to talk only about general government net debt — the debt within departments — and the Treasurer talks about the levels being maintained, historically at levels below that under the previous government, but he does not like to talk about debt in the global government picture which takes in the non-financial corporations. The reality is that those non-financial corporations that have borrowings through the Treasury Corporation of Victoria are underwritten and ultimately guaranteed by the state of Victoria.

It is disingenuous for the Treasurer or the government to seek to separate general government net debt from total non-financial public sector net debt when all those borrowings are subject to guarantee borrowings through the Treasury Corporation of Victoria and ultimately subject to guarantee by the state of Victoria. If one of the agencies that is outside the general government sector were to default on its debt, it would be the state of Victoria that would have to step in and honour those debt commitments. The \$31.7 billion that will be public sector debt for the non-financial public sector, as at 2013–14, is the headline figure that matters, and it is the headline figure for which ultimately the government will be responsible.

Why is this important? It is not because we believe the government is at any risk of defaulting on this debt; of course it is not. The level of debt that the government has accrued is not something on which we would expect to see any risk of default; but it is significant because of the interest cost attached to that debt. We see, in the forward estimates, that that figure is to reach \$3.2 billion. To put that in context, the \$3.2 billion that will be paid in interest by 2013 is more than the entire budget for the Victoria Police. So if this government had not incurred that debt we would be able to fund an extra Victoria Police Force.

Page 299 of budget paper 4 sets out some of the key spending in portfolio areas that the government is undertaking over the forward estimates period. We can see that the \$3.2 billion that will be spent on interest by 2013 is equivalent to what the government is spending on social security and welfare, is more than what the government is spending on housing and community amenities, and it is three-quarters of what the government is spending on the entire justice system, which is not only the police force but the courts and the corrections system.

The amount of \$3.2 billion that will be paid in interest by 2013–14 is a very substantial sum of money, and more than the government is spending in major portfolio areas. Every time we see an increase in that

non-financial public sector net debt figure we need to bear in mind the impact that is having on the capacity for the government to deliver services for the Victorian community over the longer term.

On page 52 of budget paper 2 we see what the government has been forced to describe as the Victorian government debt strategy. This is something that has appeared for the first time in the budget papers. When the Treasurer came before the Public Accounts and Estimates Committee last month he was asked by the shadow Treasurer, the member for Scoresby in the Assembly, about the Victorian government's debt reduction strategy.

Mr Lenders interjected.

Mr RICH-PHILLIPS — Although he suggested there was a debt reduction strategy in the budget last year, in fact there was no such debt reduction strategy contained in the budget last year, and indeed there is no debt reduction strategy.

Mr Lenders interjected.

Mr O'Donohue — On a point of order, Acting President, the interjections by the Treasurer are offensive, and I ask him to withdraw.

The ACTING PRESIDENT (Mr Leane) — Order! I actually did not hear the interjections so it is hard for me to judge whether they are offensive.

Mr Lenders — I withdraw.

Mr RICH-PHILLIPS — As I was saying, the issue was raised about the debt reduction strategy, and it became apparent that there was no debt reduction strategy contained in the 2009–10 budget and there is no debt reduction strategy contained in the 2010–11 budget. What we do have from the Treasurer is a box on page 52 of budget paper 2 headed 'Victorian government debt strategy' as distinct from debt reduction strategy. This debt strategy aims to:

maintain Victoria's AAA credit rating;

deliver services and invest in social and economic infrastructure to promote growth;

fund infrastructure predominantly from cash generated from operating surpluses; and

return infrastructure investment to sustainable levels.

What the box headed 'Victorian government debt strategy' does not do is set out how the government proposes to pay down the debt, particularly over the last three years. It is quite appropriate for the shadow

Treasurer to call the Treasurer on this. There is no debt-reduction strategy. The word ‘reduction’ does not appear anywhere in the strategy, and it did not appear in the budget papers last year.

Mr Lenders — You should read the graph. It is not hard.

Mr RICH-PHILLIPS — The Treasurer refers to reading the graph. I am happy to take the house to page 65 of budget paper 2, which shows the non-financial public sector net financial liabilities. We see the forward estimates out to 2014, which show that the net debt figure is not in decline; in fact it increases to \$31.7 billion in 2013–14. There is no peak figure, there is no decline in the value of the debt that is being incurred in the non-financial public sector. As I said, the Treasurer’s debt strategy box does not at any point refer to how that figure is going to be reduced.

The next matter I would like to turn to is taxation policy. The budget shows that the level of state taxation in Victoria is 4.5 per cent of gross state product, and that that level will roughly continue through the forward estimates period. What it also shows is that state taxes in Victoria are higher than the national average, have been higher than the national average since 2007–08, and will continue to be higher than the national average out to 2012–13, the forward estimates period. Since 2007–08 the government has been happy, and it will be happy through the forward estimates period, to have state taxation in Victoria higher than the national average, at 4.5 per cent of gross state product.

The government likes to talk about that not including royalties, but today in question time the Treasurer inadvertently explained why that is not relevant. He said in question time today, ‘We don’t dig things out of the ground; we rely on our people to grow our economy’. The Treasurer is quite right. We have the mining sector accounting for roughly 1.7 per cent of the Victorian economy and 98.3 per cent of the Victorian economy being non-resource. Therefore the point about royalties is not relevant to 98 per cent of the Victorian community. What is relevant is the state tax base that they pay. While it might be an issue for the Treasurer with his revenue-raising hat on to say, ‘We don’t get royalties; therefore we need state taxes’, the reality is that it is irrelevant for 98 per cent of the Victorian economy that there are not royalties included in the tax base that people are paying.

I would like to touch on two specific tax measures that are covered in the budget this year. The first is payroll tax, because the government has in this budget reduced payroll tax by 5 basis points. It will come down from

4.95 per cent of payroll to 4.9 per cent of payroll, which is a very small reduction. Again, the Treasurer likes to get up and say, ‘Under the previous government, payroll tax was 5.75 per cent of payroll, and we’re now reducing it to 4.9 per cent; aren’t we good?’.

That is only part of the picture. As usual, the government does not like to go back and reflect on the true picture over a long time. If you look at the performance of the previous coalition government, when we came to power in 1992 the payroll tax was 7 per cent of payroll. In seven years in government we reduced it from 7 per cent to 5.75 per cent. That is a reduction in seven years of 125 basis points on the rate. By comparison, this government and this Treasurer in 11 years have reduced payroll tax, with the cut announced in the budget last month, by only 85 basis points. In seven years we reduced it by 125 basis points; in 11 years this government has reduced it by only 85 basis points. At a time when we have seen enormous growth in real wages, thanks to the previous federal government, we have seen only an 85-basis point cut in the rate in an 11-year term of government.

We have seen only a very minor increase in the threshold at which payroll tax cuts in. Under the previous government, when we left office the threshold before payroll tax was payable was \$515 000; it is now, 11 years later, \$550 000. What does this mean in a practical sense? It means that in 1999 a small business that was employing people with the then total average weekly earnings of \$37 700 plus 20 per cent on-costs, would have been able to employ 13.6 full-time-equivalent employees before payroll tax was triggered. So a small business could employ 13.6 people in 1999 before it became liable for a dollar of payroll tax. Under the current regime, with the small reduction in rate over 11 years and the small increase in the threshold in that period, a business employing people at the ordinary average weekly earnings — now \$58 000 per week — plus 20 per cent on-costs, can employ only 9.4 full-time-equivalent people before they trigger payroll tax.

Under the regime that this government and this Treasurer have overseen, there has not been real payroll tax relief in the last 11 years, and payroll tax now reaches much lower into small businesses than it did under the previous government. The fact that you can employ four fewer people in a small business before payroll tax is triggered is an indictment of this government. It is also an indictment of the fact that the threshold is still only \$550 000 before payroll tax is triggered, where the national weighted average is over \$720 000, according to the last Commonwealth Grants Commission assessment of the state tax base. Despite

what the Treasurer said, indeed despite what some pundits might have said since this budget came down, we have not seen meaningful payroll tax reform in the life of this government.

The other matter I will touch on briefly is WorkCover. Firstly, I make the point that although a reduction in WorkCover premiums of 3.5 per cent was announced in the budget speech it is not a budget matter because the WorkCover scheme is outside the budget framework. At a Public Accounts and Estimates Committee hearing I asked the Minister for Finance, WorkCover and the Transport Accident Commission the basis on which the 3.5 per cent WorkCover average premium cut was introduced — whether it was a directive from government or a decision of the WorkCover board. The minister indicated that it was a recommendation from the board of the Victorian WorkCover Authority to the government that the average premium be reduced by 3.5 per cent. All I can say to that is how convenient it was for the government that the WorkCover board chose to make this recommendation right at budget time so the Treasurer could put it in his budget!

The other point I make about WorkCover premiums is that as a consequence of this reduction the average rate will come down to 1.338 per cent of payroll — that will be the average premium rate across the Victorian employer sector. Quite astonishingly we were told at estimates that as a consequence of the increase in benefits that would be paid under the Hanks package the break-even premium for WorkCover will be 1.333 per cent of payroll, so the margin between the break-even cost of running the scheme and the average premium paid by employers this year will be 0.005 per cent of payroll. That is a tiny margin between the average premium and the break-even premium, which raises the question: is this cut in WorkCover premiums a one-off sweetener before the election and can it be sustained in the year after the election? I have to say the very small margin between the break-even premium and the average premium suggests that there would be upwards pressure on WorkCover premiums if the government were re-elected at the November election.

I turn to the issue of infrastructure. In his budget speech the Treasurer said:

This year's budget invests \$9.5 billion in 2010–11 to deliver capital projects across Victoria — projects that are vital to Victoria's future and that will secure around 30 000 jobs in the next financial year.

The government has, particularly in the last five years, claimed a massive level of investment in infrastructure across Victoria. The Treasurer and the Premier have

spoken about how this government's level of infrastructure investment is so much higher than that of the previous coalition government. I would say to the Treasurer that that claim is not supported by the Australian Bureau of Statistics. The measure of public sector investment compiled by the ABS in its international accounts volume shows that in 1998–99, the last full financial year of the previous coalition government, public sector investment — it counts both state and local government because they are not disaggregated in the published ABS figures — was 2.35 per cent of gross state product. Interestingly, if you jump forward to 2008–09 — after a decade of Labor — you will see that the public sector investment by state and local government is 2.41 per cent of gross state product. Yes, it is higher than it was under the coalition, but only just — 2.41 per cent compared with 2.35 per cent. Significantly, for 8 of the 10 years between 1999 and 2009 this Labor government has been in office the level of infrastructure investment as measured by the ABS has been lower than that put in place by the previous coalition government.

The government's claim that this government is spending record amounts on infrastructure may be true in nominal terms — it is also true in nominal terms that it is collecting record taxes — but in terms of the share of the economy, the level of infrastructure investment is on par with that undertaken by the previous government, and for 8 of the 10 years it has been lower than that undertaken by the previous government.

This budget is more about announcables than it is about what the government is actually implementing. Although the budget refers to \$9.5 billion in new infrastructure projects and the Treasurer's speech actually says, 'This budget invests \$9.5 billion in 2010–11 to deliver capital projects across Victoria' et cetera, in reality it does not. Budget information paper 1 shows the true picture of when the funds are being invested. While there may be \$9.5 billion in projects announced in the budget, in reality only \$1.4 billion of that is actually funded in this budget year. For the Treasurer's speech to say, 'This year's budget invests \$9.5 billion in 2010–11' is at best misleading and at worst a downright attempt to curry favour with the voting public in November. It reinforces the view on this side of the house that the budget is more about announcables than it is about deliverables.

I turn to some examples of projects in the infrastructure program that underline the point I am making. The first I will touch on is what was described as a new Bendigo hospital. What was delivered was not what the people of Bendigo expected. When you compare the

statements made by the member for Bendigo East in the other place, Jacinta Allan, in press releases before the project was announced in the budget with what the people of Bendigo are actually receiving, you see that what they are getting is a far cry from what they were led to believe they would get — a whole new hospital versus renovations of old, existing buildings.

The figure that has been attached to this project in the budget is some \$473 million. We saw the press coverage of the Premier and the member for Bendigo East out there on site announcing the new \$473 million Bendigo hospital. In reality the budget only contains \$8 million this year in terms of a contribution towards that hospital. In the out years — the rest of the budget estimates period — it only contains around an additional \$200 million for that project. In fact \$277 million of the project is not funded in the budget period. The vast majority of the works for the new Bendigo hospital are funded beyond the budget estimates period. That did not stop the Premier or the Minister for Regional and Rural Development, who is the member for Bendigo East, going to the site in Bendigo and saying, ‘You are getting a new \$473 million hospital. The fact that you are getting only \$8 million this year is but a detail’.

Likewise, the eastern treatment plant, which is a matter of interest to Mrs Peulich and me in the south-east, was committed to in 2001 or 2002 by John Thwaites, the then Minister for Water. It is a project that still has not been delivered. In this budget it is costed at \$380 million, but to date only \$37 million has been spent on a project that was announced several years ago. Only \$190 million will be spent in this budget year, the 2010–11 year, beyond the election, and a further \$148 million will be spent in years beyond that. Despite it being announced as a \$380 million project several years ago — and the cost has escalated over the last several years so it is now pegged as a \$380 million project — to date only 10 per cent of that has been spent, only 50 per cent of it will be spent in the budget year and the rest will be spent beyond the budget. It shows that this budget is more about announceables than deliverables.

One other project in the south-east that I would like to touch on is the duplication of Clyde Road between the Princes Highway and Kangan Drive in Berwick. It is a length of approximately 1 kilometre. It has been a major concern to the people of Berwick that this project has not been delivered before now. It is something that the Liberal Party committed to in the lead-up to the 2006 election — that we would duplicate that road and put in a grade separation — but four years on this government has still not done that. The government

announced in the budget that it has yet to commit to undertake a grade separation of the railway line, but it has announced that it will spend a massive \$56 million to duplicate 1 kilometre of road in Berwick.

This raises a couple of questions. The first is about the timing for the money. We had the Premier and the members for Narre Warren North, Narre Warren South and Gembrook on site announcing, ‘We are going to spend \$56 million to duplicate this 1 kilometre of road in Berwick’. What does the budget have in it in reality? Does it have \$56 million to spend this year to do it? No, it does not; it has \$1.8 million of the \$56 million committed to that project. We have enough money in there to have an announcement, to have a sign put up, to have the local Labor members have their photographs taken with the Premier on site, but we do not have the funds in the budget to deliver the project that has been announced in this budget. Yet again it underlines that this budget is about announceables, not deliverables.

That project is of particular interest to me as a member for the South Eastern Metropolitan Region, as I know it is to Mr O’Donohue and Mrs Peulich, not least because of the figures surrounding it. In 2004 the government announced a duplication of another part of Clyde Road further south between Pound Road and Thompsons Road — it might be Ballarto Road. It is a length of 1.8 kilometres. In 2004 the government announced it would spend \$8.9 million to duplicate 1.8 kilometres of Clyde Road. For those members who have not seen it, it is a straightforward duplication. It is what has been largely a country road in an open area, and it is simply a matter of using the road reservation and laying another section of pavement parallel to the existing pavement, which is the work that was undertaken and is similar to what is required for the new \$56 million duplication of the top end of Clyde Road. The question that has to be asked is: why was VicRoads able to deliver a \$1.8 million duplication of Clyde Road in 2004 but six years later it is going to do a duplication half as long — 1 kilometre — and the cost is going to be \$56 million, six times the amount it spent six years ago?

This issue was raised with VicRoads at the Public Accounts and Estimates Committee hearing. The chief executive of VicRoads, Gary Liddle, spoke about the cost of road construction that he said has increased by 6 per cent per annum compounded over the last five or six years. That would account for roughly a 36 per cent increase in cost. A project that cost \$9 million back in 2004 should be able to be done for \$12 million in today’s terms, and yet we have a project only half that size and we are being told that that is going to cost \$56 million, more than four times the cost of what it

was six years ago, after allowing for the increase in the cost of road construction. I have to say that it simply does not add up. It does not add up to us and it does not add up to the community. Why are we suddenly seeing such massive increases in the figures that are being quoted for these projects — Mr O’Donohue has raised others with respect to railway stations — which far exceed the increase in cost that has been put forward by the responsible agency when talking about cost escalation? Where are the additional funds being committed to, and why are we not seeing these projects being delivered according to budgets that are reasonable and consistent with the projects that have been delivered previously?

There are a number of other issues that I could raise this evening. As I said at the outset, this budget is more about announceables than it is about deliverables. It is nothing if not an election budget. It is clear that the surpluses and the surplus target are designed to facilitate a last minute pre-election splash. The investment program is more about being able to announce things for Labor backbenchers in the lead-up to the election than about delivering for the Victorian community after the election. This budget is not about delivering for the Victorian community over the next 10 years, as a visionary document should be, and it is not about delivering for the Victorian community over the next four years. It is about delivering for the Labor Party over the next six months.

Mr HALL (Eastern Victoria) — I welcome the opportunity to speak this evening on the 2010–11 budget papers. To begin with, budget time is always a much anticipated and long-awaited event in the calendar year. Budgets are always preceded by much speculation and promise of great things to come, and invariably they disappoint. The 2010–11 budget was no different in either of those respects.

The budget was delivered here in Victoria almost exactly one month ago. I challenge members on both sides of the house to go out and ask their constituents what the Victorian 2010–11 budget will deliver for them. I guarantee that the vast majority of people would struggle to recall anything that was announced in that budget. I invite members to have a think about it and consider what they would hear if they walked down the streets in their electorates and asked the people what the Victorian government will deliver for them in 2010–11. I must admit that when I was preparing my budget speech earlier today I, too, had to go back and remind myself of some of the initiatives in the budget because there was not much to get excited about.

There are a couple of things, and I give the government credit for them. There is an increase in the first home owners grant for people building new houses in regional Victoria. That is a good thing, so I give the government credit for that. Yes, there are a couple of capital works in my electorate that deserve commendation. Leongatha hospital is one of them. There was a long overdue start to that, but I give the government credit for that. I can tell members that they will be scratching their heads to recall any great outcomes from this budget for the people whom I represent in Eastern Victoria Region. That is why I say that invariably budgets disappoint and this budget is no exception.

Budget papers are pretty lengthy documents. These budget papers are made up of six or seven different documents, covering about 1100 pages of material. You can see that the government has written these 1100-odd pages in a way that suits its own ends — that is, it had bundled up statistics and figures that portray this government as providing for all Victorians. You could argue that since 1999, when this government came to office — almost 11 years ago now — there have been significant increases in expenditure in probably every portfolio area. There is no doubt about that, but you have to ask yourself whether they are real increases or just nominal increases.

Members will stand up during the course of this debate on the budget papers and argue, using statistics that suit their ends. Government members will argue that there have been massive increases in expenditure on these particular items. Opposition members will invariably argue the other way and say that these increases are not real increases and the outcomes of these increases in expenditure are not delivering and meeting the needs of the public.

In terms of an evaluation of the budget, like my colleague Mr Rich-Phillips, you have to think again about what is the best way to frame your assessment of this budget. You have to decide whether you do it on a year-to-year basis and look at what was expended last year compared to this year, or 11 years ago in 1999 compared to 2010, or whether you look at outcomes. I agree with Mr Rich-Phillips that you have to look at outcomes.

Members of the government, particularly ministers, like to stand up in this house and keep parroting the line that Victoria is the best place to live, work and raise a family. Let us make that assessment after considering some of the major portfolio areas and basic needs of people in Victoria. Let us look at 11 years ago

compared with 2010 and see whether indeed Victoria is a better place to live, work and raise a family.

If we look at some of the basic needs such as shelter, for example, we have to ask: do young people today find it easier to find accommodation, and is housing more affordable in 2010 than it was in 1999? I do not think it is. Young people really struggle to get a roof over their heads nowadays. I see graphs which show an increasing disparity between housing affordability and average wage incomes. I see waiting lists for public housing on the increase. They are certainly not decreasing. With respect to shelter, housing affordability or the availability of public housing, I do not think Victoria is a better place to live.

Community safety has to be one of the major issues facing this government and the people of Victoria at the next election. Is Victoria a safer place in which to live? Do people feel more secure walking the streets at night or travelling on public transport after dark? Again, I guarantee that if members go out and ask the general public that very question, the answer would be, 'No, it is not a safer place to live'. People are very wary about walking alone after dark or travelling on public transport after dark. In some respects, they are calling for the government and the opposition to increase the level of policing in our community because they fear for community safety.

What about the basics of education? Are we better off in this state in 2010 than we were in 1999? By every measure, the answer would be no. If members look at the participation rate — that is, students who are staying on to year 12 — that simply has not improved over 11 years, particularly for country students, whose participation rate is much lower than it is for city students. Have the attainment of skills and qualification levels improved significantly over an 11-year period? Again, they have not. Do members think the outcomes for public school students — that is, their achievement levels compared with international standards — have improved over a period of 11 years? Again, the answer is, 'No, they have not'. In education, the government cannot claim that Victoria is a better place to live and raise a family.

Looking at health and the outcomes in that area, is it easier now in 2010 than it was in 1999 to get a hospital bed? Are our ambulance services more reliable, quicker and more responsive than they were 11 years ago? Are we providing better for people with mental health problems? Are we providing better for those who are carers in our community? Again, the answer to each of those questions is no. It is a sad reflection on the last

11 years that we have not improved in those essential areas.

Do we consider our public transport is more reliable now? Are we better able to get a seat on public transport today than we were 11 years ago? What about traffic congestion? Given the fact that there has been investment in freeways and roads in this state, has traffic congestion improved in the last 11 years? I have been travelling between Gippsland and Melbourne for 20-odd years and I know that in the last 11 years the travel time, once you hit the metropolitan areas, has probably doubled. The traffic congestion that we have in Melbourne is horrific.

Looking at country roads, has the standard improved? It has on some roads but other roads have had absolutely no attention whatsoever given to them over a long time. Major arterial roads in country Victoria still remain unsealed. In terms of the overall condition of roads, I do not think we can proudly claim that there has been any great improvement in 11 years.

I could go to a number of other areas such as water infrastructure, for example. Has the security of water supply right across Victoria improved in 11 years? I do not think any government member could claim that it has, particularly as we have had water restrictions every year — for how many years now? We see record low investment in water storages and precious little being done to access other forms of water in the form of recycled water or by stormwater harvesting.

How do prices of water compare in 2010 with what they were in 1999? We ought to think ourselves lucky in 2010 because in 2011, 2012, 2013, 2014 and 2015 the price of water will absolutely escalate because of poor planning for infrastructure for water supply in this state.

The same can be said for electricity, where again we see prices escalating. In the state of Victoria electricity prices have more than doubled just in recent years and we see no real long-term planning and investment in electricity production in this state.

Looking at major projects, members could ask what this government has done in 11 years and try to list those major projects. Members really have to scratch their heads when thinking about exactly what the government has done. The Melbourne Rectangular Stadium was a recent one — and the first time it rained, water leaked on all the patrons. Looking at the Monash Freeway duplication, an initiative of this government, members have to ask whether it has improved travel time. I think not.

The Royal Children's Hospital redevelopment is a great initiative, but people tell me that it is not large enough and that it will nowhere near meet demand even when it is built as a brand-new hospital.

The regional fast rail project is adding significantly improved commuting times from country areas into Melbourne; that project was nearly \$800 million over budget. Has it delivered what people expected and what this government said it would deliver? I think not.

Finally, I want to look at the IT record of this government, particularly in terms of the myki ticketing system. Does anyone reckon that government members have lived up to their promises on myki, or indeed HealthSMART, which is a complete mess? A student management system in the TAFE sector is a complete mess. You can look at liquor licensing and recent changes to arrangements for caravan parks as well. Against all those departmental portfolio areas, does anyone think Victoria is a better place to live, to work and to raise a family? The answer is a resounding no, and I think the people of Victoria would confirm that as well.

Before I turn to a particular aspect of the budget papers, I want to note another great disappointment — that is, the fact that the budget papers pay little regard to the needs of regional Victoria. At page 8 of budget paper 1, the Treasurer's speech says:

The government will release a new blueprint for regional Victoria by 30 June.

It is now 8 June, so there are three weeks to go. We wait with much anticipation to see what this blueprint for regional Victoria is going to be, because we see no provisions within this budget to provide any meaningful assistance to the development of regional Victoria — nothing at all. My colleague Mr Drum has asked the Treasurer those questions, and he has answered that initiatives for the blueprint for regional Victoria will be contained within the line items for the Regional Infrastructure Development Fund and the Small Towns Fund, for goodness sake! The hopes and aspirations of regional Victoria are bound to be devastated by this blueprint, which is supposedly to be announced by 30 June. We will hold the government to account, because I also read in today's paper that the blueprint has been running into a bit of strife and may be issued much later than 30 June. We wait with anticipation, because the budget itself delivered little for regional Victoria. The promise of a blueprint rings fairly hollow to the people I represent, and I am sure my colleagues who represent country electorates share that view.

I turn to my particular area of interest, my shadow portfolio area of skills and workforce participation. I struggle to find mention and detail of that portfolio area within these seven budget paper documents, which total around 1100 pages. I searched for detail in each of those seven documents, and the best I could come up with is on page 12 of budget paper 3, which refers to Growing Victoria Together, a government policy initiative. It states:

The government is currently implementing Securing Jobs for Your Future — Skills for Victoria, a major reform of the VET system, which will help satisfy this expected increase in demand by creating around 172 000 additional training places over four years.

I am going to come to that in a minute, but I want to have a look at budget paper 3, because it contains the only mention I have seen in the skills and workforce participation portfolio area. I draw the attention of the house to page 119 of budget paper 3 where the output summary for 'skills and workforce' lists the 2009–10 revised output figure to be \$2025 million and the 2010–11 budget figure to be \$2010 million. We are getting a decrease of \$15 million in an output measure in the area of skills and workforce participation. If this government claims to be increasing the number of training places by 172 000 over four years, how is it that it can achieve that with an actual decrease of over \$15 million in this financial year?

When I went to the budget papers in search of an answer to that particular question I found to my bemusement that my puzzlement is reinforced, because when I look at pages 128 and 129 of budget paper 3, which lists major outputs, output targets and performance measures in the areas of skills and workforce participation, I note that the annual government-funded module enrolments are predicted to decrease for this financial year — coming from \$2.78 million of government-funded module enrolments down to \$2.6 million.

I also note, for example, that government-funded student contact hours of training and further education provided is predicted to decrease from 90.7 hours down to 90 hours. The numbers for apprenticeships and traineeships completion are predicted to stay the same. The number of government-funded course enrolments in skills deepening qualifications is expected to slightly increase, from 63 500 to 65 000. In skills deepening areas we are talking about the diploma and advanced diploma enrolments in skills and workforce participation. The actual figures to date — and we are almost six months into the year — show that there has been a decrease in those enrolments in the skills-deepening areas. In terms of the claims and

predictions made by this government, I think they are way out in that area as well.

If you look at the participation rates of 15 to 24-year-olds in training and further education, you see again that the budget papers predict there will be a decrease in that training effort. It is the same for people in the age group 25 years to 64 years, where there is a decrease in training effort. Overall the total output cost again is expected to decrease.

Given I just mentioned that budget paper 3 says this government is funding initiatives designed to increase the number of training places by 172 000 over four years, budget paper 3 predicts in almost every important performance output measure a decrease in training effort. Moreover, the budget for training in the budget papers also demonstrates a decrease. It comes back to the point I mentioned before. The government said *Securing Jobs for Your Future — Skills for Victoria* was going to deliver 172 000 extra training places. On page 33 of the document released by the government it commits \$316 million in project funding for *Skills for Victoria* to achieve that objective. Just how meaningless are these budget papers when there is no way anybody can account for any of that \$316 million expenditure in any component of the 1100 pages of the budget documents? It simply does not exist.

If we look further into this document and try to understand how it is that the government can say it is going to increase training places but at the same time achieve that with reduced government expenditure, we have to look at the detail, because the devil is in the detail. Page 35 of this document shows that the government is decreasing the student contact hours paid to the TAFE colleges and private providers by over \$2 per student contact hour, so the amount paid by the government for the delivery of that training will reduce from \$9.46 to \$7.04. At the same time it is increasing the fees for diploma and advanced diploma students to \$2000 this year and \$2500 by January 2012. The net effect is that the government has reduced funding to training while expecting the individual to make up that difference. There has been a direct transfer of the cost and responsibility for training from the state to the individual. This will act as a severe deterrent to training opportunities in Victoria, rather than encouraging more training and therefore meeting industry needs and meeting the aspirations of people who are seeking to improve their vocational qualifications.

The whole *Securing Jobs for Your Future — Skills for Victoria* program is a hoax and has always been a hoax. The budget papers presented in this Parliament just one

month ago undeniably prove that is the case, because there has been a decrease in funding effort and funding commitment from the government, while at the same time government members claim it will provide for more training opportunities in the state. It will not; it simply will not.

This budget has been a grave disappointment to me. I do not think it delivers anything of any substance to the people I represent in the Eastern Victoria Region, and I will be surprised if government members can stand up proudly during this debate and defend this budget because it delivers precious little for the people of Victoria. It really was a non-event. The delivery of the budget a month ago has now passed from the minds of Victorians. They are no better off, and if they reflect upon 11 years of Labor government, they can only come to one decision: that Labor, in government, has done precious little for the people of Victoria. It is time for a change. This will be, I expect and fervently hope, the last budget this government ever gets to deliver, because it has not served Victorians at all well.

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

Debate adjourned until later this day.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Second reading

Debate resumed from 6 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to make some remarks on the Courts Legislation Miscellaneous Amendments Bill. The bill has a number of purposes: the first being to reserve the pension entitlement age for various County Court judges, the second being to ensure that coroners receive the full remuneration of a magistrate, and the third being to create the office of judicial registrar in the Supreme, County, Children's and Coroners courts. It is this last purpose that the coalition has some concerns with.

To recap, the purpose of the bill is to preserve the pension entitlements at age 60 of an associate judge who was originally appointed as a master for the commencement of the Judicial Remuneration Tribunal Act 1995 and who was subsequently appointed as a judge of the County Court, so it is making good a provision with respect to the pension entitlement of

County Court judges. The bill also fixes an error to provide that from 1 November 2009 acting coroners are to be paid the same salary and allowances as a magistrate — not just the salary provision but the allowances. The bill also creates the office of judicial registrar in the Supreme, County, Children's and Coroners courts and provides for judicial registrars to be appointed by the Governor in Council for a term of up to five years on the recommendation of the Attorney-General after receiving a recommendation from the head of jurisdiction, and it provides for judicial registrars to perform duties assigned by the head of jurisdiction or under court rules.

The coalition parties will not oppose this legislation, but we have concerns with the way the provisions relating to judicial registrars will work. To that end we propose to suggest amendments in the committee stage of this bill, and I ask that those amendments be circulated.

**Opposition amendments circulated by
Mr RICH-PHILLIPS (South Eastern Metropolitan)
pursuant to standing orders.**

Mr RICH-PHILLIPS — The concerns the coalition has with respect to the creation of the office of judicial registrar is that under the legislation a judicial registrar is determined to be a judicial officer and, according to the bill, will have most of the powers that are accorded to judicial officers — that is, judges and magistrates — depending on the rules of a particular court. With respect to the County Court, the Magistrates Court and the Children's Court, the legislation provides some restrictions on the duties and powers that can be exercised by a judicial registrar in those jurisdictions. With respect to the Supreme Court, there is no restriction under the legislation on the duties and powers that can be exercised by a judicial registrar appointed to that court, so any power that is available to be exercised by a judge of the Supreme Court could be exercised by a judicial registrar of the Supreme Court subject to the creation of court rules by, in this case, the Chief Justice of the Supreme Court.

The coalition's concern with respect to this provision is that the bill is seeking to create the office of judicial registrar as a fixed-term appointment. In other words, somebody would be appointed by the Attorney-General on the recommendation of the head of jurisdiction for a period of up to five years. Firstly, it is my understanding that the Attorney-General may receive a recommendation from a head of jurisdiction with respect to the appointment of a judicial registrar, but he is not bound to accept that recommendation as to who should be appointed as a judicial registrar. The Attorney-General, as the responsible minister, would

have the discretion to appoint a different person if he saw fit, notwithstanding a recommendation from a head of jurisdiction.

Our primary concern relates to the fixed-term nature of these appointments. The legislation prevents an appointment being made for longer than five years and will allow the Attorney-General to appoint a person on a 12-month basis, a two-year basis or on whatever basis he sees fit up to a period of five years. It is the belief of members on this side of the house that that undermines the independence of the judiciary. We have a situation where judicial registrars will be able to exercise most of the powers of judges in the respective jurisdictions, particularly the Supreme Court, with the exception of any restrictions on those powers provided by court rules, yet that person, as a judicial registrar, will be beholden to the Attorney-General for their appointment. If they are appointed on a two-year basis or on a five-year basis and they naturally wish to have reappointment, that will be at the will of the Attorney-General.

It is our view that it is inappropriate that people exercising judicial functions, as these judicial registrars will be able to do, be appointed at the whim of the Attorney-General. It is the practice in Victoria that full judges of our courts are appointed to the age of 70. Once the appointment is made by the Governor in Council on the recommendation of the Attorney-General that person holds office until the age of 70 unless they are removed. They can only be removed by a resolution from both houses of Parliament supporting their removal and that being adopted by the Governor.

The current situation with respect to judges creates a very strong independence for judges — independent from the Parliament, independent from the government — which allows them to exercise their jurisdiction independent of influence. When you seek to create a judicial registrar under this legislation with most of the powers of a judge yet beholden to the Attorney-General by virtue of the fixed-term appointment, it is our view that that undermines the independence of that office. Anyone who is recruited as a judicial registrar and wishes to continue in the role of a judicial registrar will be beholden to the Attorney-General and could be influenced to exercise their powers as a judicial registrar in a way that brings favour from the Attorney-General with respect to their appointment. It is our view that this is a dangerous practice. People exercising judicial power should be independent from government and their appointments should not be dependent upon their making decisions that are favourable or agreeable to the government.

Therefore it is our proposal that when the bill is committed we will move amendments to remove the five-year appointment provision in the legislation and provide that anyone appointed as a judicial registrar be appointed to the age of 70, as is the current case with judges.

The other aspect that our amendments will seek to pick up relates to the removal of a judicial officer. Currently, as mentioned before, in the case of a judge, if it is the will of the jurisdiction or others that a judge be removed from office other than by reaching the age of 70, then a resolution has to be passed by both houses of Parliament recommending to the Governor the removal of that judge. The Governor would act on the advice of those resolutions from both houses of Parliament. Under this legislation a judicial registrar can be removed by the Attorney-General on the recommendation of the head of jurisdiction. Again we believe that undermines the independence of a party exercising judicial office, and we believe it is inappropriate that the Attorney-General have the capacity to remove a judicial registrar who would be exercising the powers this bill seeks to confer upon them.

The second element of our amendments will be to change the removal provisions of the bill to provide that a judicial registrar can only be removed in the same way as a judge — that is, consistent with part IIIAA of the Constitution Act 1975 requiring a resolution of both houses.

We have expressed concern with respect to other legislation, particularly that which introduced acting judges, and the way in which it would operate. When that legislation came to the Parliament the position was put by the government that judges would only be appointed as acting judges on the basis they were, typically, retired judges and being brought back because a shortage existed in a court, their expertise was required and additional people were required on the bench to deal with a particular court's caseload. A former judicial officer could be brought back on a temporary basis to deal with a backlog in a particular jurisdiction.

In practice what appears to have been the case is that people who have not previously been judges have been appointed as acting judges. As such their appointment in an acting role is dependent upon the Attorney-General, and the renewal of their position as an acting judge is dependent upon the agreement of the Attorney-General. This highlights the problem we have with this particular bill with respect to judicial registrars. It puts those people in a position where their

employment in these judicial roles is subject to the continuing favour of the Attorney-General. We had concerns about that with respect to acting judges and the fact is a situation has arisen where people who are not former judicial officers are being brought into the judiciary. The fact of barristers and solicitors being appointed in acting roles to the judiciary just highlights our concerns with the way in which the judicial registrar provision could be exercised under this legislation. It is our belief that the independence of the judiciary should be maintained, and the fact is these judicial registrars will apparently be able to exercise judicial functions as laid down under the bill, particularly with the Supreme Court.

I accept that with the Children's, the Coroners and the County courts there are certain constraints on the powers that a judicial registrar can exercise. That does not appear to be the case with the provisions relating to the Supreme Court. The bill provides that any power of the Supreme Court can be exercised by a judicial registrar. It includes all judicial decision-making powers save and except for those that are excluded by way of court rules, which may be made after this legislation is passed, and we have a concern that a person with the capacity to exercise those powers will also be subject to appointment and reappointment by the Attorney-General.

While we do not oppose the legislation, we believe that independence should be maintained for the judicial registrars who will be exercising these powers, and accordingly we will seek to amend the bill in the committee stage to ensure tenure is provided for judicial registrars as it is for judges and to provide that the removal of judicial registrars be put on the same basis as it is for judges.

Mr TEE (Eastern Metropolitan) — In the moments available to me I welcome the bill as a small but significant step in the modernisation of our courts. It is another small but significant step as we continue to transform the way our courts operate. It is about making sure the courts are there to serve the communities that fund them. It is about opening up our courts and making sure they are community courts. As Mr Rich-Phillips indicated, at its core the bill is really about creating judicial registrars. It is worth noting that the bill came about as a result of consideration by the courts; it is very much the courts that have driven this reform. It was the courts that asked the government to introduce judicial registrars so judges could be freed from the more mundane work that traps them and stops them from dispensing justice.

In answer to Mr Rich-Phillips's assertion, judicial registrars are not judges; they do not do the work of judges. They assist judges, but they are supervised by judges. They are a tool to free up judges so they can deal with the work of judging — so they can do more cases more quickly. It is about access to justice, but it is about access to courts by allowing judges to deal with more cases. I think the assertion that somehow they are performing the roles of judicial officers — of judges — fundamentally misunderstands the role of the judicial registrar. The proposed amendment seeks to treat judicial registrars as judges when that is not the intention.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING PRESIDENT (Mr Elasmr) — Order! The question is:

That the house do now adjourn.

Crime: knife attacks

Ms LOVELL (Northern Victoria) — The adjournment matter I raise is for the urgent attention of the Minister for Police and Emergency Services and regards a concerning spate of knife attacks involving youth in Bendigo and Shepparton. My request is for the minister to work with the Chief Commissioner of Police to develop a strategy that will immediately deliver additional police to Shepparton and Bendigo with a particular focus on reducing knife crime amongst teenagers.

On Saturday, 29 May, two teenagers, including a 15-year-old, attacked a disabled man riding a motorised scooter in Mundy Street, Bendigo. When their attempt to take the man's wallet and the keys to his scooter failed the two offenders produced a knife. Fortunately they were disturbed by a passing motorist who tooted his horn. While police were investigating this robbery, the two teens struck again a few hundred metres away and tried to hold up a boy who was riding a scooter along Skene Street. Just three weeks earlier a 17-year-old male was involved in an attack in Eaglehawk which saw a man stabbed in the throat with a double-bladed martial arts-style knife. The teen has been arrested and charged over the attack.

In Shepparton a 15-year-old boy was recently held at knifepoint in Balaclava Road and robbed by a male teen of a similar age. Despite the victim complying with the demand to hand over his iPod, the attacker cut the victim's jacket and struck him in the head several

times before fleeing. A few days prior to this incident a male teenager allegedly used a knife to threaten a man and attempted to steal jewellery from him as he walked past Furphy Park in Shepparton. The most savage attack of recent times occurred at about 3.00 p.m. on 23 April when a 19-year-old man was robbed and slashed with a knife in busy Wyndham Street. The attackers were three males aged in their late teens or early 20s.

These acts of violence are very concerning, made worse by the fact they have been committed by people so young. Surely more must be done to stamp out this kind of crime and to educate children when they are young that knives as weapons are not okay. Unfortunately Labor has not done enough to reduce knife crime. Over the past five years robberies at knifepoint have soared almost 50 per cent in Victoria.

On 23 February this year the *Age* newspaper reported that in 2008–09:

... police caught 58 children aged 10 to 14 with knives or bladed weapons, a 45 per cent increase, and 287 teens aged 15 to 19.

In March the Brumby government finally introduced changes to make it illegal to sell knives to minors, promised to deploy its operational response unit to hotspots, including Bendigo, and to give police increased powers to arrest people over knife offences. However, these policies, along with the government's weapons amnesty month and the \$500 000 advertising campaign, are failing to reduce knife crime in Bendigo and Shepparton, and more must be done.

Our local police do a tremendous job with limited resources, but if we are to turn these crimes around, they need additional numbers to assist with proactive policing programs. I call on the minister to work with the Chief Commissioner of Police to develop a strategy that will immediately deliver additional police to Shepparton and Bendigo with a particular focus on reducing knife crime amongst teenagers.

Fishing: Corio Bay

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Agriculture in his capacity as fisheries minister and relates to Corio Bay. I have recently been visited in my Geelong office by several local fishermen who have decades of experience fishing in Corio Bay. They told me that over recent years they have seen fish stocks almost wiped out in Corio Bay, which is a fish nursery for the whole of the greater bay. These fishermen blame excessive commercial fishing in Corio Bay and state that catches

are now a small fraction of what they were around a decade ago. It seems that the permanent ban on line fishing in Western Port may be one factor detrimentally affecting fish levels in Corio Bay.

The destruction of fishing in Corio Bay will have consequences far beyond those to be inflicted on people who make their living directly from catching and selling its fish. It will have knock-on effects for those in a range of industries, such as boat hire businesses, and would be detrimental to tourism generally as well as to the recreational opportunities available to local residents.

I do not by any means seek a permanent ban on commercial fishing in Corio Bay. I am seeking from the minister action to protect and rebuild Corio Bay's remaining fish stocks to ensure they are managed in a sustainable manner. This would seem likely to involve instituting a temporary pause on commercial fishing in Corio Bay, perhaps requiring compensation for those whose livelihoods would be affected, and regulating future fishing in a way that ensures fish survive in Corio Bay and remain available for future generations.

Children: protection

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Community Services. The Department of Human Services provides two secure welfare units for child protection clients from all over the state. Young people aged 10 to 17 who are classed as high risk are detained in these units. This is often due to drug use and behaviour due to trauma, abuse and neglect. These young people are incarcerated for up to three weeks while workers organise the care they need.

Most staff working in secure welfare are youth workers. Although many staff have first aid training, they also have to cope with incidences of clients self-harming, severe mental health conditions and regimes of drug withdrawals. These young people require nursing staff to supervise withdrawal from illicit drugs, administer medication, monitor their health and perform health checks. This would be a minimum requirement in a correctional facility.

In prison a prisoner has to have an assessment by a health professional within 24 hours, and there are supposed to be adequate around-the-clock facilities to cope with prisoners withdrawing from drugs. Secure welfare would fail both of these standards, yet one would expect that services of a similar standard would be provided. This does not even meet the standard guidelines for corrections in Australia — that is, the

standards of health care facilities provided for adult and juvenile prisoners.

Some \$1.7 million was allocated in the last budget over three years for health services for traumatised children and to employ health personnel in secure welfare. However, this funding does not start until 2011. The latest Ombudsman's report into child protection makes it clear that these young people have been through enough and are often being let down. If a need was identified for this in the latest budget, I do not understand why this money is not being used to provide health services between now and the next financial year.

The action I seek from the minister is that she allocate funding to ensure that health services in secure welfare units are upgraded immediately to meet the needs that motivated the government's \$1.7 million injection; otherwise they will not be effective until next year.

School buses: travel eligibility

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Education. It concerns one of my very young constituents, Ms Ella Bennett. I raised this matter with the Minister for Education by way of correspondence on 6 April. Two months later I am yet to get a response, so I am raising it tonight in the hope that it will expedite a final response from the minister.

Ella Bennett attends St Mary's Catholic Primary School in Bairnsdale. She lives in Bruthen with her mother. As the school in Bairnsdale is her nearest Catholic primary school, she is an eligible bus traveller for the purposes of travelling between Bruthen and Bairnsdale. Ella's mum and dad are separated, and her dad lives in Lakes Entrance. Ella has an arrangement whereby she stays with her dad every Monday night and every second weekend, being Friday, Saturday and Sunday nights. There is a Catholic primary school in Lakes Entrance and therefore she has been deemed not eligible to use a bus to travel from Lakes Entrance to Bairnsdale on those occasions when she stays with her dad in Lakes Entrance.

The ludicrous situation is that there is an implicit expectation that Ella would attend the Bairnsdale Catholic primary school when she stays with her mum in Bruthen and the Lakes Entrance Catholic primary school when she stays with her dad in Lakes Entrance. What I have asked of the minister is that she give some consideration to allowing Ella to travel on a school bus which travels between Lakes Entrance and Bairnsdale

when she needs to because she is staying with her father.

It seems to me a simple request and I think the needs of the child should be paramount in this case. The courts have acknowledged that there is a custody arrangement between a separated mother and father, and so the school bus eligibility should apply in both instances — when she is staying with her mother and when she is staying with her father. Sense should prevail and those travel arrangements should enable the girl to attend one school only.

On 6 April I wrote to the minister in regard to this matter. I have not received a response. Tonight the action I seek from the minister is that she put this letter to the top of her pile and respond to it immediately, because I think it is important for the future education of this young girl that she be given the opportunity to attend a school on a full-time basis.

Gas: heater regulations

Mr KOCH (Western Victoria) — My adjournment matter is for Tony Robinson, the Minister for Consumer Affairs. It relates to the use of unflued LPG (liquefied petroleum gas) heaters. Many rural Victorians, especially non-town dwellers, do not have access to natural gas. During winter in what is the coldest mainland state many families rely on using bottled LPG in unflued heaters to heat their homes.

It is now illegal for unflued LPG heaters to be installed, replaced or maintained in Victoria. In phasing out the use of these heaters in this way the state government has unfairly placed a burden on rural Victorians. The cost of buying and installing a new flued unit is as high as \$2000. This is an unreasonable expense to impose on families when there is no tangible benefit for them from buying and installing this new equipment.

Evidence clearly demonstrates that there are no safety issues or risks associated with unflued heaters, which have been in use for decades. It is disappointing that removing the opportunity to use this form of heating leaves thousands of country Victorian families who are reliant on their unflued heaters without this affordable method of warming their homes during winter. For example, Colac alone has some 3000 appliances within its catchment area. This decision has been implemented without the option of an affordable alternative heating method being made available, leaving many families out in the cold.

Unflued LPG heaters have been used safely for years in western Victoria, and the more recent installations are

far more efficient than the older models. These later models are fitted with electric ignition, thermostats and safety systems that shut the heater off if there is not enough free air flowing. In addition, users are far more familiar with the use of this equipment than they were in the past and they understand that rooms need to be well-ventilated to allow a flow of fresh air into them. Until six months ago modern unflued LPG heaters were being installed across rural Victoria. They deliver quick, energy-efficient and comparatively cheap warmth to homes. About 90 per cent of the energy content of the LPG used in these heaters is transformed into heat. In addition, such heaters produce a mere quarter of the carbon dioxide of an equivalent electric heater.

My request is for the minister to explain to rural Victorians why they are being forced to pay for costly new heating equipment upgrades which offer no efficiencies to them when heating their rural homes. The equipment they already have installed has historically met all regulations and offered the most affordable heat source to thousands of regional households across the state.

Rail: passenger safety

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport, Minister Pakula. It is about the disgraceful bashing that happened at McKinnon station last weekend, where an interstate tourist was bashed by a gang of young people. I quote from an article by Steve Price in this morning's *Herald Sun*, where he said:

Melburnians have had enough of the mindless violence that saw Frankston-bound train passengers attacked by a bunch of juveniles using rocks and broken bottles on Friday night.

Anger is building in the community. People are now publicly expressing fear about travelling on public transport to the footy.

I suggest that people are not concerned about travelling just to the footy but on public transport at all. Steve Price goes on to say:

Where is the response from government to threaten any offenders with immediate arrest in a crackdown on public transport violence?

Most disturbingly, where is the CCTV —

closed-circuit television —

footage from that incident on Friday?

I know the McKinnon station very well. I have done many listening posts there with people getting on and

off the trains. I would say that they are concerned not just about the violence but also about being on the trains in such close proximity to so many other travellers and the trains being unreliable and late. This incident will just add to people's concern about public transport.

An article on the website of the *Herald Sun* states:

Opposition leader Ted Baillieu said the bashing of Mr Redmond was a stark example of the law and order problems in Victoria.

The opposition is proposing, if elected, to put almost 1000 armed protective services officers on every railway station after dark.

Our policy would have helped to protect both Tim Redmond and the people who have been bashed by this bunch of thugs.

We're going to put a stop to thugs bashing innocent Victorians on public transport by putting nearly 1000 armed uniformed officers on train stations after dark.

The action I seek is for the minister to deploy some of the additional police he has promised for our railway stations, and have them patrol the train stations, particularly McKinnon station, as a matter of urgency.

Police: Bairnsdale

Mr P. DAVIS (Eastern Victoria) — I raise for the attention of the Minister for Police and Emergency Services a matter concerning the failure of police to attend an incident at Bairnsdale in which the safety of bus passengers came under threat.

On 22 April a bus operated by Gillicks Buslines was letting students off at a stop in front of the Coles supermarket in Bairnsdale when the driver was accosted by a group of drunks who demanded the driver take them to Lakes Entrance. The driver phoned his depot and Glenda Gillick, from the bus line, reported the incident to Bairnsdale police. She was told the report would be logged and understood, as a consequence, that police would attend.

Shortly after, a bus on a run from Paynesville and a Lakes Entrance bus pulled into the same stop, and the drunks threatened their drivers. The drivers had difficulty escorting anxious passengers to and from their buses. They endured continuing threats until one driver finally allowed the drunks onto his bus for his return trip to Lakes Entrance. The other passengers were extremely uneasy in this situation, but the driver found it impossible to avoid, even though it is against the public transport regulations to carry anyone who is drunk.

Ms Gillick subsequently wrote to the officer in charge at Bairnsdale police station, seeking an explanation for the non-attendance of police and an assurance that the drivers could expect police support in the event of any such incident in the future. She has not had a reply and has had no contact from the police.

I therefore ask the minister to act to investigate the failure of police to respond to a call for assistance in this instance, with a view to providing the explanation and assurance that has been sought of them.

Patterson Lakes: water charges

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Treasurer in his responsibility as providing oversight to the Essential Services Commission. The matter is about ongoing mismanagement issues involving Patterson Lakes, and particularly Quiet Lakes, for which Melbourne Water is the responsible authority, including holding responsibility for the collection of a precept charge for ongoing maintenance of the Tidal Waterways and Quiet Lakes since the establishment of the suburb.

Some time ago the pumps and pipes were dismantled. The quality of the lake water has since suffered, so much so that it is now suffering from algal bloom. I have raised this matter on numerous occasions and asked for action to be taken to enforce the legal obligations that Melbourne Water is required to fulfil under a tripartite agreement signed when that suburb was established, which requires Melbourne Water or the responsible water authority to maintain water quality.

Recently an announcement was made that there would be significant increases in the precept rate that is being levied — 11 per cent and 18 per cent — and that there would be subsequent high rates of increase, which obviously are a huge financial problem and concern to many property owners.

According to Melbourne Water, the essential services commissioner has approved this increase. I cannot understand how it is possible for that to occur. Local residents tell me that there was a cap of a 5 per cent increase annually, and yet these increases are obviously way beyond that. I am not sure when the legislation was changed to allow that, and I cannot see how it could happen.

I am asking the Treasurer, through his chief of staff and adviser, Mr Roland Lindell, to provide advice to the member for Carrum, Ms Jenny Lindell, the Speaker of

the Legislative Assembly, that it is her responsibility as the local member to ensure that these residents are not financially punished by some inappropriate determination for price rises that may be contrary to the legal agreement that is in place. I ask the Treasurer to ensure that that legal agreement is being adhered to and that information is provided to the essential services commissioner in consideration of that decision.

The member for Carrum was mischievous in writing to local residents and suggesting that perhaps in lieu of these huge increases, which have happened under her watch, the local council should give its ratepayers substantial concessions on their rates instead, which clearly would not offset that position. Financially that does not add up. The capacity of the essential services commissioner to approve this huge hike by Melbourne Water does not add up. I ask the Treasurer to investigate whether this is illegal and to advise local residents, the local member for Carrum and me.

Country Fire Authority: resources

Mrs PETROVICH (Northern Victoria) — My adjournment matter tonight is for the Minister for Police and Emergency Services, Bob Cameron. Much has been said in recent weeks about the actions of both Christine Nixon, the former Chief Commissioner of Police, and Minister Cameron on Black Saturday. Those two people were supposed to be in positions of authority on that day, but they were not at their posts and not able to be communicated.

I have been told by Country Fire Authority (CFA) volunteers in my electorate who fought in the Black Saturday fires that they were disgusted by Ms Nixon's actions on Black Saturday. They feel angry and let down that while their fire trucks were in lockdown and they were making what they thought might have been their last calls to their families before they perished in the fires, their commander-in-chief was dining out with friends.

Mr Finn — Disgraceful !

Mrs PETROVICH — It is a disgrace. These are volunteers; people who left the safety of their own homes to help others in need; volunteers who continue to have to fundraise to pay for equipment for their brigade fire trucks; volunteers who are continually told by the CFA that there is not enough money for training or equipment upgrades.

The CFA provides what one brigade captain described as the cheapest, most basic equipment, and the brigade must fundraise to pay for anything else. Brigades in

peri-urban areas are continually being challenged by the pressures of increasing development, but their training is not keeping pace with these demands — for example, the Wellington Square shopping centre in Wallan was having trouble with faulty sprinklers. The Craigieburn brigade had to be called in to fix the problem because the Wallan brigade had not yet been given training on sprinklers and alarms. Why wait until the buildings are up before CFA volunteers are given training? Training is not keeping pace with requirements.

John Brumby has overseen budget cost blow-outs of more than \$10 billion on state government projects in Victoria in his 11 years as Treasurer and now as Premier. While this government has wasted billions of dollars on smart meters that nobody wants, on changing fire warning signs that did not need changing and on the myki ticketing system that does not work, CFA volunteers are still working with outdated and cumbersome hoses and equipment — that is, when they are not out shaking donation tins to raise money for basic equipment.

Many CFA members are still struggling to recover from the trauma they experienced on Black Saturday, and I have anecdotal evidence that counselling services are struggling to cope with the number of CFA volunteers experiencing delayed reactions to Black Saturday. The action I seek is that the Minister for Police and Emergency Services immediately take action to ensure that thousands of dedicated CFA volunteers across this state are provided with adequate equipment and resources to fulfil their vital role in preparation for this fire season.

Autism: western suburbs schools

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. I note in the budget that an autism-specific secondary college has been provided for the people of the eastern suburbs, and I congratulate the parents of those children with autism from the east, but it does beg the time-honoured question: what about those of us in the west of Melbourne?

I have a new policy, and I am hoping the government will adopt this policy — that is, if it is good enough for the east of Melbourne, it is most certainly good enough for Melbourne's west. We in the west not only want an autism-specific secondary school but need an autism-specific secondary school. As things stand, children who attend the Western Autistic School receive just four years education before being shuffled off to struggle in a mainstream school, or to an often totally inappropriate special school. Parents of children

with autism — as I have said in this house many times — suffer enough without the added worry of whether their children will be provided with an adequate education.

Last Saturday night I attended the Autism Angels of Brimbank dinner dance, and I sat next to one father of an autistic child. The worry was etched into his face; I could almost read it. He was obviously concerned about the school his son will be attending next year. He does not know. He said to me, 'Bernie, there is nowhere for my son to go.' And it is June. It is halfway through the year and this father does not know where his son is going to go to school next year. As if this kid has not got enough problems with his autism, the government will not provide the necessary support for a decent education.

It is not just not good enough; it is a disgrace in this day and age. If the eastern suburbs are to be provided with an autism-specific secondary school, I ask the minister to immediately announce that a similar facility will be provided to serve the people of the west of Melbourne. To do otherwise is an outrage against autistic children and their families who live in Melbourne's west. It is just not good enough, and I ask the minister to announce that new school now.

Geelong Hospital: emergency department

Mr D. DAVIS (Southern Metropolitan) — My matter tonight is for the attention of the Minister for Health and concerns the situation at the emergency department of Geelong Hospital, which is part of Barwon Health. I draw to the attention of the house and the minister a letter from Gina Tobolov from Lara that appeared in the *Geelong Advertiser* today and which talks about the situation at Geelong Hospital. It is headed 'A bad night at emergency department', and it says:

I took my daughter to the Geelong Hospital emergency department on Saturday night with a genuine concern.

We arrived about 1.30 a.m. and sat until 6.30 a.m. and had still not seen a doctor, at which point we left to look for alternative means.

That is a 5-hour wait and then a walkout. We have seen a number of other walkouts from Barwon Health in recent times, including that appendicitis case where a young woman was driven by her mother across country Victoria to Ballarat to receive urgent treatment after a long wait at Geelong Hospital. Ms Tobolov's letter goes on:

I understand that the emergency department gets very busy and people need to be seen to, but the amount of people who attended from self-inflicted injury was ... disgusting.

She talks about the challenges faced by the staff in the emergency department, and I have enormous sympathy for those doctors, nurses and other staff.

Mrs Petrovich — It's like a war zone.

Mr D. DAVIS — It is something like a war zone indeed, Mrs Petrovich. It is partly a question of the resources that are provided and it is partly the need to give great support, but it is clear that the emergency department at Geelong Hospital is not coping. I have talked in this chamber in the past about Geelong Hospital and some of the challenges it faces.

The recent *Your Hospitals* report saw it fail four out of five benchmarks. It failed the 'category 2 patients seen within 10 minutes' benchmark, achieving only 64 per cent instead of 80 per cent; the 'category 3 patients seen within 30 minutes' benchmark, with 61 per cent instead of 80 per cent; the 'emergency department patients not admitted whose stay is less than 4 hours' benchmark, with 69 per cent instead of 80 per cent; and the 'emergency department patients admitted to an inpatient bed within 8 hours' benchmark, with 67 per cent when the target was 80 per cent.

These are not just numbers: 4694 people were not admitted within that 8-hour period and 3756 were not admitted within the 4-hour stay. The walkouts are significant, as I said. According to the most recent figures I have been able to obtain through freedom of information there were 612 in the three months between July and September 2009. That is up to 2400 people doing that each year. The number of code greys, as it were, at Barwon Health is significant as well.

I have called for the minister to undertake a review before. I want him to release any review he has undertaken. If he has not undertaken the review he promised, I ask him to order it urgently; it is necessary.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment matters raised between 11 November 2009 and 6 May 2010. There are 14 responses in total.

Wendy Lovell raised a matter of Bendigo knife attacks, and I will refer that matter to the Minister for Police and Emergency Services.

Peter Kavanagh raised a matter of fishing in Corio Bay, and I will refer that to the minister responsible for fisheries.

Colleen Hartland raised the matter of child protection unit funding, and I will refer that matter to the Minister for Community Services.

Peter Hall raised the matter of a specific constituent, Ella Bennett, and related school bus service eligibility. I will refer that to the Minister for Education.

David Koch raised the matter of unflued liquefied petroleum gas heaters, and I will refer that matter to the Minister for Consumer Affairs.

Andrea Coote raised the matter of the McKinnon station assault and various issues, and I will refer those to the Minister for Public Transport.

Philip Davis raised the matter of an assault on a Bairnsdale bus driver and associated matters, and I will refer those matters to the Minister for Police and Emergency Services.

Inga Peulich raised the matter of Melbourne Water, Quiet Lakes and associated pump issues, and I will refer those to the Treasurer.

Donna Petrovich raised Country Fire Authority resource issues, and I will refer that matter to the Minister for Police and Emergency Services.

Bernie Finn raised the matter of autism-specific schooling, and I will refer that to the Minister for Education.

David Davis raised the matter of Geelong Hospital, and I will refer that to the Minister for Health.

The ACTING PRESIDENT (Mr Elasmr) —
Order! The house now stands adjourned.

House adjourned 10.30 p.m.